

ASSESSMENT REPORT

45-47 Macquarie Street and 134-140 Marsden Street, Parramatta MP 09_0167 MOD 6

1. INTRODUCTION

This report is an assessment of a request to modify Project Approval MP 09_0167 MOD 6 for a mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta.

The request has been lodged by Crown Landmark Developments Pty Ltd pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the conversion of 72 residential apartments in Section D of the approved development into serviced apartments.

2. SUBJECT SITE

The site is located in the Parramatta Central Business District (CBD) bounded by Macquarie Street to the north; Hunter Street to the south; and Marsden Street to the east. The site is also located approximately 460 metres north-east of Parramatta Railway Station, and 500 metres south-east of the World heritage-listed Old Government House and Domain (OGHD) (see **Figure 1**).



Figure 1: Local Context Plan

(base source: Google Maps)

3. APPROVAL HISTORY

On 28 October 2011, Project Approval (MP 09_0167) was granted by the Planning Assessment Commission (the Commission) for the construction of a mixed use development.

Key aspects of the approved development include:

- four tower blocks (Section A, B, C & D), ranging in height from 10 to 26 storeys;
- 367 residential apartments;
- commercial, retail and restaurant floor space;
- an archaeological interpretation centre; and
- basement parking over six levels for 535 car spaces.

The development is currently under construction.

The Project Approval has been modified on five occasions, as outlined in **Table 1** below:

Table 1 – Summary of Previous Modifications

Mod 1	<ul style="list-style-type: none"> • changes to allow the staged payment of Section 94 contributions;
Mod 2	<ul style="list-style-type: none"> • an increase in building height of Section A to D by 17.9 metres to 102.5 metres; increase gross floor area by 2,720 sq.m and FSR to 8.67:1; • changes to the podium and tower facades; • increase in the number of residential apartments to 477; • the introduction of serviced apartments; • an increase in the size of archaeological centre; • reconfiguration to basement parking layout and an increase in number of car spaces from 535 to 566;
Mod 3	<ul style="list-style-type: none"> • changes to the archaeological display area;
Mod 4	<ul style="list-style-type: none"> • an increase in building height of Section D by seven storeys; • an increase in GFA of 3,822 sq.m; • an increase in the number of apartments by 114 from 477 to 591; • the deletion of 42 serviced apartments; • expansion of the conference centre at the second floor; • expansion of the archaeological interpretation centre; • changes to the façade design; • the provision of a roof top bar above the building in Section C; • an increase of eight car parking spaces (from 566 to 574) and reconfiguration of basement car parking levels; • stratum subdivision; and • the provision of signage.
Mod 5	<ul style="list-style-type: none"> • a reduction in building height of Section D (south-west wing) by 1.8 metres, from 64 metres to 62.1 metres; • a net reduction of five apartments; • strata and stratum subdivision; and • minor changes to storage at the basement and building identification signage.

On 22 January 2016, The Commonwealth Department of Environment issued a controlled action approval under the *Environmental Protection and Biodiversity Act, 1999* (EPBC Act 1999) as the site is within the view curtilage of the OGHD.

4. PROPOSED MODIFICATION

The Proponent lodged a section 75W modification application (MP 09_0167 MOD 6) seeking approval for the conversion of 72 residential apartments at Levels 2 to 9 in Section D of the approved development into serviced apartments.

The proposed modification would result in changes to the development parameters, as outlined in **Table 2**.

Table 2 – Development Parameters

	Bedroom Type	Approved		Proposed Modification	
		Number of Apartments	%	Number of Apartments	%
<i>Residential apartment mix</i>	Studio	77	13.1	61	11.8
	1 bedroom	312	53.2	265	51.5
	2 bedroom	180	30.7	171	33.3
	3 bedroom	17	2.9	17	3.4
<i>Serviced apartment mix</i>	Studio	-	-	16	22.2
	1 bedroom	-	-	48	66.7
	2 bedroom	-	-	8	11.1
	3 bedroom	-	-	-	-
<i>Number of Apartments</i>		Residential - 586	Residential - 514 Serviced apartments - 72 Total: 586 apartments		
SEPP 65 & Apartment Design Guideline (ADG) Requirements					
<i>Solar Access</i>		81%	88% 81% (residential and serviced apartments combined)		
<i>Cross ventilation</i>		63%	67% 63% (residential and serviced apartments combined)		

The proposed modification would not require any physical works to be undertaken except for some minor internal upgrade works to comply with the Building Code of Australia (BCA). A number of operational measures would also be adopted to ensure adequate separation between the residential and serviced apartment uses.

