

Preferred Project Report Project Application



45-47 Macquarie Street and 134-140 Marsden Street,
Parramatta

V by Crown – MP09_0167 (MOD 2)

Submitted to Department of Planning and Infrastructure
On Behalf of Crown International Holdings Group

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AJ + C

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AJ + C

Executive Summary

This Preferred project Report has been prepared in support of a Section 75W modification application to MP09_0167 – a mixed use project known as V by Crown located at 45 Macquarie Street, Parramatta.

On 28 October 2011, the Planning and Assessment Commissions issued Project Approval for the V by Crown development. The approved development has a maximum height of 84.6 metres, and a maximum floor space ratio of 8.23:1 when calculated in accordance with the definition for gross floor area under the *Parramatta City Centre Local Environmental Plan 2007*.

In November 2012, an application under Section 75W of the *Environmental Planning and Assessment Act 1979* was lodged with the Department of Planning and Infrastructure seeking to (inter alia) increase the maximum height of the approved development by 17.9 metres to 102.5 metres, and to increase the floor space ratio on the site to 8.67:1. Updates to the Section 75W application were made in April 2013, with further changes proposed as part of this Preferred Project Report.

The site is located in proximity to the World heritage-listed Old Government House and Domain. On 23 March 2013, the V by Crown (above 66 metres in height) development was referred to the Department of Sustainability Environment Water Population and Communities (SEWPaC) under the *Environment Protection and Biodiversity Act 1999* (EPBC Act) to determine whether it is likely to result in a significant impact on the World heritage values of the Old Government House and Domain. On 9 May 2013, the V by Crown development was declared a controlled action under the EPBC Act. A Mitigation and Offset Strategy has since been prepared in consultation with SEWPaC and other relevant authorities to mitigate and offset against any potential impacts from the V by Crown development.

The Department of Planning and Infrastructure has indicated that it is willing to determine the Section 75W application up to a height of 66 metres, and has requested that plans up to this height be lodged. As an alternative to a determination up to a height of 66m, it is proposed to add a condition of approval/commitment (in the Statement of Commitments) for the determination of a Section 75W modification application for the whole building, which will require approval for the Mitigation and Offset Strategy to be obtained before development above 66 metres in height can proceed. The following wording is suggested for the commitment/condition:

*Approval for the development (as modified) above 66 metres (Level 18) in height is **not** granted until such time as the Department of Sustainability Environment Water Population and Conservation approve the Mitigation and Offset Strategy for the V by Crown development.*

This Preferred Project Report also responds to issues raised in submissions during the exhibition of the Section 75W and proposes appropriate commitments to address any outstanding issues. It is considered that all outstanding issues in relation to the Section 75W have now been resolved and that a determination can be issued.

1.0 Introduction

This Preferred Project Report (PPR) is submitted to the Minister for Planning pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It relates to the modification application (MOD 2) under the now-repealed Section 75W of the EP&A Act of Major Project (MP)09_0167 for a mixed use development – known as V by Crown - at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta (the site).

MP09_0167 was approved under the now-repealed Part 3A of the EP&A Act and is identified as a transitional Part 3A project. Schedule 6A of the EP&A Act preserves the provisions of Section 75H(6) – PPRs -for the purpose of transitional Part 3A projects. In accordance with Section 75H(6) of the EP&A Act, this PPR includes a response to issues raised in submissions, outlines any proposed changes to the project to minimise its environmental impact, and includes (where relevant) a revised statement of commitments.

This PPR is based on the Architectural Drawings provided by Allen Jack + Cottier (AJ+ C) (**Appendix A**), and other supporting technical documents provided by the expert consultant team listed in Section 1.2 of this report.

The PPR has been prepared by JBA Urban Planning Consultants Pty Ltd, for the proponent, Crown International Holdings Group (Crown). It describes the site, its environs and the proposed development, and includes an assessment of the proposal in accordance with the DGRs under Part 3A of the EP&A Act. It should be read in conjunction with the information contained within and appended to this report.

2.0 Background

2.1 Previous Approvals

A full history of relevant consents and approvals granted for development on the site is provided in the Environmental Assessment Report (EAR) prepared by JBA and dated November 2012 which was submitted with the Section 75W application MP09_0167 MOD 2. This history is summarised in **Table 1** below.

