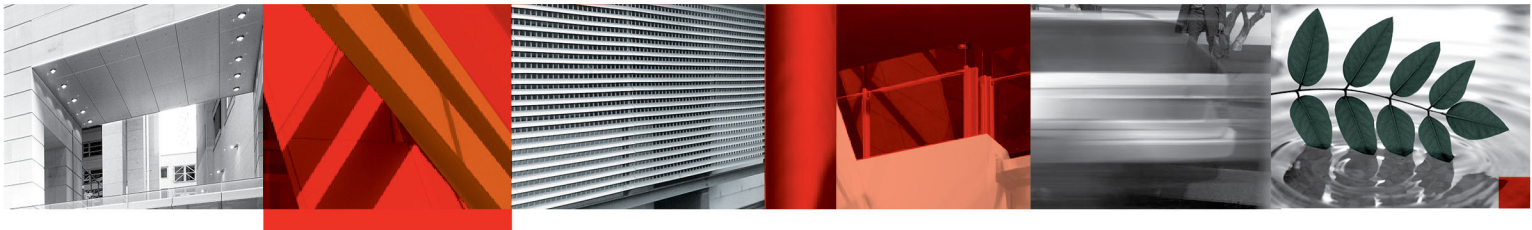


Section 75W Modification (MOD 4) Environmental Assessment Report



45 Macquarie Street, Parramatta (MP09_0167) MOD 4

Mixed Use Development

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

October 2014 ■ 09389

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This report has been prepared by:



André Szczepanski

15/08/2014

This report has been reviewed by:



Kim Shmuel

15/08/2014

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Statement of Validity

Prepared under Part 3A of the Environmental Planning and Assessment Act, 1979
(as amended)

Modification Application prepared by

Name	André Szczepanski
Address	Level 7, 77 Berry Street, North Sydney
In respect of	Modification to Approved Project Application

Concept Plan

Applicant name	Crown Landmark Pty Ltd
Applicant address	Level 11, 68 Alfred Street, Milsons Point NSW 2061
Land to be developed	45-47 Macquarie Street and 134-140 Marsden Street, Parramatta
Proposed development	Mixed Use Development

Environmental Assessment

A modification application report is attached

Certificate

I certify that I have prepared the content of this modification application report and to the best of my knowledge:

- It is in accordance with the Environmental Planning and Assessment Act and Regulation.
- It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name

André Szczepanski

Date

August 2014

Executive Summary

This Environmental Assessment Report has been prepared on behalf of Crown Landmark Pty Ltd and is submitted to the Department of Planning and Environment in support of a modification to the approved mixed use project (MP09_0167) at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta. The modification is submitted under the now-repealed Section 75W of the *Environmental Planning and Assessment Act 1979* in accordance with the transitional arrangements for approved Part 3A projects.

On 28 October 2011, the Planning Assessment Commission approved MP09_0167 for the construction of a 28-storey mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta. The approval has been modified twice to date, with a third minor modification currently under assessment.

This modification primarily seeks to increase the height of the south-western part of the building fronting Hunter Street (referred to as Section D), resulting in an additional seven storeys. The entirety of Section D is proposed to comprise residential apartments. This includes the 42 approved serviced apartments, which are proposed to be converted to residential apartments.

A new rooftop bar is also proposed over Section C of the building. A range of more minor modifications are also proposed, which are detailed in the report.

Consistent with the letter from the Department of Environment and Planning of 14 July 2014, this Environmental Assessment Report responds to the Director-General's Requirements for Modification 2 to MP09_0167 (dated 22 June 2012) with additional information provided in relation to the new rooftop bar and the stratum subdivision of the building. It assesses the modified proposal against the key environmental considerations relevant to the modified proposal and is supported by expert consultant reports.

1.0 Introduction

This Environmental Assessment Report (EAR) is submitted to the Department of Planning and Environment (Department) in support of an amendment to Project Approval MP09_0167 pursuant to (the now-repealed) Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). MP09_0167 permits the construction of mixed use development on land at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta (the site). This modification primarily seeks to increase the height of Section D of the approved building.

MP09_0167 was approved under the now-repealed Part 3A of the EP&A Act. Modification of an approved Part 3A project is permitted under the now-repealed Section 75W of the EP&A Act in accordance with the transitional Part 3A provisions.

The EAR has been prepared by JBA for the proponent, Crown Landmark Pty Ltd (Crown). It describes the site, its environs, the approved development under MP09_0167, the proposed amendments to the design, and includes an assessment of the revised proposal in accordance with the Director-General's Environmental Assessment Requirements (DGRs) - issued for Modification 2 (MOD 2) to MP09_167 - under Part 3A of the EP&A Act.

The EAR is based on Architectural Drawings prepared by AJ + C Architects (found at **Appendix A**), and other supporting technical information appended to the report (see Table of Contents).

1.1 Relevant Planning Approvals

This relevant approval history for the site is summarised in **Table 1** below.

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

Consent	Authority	Details	Date determined/ lodged
DA470/2006 (as amended)	Parramatta City Council (Council)	Commercial development with in situ conservation of significant archaeological heritage items with the following key development statistics: <ul style="list-style-type: none"> ▪ Floor space ratio (FSR) of 8.44:1 when calculated in accordance with the definition for gross floor area (GFA) under <i>Sydney Regional Environmental Plan 28</i> (SREP 28). ▪ Height of approximately 66 metres (RL75.3). 	11 September 2006
MP09_0167	Planning Assessment Commission (PAC)	V by Crown mixed use development with the following key development statistics: <ul style="list-style-type: none"> ▪ 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
MP09_0167 (MOD2)	PAC	Modified the approved V by Crown mixed use development 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.	26 June 2014
MP09_0167 (MOD 3)	Not yet determined	Correct an error in Condition A16 of the approval issued for MOD 2.	Not yet determined

1.2 Approval 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 Commonwealth Department of the Environment (DE) 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 (EPBC Referral 2013/6803) to the DE 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, the DE 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.

In response a mitigation strategy was prepared in consultation with the DE and the Wester Sydney Parklands Trust (WSPT). On 12 March 2014, the DE issued approval under the EPBC Act for the V by Crown development which requires the mitigation strategy to be implemented. Condition 1 of the approval for EPBC Referral 2013/8603 states that:

*The approval holder must ensure that the maximum height of the building at 45-47 Macquarie Street and 130-140 Marsden Street, Parramatta, NSW **does not exceed RL 112.4...***

In its letter of 14 July 2014 the DPE has suggested that a new referral under the EPBC Act for the proposed modification is required. Therefore, the proposed modifications will be referred under the EPBC Act, although the proposal is not expected to be a controlled action.

A copy of the EPBC Approval is included at **Appendix B** and is discussed further in **Section 4.3.1**. Confirmation of referral of this application to the Department of Environment is also included at **Appendix B**.

1.3 Consultation

Prior to submission of the EAR for the approved project, extensive consultation was undertaken with the following authorities and agencies:

- The Department of Planning and Infrastructure (Department);
- The Heritage Branch of the Department (Heritage Branch);
- Parramatta City Council (Council);
- Sydney Metro Authority ;
- Utility providers; and
- The Road and Maritime Service (RMS).

All of the recommendations made by the relevant agencies and authorities were taken into account in preparation of the EAR documentation for the project. These agencies and authorities were also consulted as part of the notification process for

EAR and any further recommendations were taken into account in preparation of the PPR for the approved project.

The modified proposal does not result in substantial changes to an extent which would warrant additional consultation prior to submission of the EAR for the modified proposal. It is expected that all of the above agencies and authorities will be notified as part of the exhibition process for the modified proposal.

However, meetings were held with both the Department of Planning and Environment and Parramatta City Council prior to lodgement of the EAR to discuss the proposed modifications. Comments made by both Council and DP&E during those meetings have been considered as part of the proposed modification and accompanying assessment.

2.0 Site Analysis

2.1 Site Description

The subject site is located at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta. The site has three frontages - 54 metres to Macquarie Street to the north; 64 metres to Hunter Street to the south; and 84 metres to Marsden Street to the east. The site has staggered western boundary of 75 metres in total adjoining commercial buildings to the west. It has a total site area of 4,879sqm.

The site is legally described as Lot 1 in DP 61073, Lots A, B and C in DP 82967, Lots 1 and 2 in DP 213184, Lot 1 in DP 539968, and Lots 101, 102 and 103 in DP785428.

A survey plan is attached at **Appendix C**.

The Marsden Street frontage of the site is the subject of 3.6 metre-wide road widening reservation in accordance with Clause 29 of the City Centre LEP and the associated Land Reservation Acquisition Map.

The site has been identified as containing four important relics, all of which are located along the northern frontage of the site towards Macquarie Street, and include the following:

- Evidence of the footing of a convict hut.
- Evidence of occupation by a wheelwright.
- Evidence of the cellar of the Wheatsheaf Hotel (c1801), one of the earliest remnants of a hotel yet revealed in Australia.
- The footings of a larger colonial period cottage with a deep well.

2.2 Local Context

Parramatta Rail Station is located approximately 400 metres to the south-east of the site. The locality in which the site is located is predominantly commercial with Westfield Shopping centre located approximately 100 metres to the south of the site and a number of government offices located predominantly to the north of the site. Parramatta Park is located approximately 100 metres to the north-west of the site.

A site locality plan is provided at **Figure 1** below.



The Site 

Figure 1 – Locality Plan
Source: Nearnap

2.3 Existing Traffic Arrangements

The site is located on the corner of Hunter Street, Marsden Street and Macquarie Street. Hunter Street (south) provides one traffic lane in each direction past the site and kerb side metered parking. Marsden Street (east of site) is a four lane undivided carriageway with no on street parking. Macquarie Street (north) is one way (westbound) with three traffic lanes and kerb side metered parking. O'Connell Street (west of the site) is a four lane one way street south of Macquarie Street with no parking and north of Macquarie Street is a two way street. The intersections of Macquarie and Marsden Streets, Marsden and Hunter Streets and Hunter and O'Connell Streets are traffic signal controlled.

2.4 Existing Development

Construction of the mixed use development on the site has commenced and is currently completed up to the upper level basement. The archaeological relics on the site are protected by a temporary slab.

2.5 Surrounding Development

Immediately adjoining the site to the west (northern portion) is a commercial building above a multi-level car park with another commercial building adjoining the site's western boundary at its southern section.

The only listed heritage item in the vicinity of the site is the Edwardian house on the south-east corner of Marsden and Hunter Streets (41 Hunter Street). The site

provides a backdrop (when viewed from St John's Park) to the State heritage-listed St John's Pro-Cathedral.

A development application has been lodged to for a proposed 20 storey (35,000m²) commercial tower designed to sit atop the current Parramatta Westfield Shopping Centre. The Centre also plans to add a sixth level of retail floor space and additional car parking.

