

ASSESSMENT REPORT

Mixed Use Development at 330 Church Street, Parramatta MP 10_0171 MOD 12

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 replace the approved plant room at the top of the western tower with two additional 4-bedroom penthouse apartments.

2. SUBJECT SITE

The subject site is located at the northern edge of the Parramatta CBD. The site is irregular in shape and it has an area of 6,763 m². The site has 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.



Figure 1: Subject site

(Source: Proponent's Application, 2016)

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. The approved development is currently under construction.

Eleven modification applications have previously been submitted by the Proponent as outlined in **Appendix C**.

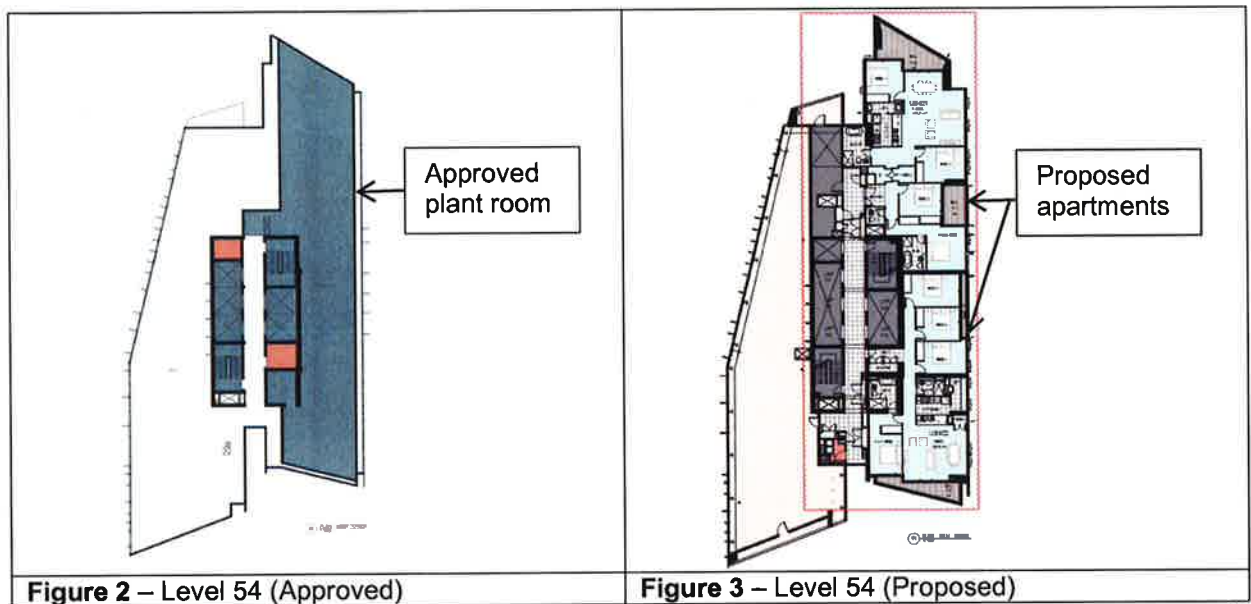
4. PROPOSED MODIFICATION

On 21 July 2016, the Proponent lodged a section 75W modification application (MP 10_0171 MOD 12) seeking approval to replace the approved plant room at Level 54 of the western tower with two additional 4-bedroom penthouse apartments. The plant approved at Level 54 is no longer required and sufficient space is available at the other approved plant level (Level 55) to accommodate all the necessary plant. The proposal would increase the gross floor area (GFA) of the building by 364 m² and car parking by four spaces.

No changes are proposed to the approved:

- height of the building;
- internal layout or design of the other apartments; or
- overall external appearance of the development.

Figures 2 to 5 illustrate the approved and proposed development.