Table 1 – Summary of relevant approvals/consents granted for development on the site

Consent	Authority	Details	Date granted
DA1918/2003	Parramatta City Council	Nine-storey mixed use building	1 March 2005
Excavation permit 2004/S140/068 & modification permit 2005/S144/014	Heritage Council	Archaeological investigations revealed significant archaeological heritage items on site.	2 February 2005 & 5 August 2005
Interim Heritage Order (IHO)	Heritage Council	Applied under Section 24 of the <i>Heritage Act 1977</i> which 'turned off' the floor space ratio (FSR) and height controls applicable to the site under the relevant environmental planning instrument at the time – <i>Sydney Regional Environmental Plan 28</i> (SREP 28) – for development that provided for the in situ conservation of significant archaeological heritage items found on the site.	22 March 2006
DA470/2006 (as amended)	Parramatta City Council	Commercial development with in situ conservation of significant archaeological heritage items with the following key development statistics: – FSR of 8.44:1 when calculated in accordance with the definition for gross floor area (GFA) under SREP 28. – Height of approximately 66 metres (RL75.3). Dispensation was given to exceed the applicable height and FSR controls under the terms of the IHO.	11 September 2006
MP09_0167	Planning Assessment Commission (PAC)	V by Crown mixed use development with the following key development statistics: – FSR of 8.44:1 when calculated in accordance with the definition for GFA under SREP 28. – FSR of 8.23:1 when calculated in accordance with the definition for GFA under the <i>Parramatta City Centre Local Environmental Plan 2007</i> (City Centre LEP). – Maximum height of 84.6 metres.	28 October 2011
MP09_0167 (MOD1)	Director-General of Department	Modification of Condition B4 of the approval issued for MP09_0167 to allow staging of Section 94 payments	22 March 2012

2.2 Current Section 75W Modification Application

The EAR for MP09_0167 (MOD 2) was lodged with the Department of Planning & Infrastructure (the Department) in November 2012 to (inter alia) increase the maximum height of the development by 17.9 metres to 102.5 metres, and

increase the FSR of the development to 8.67:1. The Section 75W was exhibited between 21 November and 21 December 2012.

On 16 April 2013 updated plans were submitted to the Department seeking to make minor amendments to the Section 75W application as follows:

- Conversion of the conference centre use on Level 1 to a multi-function space and business centre associated with the serviced apartment and residential uses on the site (the multi-function space is to be changed from a double-height space to a single-height space to accommodate additional serviced and residential apartments above).
- Accommodation of seven (7) additional serviced apartments and five (5) residential apartments at Level 2.
- Reconfiguration of the three two-bedroom apartments along the eastern façade of Section B at Level 26 to provide improved internal arrangements and larger balconies.
- Reconfiguration on the three two-bedroom split-level apartments (at Levels 27 and 28) along the eastern façade of Section B into three, single-level, two-bedroom apartments per level..
- Conversion of two serviced apartments per level (from levels 3 to 11) to residential apartments.

Since then, the design of the development has been modified to accommodate 44 serviced apartments (equivalent to the quantum of non-residential floor space approved under the original approval granted for MP09_0167). These serviced apartments will be accommodated in levels 2 to 8 of Section B (seven per floor on Levels 2 to 7 and two on Level 8). All other apartments will be provided as residential apartments. Further detail is provided in Section 3.2 below.

In accordance with the Department's request, details on how separation between the serviced apartment and residential apartment components of the project will be managed are provided in Section 3.5 below.

Updated plans prepared by AJ+ C are provided at **Appendix A**.

2.3 Referral under *Environment Protection & Biodiversity Conservation Act 1999*

The site is located within proximity to the World heritage-listed Old Government House and Domain (OGHD). The World heritage values of the OGHD are protected under the *Environment Protection and Biodiversity Act 1999* (EPBC Act), and any development within the vicinity of the OGHD is required to be referred to the Department of Sustainability Environment Water Population and Communities (SEWPaC) to determine whether the development is likely to have a significant impact on the World heritage values of the OGHD.

