



Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

5 November 2015

Dear Ms McNally

**Subject: Determination of modification 4 to 45 Macquarie St & 134 Marsden St Parramatta**

I refer to your Department's letter received 7 October 2015 referring the above project to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011.

Ms Lynelle Briggs AO, nominated me to constitute the Commission to consider and determine the application.

The application seeks to amend a number of elements to the proposal, including increasing the number of residential units (by 114), and the height of block D of the building, by 7 storeys. A rooftop bar is also sought to be included, the 42 serviced apartments are to be deleted along with alterations to the façade, conference centre, archaeological interpretation centre, basement parking configuration, stratum subdivision and signage.

I note that Parramatta City Council was consulted on the modification and its recommended conditions have generally been adopted by the Proponent and the Department. Nonetheless Council raised concerns about the level of public benefit that would be provided by the project.

The Commission shares the Council's concern about public benefit. The Commission concluded the proposed modification offered public benefits which did not adequately reflect the significant development uplift being sought. This is a particular concern in this instance where the modification sought would extend the building by a further seven storeys (exceeding the height limit in the Local Environmental Plan by 20 metres) and increase the overall exceedance of the floor space ratio control to 3.64:1 (40% higher than the base LEP provisions including any potential bonus floor space).

**Commission's activities**

Given the public benefit concern, the Commission sought a meeting with the Proponent, which subsequently occurred on 19 October 2015 (the meeting is summarised in Appendix 1). Correspondence from the Council and the Proponent was also received noting potential public benefit options for the site.

The Commission subsequently wrote to the Proponent noting its intentions for affordable housing and recommending additional conditions to ensure adequate public benefit and management of noise from the rooftop bar. The Proponent subsequently agreed to the proposed affordable housing provision and amended its statement of commitments accordingly.

Copies of the correspondence from the Council, the Proponent and the Commission are attached in Appendix 2.

## **Consideration**

### Public benefit

As outlined in the Commission's letter to the Proponent, the Commission carefully considered Parramatta City Council's submission on the proposal and also noted its Affordable Housing Policy May 2009 and Affordable Housing Implementation Plan. The policy identifies a clear need for additional affordable housing in the Parramatta LGA in order to maintain the proportion of affordable housing that was available at the time of its inception (8%). Given the increase in house prices since the plan was developed in 2009, the Commission understands that housing affordability across Western Sydney is unlikely to have improved and may have further declined.

The Affordable Housing Policy provides that Council may offer a bonus to developers who are willing to provide affordable housing as part of new developments. While the Proponent had not initially offered to provide affordable housing, the modification application is seeking a significant 'bonus' with the addition of 114 residential units (72 new and 42 converted from serviced apartments), and associated building height and floorspace increases.

Given Parramatta City Council's affordable housing policy seeks to retain 8% of dwellings as affordable housing, the Commission found that it is reasonable that 8% of the additional units should be dedicated to Council for affordable housing. In response the Proponent raised some concerns about the Commission's initial calculation of the additional uplift provided in the modification and offered to provide 5 units, 8% of the 63 apartments associated with the extra floorspace sought. The Commission has accepted this calculation and the 5 units for affordable housing offered by the Proponent.

The 5 affordable housing units will be required to be dedicated to Parramatta City Council. The additional public benefit offer will be outlined in the proponents revised Statement of Commitments as well as the modified instrument of approval.

### Noise from the rooftop bar

The application includes the addition of a rooftop bar and outdoor terrace on level 26 of the building. The Commission is aware that bars have the potential to produce significant noise which can be disruptive to surrounding uses, especially when the bar is proposed to operate until midnight each night. The Department has included Council's standard noise control requirements for the bar and the Commission notes that this should ensure that noise impacts are suitably controlled.

In addition to standard conditions, the Commission sought clarification on the acoustic shielding to be provided, noting that the bar's outdoor terrace is approximately 5 meters from the nearest residential unit in the building. The Proponent has confirmed that the design includes a solid wall between the terrace and the nearest residential units and that this will provide visual and acoustic shielding to the surrounding residential units. There will also be acoustic attenuation to the units.

The Commission accepts that acoustic attenuation will assist to mitigate noise impacts to the units, but notes that attenuation will be of limited assistance should residents wish to use their balconies or open their windows. Consequently, to minimise night time noise impacts, the Commission has added conditions preventing speakers from being used on the outdoor terrace and requiring the doors to the terrace to be kept closed from 10 pm.

### Other issues

The Commission is generally satisfied with the Department's assessment and recommended conditions on the other elements of the modification application. The Commission notes that the

Heritage Division is supportive of the archaeological display areas and accepts the Department's finding that the height, gross floor area and architectural design are acceptable. The Proponent requested some further amendments to the draft conditions recommended by the Department. The Commission has carefully considered these and has agreed with the amendments sought; noting they comprise corrections of errors, removal of conditions that have now been superseded by subsequent modifications, and updates to ensure consistency with current plans and modifications.

