

# Section 75W Modification Application (MOD 5) Environmental Assessment Report



45 Macquarie Street, Parramatta (MP09\_0167)

Mixed Use Development

Submitted to Department of Planning and Environment  
On Behalf of Crown Landmark Developments Pty Ltd

January 2016 ■ 09389

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This report has been prepared by:



Tim Smith

28/01/2016

This report has been reviewed by:



Kim Shmuel

28/01/2016

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## Statement of Validity

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### Modification Application prepared by

|               |  |
|---------------|--|
| Name          | Kim Shmuel                                   |
| Address       | Level 7, 77 Berry Street, North Sydney       |
| In respect of | Modification to Approved Project Application |

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### Concept Plan

|                      |   |
|----------------------|---|
| Applicant Name       | Crown Landmark Developments Pty Ltd                           |
| Applicant Address    | Level 29/1 Market Street, Sydney, NSW, 2000                   |
| Land to be Developed | 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta |

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### Environmental Assessment

|             |   |
|-------------|---|
| Certificate | <p>I certify that I have prepared the content of this modification application report and to the best of my knowledge:</p> <ul style="list-style-type: none"><li>■ It is in accordance with the Environmental Planning and Assessment Act and Regulation.</li><li>■ It is true in all material particulars and does not, but its presentation or omission of information, materially mislead.</li></ul> |
|-------------|---|

Signature



|      |            |
|------|------------|
| Name | Kim Shmuel |
| Date | 28/01/2016 |



## 1.0 Introduction

This Environmental Assessment Report has been prepared on behalf of Crown International Holdings Group Pty Ltd (Crown) and is submitted to the Department of Planning and Environment (DPE) 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 site). This modification is submitted under the now-repealed Section 75W of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in accordance with the transitional arrangements for approved part 3A projects.

On 28 October 2011, the Planning Assessment Commission (PAC) approved MP09\_01667 for the construction of a mixed use development - known as V by Crown - on the site. The approval has since been modified four times.

This modification comprises four elements, which are outlined below:

- Reduction of the height of Section D (south-west wing) of the development (as previously approved under previous Modification 4) to a maximum height of 62.1m (RL73.1m). This will ensure that the approved development aligns with the controlled action approval that is expected to be issued by the Federal Department of Environment (DE).
- Clarify the range of uses proposed to take place in the approved multi-purpose space at Level 1 of the premises to ensure it can be used for a range of function types including conferences, wedding functions, exhibitions and a place of public worship.
- Stratum subdivision of the development into six (6) strata.
- Modification of the condition of approval and commitment in relation to the dedication of affordable housing apartments to Parramatta City Council (Council).

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

The proposed modifications are considered minor and will not have any significant environmental impacts. The reduction in the height of Section D of the approved development will reduce any visual or overshadowing impacts in this part of the site. In addition, the range of uses in the level 1 multi-purpose space (including a place of public worship) will not have any adverse traffic, acoustic or amenity impacts.

## 2.0 Background

### 2.1 Planning Approvals History

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

**Table 1** – Summary of relevant approvals granted for the V by Crown development

| Consent           | Details   | Date Determined |
|-------------------|---|-----------------|
| MP09_0167         | V by Crown mixed use development comprising of residential apartments, commercial floor space, retail floor space and an archaeological display and interpretation centre.  | 28 October 2011 |
| MP09_0167 (MOD 1) | Modification of Condition B4 of the approval issued for MP09_0167 to allow staging of Section 94 payments.  | 22 March 2012   |
| MP09_0167 (MOD 2) | Modified the approved V by Crown mixed use development to increase the maximum height of the development by 17.9m to 102.5m and increase the FSR of the development to 8.67:1. This modification also converted the approved commercial floor space to a mix of serviced apartments and residential apartments and incorporated a conference centre/multi-function space at Level 1.  | 26 June 2014    |
| MP09_0167 (MOD 3) | Corrected an error in Condition A16 for the approval issued for MOD 2   | 14 August 2014  |
| MP09_0167 (MOD 4) | <p>Modification to increase the height of Block D by seven storeys (from 12 storeys to 19 storeys, with a maximum height of RL74.90, and increase the FSR to 9.6:1 (increase of 3,822m<sup>2</sup>). The height of Section D of the development approved under Modification 4 was approximately 64 metres.</p> <p>This modification also incorporated the following key changes to the approved development:</p> <ul style="list-style-type: none"> <li>▪ Increased the size of the level 1 conference centre from 485m<sup>2</sup> to 665m<sup>2</sup>;</li> <li>▪ Converted the approved serviced apartments to residential apartments;</li> <li>▪ Incorporated a roof top bar at level 26 (southern wing) of the development;</li> <li>▪ Increased the number of basement parking spaces from 566 spaces to 574 spaces.</li> </ul> <p>The PAC also applied a condition of approval to Modification 4 requiring the dedication of affordable housing apartments to Parramatta City Council (Council).</p> | 5 November 2015 |

### 2.2 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). Any development within the vicinity of the OGHD is required to be referred to the DE to determine whether the development is likely to have a significant impact on the World heritage values of the OGHD.