On 23 March 2013, the V by Crown development was referred to SEWPaC under the EPBC Act. The referral was made in relation to any part of the development above 66 metres in height on the basis that the consent for DA470/2006 – for a 66 metre building on the site – was in place at the time the World heritage listing of the OGHD was being considered.

On 9 May 2013, SEWPaC determined that the proposed V by Crown development – above 66 metres in height – was likely to have a significant impact on the World heritage values of OGHD and that the development was a 'controlled action' under the EPBC Act.

Since then, Crown has undertaken extensive consultation with SEWPaC and the Western Sydney Parklands Trust (WSPT) to develop an appropriate Offset and Mitigation Strategy to offset and mitigate the potential impacts of the V by Crown development on the World Heritage Values of the OGHD. The most recent version of the Offset and Mitigation Strategy was presented to SEWPaC on 5 December 2013. It is expected that approval for this Strategy will be received in early 2014.

2.4 Discussions with the Department of Planning & Infrastructure

On 28 November 2013, Crown and JBA met with the Department to discuss the progress of the assessment of the Section 75W modification application MP09_0167 (MOD 2). Crown indicated that it is reaching a critical point in the construction of the project where construction of the basement car park is almost complete and commencement of the ground level construction is due to commence in January 2014.

The layout of the ground floor (and floors above) is proposed to be modified under MP09_0167 (MOD 2) for which approval has not yet been granted. Therefore, the continued delay in obtaining approval for the current Section 75W modification will mean that construction on the site will need to halt in January 2014 which will result in significant economic implications for the project and broader Parramatta CBD.

The Department indicated that it would be unable to issue approval for the Section 75W modification for works above 66 metres in height until the approval from SEWPaC for the Mitigation and Offset Strategy has been received.

The Department suggested that the Section 75W modification application MP09_0167 (MOD2) be revised to seek consent for the modified development up to a height of 66 metres, and that a Section 75W modification application be submitted for the remainder of the building once SEWPaC issues approval for the Mitigation and Offset Strategy.

After further consideration, and as an alternative approval strategy, it is proposed that the Department issues approval for the whole building in accordance with the submitted Section 75W application for MP09_0167 (MOD2) - as modified by the updated in April 2013 and recent proposed changes to the number of serviced apartments proposed in the development – with the following commitment to be added to the statement of commitments (see Section 5.0 below) or conditions of approval:

*Approval for the development (as modified) above 66 metres (Level 18) in height is **not** granted until such time as the Department of Sustainability Environment Water Population and Conservation approve the Mitigation and Offset Strategy for the V by Crown development.*

The above commitment will give the Department certainty that approval for development above 66 metres (Level 18) in height will not be granted unless SEWPaC issues its approval for the Mitigation and Offset Strategy.

Elevations differentiating between the part of the V by Crown development (as proposed to be modified) below 66 metres (Level 18) in height, and that above that height, are provided at **Appendix B**.

3.0 Key Changes to Project

The following key changes have been made to the project since the Section 75W application was lodged in November 2012:

- The conference centre use on Level 1 has been changed to a multi-function space and business centre associated with the serviced apartment and residential uses on the site (the multi-function space will be changed from a double-height space to a single-height space to accommodate additional serviced and residential apartments above).
- Provision of an additional 12 apartments within Level 2.
- At Level 26, the three two-bedroom apartments along the eastern façade of Section B have been reconfigured to provide improved internal arrangements and larger balconies.
- At Levels 27 and 28, the three two-bedroom split-level apartments along the eastern façade of Section B have been reconfigured into three, single-level, two-bedroom apartments per level. This results in an approximately half a metre increase in the extent of the eastern façade from its current eastern setback.
- The provision of a total number of serviced apartments equivalent to the quantum of commercial floor space (2,952 square metres) approved under the original approval of MP09_0167.
- All apartments on Levels 2 to 7, and two apartments on Level 8 of Section D will operate as serviced apartments – providing a total of 44 serviced apartments within the development.

These elements are described in detail in the under separate heading below. The above changes are shown in the revised architectural plans prepared by AJ+ C and tabled at **Appendix A**.

The proposed changes are largely internal and will not result in any external impacts aside from those at the eastern façade of Section B at Levels 26 to 28, and at Levels 2 at the southern and eastern facade. These changes will be minimal and are unlikely to be readily visible from the public domain. In addition, the external changes are limited to a small portion of will not be visible from the World heritage-listed Old Government House and Domain.