**Determination**

I have carefully considered the proposed modification application, along with the submissions received from Council and the Heritage Division and the assessment and recommendation of the Department of Planning and Environment. With the additional public benefit, in the form of affordable housing, to be provided by the Proponent, I am satisfied that the application is acceptable. Consequently, I have approved the modification application, subject to conditions.

The signed instrument of approval and file (14/14436-2) are returned herewith.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Forward', with a stylized flourish at the end.

Paul Forward  
Member  
NSW Planning Assessment Commission

cc.                   The Hon. Rob Stokes, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001

## Appendix 1 Summary of Meeting

<b>This meeting is part of the 45 Macquarie St Parramatta Mod 4 determination process</b>		
<b>Meeting note taken by</b> Megan Webb	<b>Date:</b> Monday, 19 October 2015	<b>Time:</b> 11:00am
<b>Project:</b> 45 Macquarie St Parramatta, Modification 4		
<b>Meeting place:</b> Planning Assessment Commission Offices, Level 13, 301 George St, Sydney		
<b>Attendees:</b> PAC Members: Mr Paul Forward PAC Secretariat: David McNamara and Megan Webb Kim Shmuel – JBA Urban Planning Chris Pope – Crown Group		
<b>The purpose of the meeting</b> is discuss the public benefit associated with the proposed modification		
<p>Meeting details and actions:</p> <p>The Commission noted that the modification would generate significant profit uplift for the proponent, but did not include any substantial public benefit or amenity improvements.</p> <p>The Commission noted that the proposal also exceeds the existing planning controls for the site by a significant margin.</p> <p>Parramatta City Council's suggestion that 50% of profit should be directed to a public benefit was acknowledged and the Commission advised that it would also consider dedication of a certain number of units to Council for affordable housing, rather than a monetary contribution.</p> <p>The proponent responded indicating it would be happy to provide a contribution, and referred to its correspondence offering \$100,000, in addition to the Section 94A developer contribution it is required to pay, and the archaeological works it is undertaking on the site. In response to the Commission's comment about the increased size of the development, the proponent noted the significant changes that have occurred in Parramatta over the last 5 years.</p> <p>The Proponent cited other developments that had only been required to provide the equivalent of the section 94A developer contribution amount in a voluntary planning agreement, and also noted an example where only 1 affordable housing unit had been dedicated to Council.</p> <p>The proponent also noted the Department's assessment report had accepted the proposal and noted the addition of a draft condition requiring it to provide a quantity surveyors report.</p> <p>The Commission explained that the initial offer of \$100,000 was not credible. It noted that the Proponent had the option to provide a monetary contribution for infrastructure, or to provide a number of affordable housing units. The Commission reiterated that the proposed modification to increase the height and number of dwellings would exceed the planning controls for the area, with minimal cost to the proponent and that an appropriate public benefit needed to be found.</p>		
<b>Documents to be provided:</b> Proponent to reconsider quantum of offer provided		
<b>Outcomes/Agreed Actions:</b> Proponent to provide further details on potential profit margin and associated revised public benefit contribution.		
<b>Meeting closed at</b> 11:40am		

## Appendix 2 Correspondence

1. Letter from the Proponent dated 16 October 2015
2. Email from Parramatta City Council of 19 October 2015
3. Letter from the Proponent dated 28 October 2015
4. Letter to the Proponent dated 30 October 2015
5. Letter from the Proponent dated 2 November 2015



16 October 2015

Megan Webb  
Team Leader, Secretariat  
NSW Planning Assessment Commission  
GPO Box 3415 Sydney NSW 2001

Dear Megan

**V BY CROWN MIXED USE DEVELOPMENT (MP09\_0167 MOD4)  
45 MACQUARIE STREET & 134 -140 MARSDEN STREET, PARRAMATTA**

We write in relation to Modification 4 to MP09\_1067 which seeks to make modifications to the approved V by Crown mixed use development at 45 Macquarie Street and 134-140 Marsden Street, Parramatta (the site), in particular the Planning Assessment Commission's (PAC) request that the proponent consider making an additional public benefit contribution in the form of affordable housing.

**1.0 APPROVED AND MODIFIED DEVELOPMENT**

On 28 October 2011, the PAC approved MP09\_0167 for the construction of a 28-storey mixed use development on the site. The development was the subject of a design excellence process via a design review panel.

The approval has been modified three times. The current approval provides for a mixed development with a total gross floor area (GFA) of 43,242m<sup>2</sup> (equivalent to a floor space ratio (FSR) of 8.67:1) 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 primary modifications sought under the current Modification 4 are as follows:

- increase the height of Block D by seven storeys (from RL 54.8 metres (12 storeys) to RL 74.90 (19 storeys);
- increase in overall GFA by 3,822.33m<sup>2</sup> to 47,247m<sup>2</sup> (equivalent to a FSR of 9.6:1);
- an increase of 114 residential apartments (from 477 to 591); and
- deletion of all 42 serviced apartments.