On 12 March 2014, the DE issued controlled action approval for EPBC Referral 2013/8603 under the EPBC Act in support of the changes approved under Modification 2 to the V by Crown mixed use development.

A further referral (EPBC Referral 2014/7331) was submitted to the DE in support of the changes to the development sought as part of Modification 4, in particular the increase in the height of Section D of the approved development to a height of 64 metres. On 3 March 2015, the DE determined that this referral would be assessed as a controlled action.



On 25 November 2015 JBA sought a modification to EPBC Referral 2014/7331 to reduce the height of Section D of the V by Crown development to a maximum height of 62.1 metres. This height is equivalent to the maximum height of 54 metres permitted on the site under the *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP) plus the 15% design excellence bonus that is proposed to be permitted on the site under draft amendments to the *Parramatta Local Environmental Plan 2011* (Parramatta LEP 2011) which will incorporate the City Centre LEP controls and which are expected to be finalised by the end of the year.

A draft approval for EPBC Referral 2014/7331 (as modified) has been issued (see **Appendix F**). The reduction in height sought to Section D as part of this Section 75W application will align with the height of Section D that has been approved as it will no longer be deemed a controlled action.

## 2.3 Secretary's Requirements

Due to the relatively minor scale of potential impacts arising from the proposal, requirements of the Secretary were not required by the DPE for this application. On 18 November 2015, an email was sent to the DPE which outlined the proposed modifications to be sought as part of this Section 75W application and the documentation that was proposed to be submitted with the application. On 23 November 2015, the DPE responded requesting that the following reports be submitted in support of the Section 75W application:

- A traffic statement in support of the proposed place of public worship use (see **Appendix B**);
- A noise assessment in support of the proposed place of public worship use (see **Appendix C**).

## 3.0 Site Analysis

### 3.1 Site Location and Context

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 100 in DP1212216.

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.

The approved development provides for in situ conservation of these archaeological heritage items.

### 3.2 Local Context

Parramatta Railway Station is located approximately 400m 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 100m to the north-west of the site. A site locality plan is provided at **Figure 1** below.



**Figure 1** – Locality Plan  
Source: Nearmap

### 3.3 Existing Development

Construction of the approved mixed use development on the site has commenced.

### 3.4 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.

A Development Application has been recently approved for a 20 storey (35,000m<sup>2</sup>) commercial tower designed to sit atop the current Parramatta Westfield Shopping Centre.

## 4.0 Description of Development

### 4.1 Approved Development

The current approval from the V by Crown development (Modification 4) provides for a mixed use development at 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 – 19 Storeys (RL74.9 metres).

The approved development accommodates 591 apartments and has a total gross floor area (GFA) of 47,247m<sup>2</sup>. It also includes a 665m<sup>2</sup> multi-purpose space at Level 1 which was approved for use for conferences and functions.

### 4.2 Proposed Modifications

Four elements of the approved development are proposed to be modified under this application, which are described as:

- a reduction in the height of Section D to 62.1 metres to match the approval to be issued for the current EPBC Referral;
- confirmation of the uses proposed in the approved conference centre located at Level 1 to ensure it can be used as a multi-purpose space for a range of function types such as exhibitions, conferences and as a place of public worship;
- stratum subdivision of the development into six (6) strata; and
- Modification of the condition of approval and commitment in relation to the dedication of affordable housing apartments to Parramatta City Council (Council).

These changes are set out in detail below. It is also proposed that the following conditions of approval be deleted:

- **Condition B42 (Deletion of Retail Signage Zone)** – this condition has now been satisfied. The new signage plans have not been prepared and are attached at **Appendix D**. The reference to the signage plans is proposed to be amended in Condition A2 of the approval (see **Section 4.4** below).
- **Condition E19 (GFA and Height Certification)** – the requirements of this condition are already addressed by Condition B38.

#### 4.2.1 Section D – Building Height

As set out in **Section 2.2** above, the DE is expected to issue controlled action approval to the EPBC Referral 2014/7331 by 23 December 2015.

The revised plans for which approval is being sought as part of this Section 75W modification (**Appendix A**) have been submitted to the DE in support of this EPBC Referral and will be approved under the controlled action. These revised plans provide for the reduction in height of Section D of the development from the currently approved height of approximately 64 metres to **no greater than 62.1 metres across the whole of Section D**.