3.1 Multi-function space and business centre

The previously-proposed double-volume conference centre at Level 1 has been redesigned to be provided as a multi-function space and business centre associated with the serviced apartment and residential apartment uses. In addition, the previously proposed residential amenities at Level 2 have been consolidated within this single multi-function space. This new arrangement provides improved access, legibility and circulation between the indoor and outdoor communal facilities, all of which will now be located at Level 1.

3.2 Unit Numbers and Unit Mix

As detailed above, the proposed changes seek to add an additional 12 apartments at Level 2 in place of the previous double-volume conference centre and some residential amenities. In addition, revised designation of serviced apartments within the development will result in a net decrease in the number of serviced apartments to a total of 44, and an increase in the number of residential apartments within the development to a total of 371. The revised unit numbers and unit mix is set out in **Table 2** below.

Table 2 – Apartment mix

Unit Mix	Approved	Nov 2012 Section 75W Modification	Revised Plan S75W Plans
Residential Apartments			
Studio	-	32 (7.6%)	46
1 bed	115 (31.3%)	78 (18.4%)	82
1 bed + study	-	136 (32.2%)	156
2 bed	204 (55.6%)	107 (25.3%)	124
2 bed + study	-	55 (13%)	40
2 bed dual key	-	-	9
3 bed	48 (13.1%)	10 (2.4%)	10
3 bed dual key	-	5 (1.2%)	-
Sub total	367	423	475
Serviced apartments			
1 bed + study	-	72	38
2 bed	-	9	6
Sub total	-	81	44
TOTAL (Residential & Serviced Apartments)	367	504	519

3.3 Gross Floor Area

There will be an increase in the GFA and FSR on the site (calculated under SREP 28 and the City Centre LEP) as a result of the proposed changes. The increase in GFA when calculated under the definition for GFA under the City Centre LEP will be approximately 950m² which is considered minor when considered in the context of the development's scale.

Table 3 – Gross floor area and floor space ratio

		Approved	Nov 2012 Section 75W Modification	Revised Plan S75W Plans
Total GFA	SREP 28	41,366.5m ²	43,067.3m ²	43,988.8m ²
	City Centre LEP	40,522.4m ²	42,471.1m ²	43,424.67m ²
FSR	SREP 28	8.44:1	8.79:1	8.98:1
	City Centre LEP	8.23:1	8.67:1	8.87:1

3.4 Façade Changes

The only external changes that will occur as a result of the proposed changes are at southern and eastern facades at Level 2 where previous conference and amenity space are to be converted to apartments, as well as the changes to the eastern façade of Section B at levels 26 to 28. These changes are minor and will not have any adverse environmental impacts. The changes at the western façade will not be visible from the public domain, and the changes at the southern façade are contained to a single level and do not result in a substantial change to the building's design. At the eastern façade, changes will be confined to the upper three levels of Section B of the building and will not be readily noticeable. No external changes will have an impact on views from OGH towards or beyond the site.

3.5 Separation of Serviced Apartment and Residential Uses

The serviced apartments will be accommodated in Section D (the south-western section of the building) from levels 2 to 7 with two serviced apartments located in Section D at Level 8. All serviced apartments are proposed to be retained by Crown which operate, or engage an operator, to manage the serviced apartment component of the development. The operator will manage the cleaning and service of serviced apartments, as well as provide concierge services to new guests arriving at the serviced apartments.

The serviced apartments will share lift access with residential apartments in Section C of the building. Access to all serviced apartment and residential floors will be controlled via a swipe card system. It is not considered that there is any security risk associated with the sharing of a lift access between serviced apartment and residential apartment residents, particularly as access to the general public will not be available and separate key entry to all apartments will be available.

In addition, as shown in the Architectural Plans at **Appendix A**, a separate doorway is proposed at the corridor entry to Section D of the building which will allow for separate swipe access to be provided to the serviced apartment component of the development from Levels 2 to 7, with only two serviced apartments at Level 8 sharing corridor access with the residential apartments.

The residential apartments and serviced apartment components of the development will share access to the multi-function space, business centre and outdoor amenities area at Level 2. However, this will also be controlled via a swipe card access.

