

5.1.3 Design Excellence

Relevant to the original development, clause 22B(6) of the PCC LEP permits a 10 per cent variation to the height or FSR applicable to a site provided that:

- The building exhibits design excellence;
- The design of the building has been informed by a design competition; and
- The Director-General (now Secretary) has provided concurrence to the application.

On 15 November 2009, the then Director-General waived the requirement for the proponent to undertake a design competition and permitted the proponent to undertake an alternative design review panel process. Based on the results of the design review panel process, the department supported a 56 per cent variation to the maximum height and a 37 per cent variation to the maximum FSR applicable to the site.

The department has reviewed the modification application (as amended by the PPR) in relation to the issues previously raised by the design review panel and has concluded that the application satisfactorily addresses the issues previously raised by the panel and it therefore exhibits design excellence for the following reasons:

- The application reduces the depth of blocks 'B' and 'C' when compared to the approved project;
- The proposed exceedence (18 m recommended, 22.8 m proposed) to the apartment depth standards of the Residential Flat Design Code (RFDC) have been justified in accordance with the performance criteria of the RFDC, which permit variations subject to appropriate solar access and natural ventilation being provided;
- The Parramatta DCP 2011 has recently been revised to reduce the minimum podium height specified for Marsden Street, and the application is compliant with the new controls;
- The proposed height, bulk and scale of the building is consistent with the changing context of the Parramatta CBD; and
- The proposed revisions to the archaeological display area will improve the functionality, accessibility and environmental management systems in comparison to the approved project.

Moreover, as the then Director-General already granted a waiver for a design competition, the department considers that a further waiver is not required for the subject modification. A summary of the issues previously raised by the design review panel and the department's assessment of how the application responds to the panel's issues is provided in **Table 4** in **Appendix 5**.

The department has also reviewed the proponent's SEPP 65 Architectural Design Statement, prepared by Allen Jack & Cottier (AJ&C) which evaluates the design quality of the building against the principles of the SEPP. On the basis of this review, the department is satisfied that the application complies with the design principles of the SEPP on the basis that:

- The application proposes a high quality architectural response which is consistent with the desired future character of the Parramatta CBD;
- The proposed increase in density will not result in any adverse amenity or traffic impacts subject to the imposition of appropriate conditions; and
- The application continues to incorporate appropriate ESD measures to minimise water and energy consumption on-site.

The department's full assessment of compliance with the design principles of SEPP 65 is provided at **Appendix 5**.

5.1.4 Visual Impacts

The application includes photomontages prepared by AJ&C Architects which identify the visual impacts of the modification from within the public domain of the residential area located south of the Great Western Highway and from within the grounds of OGH and The Domain. Photomontages depicting the impacts of the proposed modification from the abovementioned vantage points are provided in **Figures 12 to 15**.



Figure 12: Subject site as viewed from the front of OGH

Note: Red line within the boundaries of the subject site indicates the extent of the approved building envelope

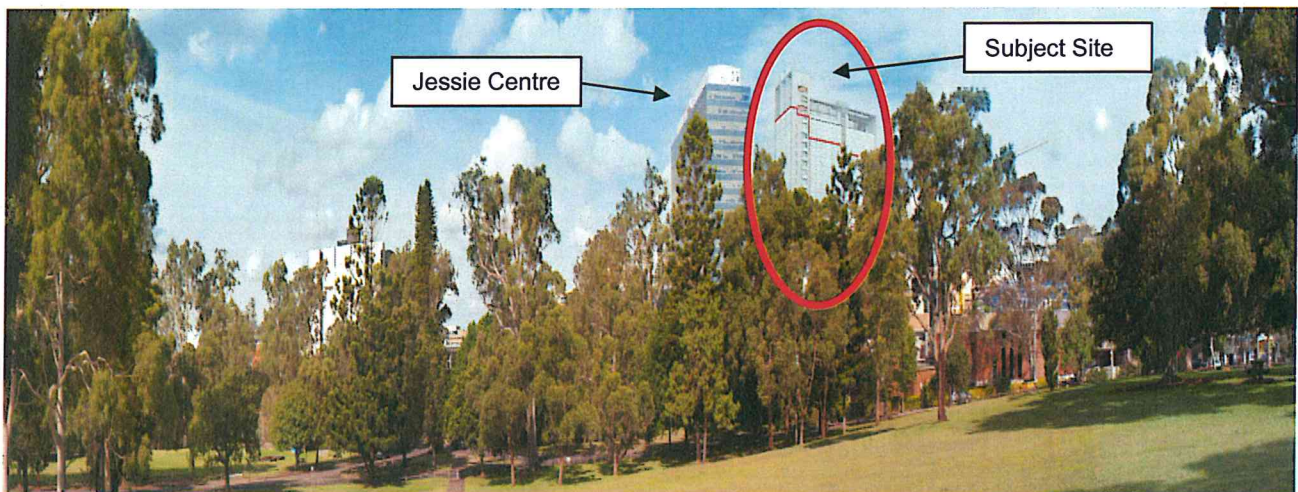


Figure 13: Subject site as viewed from the south-east of OGH

Note: Red line within the boundaries of the subject site indicates the extent of the approved building envelope

The proponent's view analysis concludes that the proposed modification would result in the following visual impacts at surrounding private residences and from within the public domain:

Surrounding Residences:

- The closest residential receivers are located approximately one kilometre south of the site where development is generally obscured by Westfield shopping centre; and
- Whilst there are some views to Marsden Street from the residential area south of the Great Western Highway, these views are generally obtained from within the public domain. As such, the additional height sought under the section 75W application is not considered to result in any significant or adverse view impacts at residential premises south of the site.