This 62.1 metre height is equivalent to the City Centre LEP height of 54 metres plus the 15% design excellence bonus proposed to be permitted under the

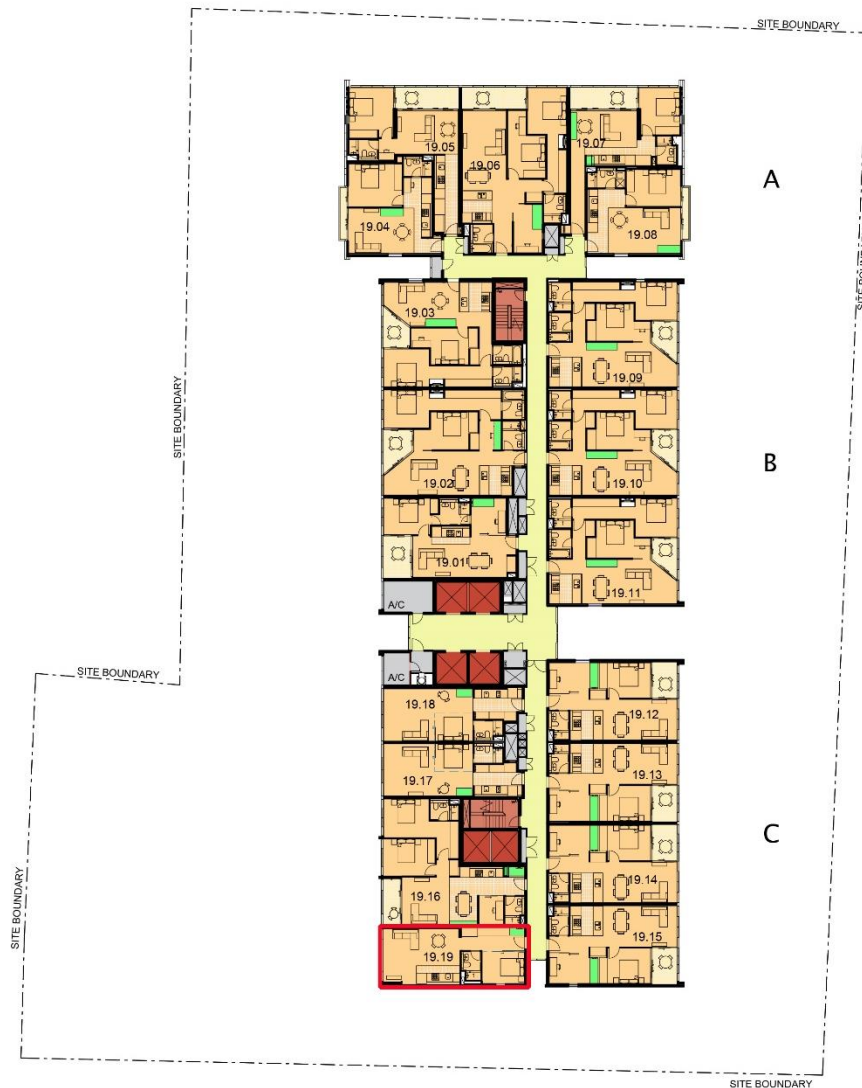
imminent amendments to Parramatta LEP 2011 which will incorporate the City Centre LEP controls.

The reduction in height in Section D will not only ensure that this part of the development is consistent with the approval to be issued by the DE under the EPBC Act, but will also reduce any potential impacts from the part of the development which were, in any case, found to be acceptable in accordance with the assessment undertaken for Modification 4.

The height reduction requires the removal of all residential apartments previously approved at Level 18 of Section D, and conversion of Level 18 to a roof top terrace. This results in the deletion of six apartments previously-approved at this level as follows:

- 5 x one-bedroom apartments; and
- 1 x two-bedroom apartment.

Due to the conversion of Level 18 of Section D to a roof terrace, it is possible to include an additional studio apartment at Level 19 in the south-western corner of Section C (southern wing) of the development so that the loss of residential apartments in the locality is not as significant as anticipated (see **Figure 2** below).



**Figure 2 – Level 19 Revised Plan**  
Source: AJC

Minor re-configuration of apartment S18.08 which is located in the south-western section of Level 18 in Section C of the development is also proposed to allow the conversion of this apartment from a one-bedroom plus study apartment to a two-bedroom apartment. This will ensure that a diverse mix of apartments continues to be provided on the site.

It is noted that the stratum subdivision plans are consistent with the modifications sought under this application.



**Figure 3 – Level 18 Revised Plan**  
Source: AJC

#### 4.2.2 Confirmation of Uses in Conference Centre/Multi-Purpose Space

A 665m<sup>2</sup> conference centre has been approved at level 1 of the development (see **Figure 2** below). The design provides for the versatile and flexible use of the conference centre for a range of function types and sizes within Studios 1, 2 and 3 (approximately 300m<sup>2</sup> of floor space). An associated business centre, kitchen and bathroom facilities (approximately 365m<sup>2</sup>) are also provided at this level. A breakdown of the conference centre floor areas are provided in **Table 2** below and shown in **Figure 4**.

