



Planning &
Environment

MODIFICATION REQUEST:

45 Macquarie Street, Parramatta

MP 09_0167 MOD 3

**Modification to delete Design Modification
requirements**

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

August 2014

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1. BACKGROUND

The purpose of this report is to assess a modification request to the major project approval MP 09_0167 for construction of a 26-storey mixed use development at 45 - 47 Macquarie Street and 134 - 140 Marsden Street, Parramatta in accordance with section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application seeks to delete two components of Condition A16 that relate to the timing and preparation of information for the archaeological display area.

1.1 The Site in Context

The site is located on the western edge of the Parramatta CBD, on the corner of Macquarie and Marsden Street. The site is 4,879 m² in area and has frontage to Macquarie Street, Marsden Street and Hunter Street.

Development to the east, west and south of the site is generally characterised by four to ten-storey commercial buildings. To the north of the site is the Jessie Centre, a 20-storey commercial building, which is currently the tallest building in the south-western section of the Parramatta CBD.

Within the broader local context, Parramatta Rail Station is located approximately 180 metres (m) to the south-east of the site; Westfield shopping centre is located approximately 100 m south of the site; and Parramatta Park is located approximately 150 m to the north-west of the site. A Location Plan is provided at **Figure 1** below.

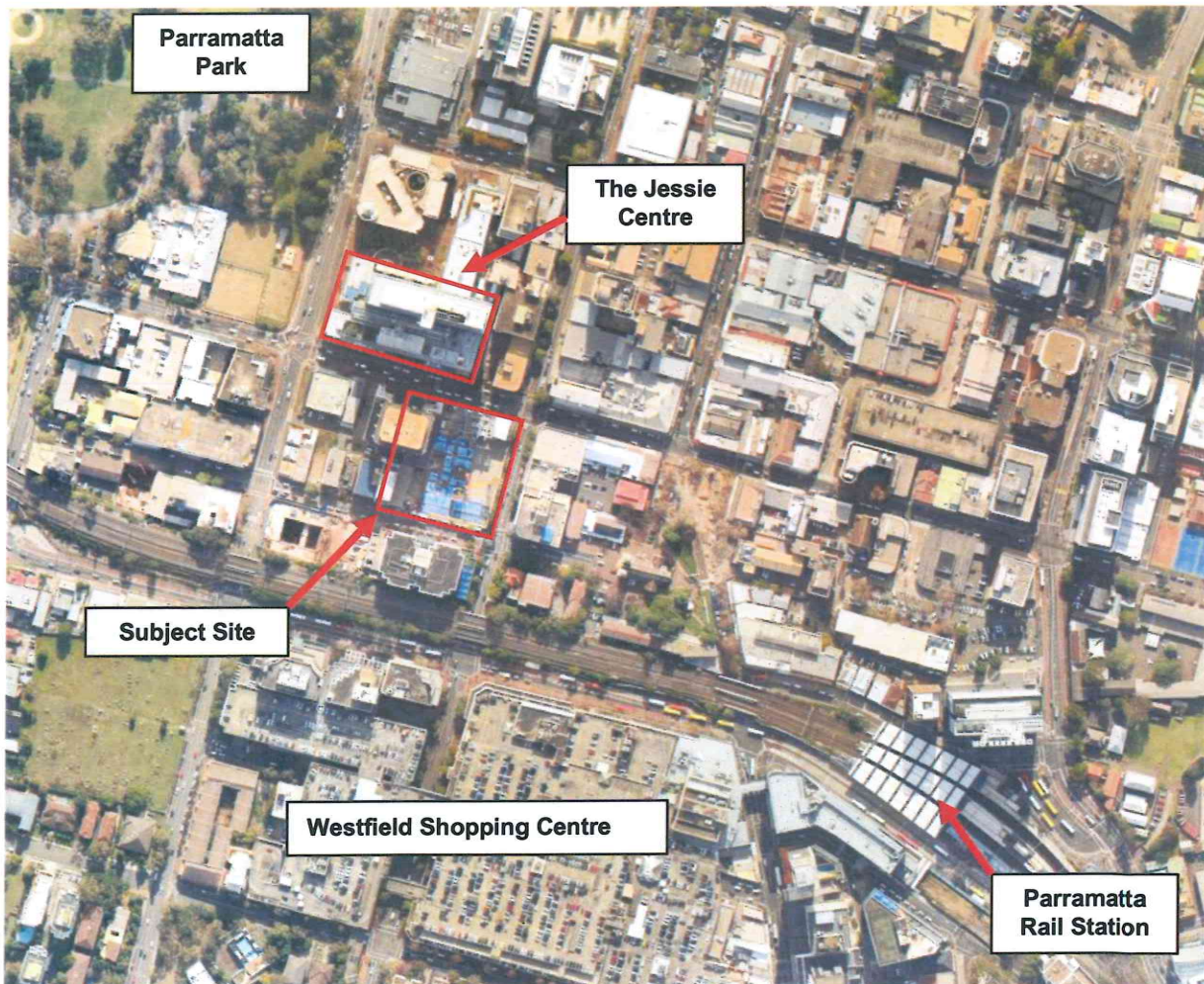


Figure 1: Location Plan (Source: Nearmap)

1.2 Approval History

On 28 October 2011, the Planning Assessment Commission (PAC) approved a project application (MP 09_0167) for the construction of a 26-storey mixed use development at 45 - 47 Macquarie Street and 134 - 140 Marsden Street, Parramatta. The approved development included:

- 367 residential apartments;
- 2,952 m² of commercial floor space;
- 1,240 m² of retail and restaurant floor space;
- a 316 m² archaeological interpretation centre; and
- six levels of basement parking accommodating 535 car parking spaces, 86 bicycle parking spaces and four motorcycle spaces.

MOD 1

Modification 1 was approved by the Deputy Director-General of Development Assessment and Systems Performance on 22 March 2012 and included an amendment to Condition B4 – Section 94A Contribution to allow the staged payment of contributions.

MOD 2

Modification 2 was approved by the PAC on 26 June 2014 and included:

- increases to the height of the approved towers and podium as follows:
 - Block 'A' of the tower from RL 94.5 m (25-storeys) to RL 112.4 m (28-storeys);
 - Block 'B' of the tower from RL 88.3 m (24-storeys) to RL 105 m (28-storeys);
 - Block 'C' of the tower from RL 82.1 m (21-storeys) to RL 105 m (25-storeys); and
 - Block 'D' of the tower from RL 44.9 m (10-storeys) to RL 54.8 m (11-storeys).
- reduction of the height of the podium from a maximum of RL 32.5 m (4-storeys, inclusive of architectural feature) to RL 26.9 m (3-storeys, inclusive of architectural feature);
- increase in GFA from 40,522 m² to 43,424.67 m²;
- increase in the size of the archaeological interpretation centre to 423 m²;