Public Domain Impacts:

- The proposed development would be partially screened by existing vegetation at vantage point 1, located at the front of OGH;
- The proposed development would be visible from vantage point 2, located to the south-east of OGH, however, the additional development would be partially screened by existing vegetation

located along the eastern boundary of The Domain and would be of a similar scale to existing developments (the 'Jessie Centre') located to the north of the subject site;

- The proposed modification would not impact on the George Street historic view corridor when viewed from within the grounds of OGH and The Domain; and
- The application will not obscure views to the spire of St John's Pro Cathedral from the Hunter Street view corridor.



Figure 14: Subject site as viewed from the intersection of the Great Western Highway and Pitt Street
Note: Red line within the boundaries of the subject site indicates the extent of the approved building envelope

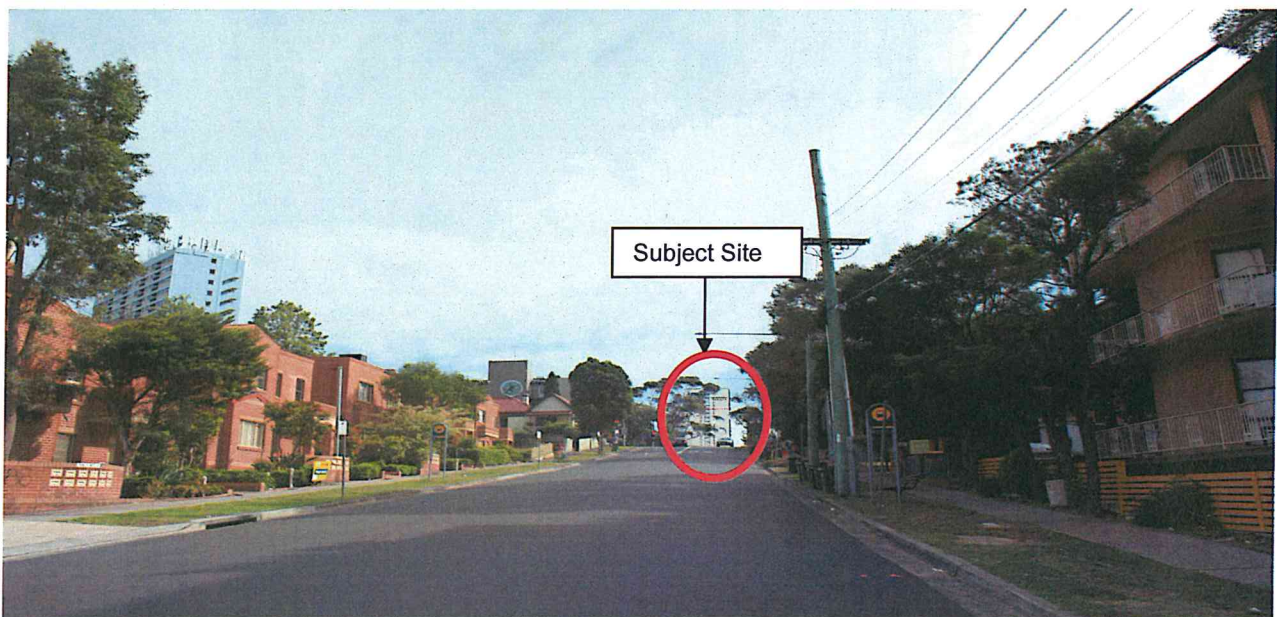


Figure 15: Subject site as viewed from the intersection of Pitt Street and Glebe Street
Note: Red line within the boundaries of the subject site indicates the extent of the approved building envelope

The department has assessed the proponent's view analysis in conjunction with the council and the Commonwealth Department of Environment and has concluded that:

- Given the height and scale of the existing developments within the residential area south of the Great Western Highway, potential view loss from within existing residential dwellings would be similar to that identified within the public domain. These impacts are considered

minor and acceptable on the basis that the application will not obscure views to any significant landmarks and will only result in the loss of views to a small portion of sky;

- The proposed modification will not obscure views to and from Parramatta Park and St John's Pro Cathedral, as protected by the Hunter Street view corridors; and
- The proposal meets the strategic objectives for Parramatta and its built form and impacts are considered reasonable and acceptable. Moreover, the department is satisfied that these impacts can be managed and/or mitigated via the implementation of additional planting within the grounds of OGH and The Domain as per the mitigation strategy approved by the Commonwealth under its EPBC Act approval dated 12 March 2014.

5.2 Amenity Impacts

5.2.1 Overshadowing

The department notes that the council requested that the department ensure no overshadowing impacts on Parramatta Square between 12 pm and 2 pm at the winter solstice as a result of the proposed modifications.

The PDPC 2011 includes provisions to manage solar access at Lancer Barracks, Jubilee Park, and Parramatta Square between 9 am and 2 pm at the winter solstice. The department has assessed the shadows associated with the proposed development and has concluded that the proposed modification would not result in any overshadowing impacts at the abovementioned locations between 9 am and 2 pm at the winter solstice.