(Source: Proponent's Application, 2016)

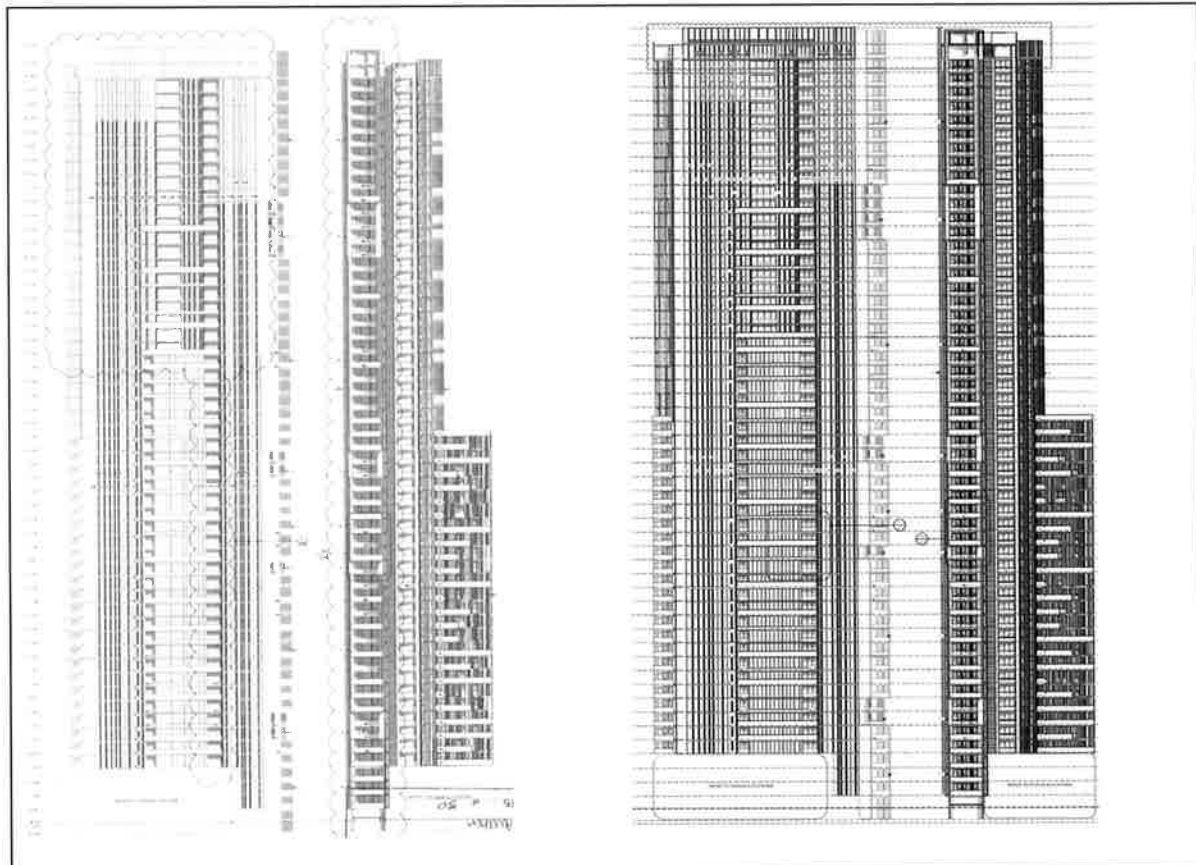


Figure 4 – East and North Elevation (as approved)

Figure 5 - East and North Elevation (as modified)

(Source: Proponent's Application, 2016)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project 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 of Planning and Environment (the Department) is satisfied 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, subject to there being no adverse acoustic or design impacts on the surrounding area. Council also requested the Proponent consider amending the Voluntary Planning Agreement (VPA) for the delivery of public benefits to reflect the development uplift resulting from the proposed modification.

No public submissions were received.