**2.0 FLOOR SPACE AND HEIGHT CONTROLS FOR SITE**

A maximum FSR control of 6:1 and a maximum height control of 54 metres applies to the site under the *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP). A design excellence bonus of 10% on height or FSR is permitted where a design competition has been held for the development. A design review panel process was held for the V by Crown development in lieu of the design competition process and it is considered that the development would qualify for the design excellence bonus. This bonus is proposed to be increased to 15% under proposed amendments to the Parramatta LEP 2011 (which is proposed to be amended to incorporate the

City Centre LEP controls). Therefore, it is considered that a maximum height and FSR control of 62.1 metres and 6.9:1 (respectively) would apply to the site under the Parramatta LEP (as proposed to be amended). Despite this, strict application of LEP development controls is not required for Part 3A projects. Council has also adopted a City Strategy which proposes to remove height limits across most of the Parramatta CBD.

The proposed amendments to the design under Modification 4 will increase the height of Section D of the V by Crown development to 66 metres which is not significantly higher than the maximum height control under the LEP (as proposed to be amended), and is well below the maximum height of the development of 102.5 metres. Therefore, it is not considered appropriate to apply an additional public benefit requirement to the height increase proposed under Modification 4.

The current approval has a maximum FSR of 8.67:1. Modification 4 (if approved) will result in a FSR of 9.6:1 - an increase of 0.93:1 or 10% only. This is considered a minor increase and does not, in our view, warrant an additional public benefit offering particularly having regard to the public benefits already offered by the development which are set out below.

### 3.0 PUBLIC BENEFITS OF V BY CROWN DEVELOPMENT

The site accommodates 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.

The approval provides a publicly-accessible heritage plaza in its northern forecourt where the public will be able to view the important archaeological heritage items. An archaeological interpretation centre is also provided. There is a significant public benefit provided by this archaeological display area, as well as the ongoing costs of maintaining it for the public's benefit.

The development also benefits from an approval under the *Environment Protection and Biodiversity Act 1999* (EPBC Act) which requires a monetary contribution of \$400,000 to be made to Western Sydney Parkland Trust (WSPT) and additional tree planting in Parramatta Park to be undertaken by Crown. A further application under the EPBC Act is currently being assessed by the Department of Environment in support of the current Modification 4. An additional monetary contribution is proposed to be paid to WSPT. These monetary contributions and additional tree planting provide a significant public benefit to the community which will benefit from enhanced amenity within Parramatta Park.

The site is also affected by a road widening along Marden Street which has been allowed for in the development design and provides a public benefit at a cost to the developable area on the site.

The current estimated Capital Investment Value (CIV) of the project is \$171,600,000. However, amendments to Condition B4, and the introduction of Condition B30 in the Modifying Instrument require the proponent to submit a revised quantity surveyor's report to the Secretary of the Department of Planning and Environment (Department) providing a detailed breakdown of the costs of constructing the project based on the currently approved design, and that of the design as modified in accordance with Modification 4 to MP09\_0167. In its assessment report, the Department states that it '*considers that the development provides for sufficient public benefit through condition B4, which ensures that the increase in the Capital Investment Value arising from this modification will result in a corresponding increase in developer contributions*'. Notably, the development contributions in the Parramatta CBD are 3% of the CIV which is significantly higher

than the NSW average of 1%. Thus, Council will benefit from a significant contribution as a result of the proposed modification. The public benefits arising from the proposal are set out in **Table 1**.

**Table 1 – Public benefits**

Item	On Going	Consultants	Building Works	Fitout Works	Total
Heritage Works	-	\$ 500,000	\$ 3,000,000	\$ 900,000	\$ 4,400,000
Tree Planting (incl Consultant & Approvals)	-	\$ 100,000	\$ 100,000	-	\$ 200,000
Maintenance of Trees (20k/Year @ 5yrs)	\$20,000 / Year	\$ 20,000	-	-	\$100,000
Road Widening of Marsden St	-	\$ 20,000	\$ 50,000	-	\$ 70,000
Ongoing Maintenance for Heritage (per Year/ No Limit)	\$80,000 / no limit	-	-	-	\$ 80,000
Parramatta Park Contribution	-	-	-	-	\$ 400,000
S94 Contributions of 3% (Incl Indexation)	-	-	-	-	\$ 5,700,000
<b>TOTAL</b>					<b>\$10,950,000</b>

The proposal provides works-in-kind and monetary contributions to the value of **\$10,950,000** - a significant contribution even when the exceedance of the height and FSR controls are considered.

#### 4.0 PUBLIC BENEFITS OFFERED BY OTHER PARRAMATTA CBD PROJECTS

JBA is aware of a number of other developments in the Parramatta CBD which have resulted in development well above the initial LEP FSR and height controls which have not required the level of public benefit contribution required for the V by Crown development.