**Table 2** – Breakdown of floor areas within conference centre

| Facility           |   | Approximate floor area (m <sup>2</sup> ) |
|--------------------|---|--|
| Studios            | 1 | 94.1                                     |
|                    | 2 | 96.7                                     |
|                    | 3 | 92.2                                     |
| Store              |   | 37.2                                     |
| Pre-function space |   | 131.7                                    |
| Corridor           |   | 133                                      |
| Male toilet        |   | 26.6                                     |
| Female toilet      |   | 30.1                                     |
| Disabled toilet    |   | 6.5                                      |
| Kitchen            |   | 10.9                                     |

**Figure 4** – Approved Level 1 Plan

Source: A/JC

The multi-purpose space may encompass the following range of events and functions to be held in the approved conference centre:

- **Conference Centre:** Business conferences, workshops, lectures and seminars can be carried out in studio spaces.
- **Community and Cultural Exhibitions:** The conference centre will be an important new venue made available for use as a community exhibition space and art gallery.
- **Functions:** The centre will be available to use as a general function space. Functions at the centre can cater for events such as wedding ceremonies, birthdays, fashion shows and trade events.



- **Place of Public Worship:** The centre will be available for use as a place of public worship during the weekend, with peak activity occurring on Sunday mornings and attracting approximately 300 people. During the week expected use of the space as a place of public worship is low.
- **Showroom:** The centre will be available to use as a showroom for a variety of applications product showcases, book showroom, property exhibition and auction room.

Details of the use are provided below.

### Hours of Operation

The proposed hours of operation of the multi-purpose space are to be consistent with those of the approved roof top bar in the V by Crown development - 7:00 am to 12:00 am, seven days a week.

### Parking

Condition B31 of the approval for MP09\_0167 approves 576 parking spaces on the site for which 12 spaces are provided for non-residential components of the project. It is not proposed to include any additional parking spaces as part of this modification application.

Additional parking is not considered necessary as the place of public worship services will generally be held outside of weekday peak parking demand. Attendees to services will be able to use public transport or the range of different parking options available within the Parramatta CBD. The Traffic Report at **Appendix B** confirms that the proposed development will not have an adverse parking or traffic impact.

## 4.2.3 Stratum Subdivision

As part of the modifications to the development sought under this application, the site is proposed to be subdivided into six (6) stratum. These stratum are as follows:

- Lot 1 – Residential 1 (Tower 1);
- Lot 2 – Retail;
- Lot 3 – Residential 2 (Levels 10-18 in Tower 2);
- Lot 4 – Residential 3 (Levels 2-9 in Tower 2);
- Lot 5 – Multi Purpose Space; and
- Lot 6 – Level 26 Bar.

No change to the uses or physical development is included in the stratum subdivision. Stratum subdivision plans are provided at **Attachment E.**

## 4.2.4 Affordable Housing Contribution

A minor change has also been proposed in relation to the wording of the Condition B4A which requires the dedication of affordable housing apartments to Council. This wording has been proposed as a result of discussions with Council to ensure its requirements for dedication of appropriate affordable housing apartments are satisfied. The proposed wording is consistent with that agreed with Council. Revised wording for Condition B4A is outlined at **Section 4.4**. The Statement of Commitments is also proposed to be updated as set on **Appendix G**. Additionally, a copy of the Council approval of the proposed condition wording has been included at **Appendix H**.



## 4.3 Key Development Statistics

The modified development will have the following key development statistics when compared to the development as modified by MOD 4.

**Table 3** – Key development statistics

| Element  | Approved Mod 4   | Proposed Mod 5   |
|--|--|--|
| Site Area  | 4,898m <sup>2</sup>  |  |
| Height   | <ul style="list-style-type: none"> <li>Section A – RL112.4m</li> <li>Section B – RL105m</li> <li>Section C – RL105m</li> <li>Section D – RL74.9m</li> </ul>  | <ul style="list-style-type: none"> <li>Section A – No change</li> <li>Section B – No change</li> <li>Section C – No change</li> <li>Section D – RL73.1m</li> </ul>   |
| Gross Floor Area (GFA) measured in accordance with <i>Parramatta (City Centre) Local Environmental Plan 2011</i> | 47,247m <sup>2</sup>   | 47,145.4m <sup>2</sup>   |
| Floor Space Ratio  | 9.64:1   | 9.63:1   |
| Residential Apartments   | 591 apartments across the following unit mix: <ul style="list-style-type: none"> <li>Studio – 76 (13%)</li> <li>1 bedroom - 318 (54%)</li> <li>2 bedroom - 180 (30%)</li> <li>3 bedroom - 17 (3%)</li> </ul> | 586 apartments across the following unit mix: <ul style="list-style-type: none"> <li>Studio – 77 (13%)</li> <li>1 bedroom - 312 (54%)</li> <li>2 bedroom - 180 (30%)</li> <li>3 bedroom - 17 (3%)</li> </ul> |
| Parking  | 574 spaces   | No change  |

## 4.4 Modifications to Conditions of Approval

The following modifications to the conditions of approval for MP09\_0167 (as modified) are proposed to facilitate the above changes. Words to be deleted are shown in ~~**bold italic strikethrough**~~ and words to be added are shown in **bold italics**.