7. ASSESSMENT

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

Table 3 – Key Assessment Issues

Issue	Consideration	Recommendation
<i>Built Form/Visual Impact</i>	<ul style="list-style-type: none"> • The proposal seeks approval to replace the plant room at Level 54 of the western tower with two 4-bedroom apartments. • The Department considers the proposal would not result in any adverse built form or visual impacts as: <ul style="list-style-type: none"> ○ the height of the building would not change and the new apartments would be contained within the approved building envelope; ○ the proposed changes would barely be discernible in the context of the entire development, and would not materially change the appearance of the site when viewed from the public domain; and ○ the design of the new apartments would match the approved building below resulting in a positive visual impact on the surrounding area (refer to Figures 4 and 5). • The Department has also considered the potential impact of the proposal on the world heritage listed Old Government House and Domain located over 300 metres to the west of the site. • The Department is satisfied the proposal would not have an adverse impact on the setting or views of the heritage items given the minor nature of the proposal. • The Department is therefore satisfied that the proposal would not result in any adverse built form or visual impacts on the surrounding area. 	No additional conditions or amendments are necessary.
<i>GFA</i>	<ul style="list-style-type: none"> • Council's Local Environmental Plan (LEP) sets a maximum floor space ratio (FSR) of 6.6:1 for the site (including the bonus FSR provisions). • The proposal would increase the GFA of the building by 364 sqm from 63,979 sqm to 64,343 sqm. This would increase the FSR of the proposal from 8.55:1 to 8.6:1 (based on the site area of 7,479 sqm). The proposal would therefore result in a minor increase (0.6%) to the existing FSR non-compliance. • Despite the non-compliance the Department considers the proposal is acceptable as: <ul style="list-style-type: none"> ○ the height of the approved building would not increase and the new apartments would be contained within the approved building envelope; ○ no additional amenity impacts would arise; ○ the proposal would have a negligible impact on traffic generation, requiring only four additional car parking spaces; and ○ no objection to the increase was raised by Council. • On this basis, the Department's assessment concludes the additional GFA is acceptable. 	No additional conditions or amendments are necessary.
<i>External Amenity Impacts</i>	<ul style="list-style-type: none"> • The proposal would not change the extent of overshadowing compared to the approved development given the proposed apartments would be contained within the building envelope established by the approved plant room. • The Department notes the approval contains existing conditions which would appropriately control noise emitted by plant and equipment on the site. 	No additional conditions or amendments are necessary.

	<ul style="list-style-type: none"> The Department is therefore satisfied there would be no adverse amenity impacts on the surrounding area. 	
<i>Internal Amenity</i>	<ul style="list-style-type: none"> The Proponent has undertaken a detailed assessment of the proposal against the provisions of the Apartment Design Guide (ADG). The assessment demonstrates the proposed penthouse apartments would satisfy the internal amenity provisions in the ADG. The Department is therefore satisfied the proposal would provide acceptable levels of residential amenity for future occupants of the new apartments. 	No additional conditions or amendments are necessary.
<i>Contributions</i>	<ul style="list-style-type: none"> Council and the Proponent have entered into a VPA to provide contributions for the increase demand for infrastructure and services associated with the proposal. Council requested the VPA to be amended to account for the uplift in development. In response, the Proponent made an offer to amend the VPA to provide additional contributions for the additional GFA. The Department also notes the VPA includes Section 94A contributions of approximately \$12,806.00. The Department has recommended a condition requiring the VPA to be amended generally in accordance with the letter of offer. The Department considers the additional contributions would satisfy the increased demand for infrastructure and services associated with the proposal. 	Condition A8C is recommended to be updated accordingly.
<i>Car Parking</i>	<ul style="list-style-type: none"> The proposal seeks approval to provide four additional car parking spaces (two spaces for each apartment). Updated basement level plans have been provided which demonstrate the additional parking can be provided within the approved basement. Council's LEP sets a car parking rate of one space per dwelling within the city centre. However, this rate only applies to dwellings with 1 to 3 bedrooms. The Department considers the provision of two car parking spaces for each apartment is acceptable given the proposed apartments are both four bedroom apartments. 	Condition B7 is recommended to be updated accordingly.

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:

- have a positive visual impact on the surrounding area;
- not result in any additional development impacts beyond those already assessed and approved; and
- provide an acceptable level of amenity for the future residents.

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 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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Director
Modification Assessments



Anthea Sargeant 20/9/16
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Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7842

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7842

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7842

APPENDIX C: PREVIOUS MODIFICATIONS

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

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 44,117 m² to 61,711 m²; 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 61,711 m² to 59,526 m²; 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 61,711 m² to 63,979 m²); 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
MOD 11	To correct the gross floor area (GFA) and building height specified in Condition E2 to reflect the approved GFA and building height.	16 June 2016