For example, in April 2015, the Joint Regional Planning Panel (JRPP) granted consent to the Riverside Parramatta mixed use development with a CIV of \$154,658,592 on the former Lennox Bridge car park site at on the southern bank of the Parramatta River. The site had been the subject of a site-specific LEP Amendment which increased the maximum building height limit on this site from 80 metres to 150 metres and increased the maximum FSR from (predominantly) 6:1 to 12:1.

A Voluntary Planning Agreement (VPA) was executed for the development which provided the following in lieu of **Section 94** contributions:

- a monetary contribution of \$1,000,000 to contribute to the Lennox Bridge Portals
- a range of works-in-kind including construction of public domain works along for foreshore area

Despite the significant increase in development potential on the site, the total value of the monetary contribution and works-in-kind offered by the development was approximately equivalent to Section 94 payments. Notably, no affordable housing was provided as part of this development.

#### 5.0 CONCLUSION

In this context, it is not considered appropriate to require an affordable housing contribution for Modification 4. However, in the interests of ensuring an appropriate resolution of the matter, the proponent is willing to provide a monetary contribution of \$100,000 towards the implementation of Parramatta City Council's Affordable Housing Policy (May 2009). This can be included within the Statement of Commitments for Modification 4 which will not require a VPA to be prepared.

Should you have any queries about this matter, please do not hesitate to contact me on 9956962 or kshmuel@jbaurban.com.au.

Yours faithfully





Kim Shmuel  
*Associate*

## Megan Webb

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**From:** Robert Cologna [REDACTED]  
**Sent:** Monday, 19 October 2015 8:55 AM  
**To:** [REDACTED] Megan Webb  
**Cc:** Jennifer Concato  
**Subject:** Proposed Amendment to Part 3A approved development at 45 Macquarie Street Parramatta

Kim/Megan

I refer to our telephone conversations on Friday last week. I understand from conversations with both of you that in response to Council's request of 9 December 2015 for consideration to be given to a public benefit to be offered as part of the amendments that you are meeting next week to discuss potential public benefits that could be offered. As part of this, consideration is being given to whether the applicant may make a contribution towards provision of Affordable Housing in Parramatta as part of the proposal.

I wish to advise that whilst Council has an Affordable Housing Policy (I forwarded you a link to the study in my previous email) which would allow for a contribution to be made and Council does have a framework to manage a contribution. Council has previously agreed, as part of other VPA agreements related to site in the Parramatta CBD, to have units dedicated to Council and Council is currently setting up processes that will see these units managed by Community Housing Providers.

However, I also advise that Council is currently in the process of reviewing the CBD Planning Controls in order to ensure that the Parramatta CBD achieves the targets and objectives set out in the Metropolitan Strategy as Greater Sydney's Western CBD. As part of this review consideration is being given to future infrastructure requirements and Council is reviewing its policy framework to identify cost and develop funding strategies for significant infrastructure improvements needed to accommodate future residents and workers. Given this review Council would prefer that any public benefits incorporated into any approval of this site be flexible to allow Council to give consideration to where the contribution might best serve the local community. Flexibility to allow for Council to have some input into how the public benefit will be delivered (ie alternatives such as public domain improvements or community facility upgrades might be appropriate) should be incorporated into the process rather than the public benefit being solely for affordable housing.

Council's adopted Parramatta CBD Planning Strategy, which states that Council will investigate potential infrastructure funding mechanisms including value sharing. A 50% value sharing target is being investigated.

Therefore when considering the extent of the public benefit to be provided consideration should be given to the 50% value uplift sharing target when determining the appropriate quantum of public benefit that should be provided by the developer.

Should you require any additional advice on this matter please contact me and I would be happy to discuss or clarify any issues.

Robert Cologna  
Service Manager Land Use Planning  
Parramatta City Council  
Ph [REDACTED]  
Email – [REDACTED]



28 October 2015

Megan Webb  
Team Leader, Secretariat  
NSW Planning Assessment Commission  
GPO Box 3415 Sydney NSW 2001

Dear Megan

**V BY CROWN MIXED USE DEVELOPMENT (MP09\_0167 MOD4)  
45 MACQUARIE STREET & 134 -140 MARSDEN STREET, PARRAMATTA**

We write in relation to Modification 4 to MP09\_1067 which seeks to make modifications to the approved V by Crown mixed use development at 45 Macquarie Street and 134-140 Marsden Street, Parramatta (the site). In particular, we wish to request minor changes to the conditions of approval to ensure it reflects the proposed development for which approval is being sought.

We have copied the Department of Planning and Environment (Department) on this letter to ensure that it is aware of the changes being requested.

**1.0 APPROVED AND MODIFIED DEVELOPMENT**

On 28 October 2011, the PAC approved MP09\_0167 for the construction of a 28-storey mixed use development on the site. The development was the subject of a design excellence process via a design review panel. The approval has been modified three times and a fourth modification (Modification 4) has been recommended for approval by the Department.

The currently-approved development provides the following mix of residential and serviced apartments as follows:

- 477 residential apartments; and
- 42 services apartments.