3.0 Proposed Development

3.1 Approved Development

The current approval provides for a mixed development on the site accommodating four linked building sections with the following building heights:

- Section A - 28 storeys (RL112.4 metres);
- Section B - 28 storeys (RL105 metres);
- Section C – 25 storeys (RL105 metres); and
- Section D – 11 storeys (RL 54.8 metres).

The approved development provides for 477 residential apartments and 42 serviced apartments, and has a total gross floor area (GFA) of 43,424.67m² including:

- an archaeological display/interpretation centre of approximately 420m² in the northern section of the site;
- some 760m² GFA of retail area; and
- some 300m² GFA of conference/meeting rooms.

The approval provided 566 car parking spaces across 6 basement levels.

3.2 Proposed Modifications

Amended architectural drawings are provided at **Appendix A**.

This application primarily seeks to increase the height of the south-western part of the building fronting Hunter Street (referred to as Section D), resulting in an additional 7 levels.

This modification primarily seeks to increase the height of the south-western part of the building fronting Hunter Street (referred to as Section D), resulting in an additional seven storeys. The entirety of Section D is proposed to comprise residential apartments. This includes the 42 approved serviced apartments, which are proposed to be converted to residential apartments.

Section D will have a maximum height of 66 metres (19 storeys). It is noted that the height of 66 metres was the trigger point above which the development would be considered a controlled action under EPBC Act. As the building is not proposed to exceed this height, it is not considered that the proposal will be a controlled action. However, in accordance with the Department's request, a referral under the EPBC Act will be submitted for the modification (see **Section 4.3.1** below for further details).

A rooftop bar is also proposed over Section C of the approved development (see **Section 3.2.4** below for further detail).

It is also proposed to stratum subdivide the building's retail/commercial component, Section D of the building, which will accommodate residential apartments, and the remainder of the building (see **Section 3.2.3** below for further detail).

In addition, a number of minor modifications are proposed to the development.

3.2.1 Level-by-Level Description of Proposed Modifications

A level-by-level description of the proposed development is provided below:

■ Basement Levels

- Minor reconfiguration of the basement parking arrangement and minor increase in parking numbers.
- Modification of the below-ground archaeological display area at Basement Level 1 to remove the glassed display area and provide platforms to improve viewing and interpretation opportunities to the archaeological relics.
- The central lift core will access all basement levels, whilst the Section D lift core in the southern part of the site will only access basement levels 1 and 2.

■ Ground Floor

- Reconfiguration of the archaeological plaza area at the frontage to Macquarie Street including removal of the interpretation centre (with additional space provided at the below-ground level) and provision of improved and more secure access to the below-ground archaeological display;
- Provision of additional retail space fronting the archaeological plaza to provide increased activation and casual surveillance of this area.
- Extension of the glass line at the southern frontage of the site to provide a larger and more-welcoming lobby entry to the southern part of the building accessed off Hunter Street, as well as to provide a separate Hunter St address for Section D.
- Slight increase in retail area along Marsden Street.

■ Level 1

- Reconfiguration of the residential amenities area to improve functionality, restoration of the function spaces and changes to the landscaped area and pool deck. Addition of a pre-function space at the southern end of the lobby.

■ Levels 2 to 18

- Provision of more-secure access between Section D and the remainder of the development.

■ Levels 2 to 7

- Change of use of Section D from serviced apartments to residential apartments. Changes to the number of apartments in Section D from 7 to 9 per level.

■ Levels 12 to 19

- Provision of residential apartments at additional floor levels 12 to 18 in Section D.
- Relocation of the approved roof terrace at Level 12 of Section D to Level 19.

■ Level 26

- Provision of a rooftop bar over Section C of the building.
- Change of 3 level penthouse apartments to 2 level, and addition of 3 apartments at level 27.

3.2.2 Key Development Statistics

The modified development will have the following key development statistics when compared to the development as modified by MOD 2 (noting that MOD 3 proposed no physical changes to the development).

Table 2 – Key development statistics

Item	Mod 2	Proposed Mod 4
Site area	4,898 m ²	
Height	<ul style="list-style-type: none"> Section A - RL 112.4 m Section B - RL 105 m Section C - RL 105 m Section D - RL 54.8 m 	<ul style="list-style-type: none"> Section A – No change Section B - No change Section C – No change Section D - RL 74.90
Gross Floor Area (GFA) measured in accordance with <i>Parramatta Local Environmental Plan 2011</i>	43,424.67m ²	47,247m ²
Floor space ratio	8.86:1	9.64:1
Residential Apartments	477 apartments with the following unit mix: <ul style="list-style-type: none"> Studio - 46 1 bed - 82 1 bed + study - 156 2 bed - 124 2 bed + study - 48 2 bed dual key - 9 3 bed -10 3 bed dual key - 0 	590 apartments with the following unit mix: <ul style="list-style-type: none"> Studio – 85 1 bed – 113 1 bed + study – 195 2 bed- 142 2 bed + study – 33 2 bed dual key - 4 3 bed -9 3 bed dual key – 9
Serviced Apartments	42 apartments with the following unit mix: <ul style="list-style-type: none"> Studio - 0 1 bed - 0 1 bed + study - 38 2 bed – 6 3 bed dual key - 0 	No serviced apartments are proposed.
Parking	566 spaces	574 spaces including 11 stacked

3.2.3 Stratum Subdivision

Stratum subdivision of the building is proposed in order to facilitate construction staging. Stratum subdivision plans are included at **Appendix F**.

The stratum subdivision is proposed to comprise:

- the retail/commercial component;
- Section D of the building; and
- the remainder of the residential apartments.

3.2.4 Rooftop Bar

A rooftop bar is proposed to be located on level 26, over Section C of the building. As shown on the architectural drawings, the bar will incorporate multiple indoor seating areas, as well as an outdoor terrace to the south. The bar will include a kitchen for cold food preparation. Amenities will be located on an upper floor immediately above the main bar area.

As identified in the Plan of Management at **Appendix U**, the rooftop bar is proposed to operate between 7:00 am and 12:00 am, each day of the week. Approximately 8 to 10 staff will be employed.

Patrons will access the bar via the Section D lift core. Security staff will be employed on the ground floor and within the bar itself to manage lift operation and queuing.

4.0 Environmental Assessment

This section of the report provides an assessment of the key environmental issues that relate to the proposed amendments. Consistent with the DPE's letter of 14 July 2014, it addresses the matters for consideration set out in the DGRs issued for MOD 2 as well as the additional requirements set out in the DPE's letter of 14 July 2014 (see **Appendix D**).

The draft Revised Statement of Commitments (**Section 5.0**) complements the findings of this section.

4.1 Director General's Environmental Assessment Requirements

Table 3 provides a detailed summary of the individual matters listed in the DGRs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 3 – Director-General's Environmental Assessment Requirements

Director-General's Environmental Assessment Requirements	Location in Report / Application
Key Issues (Core)	
1. Relevant EPI's policies and Guidelines to be Addressed	
The modification application must address the following key issues to the extent applicable to the modification application.	
▪ SEPP (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)	Section 4.3
▪ SEPP 65 - Design Quality of Residential Flat Development (SEPP 65)	Section 4.3
▪ Residential Flat Design Code (RFDC)	Sections 4.3 and 4.4
▪ SEPP (Infrastructure) 2007 with particular references to clauses 85, 86 and 88	Section 4.3
▪ Draft West Central Sub-regional Strategy	Section 4.2
▪ Nature and extent of any non-compliance with Parramatta City Council's environmental planning instruments (including Parramatta City Centre LEP 2007 and Parramatta City Centre DCP 2007).	Sections 4.3.2 and 4.3.3
2. Built Form	
The modification application shall address the height, bulk and scale of the proposed development within the context of the locality and existing planning controls. The modification shall also provide the following:	
▪ Comparable height study to demonstrate how the proposed height relates to the height of the existing/approved developments surrounding the subject site and Council controls for the site (Council height limits are to be indicated by a broken line on all elevations and sections);	This modification does not propose a change to the height of the higher components of the building.
▪ A thorough and detailed justification of any height and FSR non-compliance; and	Sections 4.3.2 and 4.3.3
▪ A description of the public benefits proposed to offset the impacts of the additional height proposed under the modification	Section 4.3.3
▪ Advice / recommendations from the design review panel	Addressed as part of MOD 2.
Urban Design	
▪ The modification shall address the design quality with specific consideration of the facade, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, by design and public domain. In addition the application shall address compliance with the design excellence requirements of clause 22B of the Parramatta City Centre LEP 2007.	Architectural Plans and Design Statement (Appendix A) and Sections 4.3 and 4.7.
▪ The modification shall also address the methods proposed to activate the ground floor plaza. All car park/loading dock areas shall be minimised to ensure priority is given to an active street frontage at ground floor level.	Section 4.7.

Director-General's Environmental Assessment Requirements	Location in Report / Application
3. Environmental and Residential Amenity	
The modification application must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity (including high level of environmental amenity for private and communal open space on the site).	Sections 4.4, 4.5, 4.6, 4.12 and 4.14 and associated reports
4. Car Parking	
The modification application must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines (Note: The Department supports reduced car parking rates in an area well-served by public transport).	Section 4.9 and Appendix K
5. Transport and Accessibility (Construction and Operational)	
The modification application shall provide:	
<ul style="list-style-type: none">Justification of the proposed quantum of on-site car parking for the proposal having regard to the RTA guidelines and accessibility of the site to public transport.	Section 4.9 and Appendix K
<ul style="list-style-type: none">Daily and park traffic movements likely to be generated by the proposed development, including modelling and assessment of the performance of key intersections providing access to the site, and any upgrades (road/intersections) required as a consequence of the proposal. The modelling of peak traffic movements should be undertaken with the LINSIG modelling package in order to properly consider co-ordinated intersection operation.	
<ul style="list-style-type: none">Preparation of a Travel Demand Management Plan that provides an analysis of public transport provision, walking and cycling connections within the vicinity of the proposed site, and measures that will optimise the opportunity provided by the project site's proximity to public transport, including the preparation of a Work Place Travel Plan.	
Ecologically Sustainable Development (ESD)	
The modification application shall detail how the development will incorporate ESD principles / initiatives in the design, construction and ongoing operation phases of the development. The modification application shall also demonstrate that the development is also capable of achieving a high level of energy efficiency.	Section 4.22
6. Heritage	
European Heritage	
The modification application shall provide a Heritage Impact Statement prepared by a qualified Heritage Consultant which assesses the proposal against the significance impact criteria contained in the Matters of National Environmental Significance Significant Impact Guidelines 1.1.	Section 4.8
In addition, the Department requests that you refer the proposal to the Australian Minister for Sustainability, Environment, Water, Population and Communities to determine whether the project requires formal assessment and approval under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> .	
7. Servicing	
In consultation with relevant agencies, the modification application shall address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.	Section 4.21
8. Staging	
The modification application must include details regarding the staging of the proposed development (if proposed).	Section 4.23
9. Section 94 Contributions	
The modification application must be accompanied by a report from a Registered Quantity Surveyor confirming the cost of the development in accordance with the definition of development costs outlined in Section 25J of the <i>Environmental Planning and Assessment Regulation 2000</i> for the purpose of recalculating the section 94 contribution applicable to the site.	See Appendix E
10. Consultation	
Undertake an appropriate and justified level of consultation in accordance with the Departments' <i>Major Project Community Consultation Guidelines October 2007</i> .	Section 1.3