A Security Design and Management Report was provided with the EAR which recommended that prior to post-construction commissioning, the applicant prepare a Security Awareness, Maintenance and Risk management Plan (referred to as a CPTM) by consulting with local police, Council, the Chamber of Commerce and Heritage Council representatives, together with owner/operators of surrounding precincts to ensure that the plan converges with similar initiatives in place, or proposed, throughout Parramatta's City Centre. The Revised Draft Statement of Commitments included this recommendation. Appropriate management of security to the serviced apartment and residential apartment components of the project will be addressed in the CPTM.

4.0 Response to Submissions

This section responds to submissions made during the exhibition of the Section 75W modification application.

4.1 Government Agency Submissions

4.1.1 NSW Roads and Maritime Services

The submission made by NSW Roads and Maritime Services (RMS) raised no objection to the proposed modification to MP09_0167.

4.1.2 Heritage Council of NSW

The Heritage Council of NSW made a submission on the proposal in which it noted general support for the proposed modifications of the Section 75W application and associated mitigation measures.

The Heritage Council indicated its support for the recommendations of the Statement of Heritage Impact (Appendix I of the EAR) and recommended additional conditions of Approval to strengthen heritage protection on the site. The recommended conditions set out by the Heritage Council, and a response to these, are set out in **Table 4** below.

Table 4 – Applicant response to Heritage Council's recommended conditions

Heritage Council Recommended Condition	Applicant Response
Detailed design of the 'underground' viewing area for the cellar, regarding height clearances, access point, walkways, balustrades and retaining walls around the retained archaeological display and all other associated services, should be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate	These recommendations are proposed to be added to the Statement of Commitments (see Section 5.0 below).
Detailed design of the environmental management, moisture movement monitoring and reactive conservation processes for the retained archaeological display should be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate.	
The detailed design of the Archaeological and Heritage Interpretation of the actual archaeology and the Interpretation Centre, with its associated café; should be guided by the preparation of the detailed Interpretation Plan required under COA. The Plan should be prepared in consultation with and to the satisfaction of, the Heritage Council or its Delegate	

4.1.3 Parramatta City Council

Council made a submission on the proposal with issues grouped into three fields being cost of works for the calculation of Section 94A contributions, heritage, and urban design and compliance with the Rules-of-Thumb in the Residential Flat Design Code (RFDC). Each of these issues is addressed below.

Section 94A Contributions

Council submitted that the cost of works provided in the EAR is based on the definition of Capital Investment Value (CIV) rather than that set out under Section 25J of the *Environmental Planning and Assessment Regulation 2000* for the purpose of calculation of Section 94A contribution payments. The cost of works for the project has been calculated in accordance with the definition for capital investment value under the now-repealed provisions of Part 3A of the EP&A Act.

The cost of works on which Section 94A contributions are levied is set out in Section 25J of the EP&A Act and is likely to result in reduced Section 94A levies being paid than if the Section 94A payment was to be based on the CIV as calculated under the repealed provisions of Part 3A. This requirement is proposed to be added to the Statement of Commitments (see Section 5.0 below) ie a cost summary of the project shall be provided in accordance with Section 25J of the EP&A Act once the approval for the Section 75W is issued.

Heritage

The submission provided that Council raise no concern in relation to the heritage impact of the proposed Section 75W application provided that an excavation permit be obtained under the Heritage Act prior to the determination of this application.

Clause 35(6) of the City Centre LEP requires a Section 140 permit under the Heritage Act (to undertake test excavations on sites accommodating potential archaeological heritage items) to be obtained prior to consent for a development being issued.

In the first instance, the provisions of LEPs (other than those that relate to zoning controls and permissible and prohibited uses) are not strictly applicable to Part 3A projects. Furthermore, the site has already been the subject of extensive test excavations to determine the extent and quality of significant archaeological heritage items to be retained on the site, and a detailed strategy for managing the in situ conservation of these items has been prepared. This strategy is supported by the Heritage Council (subject to the recommendations set out in Section 4.1.2 above). It is not considered necessary to obtain a Section 140 permit under the Heritage Act prior to the approval for the Section 75W modification being issues.