Modification 4 seeks to delete the approved serviced apartments. The development as modified will provide 591 residential apartments across the following unit mix:

- 76 studio apartments;
- 318 one-bedroom apartments;
- 180 two bedroom apartments; and
- 17 three bedroom apartments.

A total of 576 basement parking spaces will be provided with 526 of these spaces allocated to residential apartments with an additional 36 residential visitor spaces. 12 car parking spaces will be provided for the retail component of the development.

Some of the draft conditions do not reflect the above development, and include elements of conditions added as part of the approval issued for Modification 2 (the last major modification to the approved development) which are no longer relevant to the development as proposed to be modified in accordance with Modification 4. Specifically, it is requested that Conditions A1, A16, B30 and B31 be amended as detailed below.

## 2.0 CONDITION A1 – DEVELOPMENT DESCRIPTION

Condition A1 as proposed to be amended states as follows:

### **A1. Development Description**

*Except as amended by conditions of this approval (including Condition A16), project approval is granted for the following:*

- 591 x Residential apartments, comprised of;
  - 81 x studio apartments;
  - 312 x 1-bedroom apartments;
  - 180 x 2-bedroom apartments; and
  - 16 x 3-bedroom apartments.
- A 448 m<sup>2</sup> archaeological interpretation centre;
- A 665 m<sup>2</sup> conference centre ;
- Construction and use of a new mixed use development with a maximum GFA of 47,247m<sup>2</sup>.
- Operation and use of six levels of basement car park accommodating 574 car parking spaces (inclusive of 11 stacked spaces), 14 motorbike spaces and 70 bicycle parking spaces.

Whilst the overall number of apartments (591) is correct, the unit mix does not reflect the proposed development in accordance with Modification 4, and the number of apartments in each unit size does not add up to 591 apartments.

It is therefore requested that Condition A1 be amended as detailed below:

### **A1. Development Description**

*Except as amended by conditions of this approval (including Condition A16), project approval is granted for the following:*

- 591 x Residential apartments, comprised of;
  - ~~81~~ **76** x studio apartments;
  - ~~312~~ **318** x 1-bedroom apartments;
  - 180 x 2-bedroom apartments; and
  - ~~16~~ **17** x 3-bedroom apartments.
- A 448 m<sup>2</sup> archaeological interpretation centre;
- A 665 m<sup>2</sup> conference centre ;
- Construction and use of a new mixed use development with a maximum GFA of 47,247m<sup>2</sup>.
- Operation and use of six levels of basement car park accommodating 574 car parking spaces (inclusive of 11 stacked spaces), 14 motorbike spaces and 70 bicycle parking spaces.

## 3.0 CONDITION A16 – DESIGN MODIFICATION

Condition A16 as proposed to be amended states as follows:

### **A16. Design Modification**

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

- Remove the serviced apartments located on level 8 and conversion of these apartments to residential apartments;
- Limit the serviced apartments to 42 serviced apartments located within levels 2 to 7 of 'Block D';

- Amend drawings DA2102 (Revision 16), DA2102 (Revision 16), and Da2103 (Revision 18) to:
  - Install an automatic fail-open security door adjacent to the 'Block D' lift core; and
  - Delete the access door located within the southern corridor of 'Block D' as per plan provided at Attachment A.
- Convert apartment numbers 12.16 and 13.16 from 1-bedroom apartments to studio apartments;
- Revise the ground level landscaping to ensure compliance with the requirements of the Parramatta Public Domain Guidelines and Parramatta Council's Street Tree Masterplan 2011.

All the serviced apartments previously approved in the development are proposed to be deleted under Modification 4. Therefore, the first three dot points in Condition A16 are no longer required (Note: the third dot point in Condition A16 was applied to ensure appropriate security measures were provided between the previously-approved serviced apartment component and the residential apartment component).

In addition, apartments 12.16 and 13.16 have now been designed as studio apartments. Therefore, the fourth dot point in this condition can also be deleted.

It is therefore requested that Condition A16 be amended as follows:

#### **A16. Design Modification**

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

- ~~Remove the serviced apartments located on level 8 and conversion of these apartments to residential apartments;~~
- ~~Limit the serviced apartments to 42 serviced apartments located within levels 2 to 7 of 'Block D';~~
- ~~Amend drawings DA2102 (Revision 16), DA2102 (Revision 16), and Da2103 (Revision 18) to:~~
  - ~~Install an automatic fail open security door adjacent to the 'Block D' lift core; and~~
  - ~~Delete the access door located within the southern corridor of 'Block D' as per plan provided at Attachment A.~~
- ~~Convert apartment numbers 12.16 and 13.16 from 1 bedroom apartments to studio apartments;~~
- Revise the ground level landscaping to ensure compliance with the requirements of the Parramatta Public Domain Guidelines and Parramatta Council's Street Tree Masterplan 2011.