Director-General's Environmental Assessment Requirements		Location in Report / Application
11. Other Impacts		
In the event that the extent of excavation approved under MP09_0167 increases, or other changes to the treatment of the archaeological relics occur as a result of the proposed modification, the following issues need to be addressed:		
<u>Aboriginal Heritage</u> The modification application shall provide an archaeological and an Aboriginal cultural heritage assessment conducted in line with the <i>Aboriginal cultural Heritage Impact Assessment and Community Consultation Guidelines</i> .		Section 4.8
<u>European Heritage</u> The modification application shall provide a Heritage Impact Statement prepared by a qualified heritage consultant which addresses the following matters: a) Intended opportunities for the display, preservation and interpretation of the relics. b) An assessment of the physical and materials conservation requirements for the extant structural remains and archaeological fabric of the site, including recommended actions to mitigate impacts. The report should also provide an indicative schedule of materials conservation needs of the archaeological remains. c) details of the height clearances required for the cellar component of the interpretive facility should be provided. d) Construction management and services reticulation (including waste and stormwater disposal) strategies to minimise impact on the site's archaeological remains.		Section 4.8
<u>Sydney CBD Metro</u> The modification application is to address any issues associated with the proposed Sydney Metro alignment during the construction and operational phases of development. The modification application must also give due consideration to ensure that the proposed development will not significantly prevent/affect the future planning of this line.		No change
Plans and Documents to accompany the application		
<u>General</u>		
The modification application must include:		
1. A thorough site analysis, including site plans, area photographs and a description of the existing and surrounding environment;		Appendix A
2. A thorough description of the proposed development		Section 3.2
3. An assessment of the key issues specified above and a table outlining how these issues have been addressed.		Section 4.1
4. An assessment of the potential impacts and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project.		Section 4.0
5. A signed statement from the author of the modification application certifying that the information contained in the report is neither false nor misleading;		Beginning of report
6. Quantity surveyor's Certificate of Cost to verify the capital investment of the project (in accordance with the definition contained in the Major Projects SEPP).		Appendix E
7. A conclusion justifying the project, taking into consideration that environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.		Section 6.0
<u>Plans and Documents</u>		
The following plans, architectural drawings, diagrams and relevant documentation shall be submitted		

Director-General's Environmental Assessment Requirements	Location in Report / Application
1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> the location of the land, boundary measurements, area (sqm) and north point; the existing levels of the land in relation to buildings and roads; location and height of existing structures on the site; and location and height of adjacent buildings and private open space. All levels to be to Australian Height Datum. 	Appendix A
2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).	Appendix A
3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> significant local features such as parks, community facilities and open space and heritage items; the location and uses of existing buildings, shopping and employment areas; traffic and road patterns, pedestrian routes and public transport nodes. 	Appendix A
4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land detailed floor plans, sections and elevations of the proposed buildings; elevation plans providing details of external building materials and colours proposed; fenestrations, balconies and other features; accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; the height (AHD) of the proposed development in relation to the land; the level of the lowest floor, the level of any unbuilt area and the level of the ground; and any changes that will be made to the level of the land by excavation, filling or otherwise. Natural ground levels/ proposed ground levels and Council's height limit is to be superimposed by a broken line on all elevations and sections. 	Appendix A
5. Other plans (to be required where relevant):	
<ul style="list-style-type: none"> Stormwater Concept Plan – illustrating the concept for stormwater management 	No change
<ul style="list-style-type: none"> Erosion and Sediment Control Plan - plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; 	No change
<ul style="list-style-type: none"> Geotechnical Report- prepared by a recognized professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; 	No change
<ul style="list-style-type: none"> View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes having regard to the siting, bulk and scale relationships from key areas; 	No change, but included at Appendix G
<ul style="list-style-type: none"> Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. 	Appendix L
<ul style="list-style-type: none"> Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00pm. 	Appendix A

Director-General's Environmental Assessment Requirements	Location in Report / Application
Additional information requested in DPE's letter of 14 July 2014	
▪ Details on the proposed land uses, specifically including the provision of residential and serviced apartments within Section D.	Serviced apartments are no longer proposed.
▪ A plan of management for the proposed rooftop bar on Level 26 of Section C.	Appendix U
▪ Stratum subdivision plans	Appendix F

4.2 West Central Subregion Draft Subregional Strategy

Parramatta is identified as a Regional City in the West Central Subregion Draft Subregional Strategy (Draft Strategy), and is described as follows:

The main focus for national and international business, professional services, specialised health and education precincts, specialised shops and tourism, it is also a recreation and entertainment destination for the Sydney region and has national and international significance.

At 2001, Parramatta accommodated 41,500 jobs, which has been forecast to increase to 69,000 jobs by 2031. Its key assets/drivers include the Parramatta Transport Interchange, the Parramatta Justice Precinct and the Civic Place Redevelopment.

The Draft Strategy seeks to strengthen Parramatta's role as a Regional City by providing additional office, retail and public space, as well as an increase in cultural facilities and residential accommodation.

The modified development will provide a mix of uses, including a rooftop bar, a conference facility and retail uses. It will also provide high-quality residential apartments in close proximity to existing and planned public transport facilities. In addition the modified development will provide increased open space and cultural facilities by providing a publicly-accessible archaeological pavilion in the northern portion of the site.

4.3 Compliance with Relevant Environmental Planning Instruments

The following key planning instruments and policies are relevant to the modified proposal:

- *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- *State Environmental Planning Policy 65 - Design Quality of Residential Flat Development* (SEPP 65);
- Residential Flat Design Code (RFDC);
- *State Environmental Planning Policy (Building Sustainability Index) 2006* (SEPP BASIX);
- *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure);
- *Parramatta City Centre Local Environmental Plan 2007* (LEP 2007); and
- *Parramatta Development Control Plan 2011* (DCP 2011).

Table 4 below provides a summary of the key development controls that apply to the site under relevant environmental planning instruments and policies.

Table 4 – Key development policies and controls

Instrument / DCP / Policy	Provision
EPBC Act	Section D will have a maximum height of 66 metres (19 storeys). It is noted that the height of 66 metres was the trigger point above which the development would be considered a controlled action under EPBC Act. As Section D is not proposed to exceed this height, the proposal is unlikely to be a controlled action. However, consistent with the Department's request, a referral will be made under the EPBC Act.
SEPP 65	An Architectural Design Report which addresses the principles of SEPP 65 has been prepared by AJ+C Architects and is included at Appendix A . A table of compliance assessing the proposed residential component of the modified development against the rules of thumb in the RFDC is provided within this section of the report below. Further analysis regarding internal amenity for the proposed residential apartments is provided in Section 4.4 below.
SEPP BASIX	The proposed development incorporates a number of ESD initiatives to ensure that the water and energy saving targets under SEPP BASIX can be met. Revised BASIX certificates have been prepared for the modified design and are included at Appendix S .
SEPP Infrastructure	<p>The development site is located 400m from the Parramatta Rail Station and is not adjacent to any existing rail corridor. Whilst the CBD Rail Link, CBD Metro and South West Rail Link are all identified as Interim Rail Corridors under SEPP Infrastructure, the Western Sydney Metro Corridor is not identified as an Interim Rail Corridor under the SEPP. Therefore, referral to relevant rail authority is not required.</p> <p>Despite this, extensive consultation was undertaken with the Sydney Metro Authority prior to finalisation of the excavation and structural design of the approved project. No change to the approved extent of excavation and structure of the basement car park is proposed. Therefore, no further consultation in this regard is considered necessary.</p> <p>The proposal will be referred to the RMS in accordance with the requirements of SEPP Infrastructure cl. 104.</p>
Parramatta City Centre LEP 2007	
Zoning	<p>B4 Mixed Use zone</p> <p>The proposed residential, retail and commercial uses on the site are permissible uses in the B4 Mixed Use zone, and the proposal will be consistent with the key zone objectives as it will provide:</p> <ul style="list-style-type: none"> ■ residential apartments in close proximity to public transport; ■ ground floor retail, activating the streetscape and contributing to Parramatta's economy; and ■ conference facilities that will complement Parramatta.

Instrument / DCP / Policy	Provision	
FSR	Maximum FSR of 6:1. Possible 10% bonus for either height or FSR when a design competition is held.	<p>The proposal will have an FSR of 9.6:1 when calculated in accordance with the currently-applicable definition for GFA under the LEP 2007. The proposal exceeds the maximum permissible FSR on the site of 6:1.</p> <p>A concession is sought on the basis of the minimal increase in proposed FSR when compared to the approved FSR of 8.67:1. This increased FSR will allow for further dwellings in the building, which are designed in such a manner so as to be of minimal environmental impact, as detailed in the remainder of this statement.</p> <p>Further justification in the FSR exceedance is provided at Section 4.3.2 below.</p>
Height	Maximum height limit of 54m. Possible 10% bonus for either height or FSR when a design competition is held.	<p>The proposal constitutes an increase in height to 'Section D' of the building from the approved existing height of RL54.8 to a maximum proposed height of RL74.9.</p> <p>This will result in a seven storey increase to Section D of the proposal, and a proposed Section D building height of 66m above ground level. The heights of the taller, approved Sections A, B and C will remain unchanged.</p> <p>The maximum height applicable to the site under the LEP 2007 is 54m, and although the proposed height increase of Section D results in a breach of the relevant Height Standard by 11.2m, this is considered reasonable as the resulting height increase will not cause adverse additional environmental impacts to surrounding development or CBD streets and does not exceed the maximum height of the approved building. Further detail is provided in Section 4.3.3 below.</p>
Design Excellence	Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.	The DG has granted a project-specific waiver from the design excellence requirements of the LEP 2007 based on the alternative Design Review Panel process for the project.
Minimum Street Frontage	Minimum of one street frontage measuring at least 20m on amalgamated sites.	The development meets the minimum street frontage requirements, with all street frontages exceeding the 20m requirement.
Maximum Car Parking	<p>Parramatta City Centre:</p> <ul style="list-style-type: none"> ■ Retail – 1 parking space for every 30m² of gross floor area. ■ Residential – 1 parking space per dwelling plus 1 visitor space per 5 dwellings. 	The proposed modification will result in the provision of 574 car parking spaces, 8 spaces above what is currently approved. This is below the maximum rate applied to the site under LEP 2007.