The proposed modification would result in no change to the approved development in terms of the:

- total number of apartments;
- internal layout or design of the apartments;
- external appearance of the development or building height;
- number of car spaces on the site; or
- quantum of floor space.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The application was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act. The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Commission may determine the section 75W modification request under delegation.

6. CONSULTATION

The Department made the modification application publicly available on its website and consulted with Parramatta City Council (Council) about the proposed modification, and notified adjoining residential properties of the application. Given the minor nature of the proposed modification it was not exhibited by any other means.

Council raised no objection to the proposed modification.

No **public** submissions were received.

7. ASSESSMENT

The key assessment issues are considered in **Table 3** below.

Table 3: Assessment of the Key Issues

Issue	Consideration	Recommendation
<i>Potential conflict of uses</i>	<ul style="list-style-type: none"> The proposal includes specific measures to minimise potential conflicts between the residential and serviced apartment uses. These measures include the provision of: <ul style="list-style-type: none"> dedicated lifts for each component; a separate ground floor lobby and reception desk for the serviced apartment component; security access control to manage the separation of areas; internal signage to delineate the uses; separate parking areas at the basement for permanent residents and serviced apartment guests; and separate storage areas at the basement. The Department is satisfied these operational measures would appropriately minimise any potential conflicts between the two uses. 	No additional conditions or amendments necessary.
<i>Traffic and Parking</i>	<ul style="list-style-type: none"> Council's car parking controls do not include a separate parking rate for serviced apartments. Therefore no changes are proposed to the approved car parking. The Department considers the proposal is unlikely to result in additional traffic generation or increased demand for car parking given the site is located in the heart of the Parramatta CBD within walking distance of shops and other services. Also, the site has excellent access to public transport which would reduce the need for private car travel. The Department is therefore satisfied the proposal is acceptable and would not result in any adverse traffic or parking impacts. 	No additional conditions or amendments necessary.
<i>Other Matters</i>	<p><i>Residential Amenity</i></p> <ul style="list-style-type: none"> The proposal does not seek approval to change the layout or design of the approved apartments. The internal amenity of the apartments would therefore not change. It is noted that the percentage of residential apartments which comply with the requirements of the ADG increases as a result of the proposal. This is because the ADG does not apply to serviced apartments and are therefore excluded from the compliance calculation. The Department is satisfied that the proposal would continue to provide acceptable levels of residential amenity for future occupants. <p><i>Heritage Impacts</i></p> <ul style="list-style-type: none"> The proposed modification would not result in any change to the external appearance or height of the approved development. The Department is therefore satisfied there would be no additional impact on the heritage values of the OGHD. <p><i>Building Code of Australia</i></p> <ul style="list-style-type: none"> The proposal would involve some minor internal upgrade works to maintain egress in accordance with the BCA. The Proponent's BCA statement submitted with the application concludes that compliance with the BCA can be achieved. The Department is therefore satisfied the proposal would comply with the relevant requirements in the BCA. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that it would:

- increase the supply of short term accommodation with good access to public transport in the Parramatta CBD;
- result in no external change to the building or adverse impact on the surrounding area;
- include adequate operational measures to separate the residential component from the serviced apartment use; and
- continue to provide acceptable levels of residential amenity for future residents in accordance with the ADG.

Consequently, the Department considers the proposed modification is in the public interest, and should be approved subject to the conditions recommended in the Notice of Modification at **Appendix A**.

9. RECOMMENDATION

It is recommended that the Commission:

- a) consider the findings and recommendations of this report;
- b) approve MP09_0167 MOD 6, under section 75W of the Environmental Planning and Assessment Act 1979 by;
- c) sign the attached Notice of Modification (**Appendix A**).

Prepared by: Thomas Mithen
Consultant Planner

Endorsed by:



Anthony Witherdin
Acting Director
Modification Assessments



Anthea Sargeant 27/6/16
Executive Director
Key Sites and Industry Assessments