#### **4.0 B31 NUMBER OF CAR PARKING AND BICYCLE PARKING SPACES**

Condition B31 as proposed to be amended states as follows:

##### **B31. Number of Car Parking and Bicycle Parking Spaces**

The approved car parking, bicycle parking and motorbike parking is as follows:

- 574 car spaces. At total of 527 of these car spaces are approved for the multi-unit dwellings. For all other uses, 47 car spaces are approved; and
- 14 motorbike parking spaces and 70 bicycle parking spaces.

1. *Individual non-residential uses must not exceed each maximum car parking requirement for that type of use under the council's LEP.*
2. *Any future strata subdivision shall reflect the car parking allocation as approved above.*

The following relevant **maximum** car parking controls apply under Clause 22C (Car Parking) of *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP):

- Multi dwelling housing: 1, 2 and 3 bedrooms: A maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors.
- Shops: A maximum of 1 parking space to be provided for every 30m<sup>2</sup> of GFA

Crown is seeking approval for 526 spaces for the residential apartments and 36 residential visitor spaces. The remaining 12 car parking spaces are proposed to be allocated to the non-residential component of the development. The above allocation is consistent with the maximum car parking rates under the City Centre LEP.

The current wording of Condition B31 implies that only 527 residential parking spaces are permitted and that all other parking spaces should be allocated to non-residential uses. This does not reflect the desired development outcome for the site. It is therefore requested that Condition B31 be amended as follows:

***B31. Number of Car Parking and Bicycle Parking Spaces***

*The approved car parking, bicycle parking and motorbike parking is as follows:*

- *574 car spaces. At total of **5267** of these car spaces are approved for the multi-unit dwellings and a further 36 residential visitor spaces are approved. For all other uses, **47 12** car spaces are approved; and*
  - *14 motorbike parking spaces and 70 bicycle parking spaces.*
1. *Individual non-residential uses must not exceed each maximum car parking requirement for that type of use under the council's LEP.*
  2. *Any future strata subdivision shall reflect the car parking allocation as approved above*

The only other condition which the PAC may consider amending is Condition B30 (Revised Quantity Surveyor's Report). It is considered that the intention of this condition is to require a revised quantity surveyors report to be prepared based on the plans approved under MP09\_0167 MOD 4, and not MOD 2 as currently stated in the wording of this condition.

Should you have any queries about this matter, please do not hesitate to contact me on 9956962 or kshmuel@jbaurban.com.au.

Yours faithfully



Kim Shmuel  
Associate

Cc: Matthew Rosel – Department of Planning and Environment



Contact: Megan Webb  
Phone: 02 9383 2113  
Fax: 02 9299 9835  
Email: [megan.webb@pac.nsw.gov.au](mailto:megan.webb@pac.nsw.gov.au)

Kim Shmuel  
Associate  
JBA Urban Planning Consultants  
PO Box 375,  
NORTH SYDNEY NSW 2059

30 October 2015

Dear Ms Shmuel

**Subject: 45 Macquarie St Parramatta, Modification 4**

Thank you for your letter received Friday 23 October 2015 regarding potential public benefit and affordable housing contributions. I also note your further correspondence received on 29 October seeking alterations to some recommended conditions in the approval.

**Public benefit and affordable housing**

I note you have referenced three other developments in the Parramatta area in making your offer to provide a \$600,000 monetary contribution to Parramatta City Council. Each of these developments appears to have included a Voluntary Planning Agreement with Parramatta City Council. The Commission is not privy to the relevant factors that would have been considered in formulating those Voluntary Planning Agreements and does not consider that those VPAs have any significant bearing on this application to further expand the size and scale of your proposed building.

The Commission notes however that Parramatta City Council does have an Affordable Housing Policy May 2009 and an Affordable Housing Implementation Plan. The policy identifies a clear need for additional affordable housing in the Parramatta LGA in order to maintain the proportion of affordable housing that was available at the time of its inception. Given the increase in house prices since the plan was developed in 2009, the Commission understands that housing affordability across Western Sydney is unlikely to have improved and may have further declined.

The Affordable Housing Policy provides that Council may offer a bonus to developers who are willing to provide affordable housing as part of new developments. While you have not offered to provide affordable housing, the modification application is seeking a significant 'bonus' with the addition of 114 residential units (72 new and 42 converted from serviced apartments), and associated building height and floorspace. I note that the modification sought would extend the building by a further seven storeys, exceed the height limit in the Local Environmental Plan by 20 metres and increase the overall exceedance of the floor space ratio control to 3.64:1 (40% higher than the base LEP provisions including any potential bonus floor space).

Given Parramatta City Council's affordable housing policy seeks to retain 8% of dwellings as affordable housing, it is reasonable that 8% of your additional units should be dedicated to Council for affordable housing. It could be argued that 8% of all 591 units should be dedicated to affordable housing. In this regard I note that the project has already undergone significant

expansion, increasing from the original 367 units to 477 units and 42 serviced apartments with the previously approved modification 2 in mid-2014. Nonetheless I acknowledge your concerns about the relatively small contributions provided by other developers, I am satisfied that dedication of 8% of the proposed uplift in unit numbers is a reasonable and balanced outcome.