Instrument / DCP / Policy		Provision
ESD	Before granting consent for development for the purposes of a building, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach.	A Sustainability Strategy prepared by Advanced Environmental was submitted with the EAR for the approved project. No change to the sustainability initiatives in this Sustainability Strategy are proposed as part of this modification application. Further detail on ESD mechanisms for the site is provided in Section 4.21 below.
Acid Sulphate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The proposed modification will not result in any further excavation that what has already been approved under earlier applications.
Heritage Conservation	The objectives of this clause are as follows: (a) to conserve the environmental heritage of Auburn, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The archaeological relics on the site are listed as Archaeological Management Unit No 3190 and are managed under the Heritage Act and the provisions of the City Centre LEP. A Statement of Heritage Impact (SHI) is included at Appendix I , which considers the impact of the modifications on the heritage items in the site and within its vicinity. Further detail of heritage impact is discussed in Section 4.8 below.
Classified Roads	No access from classified roads	Vehicle access will continue to be provided from Hunter Street, which is not a classified road.
Development on Flood Prone Land	(1) The objectives of this clause are: (a) to maintain the existing flood regime and flow conveyance capacity, and (b) to enable safe occupation of flood prone land, and (c) to avoid significant adverse impacts upon flood behaviour, and (d) to avoid significant adverse effects on the floodplain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and (e) to limit uses to those compatible with flow conveyance function and flood hazard.	A Stormwater Report was prepared for the approved project. No change to the stormwater design for the development is proposed as part of this modification application.
Land Acquisition for Public Purposes	The LEP provides for the widening of the Marsden Street.	The design continues to take into account the future road widening which is proposed for Marsden Street, with an increased setback to the eastern boundary.
Parramatta DCP 2011		
Building Frontage	Development parcels are required to have at least one street frontage of 20m or more on land zoned B4 Mixed Use.	The development meets the minimum street frontage requirements, with all street frontages exceeding the 20m requirement.

Instrument / DCP / Policy	Provision	
Building to street alignment and street setbacks	A zero street frontage setback is required to Marsden Street, Hunter Street and Macquarie Street. Corner sites may be built with no upper level setback within the same site / amalgamation, which is a clause, intended to allow feasible floor plates. The DCP also notes that building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape.	There will be no significant changes to the ground level building alignment to Macquarie Street, Marsden Street and Hunter Street over the existing approved development. The existing approved development provides for a future widening of Marsden Road, and addresses Macquarie Street with open space in the form of the plaza.
Street Frontage Heights	<p>The following street frontage heights apply to the site:</p> <ul style="list-style-type: none"> ■ Macquarie Street – 4 storeys / 14m. ■ Marsden Street – 4 storeys / 14m. Secondary street frontage of a corner town can engage directly with the streetscape. ■ Hunter Street – 4 storeys / 14m <p>This includes a 6m setback requirement for all properties within the park area B.</p>	No change is proposed to the street frontage heights.
Building Depth and Bulk	On land not zoned B3 Commercial Core, the preferred maximum floor plate area of residential or serviced apartment buildings is 1,000sqm above a street frontage height of 26m.	This modification proposes floor plates above the 1000m ² control on levels which are taller than 26m. Variation of this control is considered reasonable, due to the “L” shape of the building – essentially splitting the floor plate in two.
Building Separation	The DCP recommends a minimum side setback of 6m and a rear setback of 12m for buildings in excess of 54m in height.	Building setbacks remain as approved.
Building Form and Wind Mitigation	<p>Maximum wind criteria of:</p> <ul style="list-style-type: none"> ■ 10m/p/s in retail streets ■ 13m/p/s along major pedestrian streets ■ 16m/s in all other streets <p>Results of wind tunnel test are to be included in report.</p>	A wind report has been submitted with this modification, and is attached at Appendix P .
Mixed Use Buildings	<p>Retail and business activities to be provided at the ground floor to increase activation.</p> <p>Ground floor of all mixed use buildings to have a minimum floor to ceiling height of 3.6m (and 2.7m for floors above).</p>	The proposed modifications comply with the relevant controls. Street activation will be increased due to an increase in the quantity of ground floor retail through this modification.
Through Site Links	No through site links listed for the site.	The proposal will continue to provide entrances from Macquarie Street, Marsden Street and Hunter Street.
Vehicle Footpath Crossings	Vehicle crossing should be from Hunter Street, set back from the intersection towards the south-western corner of the site.	No change is proposed from the existing approved location on Hunter Street.

Instrument / DCP / Policy	Provision	
Active Frontages	Active frontages to be provided for 50% of each building front to primary streets, and 40% for each front to secondary streets and lanes.	The proposal provides a compliant level of active frontage to all boundaries. The proposed retail 5 on the ground floor, which is one subject modification, will allow for an increase in active frontage to Macquarie Street.
On-Site Parking	<p>Provide 1-2% readily accessible parking spaces.</p> <p>Provide separate parking for motorcycles of 1 car parking space for every 50 car parking spaces provided.</p> <p>Provide 1 bicycle parking space per 200sqm of business premises, office premises, retail and industrial floor space.</p> <p>For residential flat buildings, 1 bicycle space provided per 2 dwellings.</p> <p>End-of trip facilities to be provided in developments that will have more than 20 employees.</p>	<p>The only proposed changes under this modification is a minor rearrangement of the car parking area with no further excavation, so as to allow provision of a further 4 spaces. The traffic report provided at Appendix K deems the car parking shortfall to be compliant with Council's maximum controls.</p> <p>The accessibility report provided at Appendix V states that although there is a slight shortfall of three spaces for accessible car parking use, this is considered reasonable due to the proximity of the site to Parramatta railway station.</p> <p>Motorcycle parking will continue to be provided at a compliant rate. Car parking will be below ground, with active uses at the street frontages except for at the car park entrance off Hunter Street, which will remain unchanged.</p>
Above Ground Parking	The preferred location for parking in Parramatta is below ground.	Basement parking will continue to be provided on site.
Environmental Management		Landscape plans are included at Appendix L .
Design Excellence		The DG has granted a project-specific waiver from the design excellence requirements of the LEP 2007 based on the alternative Design Review Panel process for the project.

4.3.1 Environmental Protection & Biodiversity Conservation Act 1999

OGHD in Parramatta Park have been identified as a world heritage site. Part 3 of the EPBC Act requires Commonwealth assessment and approval for actions that will, or are likely to, have a significant impact on a Matter of National Environmental Significance including world heritage sites. Such activities are identified as controlled activities.

On 23 March 2013, the V by Crown development was referred (EPBC Referral 2013/6803) to the DE 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, the DE 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.

In response a mitigation strategy was prepared in consultation with the DE and the Wester Sydney Parklands Trust (WSPT). On 12 March 2014, the DE issued approval under the EPBC Act for the V by Crown development which requires the mitigation strategy to be implemented. Condition 1 of the approval for EPBC Referral 2013/8603 states that:

*The approval holder must ensure that the maximum height of the building at 45-47 Macquarie Street and 130-140 Marsden Street, Parramatta, NSW **does not exceed RL 112.4...***

A copy of the EPBC Approval is included at **Appendix B**.

The proposed modifications to the approved development does not propose to increase the maximum height of the proposed development above the maximum RL of 112.4 set out in the approval issued by the DE. Furthermore, the proposal will not increase the height of Section D above 66 metres, which in agreement with the DE (based on approvals in place at the time the World heritage listing of OGHD) is the trigger point above which referral of the development under the EPBC Act should be made. The minor changes to accommodate a rooftop bar at Level 26 of Section C of the building will not be visible from OGHD (see view analysis in **Section 4.6** below).

In its letter of 14 July 2014 the DPE has suggested that a new referral under the EPBC Act for the proposed modification is required. Therefore, the proposed modifications has been referred under the EPBC Act, although the proposal is not expected to be a controlled action. A copy of the referral is included at **Appendix B**.

4.3.2 Floor Space Ratio

A maximum Floor Space Ratio applies under the LEP 2007 of 6:1 on the site in the B4 Mixed Use zone, with a potential 10% variation being permitted if the Design Competition provisions of the City Centre LEP are met. Although a Design Competition was not held for the project, a Design Review Panel process was undertaken for the approved project which was design to achieve the same level of design excellence.

The previous DA470/2006 for commercial development on the site was approved with a maximum FSR of 8.44:1. At that time, SREP 28 applied to the site and permitted a maximum height of some 54 metres and a FSR of 6:1. SREP 28 has since been repealed and its provisions incorporated into the City Centre LEP. To allow for a comparison between the previous commercial DA and the current mixed-use DA, the SREP 28 FSR was recalculated based on the GFA definition under the City Centre LEP – resulting in an LEP FSR of 8.23:1.

The originally-approved mixed-use development had an FSR equivalent to that of the previously-approved commercial development – that is, an LEP FSR of 8.23:1. This was subsequently increased as part of MOD 2, to an FSR of 8.86:1 – equivalent to 43,424 m² of GFA as defined by the City Centre LEP. This modification proposes 47,247 m² of additional GFA, resulting in a total FSR of 9.65:1 – an increase of 0.79:1, or 3,823 m² of GFA over that approved as part of MOD 2.

The additional floor space proposed is located in Section D of the building – the smallest section of the building, and located on the southern side of the site. The increase in floor space is considered acceptable, given the following:

- **The main tower is not proposed to be modified.** Sections A, B and C will maintain the same height and volume. Given these parts of the building are the

most prominent, the bulk and scale of the development will remain largely the same when viewed from the east, north or west.

- **Section D will generally maintain the same relationship with the taller tower elements.** Although Section D is proposed to increase in height (as detailed in **Section 4.3.3** below), the development will retain a staggered building height in line with the overall scale of the approved development.
- **The modification improves on the already-significant preservation of the archaeological heritage on the site.** The modified development not only provides for the preservation of these significant heritage items, but will provide a much-improved heritage interpretation display and centre which will be open to the public. This modification improves on this display area by creating a more open and expansive viewing area.

A concession from the maximum FSR controls was granted for the approved commercial DA470/2006 based on the significant public benefit provided by the preservation and display of archaeological heritage items. This same concession is sought for the modified project

- **The modification improves on the approved ground plane and public domain treatment.** The modified development continues to enhance the ground plane by providing a more expansive lobby, through site link and retail tenancies, resulting in better streetscape activation and improved street access.
- **The modification will not result in any adverse overshadowing impacts.** Based on the shadow diagrams prepared by AJ + C, the larger Section D will not result in any significant additional overshadowing in the morning, and will only result in additional overshadowing of the train line in the afternoon. No additional overshadowing of surrounding properties will occur between 9 am and 3 pm on the winter solstice.
- **The modification continues to maintain residential amenity in the development.** The overall development will achieve 79.3% direct solar access and 62.4% natural ventilation, thus continuing to comply with the RFDC rules of thumb.