Although the PDPC 2011 does not include provisions to manage solar access at surrounding residential or commercial premises, the department has reviewed the overshadowing impacts of the proposed modification, and has concluded that it would result in the following impacts at surrounding properties between 9 am and 3 pm at the winter solstice:

- At 9 am the application would result in a marginal increase in the extent of overshadowing at the commercial premises located at 27 to 33 Argyle Street, on the roof of the Westfield car park and within the grounds of St John's Cemetery and the commercial/residential premises at 2-4 O'Connell Street;
- At 12 midday the application would create new shadow on a portion of the eastern façade of Westfield shopping centre (which is fully enclosed); and
- At 3 pm the application would create new shadows at 47 Hunter Street, the St John's Pro Cathedral and the Cathedral Square and rectory and extend the length of the shadow over the retail/commercial premises located at 181 Church Street.

The department has reviewed the impacts of the additional overshadowing at the winter solstice and has concluded that the application will generate small areas of additional overshadowing within the public domain and at surrounding commercial and residential premises between 9 am and 3 pm. As the extent of overshadowing is short in duration and predominantly occurs over the rooftops of existing buildings and/or public car parks, the department considers the solar access impacts to be minor and acceptable within a CBD context.

5.2.2 Wind Impacts

The application includes a Pedestrian Wind Environment Study prepared by Windtech which assesses the impacts associated with modifying the approved building envelope and installing a glass curtain wall on each elevation.

The department notes that the wind modelling is based on compliance with a 7 metre/second (m/s) amenity criterion and a 23 m/s safety criterion, which are more stringent than the wind speed criteria outlined in the PDPC 2011. In this regard, the wind speed criteria outlined in the PDPC are as follows:

- 10 m/s in retail streets;
- 13 m/s along major pedestrian streets, parks and public places; and
- 16 m/s in all other streets.

The department has compared the results of the wind modelling prepared to support the approved project and the impacts of the proposed modification and has concluded that:

- All test points located within the public domain would comply with council's 10 m/s criterion for retail streets. In addition, these wind speeds could be reduced to 7 m/s subject to the proponent implementing the wind mitigation measures proposed in the Pedestrian Wind Environment Study;
- Two additional test points within the public domain (test points 12 and 18 located on Marsden Street and Hunter Street) would exceed the 23 m/s safety criterion recommended by the proponent's wind expert by up to 2 m/s. However, these test points are capable of complying with the 23 m/s test criterion subject to the implementation of the wind mitigation measures outlined in the Pedestrian Wind Environment Study;
- Five additional test points located within the terrace areas on levels 3, 6, 12 and 26 and two private balconies located on levels 26 and 29 would exceed the 7 m/s amenity criterion by between 1 m/s and 9 m/s. The department notes that the PDGP 2011 does not specify a wind criterion for apartment balconies or communal terrace areas. In addition, it is noted that these areas are capable of complying with 7 m/s amenity criterion recommended by the proponent's wind expert subject to the installation of additional planting and impermeable screens; and
- Three additional test points located within the level 3, 12 and 26 terrace areas would exceed the 23 m/s safety criterion by between 2 and 9 m/s. However, it is noted that these test points are capable of complying with the 23 m/s safety criterion subject to the installation of additional planting and impermeable screens.

In order to ensure compliance with the wind safety criterion, the department has recommended the imposition of a new conditions (conditions B22 and E17) requiring the proponent to install the wind mitigation measures recommended in the Pedestrian Wind Environment Study.

5.2.3 Reflectivity

The application includes a Solar Light Reflectivity Analysis, prepared by Windtech, which assesses the impacts associated with increasing the height of the approved building and the use of glass curtain walls on each façade in-lieu of a masonry façade with glazed balcony elements.

The analysis concluded that:

- no additional vantage points would be affected by adverse glare impacts; and
- there would be a minor increase in the extent of glare at vantage points 2 and 4, however, these impacts can be mitigated by either limiting the specular reflectivity of the glazing on levels 1 to 3 on the northern elevation, and levels 4 to 8 on the western elevation to 10 percent, or via the installation of vertical mullions to block solar reflections on both elevations.

The department has reviewed the reflectivity impacts of the proposal and considers them acceptable subject to the proponent implementing the mitigation measures outline in the Solar Light Reflectivity Analysis. The department has also recommended conditions to ensure all glazing is selected in accordance with the recommendations of the Solar Light Reflectivity Analysis and incorporated in the Construction Certificate drawings and installed prior to the issue of an Occupation Certificate.

5.2.4 Noise

The application includes a Noise Impact Assessment prepared by Acoustic Logic, which identifies noise criteria for the operational phases of the development. These criteria are consistent with the EPA's *Industrial Noise Policy* (INP).

The report concludes that existing traffic noise and the commercial/retail uses proposed on site will not impact upon the internal amenity of the proposed apartments subject to the installation of appropriate glazing and acoustic seals. In addition, the report concludes that the commercial/retail uses proposed on site will not result in any adverse impacts at surrounding residential or commercial receivers subject to appropriate acoustic treatments being applied to the mechanical plant and ventilation systems proposed on site.