### A1 DEVELOPMENT DESCRIPTION

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

- ~~591~~ **586** Residential apartment, comprised of:
  - ~~76~~ **77** Studio Apartments;
  - ~~318~~ **312** 1-bedroom apartments
  - 180 2-bedroom apartments; and
  - 17 3-bedroom apartments.
- A 448m<sup>2</sup> archaeological interpretation centre;
- A 665m<sup>2</sup> ~~Conference centre~~ **multi-purpose space that may operate as a conference facility, function centre, exhibition showroom, place of public worship and auditorium;**
- Construction and use of a new mixed use development with a maximum GFA of ~~47,247m<sup>2</sup>~~ **47,145.4m<sup>2</sup>**;
- Operation and use of six levels of basement car park accommodating 574 car parking spaces (inclusive of 11 stacked spaces), 14 motorcycle spaces 70 bicycle parking spaces.

### A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

*The development shall be undertaken generally in accordance with:*

- *MP No. 09\_0167 and the Environmental Assessment except where amended by the Preferred Project Report dated February 2011, prepared by JBA Planning;*
- *Section 75W Modification to MP 09 0167 (MOD2), prepared by JBA Planning, dated November 2012 as amended by Preferred Project Report dated December 2013;*
- *Section 75W Modification to MP 09 0167 (MOD4), prepared by JBA Planning, dated October 2014 as amended by Response to Submissions dated 1 April 2015 and Design Amendments dated 7 July 2015 (updated 4 August 2015);*
- **Section 75W Modification to MP09 0167 (MOD5) prepared by JBA Planning and dated December 2015; and**
- *The following drawings:*

**Architectural Drawings prepared by Allen Jack and Cottier**

| Drawing No. | Revision         | Name of Plan  | Date  |
|-------------|------------------|---|---|
| 2000        | <del>9</del> 10  | Ground Floor  | Undated                                       |
| 2001        | <del>9</del> 10  | Basement 1  | Undated                                       |
| 2002        | <del>9</del> 10  | Basement 2  | Undated                                       |
| 2003        | <del>9</del> 10  | Basement 3  | Undated                                       |
| 2004        | <del>9</del> 10  | Basement 4  | Undated                                       |
| 2005        | <del>9</del> 10  | Basement 5  | Undated                                       |
| 2006        | <del>9</del> 11  | Basement 6  | Undated                                       |
| 2100        | 10               | Mezzanine   | Undated                                       |
| 2101        | 10               | Level 1   | Undated                                       |
| 2102        | 10               | Level 2   | Undated                                       |
| 2103        | 10               | Level 3   | Undated                                       |
| 2104        | 10               | Level 4-9   | Undated                                       |
| 2112        | 20               | Level 10-15   | Undated                                       |
| 2117        | 2                | Level 16 & 17   | Undated                                       |
| 2118        | <del>40</del> 11 | Level 18  | Undated                                       |
| 2119        | <del>40</del> 11 | Level 19  | Undated                                       |
| 2120        | 10               | Level 20  | Undated                                       |
| 2121        | 10               | Level 21-25   | Undated                                       |
| 2126        | 10               | Level 26  | Undated                                       |
| 2127        | 10               | Level 27  | Undated                                       |
| 2128        | 10               | Level 28  | Undated                                       |
| 2129        | <del>40</del> 11 | Level 29  | Undated                                       |
| 2200        | 10               | Roof  | Undated                                       |
| 3100        | <del>40</del> 11 | North Elevation   | Undated                                       |
| 3101        | <del>40</del> 11 | South Elevation   | Undated                                       |
| 3102        | <del>40</del> 11 | East Elevation  | Undated                                       |
| 3103        | <del>40</del> 11 | West Elevation  | Undated                                       |
| 3110        | 2                | V Lounge Elevations                                     | Undated                                       |
| 3111        | 2                | Marsden St Signage                                      | Undated                                       |
| 3200        | <del>40</del> 11 | Section   | Undated                                       |
| Signage     | <del>C</del> E   | General Exterior Signage for the V by Crown Development | <del>Undated-25</del><br><b>November 2015</b> |

**Landscape Drawings prepared by Taylor Brammer Landscape Architects**

| Drawing No. | Revision | Name of Plan                                      | Date       |
|-------------|----------|---|------------|
| LA01        | A        | S75W Landscape plan – Public Domain /Ground Floor | 26/02/2014 |
| LA02        | B        | S75W Landscape plan – Level 1                     | 20/06/2014 |
| LA03        | A        | S75W Landscape plan – Level 3                     | 20/06/2014 |
| LA05        | A        | S75W Landscape plan – Level 19                    | 18/06/2014 |
| LA06        | A        | S75W Landscape plan – Level 26                    | 20/06/2016 |

**Stratum Subdivision Drawings Prepared by Anthony Todarello**

| Drawing No.   | Issue | Name of Plan  | Date      |
|---------------|-------|---|-----------|
| 7782-statusum | 6     | Plan of subdivision of lot 100 in D.P. 1173658 (Sheets 1 to 16) | 8/01/2016 |

### **B38 GFA AND HEIGHT CERTIFICATION**

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed ~~47,247m<sup>2</sup>~~ **47,145.4m<sup>2</sup>**, and the maximum height of the building does not exceed RL 112.2m. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the Construction Certificate for works above ground floor level (RL 7.5).