On the basis of the significant public benefit afforded by the development and the lack of any significant adverse environmental impacts as a result of the increase in floor space in Section D, the overall FSR exceedance is considered acceptable.

4.3.3 Height and Built Form

A maximum building height of 54m applies to the site with a 10% concession permitted subject to compliance with the Design Competition requirements of the LEP 2007. Although a Design Competition was not held for the approved project, a Design Review Panel process was undertaken which was designed to achieve the same level of design excellence.

The modified development will have a staggered building height, and this modification relates specifically to the height of Section D. Section D is the only section of the proposed building which is proposed to have an altered height under this modification, and that height increase is proposed to be from the existing height of RL54.8m to a proposed RL74.9m. This represents an increase in the height of Section D by 20.1m, with a new proposed height of 66m. This height increase applies to approximately 25% of the building footprint.

The new proposed height of 66m for Section D is considered to be a reasonable breach of the control for the following reasons:

- **Section D, at RL 74.9 remains well below the approved maximum height for the project of RL 112.4.** The approved development features an L-shaped arrangement, in which Section D is separated somewhat from the taller tower

component. Although now taller, Section D remains well below the height of Sections A, B and C, and will retain a similar proportionality.

- **The proposed breach is 6.6m, when the bonus height is included in the height limit.** This is considered to be minor in the context of the development as a whole.
- **Visual impact will be minimal.** Given Section D remains significantly lower than the remainder of the building, the modification is unlikely to be visible from most surrounding areas, as demonstrated by the view impact analysis in **Section 4.6.**
- **The modification will not result in any adverse overshadowing impacts.** Based on the shadow diagrams prepared by AJ + C, the larger Section D will not result in any significant additional overshadowing in the morning, and will only result in additional overshadowing of the train line in the afternoon. No additional overshadowing of surrounding properties will occur between 9 am and 3 pm on the winter solstice.
- **The building's height is appropriate for the context.** Being located opposite to the Jessie Street Centre (on the northern side of Macquarie Street) which has a building height of some 80m, Section D's 66 m height is considered appropriate.
- **The building provides a significant public benefit through the preservation of archaeological heritage on the site.** A concession from the maximum height controls was granted for the approved commercial DA470/2006 based on the significant public benefit provided by the preservation and display of archaeological heritage items. This same concession is sought for the modified project.

On the basis of the significant public benefit afforded by the development and the lack of any significant adverse environmental impacts as a result of the increase in height in Section D, the overall FSR exceedance is considered acceptable.

4.4 Internal Amenity

The internal amenity of the development remains largely unchanged when compared to the approved development. Apartment sizes, building depth and building circulation remain the same as that approved.

The proposed addition to Section D alters the building's natural ventilation and solar access statistics – these are discussed further in the sections below.

4.4.1 RFDC Rules of Thumb

Table 5 assesses the proposed modification against the RFDC rules of thumb.

Table 5 – Compliance with RFDC rules of thumb

Rule of Thumb	Comment
Deep Soil Zones	
A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	Site is built out, and contains archaeological item. No change proposed in regards to deep soil.

Rule of Thumb	Comment
Open Space	
The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and / or in a contribution to public open space.	No changes proposed to communal open space.
The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car par is 25m ² ; the minimum preferred dimension in one direction is 4m.	No apartments are proposed at the ground level.
Visual Privacy	
Nine storeys and above/ over 25 metres: <ul style="list-style-type: none"> ▪ 24 metres between habitable rooms/balconies ▪ 18 metres between habitable rooms/balconies and non-habitable rooms ▪ 12 metres between non-habitable rooms 	No change to building separation proposed.
Pedestrian Access	
Identify the access requirements from the street or car parking area to the apartment entrance.	No change proposed to access.
Follow the accessibility standard set out in Australian Standard (AS 1418 (Parts 1 & 2) as a minimum.	No change proposed to access.
Provide barrier free access to at least 20% of dwellings in the development.	No change proposed to access.
Vehicle Access	
Generally limit the width of driveways to a maximum of six metres.	No change over approved development regarding driveway.
Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Main driveway is as existing, from the secondary frontage of Hunter Street.
Apartment Layout	
Single-aspect apartments should be limited in depth to 8m from a window.	All proposed single aspect apartments are less than 8m deep.
The back of a kitchen should be no more than 8m from a window.	All kitchens are within 8m of a window.
The width of cross-over or cross-through apartments over 15m deep should be 4 metres or greater to avoid deep narrow apartment layouts.	No additional apartments are proposed to be greater than 15m deep under this modification.

Rule of Thumb	Comment
<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes which can contribute to housing affordability: (apartment assize is only one factor influencing affordability)</p> <ul style="list-style-type: none"> ▪ 1 Bedroom apartment 50m² ▪ 2 Bedroom apartment 70m² ▪ 3 Bedroom apartment 95m² 	Apartment sizes generally comply with the minimum RFDC apartment sizes.
Balconies	
Minimum depth of private balconies 2m.	Of the 159 apartments proposed in Section D, 120 apartments are proposed to have balconies. 98 of these apartments are proposed to have the minimum 2m depth required to hold a table and chairs. This represents 62.4% of apartments with room for tables and chairs, or 76.4% of apartments proposed with balconies.
Ceiling Heights	
Minimum 2.7m for all habitable rooms.	Proposed modification complies.
In Mixed Use buildings: 3.3m minimum for ground floor retail or commercial and for first floor retail, residential or commercial.	Proposed additional retail complies.
Ground Floor Apartments	
Optimise the number of ground floor apartments with separate entries and consider required an appropriate percentage of accessible units.	No ground floor apartments proposed.
Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	No ground floor apartments proposed.
Internal Circulation	
In general where units are arranged off a double-loaded corridor, the number of units accessible from a single core corridor should be limited to eight.	<p>The proposed modification involves the number of units proposed along the Section D corridor to be:</p> <ul style="list-style-type: none"> ▪ 9 on levels 1-16 ▪ 8 on level 17 ▪ 7 on level 18 <p>This minor variation is considered to be acceptable.</p>
Storage	
<p>In addition to kitchen cupboards and bedroom wardrobes, provide associated storage facilities at the following rates:</p> <ul style="list-style-type: none"> ▪ Studio apartments 6m³ ▪ One bedroom apartments 6m³ ▪ Two bedroom apartments 8m³ ▪ Three plus bedroom apartments 10m³ 	Storage volumes for each apartment comply, with at least 50% of the storage requirement for each apartment being provided within the apartment itself.

Rule of Thumb	Comment
Daylight Access	
Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	Complies. See Solar Access Study at Appendix O .
Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	66 apartments are proposed with a southerly aspect only, which represents 11% of all apartments. This represents a 1% variation to the rule of thumb. Further detail is provided in Section 4.4.3 .
Natural Ventilation	
Building depths, which support natural ventilation typically range from 10 to 18m.	All new proposed apartments under this modification are less than 18m deep.
Sixty percent (60%) of residential units should be naturally cross-ventilated.	Complies. See Natural Ventilation Study at Appendix M .
Twenty five percent (25%) of kitchens within a development should have access to natural ventilation. Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.	Proposal does not comply – however, this is considered acceptable based on the fact that the development incorporates a range of other ESD initiatives.

4.4.2 Natural Ventilation

Windtech has prepared a detailed Natural Ventilation Study (see **Appendix M**), which investigates the natural ventilation performance of residential apartments. The study used a 1:300 scale model and a boundary layer wind tunnel facility.

The results of the study show that 63.6% (375 out of 590) of apartments will satisfy the requirements for natural ventilation. The RFDC stipulates that for a development to be considered naturally ventilated, 60% of the units must satisfy the requirements for natural ventilation. Based on this criterion, the current design of the development satisfies natural ventilation requirements.

4.4.3 Daylight Access

Windtech has undertaken a detailed assessment of the proposal in terms of daylight access to individual units (see **Appendix N**). This assessment has been based on the recommendations of the RFCD for apartments within established urban areas to receive at least 2 hours of solar access between 9am and 3pm in midwinter.

This assessment came to the following conclusions:

- 70% of the residential apartments (411 out of 590) will achieve at least 2 hours of direct solar access to the window(s) of the Living Area;

- 78 % of the residential apartments (407 out of 520) will achieve at least 2 hours of direct solar access to the floor slab of the Private Open Space.
- 11 % (66 out of 590) of the residential apartments have the living room window(s) facing towards the south.

4.4.4 Apartment Sizes

The number of apartments that comply with the RFDC recommended apartment sizes are as follows:

- **Sections A, B and C:** Out of the 427 apartments, 431 comply (99.1%). The four that do not comply are the southern studios at levels 1 and 2 – these studios are 36.4 m² instead of the recommended 38 m².
- **Section D:** Out of the 159 apartments, 141 comply (88.7%). Of the 22 that do not comply, 16 are one-bedroom units with a size of 48.5 m² instead of the recommended 50 m².
- **Overall:** Of the total 590 apartments, 568 comply with the recommended RFDC sizes (96.3%).

The vast majority of apartments within the proposed development are well in excess of the recommended minimum apartment sizes identified in the RFDC. For the majority of the apartments that do not comply, the variation to the minimum size is less than 2 m². Overall, these variations are considered to be minor and acceptable.

4.5 Visual Privacy

There are no residential apartment developments at any of the common boundaries to the development. The only non-street boundary is to the west, with the other three boundaries being to Macquarie Street, Marsden Street and Hunter Street.

The approved development has a nil setback to the west, with no podium proposed. The apartments proposed in Section D are all oriented towards the north or south, which eliminates any opportunity for overlooking to or from the west. This will allow for future residential development on the site to the west to maintain adequate building separation and visual privacy.

4.6 View Impacts

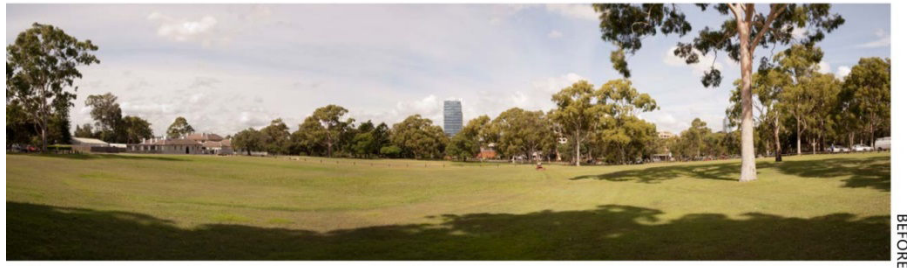
Figures 2 to 12 below represent the view diagrams prepared for the referral of MOD 2 to the V by Crown development which examined the views from OGHD towards the site (prior to and post development). The view points are based on the key view points identified for the site in Planisphere's 2013 *Technical Report - Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values* (Technical Report).