The department has recommended new conditions requiring the proponent to ensure all acoustic treatments identified in the proponent's Noise Impact Assessment are incorporated in the Construction Certificate drawings and installed prior to the issue of an Occupation Certificate.

5.2.5 Internal Amenity and the Residential Flat Design Code (RFDC)

The application includes an RFDC compliance table which identifies that the application varies from the recommended building depth, balcony depth, internal circulation (corridor length, lift placement and minimum lift numbers), deep soil planting, and natural ventilation 'rules of thumb'.

The department notes that although council raised concerns with the abovementioned matters, the RFDC intends for the rules of thumb to be used as a guideline, with variations supported subject to merit consideration against the applicable performance criteria.

In summary, the department considers that the application is consistent with the building/apartment depth, balcony depth, internal circulation (corridor length, lift placement and minimum lift numbers), deep soil planting, and natural ventilation performance criteria for the reasons outlined below:

Building Depth

Blocks 'B' and 'C' exceed the maximum building depth guidelines by 4.8 m (18 m recommended, 22.8 m proposed), although this is less than the approved project (18 m recommended, 26.3 m approved). Variations to the building/apartment depth 'rule of thumb' are acceptable subject to applications demonstrating that appropriate solar access and natural ventilation can be provided.

The application exceeds the solar access requirements of the RFDC (70 per cent of apartments to achieve 2 hours of solar access in mid-winter, 72 per cent provided). In addition, each apartment will be provided with adequate natural ventilation. As such, the department is satisfied that the application achieves compliance with the performance criteria permitting variations to the building depth 'rule of thumb'.

Balcony Depth

Five out of 519 apartments would not achieve the balcony depth 'rule of thumb' (2 m recommended, 1.6 m proposed), although the approved project's balconies also are 1.6 m in depth. Variations to this 'rule of thumb' are acceptable subject to an application demonstrating that noise or wind impacts can be mitigated with appropriate design solutions.

The department considers that the technical reports submitted with the application demonstrate that there will be no adverse wind or noise impacts associated with the use of the non-compliant balconies, subject to the implementation of appropriate mitigation measures. Conditions of approval have been imposed to address this issue.

Internal Circulation

The RFDC recommends a maximum of eight apartments being serviced by a single lift core unless an application can demonstrate that a high level of amenity will be provided within the common lobby and corridor areas.

The modification seeks to create a single corridor servicing up to 24 apartments (note: approved project has 21 apartments). The department considers this variation acceptable on the basis that:

- two lift cores accommodating four lift bays will service five apartments within 'Block A', six apartments within 'Block B', and six apartments within 'Block C'. In addition, the seven apartments within 'Block D' will be serviced by a separate lift core accommodating two lift bays. As such, the application will not result in more than eight apartments being serviced by a single lift core; and
- the internal corridor has been designed to provide a high degree of light penetration, natural ventilation, and to maximise sight lines and avoid the incorporation of concealed spaces to ensure compliance with crime prevention principles.

Deep Soil Planting

The approved project does not incorporate any deep soil planting at ground level and the proposed modification will not alter the approved situation. The department considers this acceptable on the basis that the site is located within a CBD environment with no access to deep soils.

Natural Ventilation

The RFDC recommends that 60 per cent of units are naturally cross ventilated via the use of cross-over and corner apartments, however, this 'rule of thumb' can be varied subject to an application demonstrating that natural ventilation can be achieved via alternate means.

A maximum of 32.2 per cent of apartments can achieve ventilation via the use of cross-over/corner apartments as recommended by the RFDC. As such, the application seeks to rely on the performance of the façade detailing (use of a stepped façade, and incorporation of notches on the eastern and western elevations of the development) to demonstrate that the residual apartments comply with the objectives of the natural ventilation requirements of the RFDC.

The proponent has provided a report from an appropriately qualified wind engineer verifying that the results of wind tunnel testing demonstrate that 75.5 per cent of the proposed apartments will achieve compliance with the objectives of the natural ventilation criterion of the RFDC if the performance of the façade is taken into consideration (note: approved project demonstrated 65 per cent).

The department has reviewed the results of the wind tunnel testing and is satisfied that the results demonstrate that the non-compliant apartments can be naturally ventilated if the performance of the façade is taken into consideration.

Minimum Apartment Size

The RFDC recommends the following minimum apartment sizes:

- 38.5 m² for studio apartments;
- 50 m² for one-bedroom apartments;
- 70 m² for two-bedroom apartments; and
- 95 m² for three-bedroom apartments.

The department notes that there are four studio apartments and two one-bedroom apartments that do not achieve the minimum apartment size recommended in the RFDC. This is different to the approved project whereby all apartments met the minimum apartment sizes. Nevertheless, the proposed variation to the minimum studio apartment size is supported on the basis that the variation is minor (36.7 m² proposed, requirement 38.5 m²) and the apartments have been designed to provide a functional layout. However, the reduction in the apartment size of the one-bedroom apartments are not supported on the basis that the variation is significant (36.9 m² proposed, 50 m² required) and an appropriate level of amenity has not been demonstrated. Accordingly, the department has recommended a condition to ensure the non-compliant one-bedroom apartments are converted to studio apartments.

The department's full assessment of compliance with the requirements of the RFDC is provided at **Appendix 5**.