As previously discussed at our meeting on Monday 19 October 2015 the Council has suggested an alternative monetary contribution of 50% of the profit from the 'bonus' building height proposed. The Commission would also be willing to consider this approach as an alternative to the direct dedication of units, but notes that you have declined to provide any details on profit.

It is my intention to include an additional condition requiring the dedication of 6 units to Parramatta City Council for affordable housing (this is 8% of 72 units (114 units less the 42 units to be converted from serviced apartments)). The units must comprise, 3 x 1 bedroom units, 2 x 2 bedroom units and 1 x 3 bedroom unit; and comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and the minimum unit size of the Residential Flat Design Code.

### **Rooftop Bar**

Your application also includes the addition of a rooftop bar and outdoor terrace, with extended operating hours from 7 am to midnight each day. I note the rooftop bar and outdoor terrace have very little separation from the residential units on level 26 (approximately 4 m to unit 26.09). Those units on the floors above and below could also be affected by music and other noise from the bar and the outdoor terrace in particular.

Can you please confirm the wall on the northern end of the roof terrace will be solid and impermeable to provide sufficient acoustic shielding and visual privacy to the balcony of unit 26.09 to meet the standards applied by recommended noise conditions? In addition to the Departments draft conditions I intend to add conditions prohibiting the installation or use of any speakers on the outdoor terrace, and requiring the doors accessing the terrace to be kept closed after 10 pm each evening.

### **Further correspondence**

I note your correspondence received 29 October 2015 and I will consider your proposed alterations to conditions, in consultation with the Department of Planning and Environment. To assist this process your confirmation of the acoustic shielding and visual privacy measures to be provided between the roof top bar's terrace and unit 26.09 would be greatly appreciated.

Yours sincerely



Paul Forward

**Member**

**NSW Planning Assessment Commission**





2 November 2015

Megan Webb  
Team Leader, Secretariat  
NSW Planning Assessment Commission  
GPO Box 3415 Sydney NSW 2001

Dear Megan

**V BY CROWN MIXED USE DEVELOPMENT (MP09\_0167 MOD4)  
WITHOUT PREJUDICE RESPONSE TO LETTER FROM PLANNING ASSESSMENT  
COMMISSION DATED 30 OCTOBER 2015**

This letter has been prepared by Crown International Holdings (Crown) – on a without prejudice basis - in response to the Planning and Assessment Commission's (PAC) letter dated 30 October 2015 regarding Modification 4 to MP09\_1067 for the V by Crown mixed use development at 45 Macquarie Street and 134-140 Marsden Street, Parramatta (the site).

On behalf of Crown, we accept the PAC's proposed conditions in relation to the proposed rooftop bar. The project architect - AJC - has confirmed that the wall on the northern end of the roof terrace will be solid and impermeable and will provide sufficient acoustic shielding and visual privacy to the balcony of apartment 26.09 in order to comply with the relevant statutory standards and codes of practice. There will also be compliant acoustic attenuation to all the apartments on the level below. We note and accept the PAC's proposed conditions in respect to prohibition of speakers on the outdoor terrace and requirement for closable doors after 10pm to the terrace.