From a view impact perspective, the changes between MOD 2 and MOD 4 are negligible. The thin red line towards the top of the building in the post-development view diagrams represents the 66 metre height threshold above which the development (as approved and as proposed to be modified) was referred under the EPBC Act. It is clear that Section D as modified will not be visible from any key view points. Furthermore, the minor changes at Level 26 of Section C are internal and will not be readily noticeable from OGHD.



Figure 2 – Aerial photo of the OGH D with locations of view point photographs

★ THE SITE



BEFORE



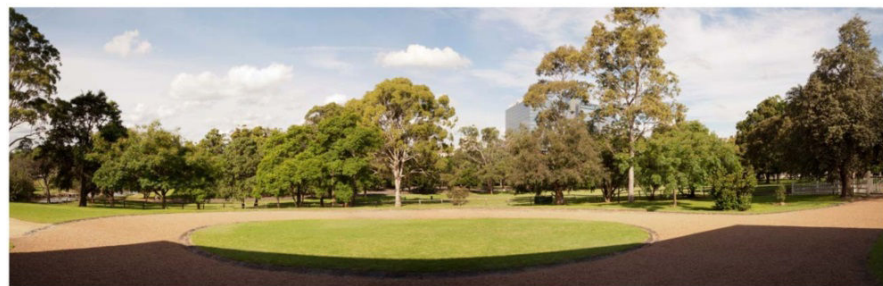
AFTER

Position P1

Figure 3 – View Point 1 – South-west of OGH open space curtilage
Source: AJC Architects



BEFORE



AFTER

Position P3

Figure 4 – View Point 3 – Outside the front entrance of OGH
Source: AJC Architects



BEFORE



AFTER

Position P4

Figure 5 – View Point 4 – South-east of OGH
Source: AJC Architects

Position P7

BEFORE



AFTER



Figure 6 – View Point 7 – From OGH courtyard looking out between the main building and southern pavilion
Source: AJC Architects

Position P8

BEFORE



AFTER



Figure 7 – Figure 31- View Point 8 – From OGH courtyard looking out between the main building and northern pavilion
Source: AJC Architects

Position P10

BEFORE



AFTER

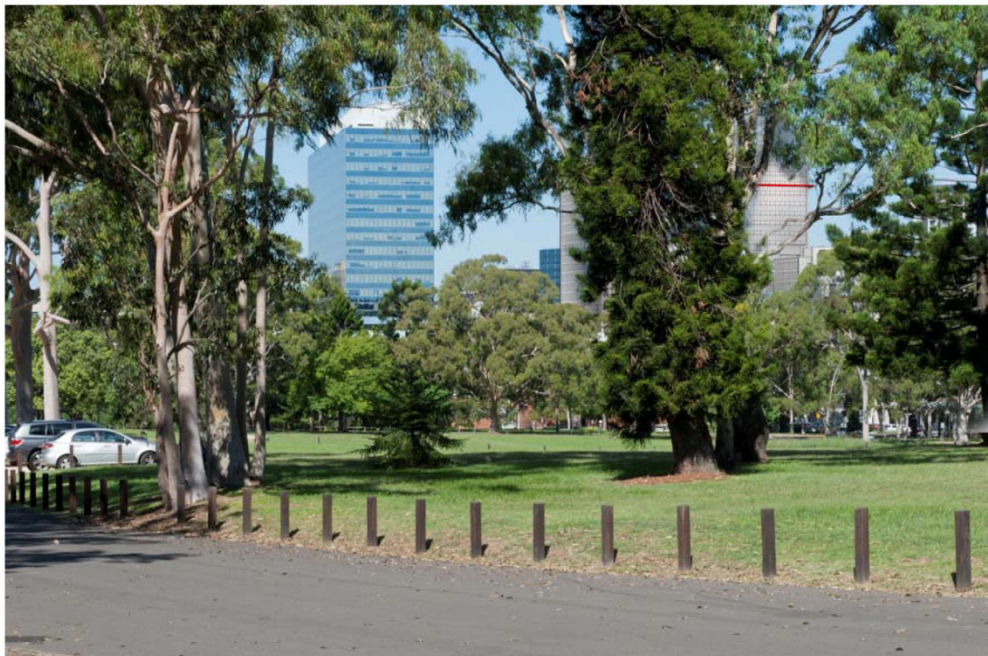


Figure 8 – View Point 10 – View from the Bath House (now a Band Stand)
Source: AJC Architects

Position P11

BEFORE



AFTER



Figure 9 – View Point 11 – View from the Observatory
Source: AJC Architects

Note: The observatory was orientated north/south for astrological reasons and had windows at the northern and southern ends. There is only a door on the eastern elevation. The view to the North east would have been the priority over OGH towards, George Street and the River (not to the south east towards the site).

Position P12

BEFORE



AFTER



Figure 10 – View Point 12 – View from Observatory
Source: AJC Architects

Position P14

BEFORE



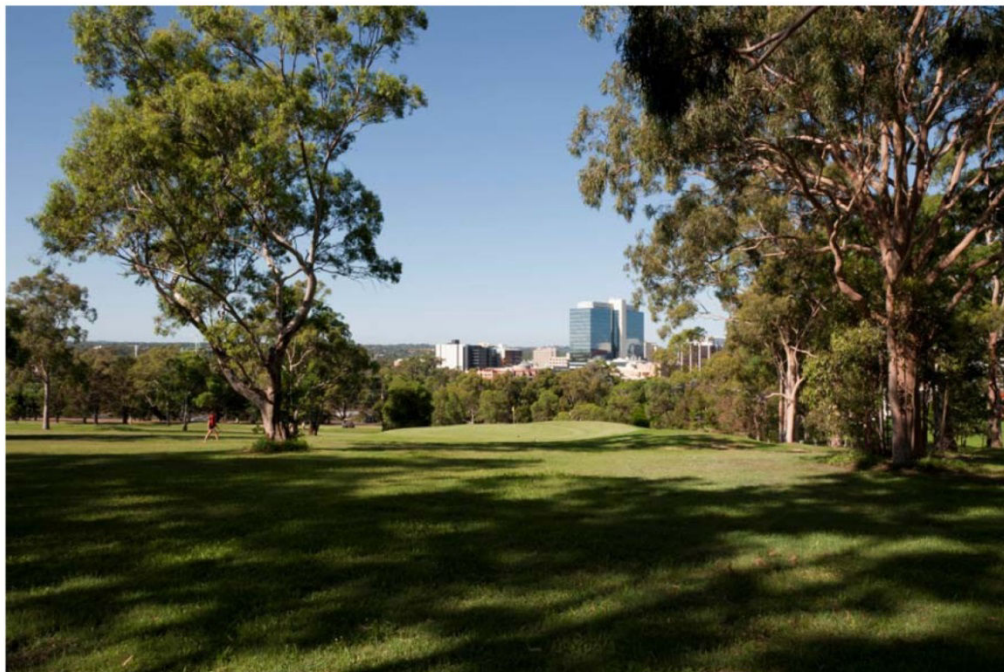
AFTER



Figure 11 – View Point 14 – From the Crescent (AJC Architects)
Source: AJC Architects

Position P15

BEFORE



AFTER

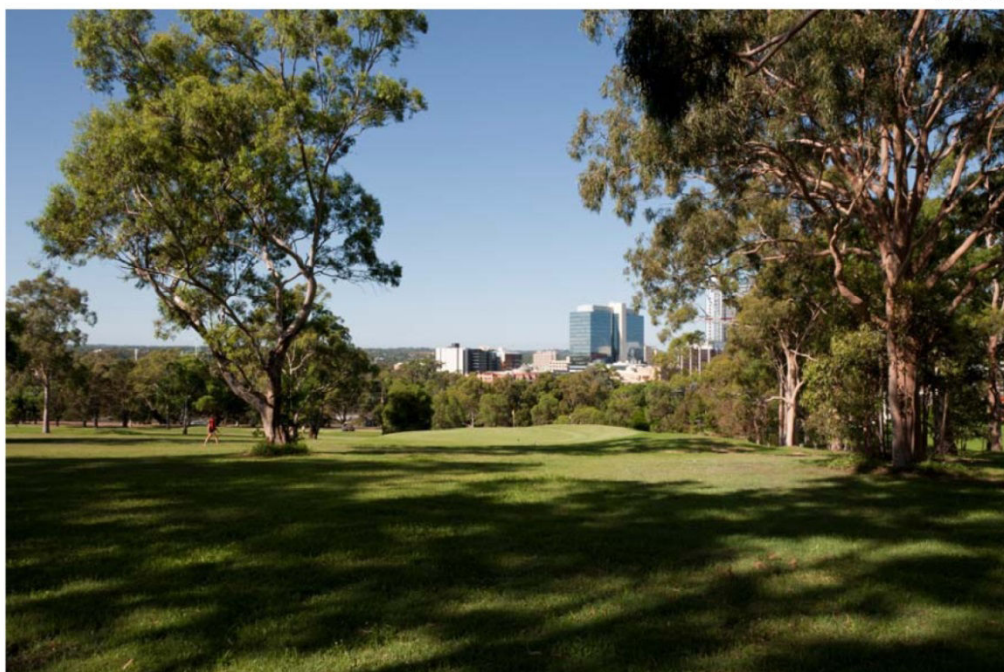


Figure 12 – View Point 15 – From east end of Amos Street – Mays Hill
Source: AJC Architects

4.7 Streetscape and Public Domain

The proposal will provide a significant improvement to the streetscape in the immediate vicinity of the site. The site has been vacant for many years and the redevelopment of a mixed use development with ground floor retail and cafe space will activate the surrounding streets and have a positive impact on the surrounding public domain. Retail tenancies fronting Marsden Street will have direct access onto the street and will encourage a vibrant street environment.

An increased ground floor setback is to be provided to Marsden Street which will accommodate the future road widening. It will also provide an increased footpath and the possibility for alfresco dining. All footpaths adjoining the site will be resurfaced as part of the make-good works for the modified development. An interactive and accessible public plaza is proposed which will exhibit the archaeological relics on the site.

The proposed modifications have the following effects on each of the street frontages to the site:

Macquarie Street

The proposed modification, when compared to the original development, will have a positive effect on Macquarie Street, primarily through the relocation of the approved interpretation centre to the basement level, and the increase in retail space on the ground floor. This is considered to be a positive outcome due to the increase in retail floor space on the ground floor, which will further increase activation of retail on the site and surrounding streets.