- increase in the number of residential apartments from 367 to 477 and introduction of 42 serviced apartments (resulting in a combined total of 519 apartments);
- alterations to the podium and tower façade;
- reconfiguration of the basement car park; and
- increase in the number of car parking spaces from 535 parking spaces to 566.

2. PROPOSED MODIFICATION

The proponent seeks to delete two components of Condition A16 that relate to the timing and preparation of information for the archaeological display area. In particular, the modification seeks approval to change the timing of the information from prior to the issue of a Construction Certificate for above ground works to prior to the Construction Certificate for the archaeological display area being issued.

The purpose of the modification is to rectify the inconsistencies and allow works to commence on the site while the design and management of this area is being finalised.

Further details of the proposed modification are provided in **Appendix A**.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations. The Minister for Planning, or her delegate, may approve or disapprove the modification request pursuant to section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The modification application has been lodged with the department pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including 'revoking or varying a condition of the approval or imposing an additional condition of the approval'.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. In this instance, the proposal seeks to modify aspects of the project approval which require further assessment. Therefore, approval to modify the application is required.

3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the department may notify the proponent of the Secretary's Environmental Assessment Requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the department in order to consider the application.

3.4 Delegated Authority

Although Parramatta City Council raised no objection to the application, less than 10 public submissions of objection were received, and a political disclosure statement has only been made in respect of the original project application, the department considers that the application should nevertheless be referred to the PAC for determination.

Consistent with the Minister for Planning's delegation, the application can be determined by the PAC.

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the department must make the modification request publicly available. The department placed the modification request on its website and referred it to Parramatta City Council and the Office of Environment and Heritage for comment. Due to the nature of the proposed modification, it was not exhibited by any other means.

Parramatta City Council

Council raised no concerns with the modification.

Office of Environment and Heritage

NSW Government

Department of Planning & Environment

OEH noted that the modifications are sought as the requirements are already included within the Statement of Commitments for the project. In addition, OEH raised no objection on heritage grounds, as the modification if approved is not likely to alter the broader heritage outcomes which have been agreed for this significant archaeological site.