5.2.6 Separation of Serviced Apartments and Residential Uses

The department notes that the application seeks approval to incorporate both serviced apartment and residential uses on levels 2 to 8 of the building. Whilst the department raises no in principle objection to the introduction of serviced apartments, additional information was requested to identify how the security and amenity impacts associated with mixing residential and commercial uses on a single floor would be managed.

In response, the proponent has advised that:

- All apartments between levels 2 to 7 within 'Block D' will be serviced apartments (a total of 35 apartments), and all serviced apartments previously proposed on level 8 are now proposed as residential apartments; and
- Serviced apartments will be separated from the residential apartments on levels 2 to 7 by restricting lift access (via a swipe key system) to the lift core located within 'Block D' and via the installation of an automatic fail-open security door adjacent to the 'Block D' lift core.

The department has therefore recommended conditions of approval to ensure that the serviced apartments are restricted to levels 2 to 7 of 'Block D' and that the proponent updates the architectural drawings for these levels to insert the proposed security access door prior to the issue of a Construction Certificate for above-ground works. These conditions, combined with the proponent's response, will ensure that appropriate measures are in place to appropriately facilitate the separation of the serviced apartments and residential uses on the site.

5.3 Traffic and Car Parking

Traffic Impacts

As the application seeks approval to increase the number of car parking spaces within the basement car park, the proponent provided a traffic report prepared by Colston Budd Hunt & Kafes to assess the impacts of the proposed modification on the surrounding intersections. The findings of the report were updated in March 2014, to reflect the traffic impacts associated with the development proposed in the proponent's PPR.

The department has reviewed the results of the revised traffic modelling and notes that the application would increase the number vehicle movements to and from the site in the am and pm peaks from a maximum of 160 vehicles per hour (vph) (two-way) by 35 vph to 195 vph (two-way). Furthermore, whilst the application would increase the average delay at the surrounding intersections from 28 to 30 seconds in comparison to the approved project, the level of service (LOS) would not change at the surrounding intersections (LOS 'B' at the Marsden and Hunter Street intersection, and LOS 'B/C' at the O'Connell and Hunter Street intersection). Accordingly, the department considers that the proposed modification would not result in any adverse traffic impacts.

Car Parking Rates

535 spaces were approved under the original project application. Thirty-one (31) additional car parking spaces (a total of 566) are proposed to accommodate the additional GFA and the proposed increase in residential/serviced apartments. The department has assessed the car parking requirements of the development in accordance with the provisions of the PCC LEP (see **Table 3** below) and notes that whilst the application does not exceed the overall car parking maximum applicable to the site, no allocation has been provided to enable the department to determine that each individual use will not exceed the maximum specified in clause 22C of the LEP. As such, the department has recommended a condition of approval to ensure that the allocation of car parking for each use complies with the requirements of the LEP.

Service Vehicles

Neither the PCC LEP nor DCP specify rates for the provision of loading facilities. The application proposes the creation of a loading dock accessed via Hunter Street with sufficient space to accommodate one delivery van and one medium rigid vehicle. The department considers that this loading area will be large enough to accommodate the delivery of goods on-site.

Bicycle Parking

The City Centre DCP requires bicycle parking to be provided at a rate of one space per 100 parking spaces. In addition, end of trip facilities (change and shower facilities) are required for commercial and retail developments providing employment for 20 or more persons.

Table 3: Compliance with PCC LEP car parking provisions

Land Use	Maximum Number of Bays Permitted	Number of Bays Proposed	Compliance
Multi-Unit Dwellings ¹	A maximum of 1 space/apartment is permitted, which equates to a total of 519 spaces	566 ²	Yes
Multi-Unit Dwelling Visitor Spaces ¹	A maximum of 1 space/ 5 dwellings, which equates to a maximum of 103.8 visitor spaces	566 ²	Yes
Restaurant, Shop and Commercial Uses ³	<p>A maximum of:</p> <ul style="list-style-type: none"> 1 space/ 10 m² of GFA, or 1/ 4 seats (whichever is the lesser) for restaurant uses; 1 space/ 30 m² of 'shop' GFA; and 1 space/100 m² of 'commercial' GFA. <p>This equates to a maximum of:</p> <ul style="list-style-type: none"> 27.36 spaces for 'shop' uses; and 9.07 spaces for a 'commercial use' 	566 ²	Yes
TOTAL	659.23	566	Yes

Note¹: Multi-unit dwellings include serviced apartments.

Note²: Only total car parking is identified in the proponent's traffic report.

Note³: Car parking for the proposed 'interpretation centre' and 'multi-function and business centre' has been levied based on the 'commercial' rate.

Given the requirements above, the proposed modification would generate the need to provide 5.4 additional bicycle parking spaces. The application proposes the creation of 50 bicycle parking spaces, as well as, 534.5 m³ of secure storage within the basement which can be used to accommodate bicycle storage. The department therefore considers that the application will provide sufficient bicycle car parking to service the proposed development.

5.4 Heritage and Archaeology

5.4.1 Historic Heritage

The site is located adjacent to a two-storey Edwardian residence located at 41 Hunter Street, and is within 170 m of St John's Pro-Cathedral, Verger Cottage and Parish Hall (195 Church Street) and a shop and potential archaeological site at 197 Church Street, all of which are identified as heritage items within the PCC LEP.