Marsden Street

There will be no change on the effect the proposal has to Marsden Street, when compared to that of the approved development.

Hunter Street

There will be no change on the effect the proposal has to Hunter Street, when compared to that of the approved development.

4.8 Heritage

4.8.1 European Heritage

A Statement of Heritage Impact has been prepared by Graham Brooks & Associates, and is included at **Appendix I**.

The report notes that, as a result of the proposed modifications, the plaza level has achieved a good balance between the need for a visible entry to the Archaeological Interpretation Centre, and the need to create a lively retail environment.

The report concludes that there are no adverse impacts arising from the proposed modifications, although limitations may need to be imposed on the plaza seating to the north of Retail 4 to avoid interruption of the Interpretation Centre entry.

4.8.2 Aboriginal Heritage

An Aboriginal Heritage Report was prepared by Dr Laila Haglund as part of the previously-approved commercial DA. This report was re-submitted as part of the EAR for the approved mixed use development.

The Aboriginal Heritage Report noted that the site has been significantly altered and had been affected by early and continuing development. Thus the systematic excavation for Aboriginal heritage was considered unwarranted as the potential for finding Aboriginal heritage material in its original context appeared minimal or absent. However, one small area was identified as possibly having some potential to provide information.

The Aboriginal Heritage Report concluded that the loss of original topsoils means that the earlier phases of historical occupation have been lost, together with the soil profile in which undisturbed Aboriginal artefacts may have been located. The Report therefore concludes that little further archaeological investigation for historical sites will therefore be necessary.

No change to the approved extent of excavation is proposed as part of the modified proposal.

4.9 Traffic, Access and Parking

A Traffic Report (**Appendix K**) has been prepared for the modified proposal which analyses the traffic, parking and pedestrian access impacts associated with the modified development, as well as the DGRs for the modified proposal.

Parking

As approved, 45 Macquarie Street provides 566 spaces in the basement car park. Although no physical changes are proposed to the basement excavation, a rearrangement in the car parking on the site has allowed for the parking provision to be increased to 574 spaces, which represents an increase of 8 spaces. This is consistent with the DGRs for the modified proposal in which the Department noted its support for reduced car parking rates in an area well –served by public transport.

The modified development will also continue provide 14 motorcycle spaces (up from 10 as previously approved) and some 265 bicycle park spaces in storage cages and a further 64 bicycle spaces on level B1.

The proposed parking provision is considered appropriate and represents a balanced approach between providing appropriate parking while encourage travel demand by means other than private vehicle in an area well serviced by public transport.

Traffic

Traffic generated by the modified development has been estimated for the peak weekday morning and afternoon periods. The Traffic Report estimates that the modified development would generate some 210 to 230 vehicles per hour two-way during the morning and afternoon peak periods. By way of comparison, the approved mixed use development would generate some 170 to 190 vehicles per hour two way during peak periods. The proposed modification will therefore generate a modest increase of some 30 additional vehicles per hour two-way during peak periods compared to the approved development.

The report states that this modest increase will result in a minor increase in traffic on surrounding roads, compared to the approved development. It would equate to an average of one vehicle every three to four minutes on Hunter Street, Marsden Street and O'Connell Street during the peak times.

4.10 Landscaping and Communal Open Space

In regards to the provision of landscaping and communal open space to be provided on the site, only minor changes are proposed under this modification, which have been reflected in updated landscape plans included at **Appendix L**.

4.11 Overshadowing

Updated shadow diagrams have been prepared by AJC Architects and are included at **Appendix A**. These shadow diagrams demonstrate that despite an increase in the height of Section D of the proposal, overshadowing will largely remain the same. The proposed modifications will not have an unacceptable adverse impact on the surrounding properties.

At 9am in midwinter, the modified development will overshadow a small portion of the commercial area (predominantly consisting of the Westfield Shopping Centre) on the southern side of the Parramatta rail line. However, by midday in midwinter the overshadowing impact will have shifted so that is predominantly overshadows the southern portion of Marsden Street and some adjoining minor parts of the Westfield Shopping Centre. Of this, the proposed Section D will only increase overshadowing beyond midday, and will only lead to increased overshadowing of the rail line.

By 3pm the overshadowing impact of the development will have shifted to the east and will be predominantly concentrated over the rail line and surrounding commercial area. The proposed modifications will only lead to a minor increase in overshadowing compared to the approved development. Solar access will continue to be provided to St John's Church and surrounding open space until approximately 2pm in midwinter.

The midwinter shadow impacts represent the worst potential solar impacts. Those in summer and at equinox are significantly reduced. Even at midwinter the modified development will not overshadow any existing residential or open space areas. The main shadow impact will be on the Westfield Shopping Centre which does not rely on solar access to provide amenity or daylight access to internal areas.

4.12 Acoustic Impact

A Noise Impact Assessment (**Appendix H**) has been prepared for the modified proposal which analyses acoustic impacts associated with the modified development including:

- Identification of external noise impacts (primarily traffic noise) and recommendations for acoustic treatments to ensure that a reasonable level of amenity is achieved for future occupants.
- Identification of potential noise sources generated by the site, and determination of noise emission goals for the development to meet Council and NSW Environmental Protection Authority (EPA) acoustic requirements to ensure that nearby properties are not adversely impacts.

Traffic noise impacts on the occupants of the development have been measured and assessed in accordance with Parramatta DCP 2011 and AS2107-2000 guidelines. The acoustic treatments necessary to achieve these guidelines has been included in the Revised Draft Statement of Commitments at **Section 5.0**.

Noise emissions objectives for the site has been determined based on on-site noise logging and noise emission guidelines typically adopted by Council. The report states that further detail will be provided at the Construction Certificate stage, and this can be ensured by way of Conditions of Consent.

4.13 Reflectivity

A Solar Light Reflectivity Analysis has been prepared by Windtech, and is included at **Appendix O**. The analysis assesses the potential solar glare from the revised Section D and podium facade.

Windtech note that the revised Section D will not be visible within the zone of sensitive vision for motorists, and will not result in any adverse solar glare impacts.

In regards to the podium façade, Windtech recommend that “the façade on the 015 degree aspect of the proposed development between levels 3 and 8 should have a normal spectral reflectivity of light no greater than 10%”. This is in addition to the original recommendations included in previous reflectivity reports for the development.

With the incorporation of this recommendation, Windtech conclude that the revised portion of the podium will not cause adverse solar glare impacts to pedestrians or motorists in the surrounding area, or to occupants of neighbouring buildings.

4.14 Wind Impact

A Pedestrian Wind Environment Statement (**Appendix P**) has been prepared for the modified proposal by Windtech which assesses the likely impact of the modified proposal on the wind environment in the critical outdoor area within and around the subject development. The results of the study indicate that the accessible areas around the site are generally shielded from the prevailing winds by the surround buildings and the subject development. Furthermore, the inclusion of awnings as well as densely foliating trees and shrubs within and around the ground level plaza and dining areas, communal garden and roof terrace areas are expected to help ensure wind conditions for these areas are suitable for the intended uses.

The Statement recommends the strategic layout of densely foliating evergreen trees, capable of growing to a height of 6m, with a 6m wide canopy, for the ground level areas around the development site. This has been included in the Revised Draft Statement of Commitments.

4.15 Building Code of Australia

The BCA Report prepared by BCA Logic (see **Appendix R**) confirms that the proposed development is capable of achieving compliance with the requirements of the Building Code of Australia (BCA) and other relevant codes and standards.

4.16 Operation of Rooftop Bar

A Plan of Management has been prepared by JBA, and is included at **Appendix U**.

The proposed modification will include the provision of a rooftop bar at level 26 of Section C of 45 Macquarie Street, Parramatta. The proposed bar will be accessed via the southern lift shaft, and will employ 8-10 Responsible Service of Alcohol certified staff, including required security to supervise the premises.

At all times management shall consider the amenity of its neighbours and shall take all reasonable measures to ensure that there is no adverse impact on the surrounding area, including occupants of the residential components of 45 Macquarie Street. The premises shall be conducted in such a manner as not to interfere with, or materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or otherwise.

Further details as to the relevant Responsible Service of Alcohol practices will be followed and are provided under the attached Plan of Management in this

modification application. The Plan of Management will be reviewed from time to time and amended as necessary, particularly in regard to any conditions of consent as specified as part of an approval. Management is to liaise with the Police and Council in respect to any amendments to the Plan of Management and provide a copy to the police and Council.

4.17 Security

A Security Design and Management Report has been prepared by Harris Crime Prevention Services (**Appendix J**) to examine current security issues in Parramatta and methods that could be applied for the modified development to discourage and/or prevent anti-social and criminal behaviour. The Report sets out four interrelated security objectives:

- Contextual Impact and Minimisation of Crime Risks;
- Specific Security Design to Support Crime Prevention Outcomes;
- Post-Construction (Occupancy) Security Management; and
- Local and State (Planning) Instrument Compliance.

The Report concludes that the design of the development reflects opportunities for appropriate 'security design' based on Crime Prevention Through Environmental Design (CPTED) principles, and that the above security objectives can be met by the modified development.

The Report states that the mixed use development does not constitute an increased crime risk to the surrounding CBD locality – its operations accords with other CBD interactivity, with pedestrian and vehicle movements to and from the site and its immediate surrounds, generating purposeful presence.

The foundations and lower walls of convict-built structures accommodated on the site poses as a security challenge, but the project will continue to reserve the area as public open space. This heritage space is expected to establish a unique meeting, learning, socialising and welcoming environment – its crime prevention is dependent upon the disciplines of lighting, signage, landscaping and technology - all of which have been considered in the design for the proposal and which will be refined during the detailed design stage.

The proposed mixed use will provide a diverse range and frequent amount of pedestrian and vehicle activity, which will be exaggerated during business hours. The presence of high levels of pedestrians is generally a natural deterrent of opportunities anti-social or criminal behaviour and the variety of uses offered by the modified development will help to attract heavy pedestrian activity.

The Report recommends 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.

4.18 Accessibility

A revised Accessibility Report (**Appendix V**) has been prepared for the modified proposal which assesses the proposal against the provisions of the relevant Australian Standards, the Building Code of Australia (BCA) and the Disability Discrimination Act 1992 (Cth) (DDA).

The Access Report has assessed the compliance of Section D of the building and recommends minor design amendments to various points of the hallways, so as to

allow for wheelchair turning bays and wheelchair passing points. The specific location of these proposed points are located in the Revised Draft Statement of Commitments.

The Access Report also provides recommendations in relation to an appropriate level of accessible units and accessible parking spaces to meet the requirements of relevant controls including the City Centre DCP, and deems that the shortfall of three accessible parking spaces is considered reasonable due to the proximity of the site to Parramatta Station.

All of the recommendations made in the Access Report have been included in the Revised Draft Statement of Commitments at **Section 5.0**.