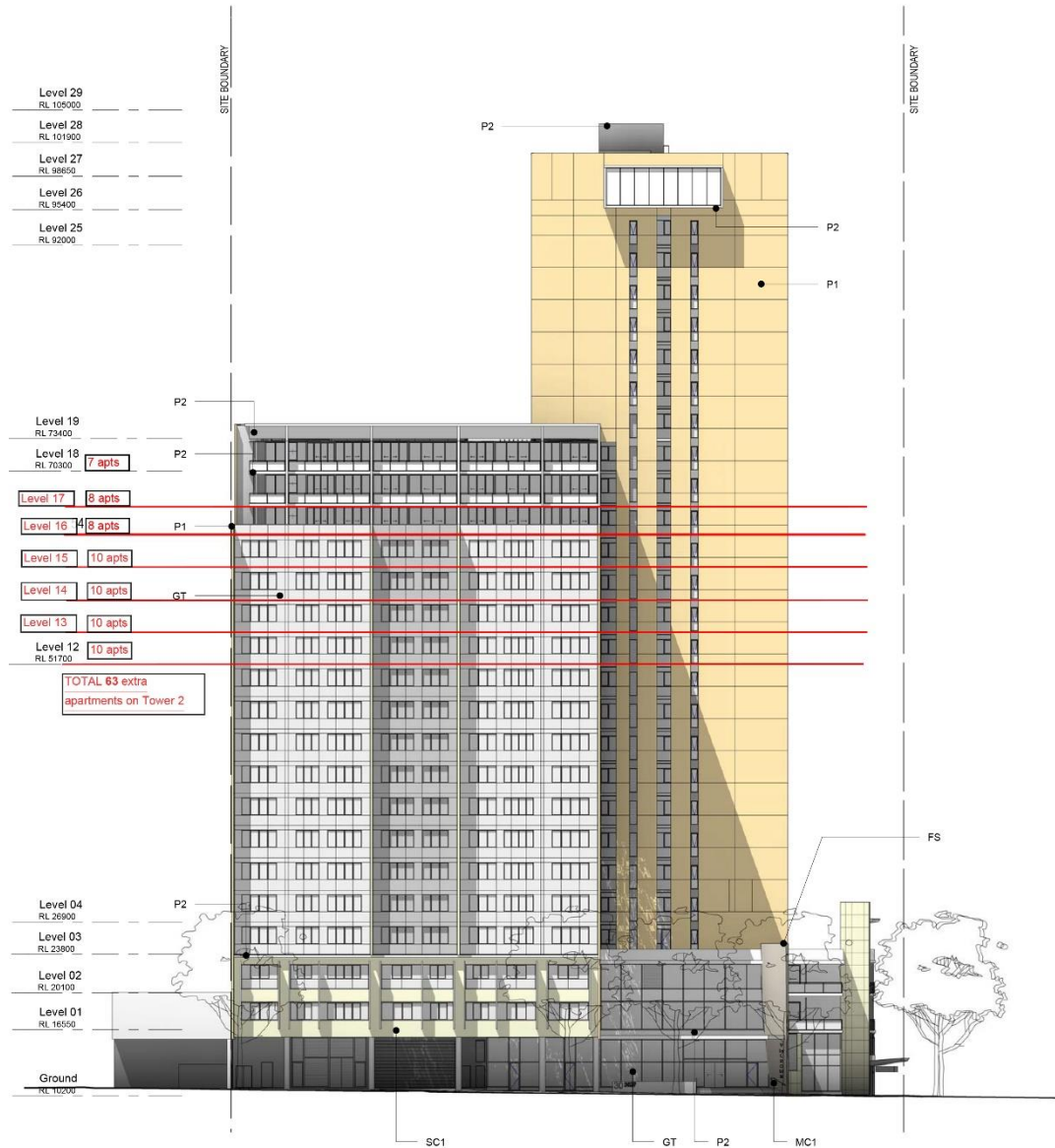
In relation to the proposed requirement for affordable housing, we note that *Council's Affordable Housing Policy* (May 2009) and associated *Affordable Housing Implementation Plan* (May 2009) are not statutory planning policies, and have not been consistently applied by Parramatta City Council (Council) in the Parramatta local government area (LGA).

Uplifts of a similar scale (or greater) - than the uplift to the V by Crown development proposed under Modification 4 - have been awarded without requiring affordable housing, or with a requirement for a lesser amount of affordable housing dedication than that being proposed by the PAC in relation to Modification 4 to the V by Crown development. As detailed in JBA's letter to the PAC of 22 October 2015, there are a number of examples of projects where significant increases in density and height have been approved (eg. 2-8 River Road West, 11 Hassall Street and 29 Hunter Street, Parramatta) and only one affordable housing apartment has been required to be dedicated.

Whilst we fundamentally disagree with the late and inconsistent stance taken by the PAC in relation to affordable housing, in the interests of preventing further delays to the project, to the purchasers regarding their apartments and to the public regarding the necessary retail offering, it is proposed that the matter be resolved as detailed below.

In our opinion the PAC's proposal to calculate the number of affordable housing units required based on the additional 72 units proposed under Modification 4 is not appropriate. A number of these additional units have resulted from improved internal re-planning of existing floors within the approved V by Crown development, and not wholly from the addition of floor space or levels in Section D of the development.

Thus, it is considered reasonable to calculate the PAC's suggested 8% affordable housing component based only on the genuine 'uplift' proposed by the provision of seven additional levels in Section D (also referred to as Tower 2) of the development. This equates to an increase of 63 apartments as shown in **Figure 1** below.



**Figure 1** – Number of additional apartments in additional levels in V by Crown development

Source: AJC

Applying the PAC's recommended 8% affordable housing component to these 63 apartments would result in a requirement for five apartments to be dedicated to Council for affordable housing purposes. This is still a substantial contribution, particularly having regard to the lesser contribution required for other similar developments in the LGA.

As there are no three-bedroom apartments proposed in Section D of the development it is not possible to dedicate this type of apartment in the part of the site where the uplift is proposed. Therefore it is proposed that the following five apartments in Section D of the development be dedicated for affordable housing purposes:

- 1 x two-bedroom apartment;
- 2 x one-bedroom apartments; and

- 2 x studio apartments.

This represents a major concession by Crown and has a sizeable adverse impact on the commercial viability of the project. We consider that Crown has clearly considered the comments from the PAC in its final offer. We trust that the above proposal satisfies the PAC and that conditions of approval can be issued to reflect this.

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or [kshmuel@jbaurban.com.au](mailto:kshmuel@jbaurban.com.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Kim Shmuel', with a stylized flourish extending to the right.

Kim Shmuel  
*Associate*