Urban Design and Compliance with the Rules-of-Thumb in the RFDC

Council raised a number of issues in relation to urban design and compliance with the Residential Flat Design Code (RFDC). These items are addressed in **Table 5** below.

Table 5 – Applicant response to urban design/RFDC issues raised by Parramatta City Council

Issue	Comment
Only 5% of the provided apartments have cross ventilated kitchens. Under the rule of thumb of the Residential Flat Design Code, around 25% of kitchens in apartments should be naturally cross ventilated.	The RFDC provides two Rules-of-Thumb as alternative considerations in relation to natural ventilation to kitchens: <ul style="list-style-type: none"> – The back of kitchens should be no more than 8m from a window; and – 25% of kitchens should be naturally cross-ventilated. JBA's assessment indicates that at 80% of residential apartment will have kitchens no more than 8 metres from a window. On this basis, 80% of the kitchens can be considered to be naturally ventilated which exceeds the Rule-of-Thumb in this regard.
A typical floor plan (level 14-20) shows 19 units accessed from a common corridor, which has increased from the approved design (16) and is more than double the RFDC rule of thumb for 8 units per corridor. Whilst there are adequate openings to allow natural light and ventilation, there is concern at the security implications of so many units sharing the same lift core and internal circulation	The EAR was accompanied by a Security Design and Management Report (Appendix S) which demonstrates how an appropriate level of security can be provided in and around the modified development. Furthermore, there are four sets of lifts servicing the corridors which is more than the standard amount.
The modified proposal has resulted in some two bedroom apartments having balconies as small as 4.8m ² . It is considered that balcony sizes for two bedroom units in particular should be increased to around 10m ² to improve amenity for future occupants	Whilst some two bedroom apartments have balconies of approximately 5m ² , a number of two bedroom apartments have balconies will in excess of the minimum 10m ² with balconies of up to 27m ² proposed for some two-bedroom apartments. All

	<p>balconies will have a minimum dimension of 2m consistent with the RFDC Rule-of-Thumb.</p> <p>In addition, the proposed development provides approximately 2,398m² (49% of the site) of communal open space at Levels 1, 3, 12 and 26, which is well in excess of the RFDC requirement for 25 to 30% of the site area to be provided as communal open space.</p>
The provided information does not allow for a detailed assessment of the elevation design. However, it appears the modified proposal is a large building that has an unnecessarily monotonous appearance because of its scale, repetition, and lack of variety to its facades	Detailed elevations have been submitted with the Section 75W application to allow for an appropriate assessment of the façade design. The proposed façade does not substantially differ from that already approved under MP09_0167. The design has been carefully considered in the context of the Parramatta CBD and is considered to be of a high design quality. Further detail is provided in the Architectural Design Report submitted with the EAR.
Concern is raised about the privacy of the east facing apartments (Sections B and C) on Level 3 which face on to a common garden.	The Landscape Plans at Appendix L of the EAR indicate appropriate screen planting between these units and the common area. Furthermore, the apartments in Section B have private decks differentiating them from the common area which are also proposed to have appropriate screening.
Concern is raised about the proposed reduction in the amount of ground floor retail/restaurant space. It is considered the proposed reduction may impact on the activation of this area.	The ground floor area has been redesigned to provide for increased activation particularly in the north of the site around the archaeological display area. The proposed design is considered an improvement over that approved under MP09_0167. Further detail is provided in Section 3.6 of the EAR.
The outdoor dining area shown on the ground floor plan is currently showing encroaching onto the public domain. The plan should be amended so that this outdoor dining is contained within the property boundary. Any future application for the use of public property for outdoor dining would need to be subject of a separate application to Council under Section 125 of the Roads Act	No part of the ground floor outdoor dining area is shown as extending past the site boundaries. Any applications for footpath dining will be the subject of separate applications to Council.
It is considered the proposed landscape plan should be updated to reflect the requirements of the Parramatta Public Domain Guidelines. The current details are not consistent with the Public Domain Guidelines, including the proposed paving pattern (no banding is permitted), kerb ramp detail, and the driveway treatment	These recommendations are proposed to be added to the Statement of Commitments for the project in relation to public areas.
New street trees should reflect the species indicated in the Parramatta City Council Street Tree Master plan 2011. The submitted landscape plan indicates a Flindersia for Hunter Street which should be replaced with a Brush Box. New tree pits should also be detailed as per the Public Domain Guidelines.	