4.19 Geology and Soils

A Preliminary Report on Geotechnical Investigation was submitted with the EAR for the approved project. This excavation works are currently being undertaken, and are not proposed to be modified under this proposal. Therefore no further assessment in this regard is required.

4.20 Flood Management and Water Quality Management

A small portion of the site is partly within the 1:100 year flood levels nominated on Parramatta City Council's records and information. The flood prone land includes part of Lot 1 in DP539968, Lot 1 in DP61073, Lot 1 in DP213184, Lot 1 in DP 953138, and Lots A and B in DP82967. A Stormwater Report and Stormwater Drainage and Concept Plans (including an Erosion and Sediment Control Plan) were provided as part of the EAR for the approved project which addressed flood levels for the modified development.

No change to the approved stormwater design is proposed as part of the modified proposal.

4.21 Servicing

Servicing arrangements for the site were prepared for the approved mixed use development in consultation with relevant utility providers. The relatively minor increase in the floor space to be provided on the site does not warrant an increase in service provision to the site. No changes in this regard are proposed.

4.22 Ecologically Sustainable Development

A Sustainability Strategy for the proposed mixed use development was prepared by Advanced Environmental for the approved project. The sustainability initiatives approved for the mixed use development are still to be applied. Minor changes to the capacity of the rainwater tanks and rainwater re-use in the development are proposed in response to design developments that have taken place since approval. The ESD initiatives include:

- The residential component of the modified development will meet the minimum BASIX energy (20%) and water (40%) efficiency targets.
- Water efficiency will be achieved with a number of measures including the use of efficient fixtures and fittings with a WELS rating of 4 and 3 star shower fittings. Rainwater or stormwater collection in a 120,000 litre tank will provide water for irrigation.
- Energy efficiency will be achieved with the installation of gas and electric cook tops and electric ovens, ventilated fridge spaces, compact fluorescent lighting,

timer switches/ motion sensors in common areas and air conditioning units with a 3-3.5 EER efficiency rating.

- Thermal comfort and passive design have been maximised to ensure health, wellbeing and amenity are achieved. The modified development will comply with the BASIX requirements for thermal comfort and BCA Section J thermal requirements. This includes 2 hours of sunlight for 87% of living areas, good natural ventilation due to the vertical slot design and insulation to meet BCA minimum requirements.

The Sustainability Strategy also provided details of the ESD initiatives for the development including:

- Water efficiency – efficient fittings, rainwater recycling, wastewater recycling;
- Energy efficiency – solar hot water, residential initiatives, appliances, air conditioning;
- Thermal comfort and passive design – insulation, daylight availability, shading, natural ventilation;
- Green roofing; and
- Retail and Commercial areas – daylight access, ventilation, efficient plant equipment and reduced energy lighting.

As a result of the above initiatives, which will remain unchanged in the modified proposal, the modified development will achieve a high level of ESD performance.

4.23 Development Staging

The basement of the building is currently under construction. Following completion of the basement, Tower 1 will be constructed, followed by Tower 2.

4.24 Dilapidation Surveys

Douglas Partners has undertaken investigations to determine the dilapidation zone of the project and has confirmed that this zone should not exceed 10 metres (see letter from Douglas Partners at **Appendix W**). On this basis it is not necessary to prepare a dilapidation report for No 41 Hunter Street.

4.25 Economic Impact

The proposal significantly improves the ground plane of the development, and increases the amount of active retail frontage and floor space. Along with the positive changes to the archaeological interpretation space, the plaza will improve economic activity in the area.

Further, the provision of a pre-function area on level 1 will allow the for a fully-fledged conference centre, complete with formal meeting rooms, a business centre, and the potential for up to three conference rooms. These facilities will complement existing commercial activity within the Parramatta City Centre.

The proposed rooftop bar also adds an additional employment generator and will contribute to the night-time economy in the area.

Overall, the proposed modification will continue to have a positive economic impact on the Parramatta CBD.

4.26 Public Interest

The proposal will provide a number of community and public benefits the most prominent of which is its conservation and interpretation of the archaeological relics on the site and presentation within an accessible public plaza area. The archaeological heritage display will enhance and support the recognition of the early heritage of Parramatta particularly in light of the recent inclusion of Parramatta Park on the World Heritage List.

In addition, a substantial increase in developer contributions is proposed as part of the modified proposal. This will result in increased local infrastructure provision which will benefit the community.

The extensive design review process undertaken for the approved mixed use development has resulted in a development on this long-term vacant site that will improve the character of the Parramatta City Centre and encourage increased investment in the locality. The proposal will provide ground floor retail premises which will activate the surrounding streetscapes together with a through-site link which will improve the pedestrian permeability in the locality.

A high level of internal amenity is proposed for all residential units. These units have been designed to be suitable for the Parramatta residential market and provide affordable units for residents in Parramatta. Potential adverse impacts resulting from the modified development have been addressed through mitigation measures which have been included in the Draft Statement of Commitments below.

The proposed rooftop bar will also generate employment within the Parramatta area. The proposed modification will, in addition to this, increase the amount of retail provided on the ground floor of the building which will have the benefit of increasing the amount of activity on the ground floor, particularly towards Macquarie Street. The proposal is considered to be in the public interest.

4.27 Social Impact

The proposed modifications will result in the provision of additional residential apartments, and an improved ground plane with additional retail activation. Neither of these modifications will result in adverse social impacts.

The proposed rooftop bar will be a licensed premises, and will operate during the evenings throughout the week. A plan of management has been prepared, and is included at **Appendix U**. The measures outlined in the plan of management are intended to mitigate any potential adverse social impacts that might arise as a result of provision of a bar, and are discussed further in **Section 4.16**.

Overall, subject to the recommendations of the plan of management, the proposed modifications are unlikely to result in any adverse social impacts, and will result in a number of benefits, including improvements to heritage conservation and display, and increased retail activation.

5.0 Revised Draft Statement of Commitments

Table 6 identifies new commitments that have been identified by consultants as a result of the modifications proposed in this application. Commitments identified in previous applications still stand.

Table 6 – Additional commitments

Subject	Commitments	Timing																														
Access	<ul style="list-style-type: none">Provide a wheelchair turning bay with minimum internal dimensions of 1540mm x 2070mm at each of the following locations:<ul style="list-style-type: none">At the corridor ends near grid reference H.5 and H.10 on levels 1 and 2 respectively, and at the corridor turn on level 19 near grid reference G.11; andWithin arterial corridors that run parallel to grid line 11 on levels 2-18 respectively.In accordance with DDA Access Code 2010 / BCA 2014 clause D3.3, provide a wheelchair passing bay with minimum internal dimensions of 1800mm x 2000mm at the intersection of the residential corridors near grid reference P.3 on levels 3-28 respectively.	Detailed design and construction																														
Acoustic Impact	<p>Detailed review of all external mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments should be determined in order to control plant noise emissions to the levels set out in the following table:</p> <table><tr><th>Time of day</th><th>Measured Background Noise Level dB(A) $L_{90}(\text{period})$</th><th>Amenity Criteria dB(A) $L_{eq}(\text{period})$</th><th>Intrusiveness Criteria Background + 5 dB(A) $L_{eq}(15\text{mins})$</th><th>EPA Criteria for Residential Condensers</th><th>EPA Criteria for Sleep Disturbance dB (A) $L_1(1\text{minute})$</th></tr><tr><td>Day</td><td>52</td><td>55</td><td>57</td><td>N/A</td><td>N/A</td></tr><tr><td>Evening</td><td>47</td><td>45</td><td>52</td><td>N/A</td><td>N/A</td></tr><tr><td>Night</td><td>46</td><td>40</td><td>51</td><td>Inaudible within neighbouring premises</td><td>61</td></tr><tr><td>Commercial Receivers</td><td>N/A</td><td>65</td><td>N/A</td><td>N/A</td><td>N/A</td></tr></table> <p>The noise level criteria for noise generated on the site impacting on surrounding receivers is detailed as BOLD in the table above.</p>	Time of day	Measured Background Noise Level dB(A) $L_{90}(\text{period})$	Amenity Criteria dB(A) $L_{eq}(\text{period})$	Intrusiveness Criteria Background + 5 dB(A) $L_{eq}(15\text{mins})$	EPA Criteria for Residential Condensers	EPA Criteria for Sleep Disturbance dB (A) $L_1(1\text{minute})$	Day	52	55	57	N/A	N/A	Evening	47	45	52	N/A	N/A	Night	46	40	51	Inaudible within neighbouring premises	61	Commercial Receivers	N/A	65	N/A	N/A	N/A	Construction Certificate
Time of day	Measured Background Noise Level dB(A) $L_{90}(\text{period})$	Amenity Criteria dB(A) $L_{eq}(\text{period})$	Intrusiveness Criteria Background + 5 dB(A) $L_{eq}(15\text{mins})$	EPA Criteria for Residential Condensers	EPA Criteria for Sleep Disturbance dB (A) $L_1(1\text{minute})$																											
Day	52	55	57	N/A	N/A																											
Evening	47	45	52	N/A	N/A																											
Night	46	40	51	Inaudible within neighbouring premises	61																											
Commercial Receivers	N/A	65	N/A	N/A	N/A																											
Reflectivity	The façade on the 015° aspect of the proposed development between Levels 3 and 8 should have a normal spectral reflectivity of light no greater than 10%.	Detailed design and construction																														
Wind Impact	Inclusion of densely foliating hedge planting capable of growing to a height of at least 3m, within and around the Level 19 roof terrace.	Detailed design and construction																														

6.0 Conclusion

This modification primarily seeks to increase the height of the south-western part of the building fronting Hunter Street (referred to as Section D), resulting in an additional seven storeys. Other modifications include addition of a rooftop bar, stratum subdivision of the development, and various improvements to the plaza and podium.

The amendments will result in an increase to the Section D building height, and an increase in the overall approved GFA on the site. Although the modifications will result in increased density on the site, the modifications largely result in no notable increase in the environmental impacts of the development. In particular, residential amenity, visual impact, overshadowing and urban design outcomes remain largely unchanged.

The proposed modification will result in an increase in the provision of housing within Parramatta, and will reinforce Parramatta's role as a major centre. Further, increases in the amount of retail floor space and the addition of a rooftop bar and pre-function area will have positive economic flow-on effects, and contribute to employment-generating land uses within the Parramatta City Centre.

This EAR has demonstrated that the amended design is generally consistent with the approved scheme, and adequately responds to the development controls and standards contained within the relevant EPIs and policies. It responds appropriately to all the heads of consideration set out in the DGRs.

As demonstrated within this report and the accompanying plans and specialist documents, the modifications will not result in any significant adverse environmental impacts. In light of the above benefits, the application is recommended for approval.