In addition, the site is located within 105 m from the south-eastern boundary of OGH and The Domain which is listed on the State, National and World heritage registers. **Figure 16** overleaf identifies the location of the surrounding heritage items.

The application includes a Statement of Heritage Impact prepared by Graham Brooks and Associates, which identifies the impacts of the proposed modification on the surrounding local, State, National and World heritage items. The report concluded that:

- The proposed modification would not generate any significant impacts on the State, National, or World Heritage values of OGH and The Domain;
- The Edwardian residence at 41 Hunter Street will not be physically affected by the development and already exists in an evolving urban environment;
- The St John's Church Group is well removed to the east and although visible from the southern footpath of the subject site, is well separated from the development by other buildings on the intervening city blocks. As such, there will be no adverse impacts on this item;
- 197 Church Street is sufficiently removed from the subject site and screened from it that there will be no adverse impact on its significance; and
- The application will not have any adverse impacts on the historical view corridors identified in the Parramatta DCP.

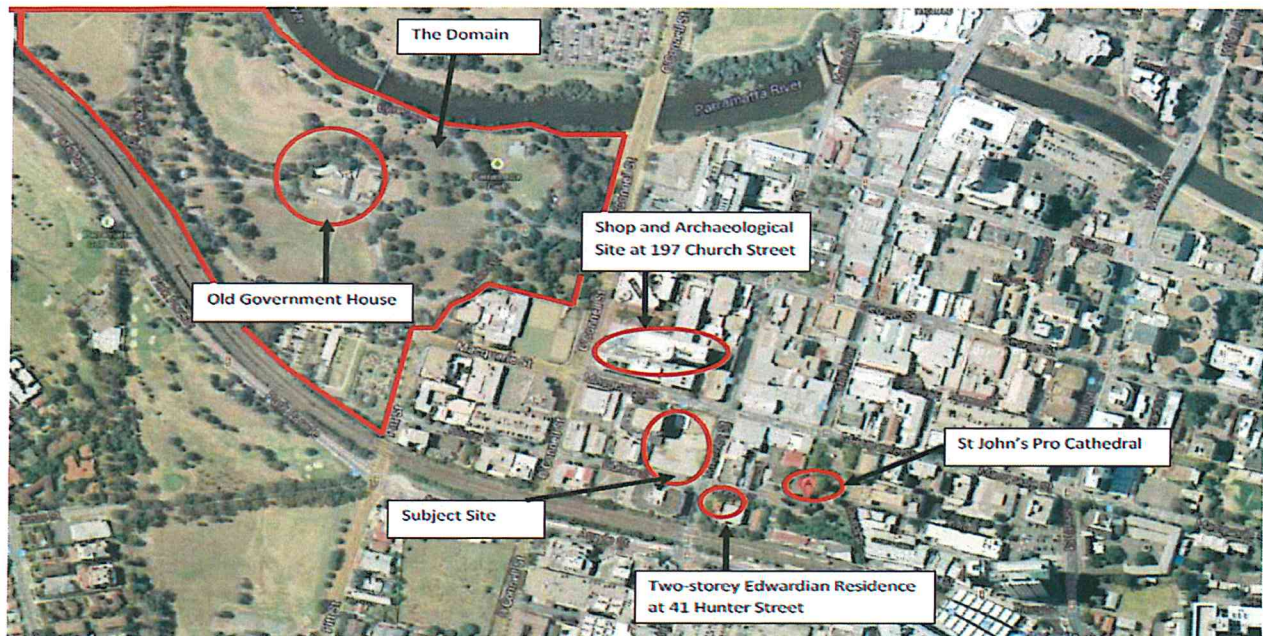


Figure 16: Location of surrounding local, State, National and World heritage items

The department has assessed the impacts of the proposal on the surrounding heritage items in consultation with the Heritage Branch, OEH, and the Commonwealth Department of Environment, and has concluded that the application will have an impact on historically significant views from the grounds of OGH and The Domain. Where relevant, the department is however satisfied that these impacts are minor and can be managed/and or mitigated in accordance with the Commonwealth's conditions of approval, which restrict the height of the building to RL 112.4 m and require the implementation of works within the grounds of OGH and The Domain to offset and/or mitigate the visual impacts of the proposal.

The department has also concluded that the application would not have any adverse impacts on the surrounding heritage items or historical view corridors outlined in the PCC LEP, or the Parramatta DCP.

5.4.2 Archaeology

As previously outlined, the subject site is located within Parramatta Archaeological Management Units 3180, 3188, 3211 and 3215 (survey at **Figure 17** below) and contains the remnants of the following archaeological relics:

- The footings of a convict hut;
- A wheelwright's workshop;
- The cellar of the Whitesheaf Hotel, circa 1801; and
- A colonial cottage with a deep well circa 1840.

The Archaeological Conservation and Interpretation Plan prepared to support the original project application described the following levels of significance to the abovementioned relics:

- The convict huts located on the frontages of Macquarie and Hunter Street, and the remains of the Whitesheaf Hotel located at the corner of Macquarie and Marsden Street are considered to be of State and local significance; and
- The wheelwright's workshop and the colonial cottage and associated deep well are considered to be of local significance.

