

ASSESSMENT REPORT

Mixed Use Development at 330 Church Street, Parramatta MP 10_0171 MOD 11

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval (MP 10_0171) for a mixed use residential, retail and commercial development at 330 Church Street, Parramatta.

The request has been lodged by Meriton Group (Karimbla Constructions Services NSW Pty Ltd) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval to update Condition E2 of the approval to be consistent with the maximum gross floor area (GFA) and height approved under an earlier modification.

2. SUBJECT SITE

The subject site is located at the northern edge of the Parramatta CBD. The site is irregular in shape, has an area of 6,763 m² with frontages to Church Street and the Parramatta River (see **Figure 1**). The eastern boundary of the site adjoins a Council owned car park known as the David Fraser Car Park. The approved development is currently under construction.



Figure 1: Subject site

3. APPROVAL HISTORY

On 19 October 2012, Project Approval MP 10_0171 was approved under delegation for the redevelopment of the site at 330 Church Street for a mixed use residential and commercial development.

Ten modification applications have previously been submitted by the Proponent as outlined in **Table 1** below.

Table 1: Summary of Modifications

MOD	Key amendments	Determination
MOD 1	Variations to requirements in relation to wind mitigation measures and Aboriginal and non-Aboriginal archaeology.	Approved under delegation on 23 January 2013
MOD 2	Amend Condition A8 to defer the execution of the Voluntary Planning Agreement (VPA) until 12 months following the date of determination.	Approved under delegation on 13 March 2013
MOD 3	Amendments to: <ul style="list-style-type: none"> • increase gross floor area (GFA) from 44,117m² to 61,711m²; • increase building heights as follows: <ul style="list-style-type: none"> • eastern tower from 22 to 30 storeys; • western tower from 32 to 52 storeys; and • podium from three storeys to four storeys; • increase of residential apartments (from 220 to 378) and increase of serviced apartments (from 170 to 266); • remove the child care centre and supermarket; and • increase in car parking spaces from 597 to 709. 	Approved by the Planning Assessment Commission (the Commission) on 19 December 2013
MOD 4	Amendments to: <ul style="list-style-type: none"> • reduce the GFA from 61,711m² to 59,526m²; • a reduction of three residential apartments (from 378 to 375 apartments); • increase of 25 serviced apartments (from 266 to 291 apartments); • reduction of car parking spaces from 709 to 663; and • provision of building identification signage. 	Approved by the Commission on 14 November 2014
MOD 5	Provision of a retail mezzanine.	Withdrawn on 21 January 2015
MOD 6	Amendments to: <ul style="list-style-type: none"> • increase the height of the eastern tower from 33 storeys (RL 116.3) to 39 storeys (RL 135.4); • increase the GFA and retail floor space (from 61,711m² to 63,979m²); • inclusion of a child care centre; and • changes to the serviced apartments unit mix and layout. 	Approved by the Commission on 29 June 2015
MOD 7	Changes to metal louvres on the elevations.	Withdrawn on 11 June 2015
MOD 8	To include a porte-cochere at the entrance of the serviced apartment building.	Withdrawn on 1 February 2016
MOD 9	To modify Condition D10 to allow construction vehicles to enter and exit the site in a reverse motion when required and to provide a dedicated storage and loading area for use by the neighbouring premises.	Approved 4 November 2015
MOD 10	To change materials from sandstone to limestone tiles.	Withdrawn on 30 November 2015

4. PROPOSED MODIFICATION

On 4 May 2016, the Proponent lodged a section 75W modification application (MP 10_0171 MOD 11) seeking approval to update Condition E2 of the approval.

Condition E2 requires the Proponent to demonstrate the constructed building does not exceed the approved GFA and height. However, the GFA and height figures in the condition were not updated to reflect Modification 6, which approved an increase in GFA and height.

The modification (MP 10_0171 MOD 11) therefore seeks to update Condition E2 to be consistent with the GFA and height under Modification 6 as follows:

E2 GFA and Height Certification

*A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of the development at the subject site approved by this major project does not exceed ~~61,744 m²~~ **63,979 m²** and a maximum height of ~~RL116.3 m~~ **RL135.4 m** for the eastern tower, and ~~RL185.1m~~ for the western tower respectively. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.*

The Department notes the approved GFA and height have not been altered by subsequent modifications.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (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 Planning Assessment Commission may determine the application under delegation.

6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with Parramatta City Council. Due to the minor nature of the application it was not exhibited by any other means.

Council advised it has no objection to the proposed modification.

No public submissions were received.

7. ASSESSMENT

The Department considers updating Condition E2 to be consistent with the maximum GFA and height approved under modification 6 is appropriate as it would:

- correct a previous administrative error;
- enable the GFA and height of the building to be correctly certified at the completion of the building works; and
- not result in any additional development potential or impacts beyond those already assessed and approved.

The Department is therefore satisfied that the proposal is acceptable.

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 that the proposed modification is appropriate as it would correct a previous administrative error.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

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

- a) **considers** the findings and recommendations of this report;
- b) **approves** the application under section 75W, subject to conditions; and
- c) **signs** the notice of modification (**Appendix A**).

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