Public Submissions

No public submissions were received.

5. ASSESSMENT

The proponent seeks to modify Condition A16 to enable works to commence on the site while the finalisation of the design and management of the archaeological display area is being carried out. Condition A16 is to be modified as follows (shown struck through):

A16 DESIGN MODIFICATION

The architectural plans prepared by AJ&C Architects and the landscape plans prepared by TaylorBrammer shall be modified to the satisfaction of the Director-General for approval prior to the issue of a Construction Certificate for above ground works to:

- Remove the serviced apartments located on level 8 and conversion of these apartments to residential apartments;
- Limit the serviced apartments to 42 serviced apartments located within levels 2 to 7 of 'Block D';
- Amend drawings DA2102 (Revision 16), DA2102 (Revision 16), and DA2103 (Revision 18) to:
 - install an automatic fail-open security door adjacent to the 'Block D' lift core; and
 - delete the access door located within the southern corridor of 'Block D' as per plan provided at **Attachment A**.
- Convert apartment numbers 12.16 and 13.16 from 1-bedroom apartments to studio Apartments;
- ~~• Identify the materials and finishes for, and the detailed design of, the walkways, balustrades and retaining walls within the archaeological display area. The detailed design of the abovementioned elements must be undertaken in consultation with the Heritage Branch, OEH;~~
- ~~• Identify the detailed design of the environmental management system including, moisture movements monitoring and reactive conservation processes for the archaeological display area. The design of the environmental management system must be undertaken in consultation with the Heritage Branch, OEH; and~~
- Revise the ground level landscaping to ensure compliance with the requirements of the *Parramatta Public Domain Guidelines* and Parramatta Council's *Street Tree Masterplan 2011*.

The department notes that the applicant has committed to preparing the detailed design of the archaeological display area and environmental management system prior to issue of a Construction Certificate for the archaeological display area. This is reflected in the approved Statement of Commitments referenced in Condition A2 of the project approval and outlined in **Table 1** below.

Subject	Commitments	Timing
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,	Prior to the construction certificate for the archaeological display area being issued.

	shall be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate.	
	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.	

Table 1: Existing Statement of Commitment for Heritage Council recommendations

Both the Statement of Commitments and the condition ensure that the details of the archaeological display area are prepared in consultation with the Heritage Council of OEH. The key difference between the condition and the commitment is the timing of the information being proposed being directly related to the specific Construction Certificate for the archaeological display area.

The department raises no objections to the deletion of the components of Condition A16 which are covered in the proponent's Statement of Commitments.

The proposed amendment will allow work to commence on the site while the detailed design and appropriate ongoing management of the archaeological area is being finalised.

OEH does not raise any concerns with the proposed deletion each the above requirements. It is also noted that Council does not raise any concerns with the proposal.

On the basis of the above, the department supports the timing of the preparation of the design details prior to the issue of a Construction Certificate for the archaeological display area. It is therefore considered appropriate to delete the relevant components of Condition A16 which are covered in the proponent's Statement of Commitments.

6. CONCLUSION

The department has considered the modification application and has assessed the proposed amendment. The department considers that the modification of Condition A16 is appropriate and will not negatively impact upon the heritage significance of the site.

The requirements within Condition A16 are adequately addressed within the proponent's Statement of Commitments which will ensure that the detailed design of the archaeological display area and environmental management system are prepared, in consultation with and to the satisfaction of the Heritage Council of OEH, prior to the issue of a Construction Certificate for the archaeological display area.

It is therefore recommended that the modification application be approved.

7. RECOMMENDATION

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

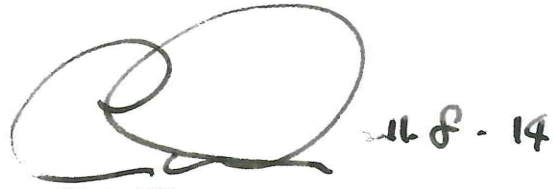
- a) **Consider** the findings and recommendations of this report.
- b) **Approve** the modifications to MP 09_0167, subject to conditions, under section 75W, as per the transitional arrangements of Part 3A applications as outlined in Schedule 6A of the *Environmental Planning and Assessment Act, 1979*.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

Prepared by:
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Key Sites and Social Projects

Endorsed:



Daniel Keary
Director
Industry, Key Sites & Social Projects



Chris Wilson
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Approvals

APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6605

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6605

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