The application proposes the reconfiguration of the archaeological display area to enable public access to the archaeological relics associated with the former Whitesheaf Hotel. A comparison of the configuration of the approved and proposed archaeological display area is provided in **Figure 18**.

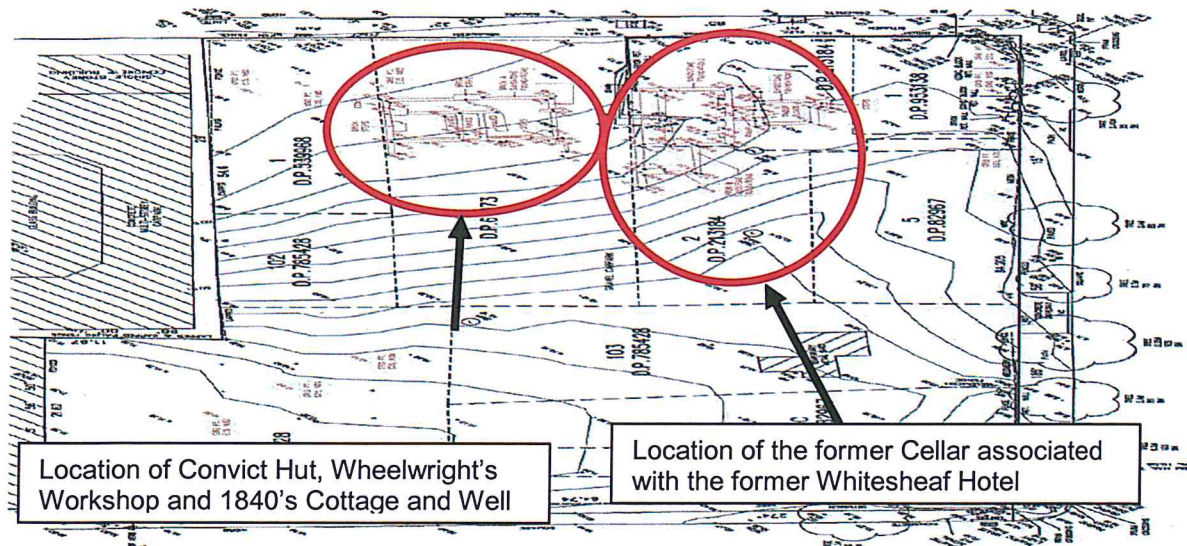


Figure 17: Location of archaeological relics

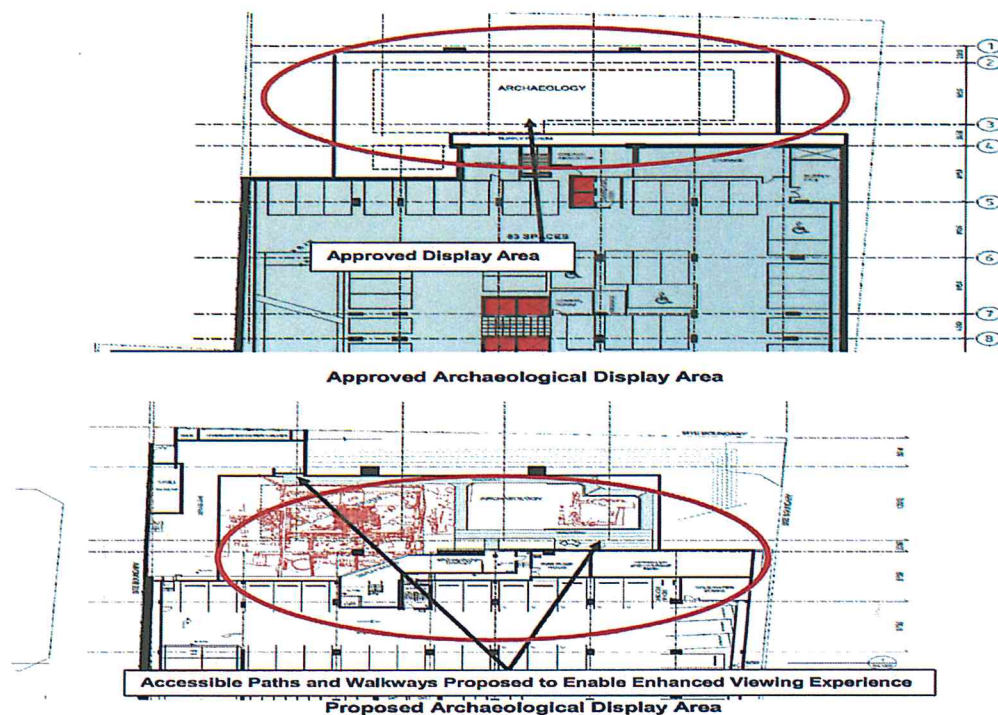


Figure 18: Comparison of approved and proposed configuration of archaeological display area

The department has assessed the impact of the proposed modifications to the archaeological display area and interpretation centre in conjunction with the Heritage Branch of the OEH and has concluded that the proposed modifications improve on the layout of the approved archaeological display area and will provide greater public access to the archaeological relics.