4.2 Public Submissions

A total of two public submissions were made on the proposal, one in support of the application and one in principle support of redeveloping the site but raising objection to elements of the proposal.

The first submission, prepared by Urban Taskforce supported the application on the grounds that the regional city of Parramatta should be fully developed with buildings of significant height, as this provides a path towards becoming a viable regional centre of commerce and a second CBD for the Sydney region.

The second submission was received from City Plan Services on behalf of the owners of the Jessie Centre to the north of the site on the other side of Macquarie Street. The submission raised concerns in regards to the following:

- The further incremental increase in the height of the proposed building, in excess of 48 metres over the maximum height control for the site; and
- The proposed increased concentration of residential development and serviced apartments and resultant decrease in commercial floor space in a mixed use zone which may affect the status of the CBD as a commercial/business centre.

In response to the issue raised in relation to height, the applicant reiterates that the overall development employs a staggered height with the maximum only applying to approximately 10% of the building footprint. The submission did not relay any concerns as to the environmental impact of the proposed height increase outside of building hierarchy and non-compliance with the Parramatta City Centre LEP 2007. The EAR demonstrates that the proposed height increase will not result in any adverse amenity impacts.

The change in the apartment numbers and unit mix within the development is a direct response to the residential market conditions within the Parramatta area seeking a more diverse range of housing types. Overall there is no increase in residential GFA proposed as part of this application - the proposed quantum of serviced apartment floor space is consistent with the approved quantum of commercial floor space.

5.0 Additional Commitment in Statement of Commitments for Section 75W

Subject	Commitments	Timing
Development above 66m in height subject to EPBC Approval	Approval for the development (as modified) above 66 metres (Level 18) in height is not granted until such time as the Department of Sustainability Environment Water Population and Conservation approve the Mitigation and Offset Strategy for the V by Crown development.	Prior to construction certificate for development above podium being issued.
Additional Heritage Council recommendations	Detailed design of the 'underground' viewing area for the cellar, regarding height clearances, access point, walkways, balustrades and retaining walls around the retained archaeological display and all other associated services, shall be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate	Prior to the construction certificate for the archaeological display area being issued.
	Detailed design of the environmental management, moisture movement monitoring and reactive conservation processes for the retained archaeological display shall be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate.	
	The detailed design of the Archaeological and Heritage Interpretation of the actual archaeology and the Interpretation Centre, with its associated café; shall be guided by the preparation of the detailed Interpretation Plan required under COA. The Plan shall be prepared in consultation with and to the satisfaction of, the Heritage Council or its Delegate	
Cost summary	A cost summary of the project shall be provided in accordance with Section 25J of the EP&A Act.	Once the approval for the Section 75W is issued
Landscaping	The public area landscape plan shall be updated to reflect the requirements of the Parramatta Public Domain Guidelines.	Prior to the construction certificate for any landscaped areas being issued.
	New public area street trees shall reflect the species indicated in the Parramatta City Council Street Tree Master plan 2011. New tree pits shall also be detailed as per the Public Domain Guidelines.	

6.0 Summary

The Section 75W application to modify the approved V by Crown development was lodged and exhibited in November 2012. A minimal number of submissions were raised. All issues raised in submissions have been appropriately responded to and, where appropriate, additional commitments have been made to ensure that the proposed development will not result in any adverse amenity or environmental impacts.

A Mitigation and Offset Strategy has been submitted to SEWPaC to demonstrate appropriate mitigation and offset measures for the project's potential impacts on the World heritage values of OGH. It is expected that approval for this Strategy will be issued in early 2014. A commitment is proposed to be added to the Statement of Commitments for the project which will ensure that approval for development above a height of 66 metres (the height above which a referral under the EPBC Act was made) is not granted until approval for the Mitigation and Offset Strategy is received from SEWPaC. If SEWPaC does not grant approval, updated plans for a development up to a height 66 metres will need to be submitted.

As all outstanding issues are now considered addressed, it is requested that the Department issue its determination for the Section 75W as soon as possible.