Note: 'Height' (building height) is as defined in Standard Instrument (local Environmental Plans) Order 2006. Accordingly, the height of the architectural roof feature on the northern elevation may exceed RL 112.4m; however it shall not exceed a maximum of RL 123.3m.

### **B39 BASIX CERTIFICATION**

A revised BASIX Certificate, incorporating all of the changes approved under MP09\_0167 ~~MOD-2~~ **MOD 5** shall be submitted to the Certifying Authority and the Director-General prior to the issue of a Construction Certificate for above ground works.

### **B4A AFFORDABLE HOUSING**

"As set out in the Proponent's revised statement of commitments (see the end of this document), the Proponent shall dedicate 5 affordable housing units to Parramatta City Council ("**Council**") **as identified in condition B4A(b) below (each affordable housing unit being called a "Council Strata Lot").** ~~The units~~ **The Council Strata Lots** shall:

(a) ~~be dedicated to Council prior to the issue of any occupation certificate for block D~~ **each be dedicated to Council free of cost with the dedication of each individual Council Strata Lot to occur within 15 Business Days after:**

(i) the issue of an Occupation Certificate for the ~~residential~~ **relevant** part of the Development **within which that Council Strata Lot is located**, or

(ii) the registration of a Strata Plan for the ~~residential~~ **relevant** part of the Development **within which the Council Strata Lot is located**,

whichever occurs later, the ~~Developer~~ **proponent** must at no cost to Council transfer ~~the each~~ Council Strata Lot to the Council in accordance with any relevant ~~provisions of the Construction Terms~~ **approvals, approved plans or construction terms** and so that immediately on transfer, the Council will have an estate in fee simple in possession, freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, ~~except as may be permitted by this agreement.~~ For the avoidance of doubt, all stamp duty (including fines penalties and interest) payable on or in connection with ~~this agreement~~, the transfer of ~~the any~~ Council Strata Lot and on any ~~other~~ instruments executed under or ~~any transaction evidenced by this agreement~~ **in connection with the transfer of the Council Strata Lots**, must be borne by the **Developer proponent**;

(b) comprise of the following ~~apartments as identified in the approved plans under Condition A2:~~

- i. Apartment S10.01, **being an apartment on level 10, located in the same corresponding location as S12.01 identified in the approved plans under Condition A2;**
- ii. Apartment 20.16 **as identified in the approved plans under Condition A2;**

- iii. *Apartment 21.14 as identified in the approved plans under Condition A2;*
  - iv. *Apartment 21.15 as identified in the approved plans under Condition A2;*
  - v. *Apartment 21.17 as identified in the approved plans under Condition A2;*
- (c) *include the following household appliances:*
- i. *a range hood;*
  - ii. *cook top;*
  - iii. *oven;*
  - iv. *dishwasher;*
  - v. *washing machine; and*
  - vi. *dryer.*
- ~~(d) a 2 bedroom apartment, 2 x 1 bedroom apartments and 2 x studio apartments;~~
- ~~(e) comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and the minimum unit size of the Residential Flat Design Code;~~
- ~~(f) be identified prior to the issue of any construction certificate for block D.~~
- ~~In the event that the Proponent and Council are unable to agree on the suitability of apartments to be dedicated, the decision of the Director-General shall be final."~~

In addition it is proposed that the following conditions of approval be deleted:

- Condition B42 (Deletion of Retail Signage Zone) – this condition has now been satisfied. Condition A2 is proposed to be amended to reference the current exterior signage design
- Condition E19 (GFA and Height Certification) – the requirements of this condition are already addressed by Condition B38.

A revised Statement of Commitments is also provided at **Appendix G**.

## 5.0 Environmental Assessment

This section of the report provides an assessment of the key environmental issues that relate to the proposed amendments. Consistent with the email from the DPE dated 23 November SEARs are not required for a development of this minor scale, particularly as it involves a reduction in height of Section D and overall GFA of the development.

In lieu of official SEARs, the DPE noted a series of issues which would need to be addressed as part of the future modification. These issues to be addressed have been reproduced at **Table 4** below, and addressed throughout the relevant subheadings of **Section 5.0**.