Notwithstanding the above, the department notes that a detailed schedule of materials and finishes for the walkways, balustrades and retaining walls within the archaeological display area is required. Furthermore, additional details are required in relation to the detailed design of the environmental management system to ensure the ongoing conservation of the archaeological relics. In order to address these issues the department has recommended conditions of approval to ensure that:

- The materials and finishes and the detailed design of the walkways, balustrades and retaining walls within the archaeological display area are undertaken in consultation with the Heritage Branch, OEH, and approved by the Secretary prior to the issue of a Construction Certificate for above-ground works; and

- The detailed design of the environmental management system is prepared in consultation with the Heritage Branch, OEH, and to the satisfaction of the Secretary prior to the issue of a Construction Certificate for above-ground works.

5.5 Development Contributions

Council raised the following concerns in relation to the levying of development contributions and the Quantity Surveyor's (QS) report submitted to support the application:

- The veracity of the QS report is questioned on the basis that the application proposes a meaningful increase in floor space and changes to the architectural treatments on site, yet the QS report concludes that the cost of works will remain the same as the approved project;
- The QS report does not provide a breakdown of the cost of works as per the requirements of section 25J of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), and therefore it is not possible to identify the scope of development contributions that would apply to the development; and
- Condition B4 of the current project approval specifies that development contributions are levied at one per cent of the cost of works. This condition should be revised to reflect the requirements of the *Parramatta City Centre Section 94A Development Contributions Plan* (PCC Development Contributions Plan), which levies contributions based on three per cent of the cost of works.

The department has reviewed the council's comments and agrees with the council's concerns. Accordingly, the department has recommended conditions requiring the proponent to:

- Provide a detailed breakdown of the costs associated with constructing the project as originally approved, versus the cost of constructing the development proposed under the PPR to the satisfaction of the Secretary; and
- Pay the section 94A contributions based on the cost of works of the QS Report approved by the Secretary, and in accordance with the requirements of section 25J of the EP&A Act.

In addition, the department has recommended modifications to Condition B4 to reflect that the PCC Contributions Plan levies contributions based on three per cent of the cost of works. This condition has been discussed with, and accepted by the proponent.

5.6 ESD

The PPR is supported by a BASIX Certificate prepared by WSP Built Ecology which demonstrates that the residential and serviced apartment components of the application comply with the provisions of the BASIX SEPP. In addition, the proponent provided a supplementary statement from WSP Built Ecology dated 27 February 2014, certifying that the application, as amended by the PPR, continues to comply with the requirements of the BASIX SEPP.

The department notes that the PPR proposed minor modifications to create 15 additional apartments, however, a revised BASIX Certificate was not provided to reflect these changes.

Based on the supplementary information provided by WSP, the department is satisfied that the application is capable of complying with the thermal performance requirements of the BASIX SEPP and will also continue to comply with the water efficiency provisions of the BASIX SEPP. As the changes required to the current BASIX Certificate are administrative in nature (updates to the apartment schedule to reflect the new apartment numbers), the department has recommended a condition requiring the proponent to provide an amended BASIX Certificate to the Certifier and the Secretary prior to the issue of a Construction Certificate for above ground works.

6. CONCLUSION

The department has assessed the modification application and has considered the public and agency submissions received in relation to the section 75W report and the proponent's PPR. The strategic context and all relevant environmental issues associated with the proposed modification have been assessed, including the outstanding issues raised by the council in response to the proponent's PPR.

The application will assist in strengthening Parramatta's role as Sydney's premiere regional city and second CBD and would assist in achieving the housing and job targets for the Draft *Metropolitan Strategy for Sydney to 2031* and the *Draft West Central Sub-Regional Strategy*. The proposed modifications are generally consistent with relevant SEPPs and the objectives of the PCC LEP, the PDCP 2011, and the additional height proposed by the application is consistent with a number of developments proposed within close proximity of the site.

Appropriate conditions have also been recommended requiring the proponent to:

- Provide the Secretary with a revised QS report prior to the issue of a Construction Certificate;
- Install the wind, noise and reflectivity mitigation measures;
- Convert apartments 12.16 and 13.16 from 1-bedroom apartments to studio apartments to ensure compliance with the minimum apartment sizes recommended in the RFDC;
- Design the archaeological display area and its associated environmental management system in consultation with the Heritage Branch of the OEH, and to the satisfaction of the Secretary;
- Provide the Secretary with a final schedule of materials and samples;
- Revise the ground floor landscaping to comply with the requirements of the council's public domain guidelines and Street Tree Masterplan; and
- Provide an amended BASIX Certificate.

The department has considered the potential impacts of the proposal as well as principles of ESD, and considers that the application is within the public interest. Accordingly, the application is supported and is recommended for approval, subject to conditions.

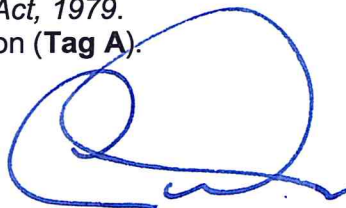
7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning:

- a) **Consider** the findings and recommendations of this report.
- b) **Approve** the modifications to MP 09_0167, subject to conditions, under section 75W, as per the transitional arrangements for Part 3A applications as outlined in Schedule 6A of the *Environmental Planning and Assessment Act, 1979*.
- c) **Sign** the attached Instrument of Modification (**Tag A**).



Ben Lusher
Acting Director
Industry, Key Sites & Social Projects



Chris Wilson
Executive Director
Development Assessment Systems & Approvals

2.6.14