**Table 4** – Summary of preliminary issues raised by DPE

| Issue to be Addressed   | Section                       |
|---|-------------------------------|
| <i>Change in car parking / generation as a result of the proposed modifications.</i>  | <b>Sections 4.2.2 and 5.2</b> |
| <i>Need to provide full details on the proposed range of uses of the conference centre and the likely impacts.</i>  | <b>Section 4.2.2</b>          |
| <i>Need to provide conference room details regarding:</i> <ul style="list-style-type: none"> <li>▪ operation;</li> <li>▪ access;</li> <li>▪ parking;</li> <li>▪ traffic;</li> </ul> | <b>Section 4.2.2</b>          |
| <i>Address residential and acoustic amenity from additional uses of the conference facility.</i>  | <b>Section 5.3</b>            |
| <i>If a place of public worship is proposed, traffic and noise assessments would be required.</i>   | <b>Appendices B and C.</b>    |

## 5.1 Compliance with Relevant Environmental Planning Instruments

The following key planning instruments and policies are relevant to the proposed modifications:

- EPBC Act;
- *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* (SEPP 65) and associated Apartment Design Guide (ADG);
- *State Environmental Planning Policy (Building Sustainability Index) 2006* (BASIX);
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP);
- City Centre LEP and Draft Amendments to Parramatta LEP 2011; and
- Parramatta Development Control Plan 2011 (DCP 2011).

**Table 5** below provides a summary of the key relevant development controls that apply to the proposed modifications under the relevant environmental planning instruments and policies (note: controls that are not relevant to the modifications have not been addressed).

**Table 5** – Assessment against relevant planning controls

| Instrument / Policy | Comment  |
|---------------------|--|
| EPBC Act            | The DE is expected to issue a controlled action approval for the V by Crown development that is consistent with the modifications sought as part of this Section 75W application. Therefore, no further approval under the EPBC Act is considered necessary. Section D of the development will now be below 62.1 metres in height. |
| SEPP 65 and         | The proposed modifications will not result in any change to the approved residential   |

| Instrument / Policy                       | Comment   |   |
|---|---|---|
| ADG                                       | <p>component's compliance with SEPP 65 and the ADG. In particular:</p> <ul style="list-style-type: none"><li>81% of apartments will continue to receive at least 2 hours of solar access to their living rooms and private open space in mid winter;</li><li>63% of apartments will be naturally cross –ventilated throughout the development (although it is noted that this requirement now only applies to apartments below the tenth storey);</li><li>The new amended two-bedroom apartment at Level 18 of Section C and the new studio apartment at Level 19 of Section C will comply with the ADG minimum apartment size requirements; and</li><li>Communal open space consistent with the existing approval will continue to be provided as Level 18 of Section D will now be converted to a roof terrace.</li></ul> |   |
| SEPP BASIX                                | The proposed modifications will not affect the ESD initiatives employed in the building, and the water and energy saving targets under SEPP BASIX can continue to be met. Consistent with Condition B39 of the approval (as proposed to be amended) updated BASIX certificates will be provided for the revised design once approved.   |   |
| Infrastructure SEPP                       | In accordance with Clause 104 of the Infrastructure SEPP, applications for certain classes of traffic generation development (identified under Schedule 3 of the Infrastructure SEPP) must be referred to the RMS for comment. Consistent with this requirement, the approved development has been reviewed by the RMS. The proposed changes do not seek to increase the number of parking spaces proposed on the site and referral to the RMS is not considered necessary. Notably, applications for places of public worship are only required to be referred to the RMS where they involve 50 or more parking spaces which is not the case for the place of public worship use on the site.  |   |
| City Centre LEP/Draft Parramatta LEP 2011 |   |   |
| Zoning                                    | B4 Mixed Use  | The proposed uses at the site continue to be permissible uses in the B4 Mixed Use zone. The proposed modifications do not affect the permissibility of the development, or the consistency of the development with the zone objectives. Notably, a place of public worship is permitted with consent in the B4 zone.  |
| FSR                                       | Maximum FSR of 6:1. 10% bonus for either height or FSR permitted when a design competition is held. Bonus to increase to 15% under draft amendments to Parramatta LEP 2011.   | The approved development exceeds the permissible FSR for the site and has been previously assessed to be acceptable. The proposed modifications will reduce the overall FSR on the site and will therefore have even lesser impacts than that previously assessed and considered acceptable. The proposed modifications will result in a reduced bulk and density on the site and are considered acceptable.  |
| Building Height                           | Maximum height limit of 54m. Possible 10% bonus for either height or FSR when a design competition is held.   | The proposal constitutes a reduction in the height of 'Section D' of the building from an approved existing height of approximately 64m to no more than 62.1m. This will result in a reduction in the height of Section D, and no change to Sections A, B or C of the development from what is already approved. As the previously approved height of Section D was assessed to be acceptable, it is considered that the proposed modifications would not have any adverse impacts.   |
| Design Excellence                         | Sets out design excellence requirements for new development.  | The DG granted a project-specific waiver from the design excellence requirements of the City Centre LEP based on the alternative Design Review Panel process for the project. This process is now complete. As the proposed changes to the design are minor, no further design excellence process is considered necessary.  |
| Maximum Car Parking                       | <ul style="list-style-type: none"><li>Retail – 1 parking space per 30m<sup>2</sup> gross floor area.</li><li>Residential – 1 space per dwelling plus 1 visitor space per 5 dwellings</li></ul>  | The deletion of five apartments will result in a reduction in the maximum parking permitted for the residential component of the development from 709 spaces to 703. However, the no change to the approved parking provision on the site is proposed. The development will remain consistent with the maximum parking rate set under the LEP and provided a suitable parking provision having regard to the accessible location of the site. No change to the retail floor space or parking provision is proposed. The LEP does not provide specific parking requirements for function centre/place of public worship use. However, no further parking for multi-purpose space is considered necessary (see <b>Section 5.4</b> below). |
| Heritage                                  | This clause provided for  | The proposed development will not have any impact on the  |

| Instrument / Policy        | Comment   |   |
|----------------------------|---|---|
| Conservation               | the conservation of heritage items within the Parramatta CBD.   | archaeological relics on the site, listed as Archaeological Management Unit No 3190. No adverse heritage impacts will result from the proposed modifications and the approved built form remains predominantly the same with reduced impacts at the Hunter Street elevation resulting from the reduction in height. |
| <b>Parramatta DCP 2011</b> | The proposed modifications do not affect the development's compliance with relevant controls in the Parramatta DCP. |   |

## 5.2 Height and Built Form

The proposed modifications will result in a reduction in height of Section D of the approved building, which will result in a slight reduction in the bulk and scale of the overall development. This is considered to be a positive outcome.

## 5.3 Acoustic Impact

The proposed clarification of the permissible uses of the conference centre so as to include use as a place of public worship has been supported by an acoustic statement prepared by Acoustic Logic and provided at **Appendix C**.

This statement demonstrates that the proposed use of the conference centre as a place of public worship will have no adverse impacts on the acoustic amenity of either residents at the site, or of properties in the vicinity of the site.

## 5.4 Traffic Impacts

The traffic report at **Appendix B** states that the place of public worship will cater for up to 300 people. The peak activity would be during the Sunday morning/midday period. On weekdays, the level of activity associated with services/meetings would be low.

Given the site's location within the Parramatta CBD, in close walking distance to Parramatta railway station and bus services in the area, a congregation of 300 people would be anticipated to have parking demands of some 80 to 100 cars. These vehicles could use available on-site visitor parking and public car parks. There are some four off-street public car parks in close proximity to the site.

The traffic report concludes that the proposed place of public worship use would not have an adverse impact on the surrounding road network.

## 5.5 Overshadowing

The proposed reduction in the height of Section D will reduce the overshadowing generated by the development. This existing built form has already been assessed to be suitable and is not expected to have any additional adverse impact.

## 5.6 Social and Economic Impacts

The proposed clarification of the uses of the conference centre to include a place of public worship will act as an attractor of people to the area, who will be likely to spend money on other goods and services within Parramatta when visiting the site. The benefits of providing a multi-purpose space within the Parramatta CBD are significant with the potential for the space to be used for a range of community and business events which will attract increased investment in the area.



The reduction in the height of Section D will not have any adverse social or economic impacts. The reduction in the height of Section D will result in a smaller quantum of apartments at the site, but will enable the delivery of the vast majority of the development envisaged under the existing approval. Notably, there is no change to the diversity of apartments provided in the development, only a slight reduction in the number.

The stratum subdivision of the site will also have the economic benefit of enabling the completion of the development, and the sale / lease of the various spaces within the building. This will assist in delivering the overall benefits of the development to Parramatta and its surrounds sooner.

## 5.7 Site Suitability

The site is suitable for the proposed modified development in that:

- the proposed reduction in height has been undertaken in the context of the context of the site to the world heritage listed OGHD;
- the proposed clarification of the multi-purpose space has been demonstrated to have no adverse impacts, and will enable a location of such services in close proximity to excellent public transport linkages; and
- the proposed stratum subdivision is in accordance with the modified development.

## 5.8 Public Interest

The proposal is within the interest of the general public in that:

- the proposed reduction in height of Section D will have a lesser visual impact on the world heritage listed OGHD, whilst maintaining the delivery of additional housing in the Parramatta City Centre;
- the proposed modifications will enable the timely occupation of a long term vacant site which will improve the character of the Parramatta City Centre, including the timely delivery of the archaeological site as a part of the public plaza area; and
- the use of the conference centre as a multi-purpose space will increase the functionality and useability of the space, in such a location which is close to public transport options and is capable of receiving the contemplated visitor numbers envisaged at **Section 4.0**.



## 6.0 Conclusion

This modification seeks a minor reduction in the height of Section D of the approved development from 64m to 62.1m, as well as clarification on the permissible uses of the approved conference centre at the site. Additionally, the modifications also propose minor changes to the wording of the affordable housing condition, and the stratum subdivision of the site.

The proposed reduction in height will have no adverse impacts on the surrounding area, with a marginal reduction in the bulk and scale arising from the proposed reduction in height.

The proposed clarification as to the permissible uses of the multi purpose space will ensure the centre is able to be used as a conference centre, a place for community and cultural exhibitions, functions and a place of public worship. As demonstrated throughout this report, this will not result in any adverse impacts on the surrounding area.

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.

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, the application is recommended for approval.