



Planning &  
Environment

***MODIFICATION REQUEST:***

***Section 75W Modification  
Project Application at 330 Church Street,  
Parramatta***

***MP10\_0171 MOD4***



Secretary's Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

November 2014

Cover image: View south west across Parramatta River towards the modified development (source: proponent's application)

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## 1. BACKGROUND

### 1.1 Introduction

The purpose of this report is to assess a request to modify the project approval (MP09\_0171) for the mixed use residential and commercial development at 330 Church Street Parramatta under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modifications include a reduction of three residential apartments, 46 car parking spaces, and 1,098m<sup>2</sup> retail floorspace, an increase of 25 serviced apartments, internal reconfiguration of retail, residential and serviced apartment accommodation, external alterations to elevations, reconfiguration of the landscaped podium level, provision of building name signage and associated reworded conditions and commitments.

### 1.2 The site and surroundings

The site is located at the northern edge of the Parramatta CBD adjacent to the Parramatta River in the Parramatta Local Government Area (refer to **Figure 1**).

The site is irregular in shape, has an area of 6,763m<sup>2</sup> and has a frontage to Church Street and the Parramatta River. The developments on the northern side of the river comprise a mix of uses and range in height from 8 to 19 storeys. The eastern boundary of the site adjoins a Council owned car park known as the David Fraser Car Park. Developments on the western side of Church Street are predominantly two and three storey retail buildings. The southern boundary of the site adjoins the 12 storey Crown Plaza Hotel.

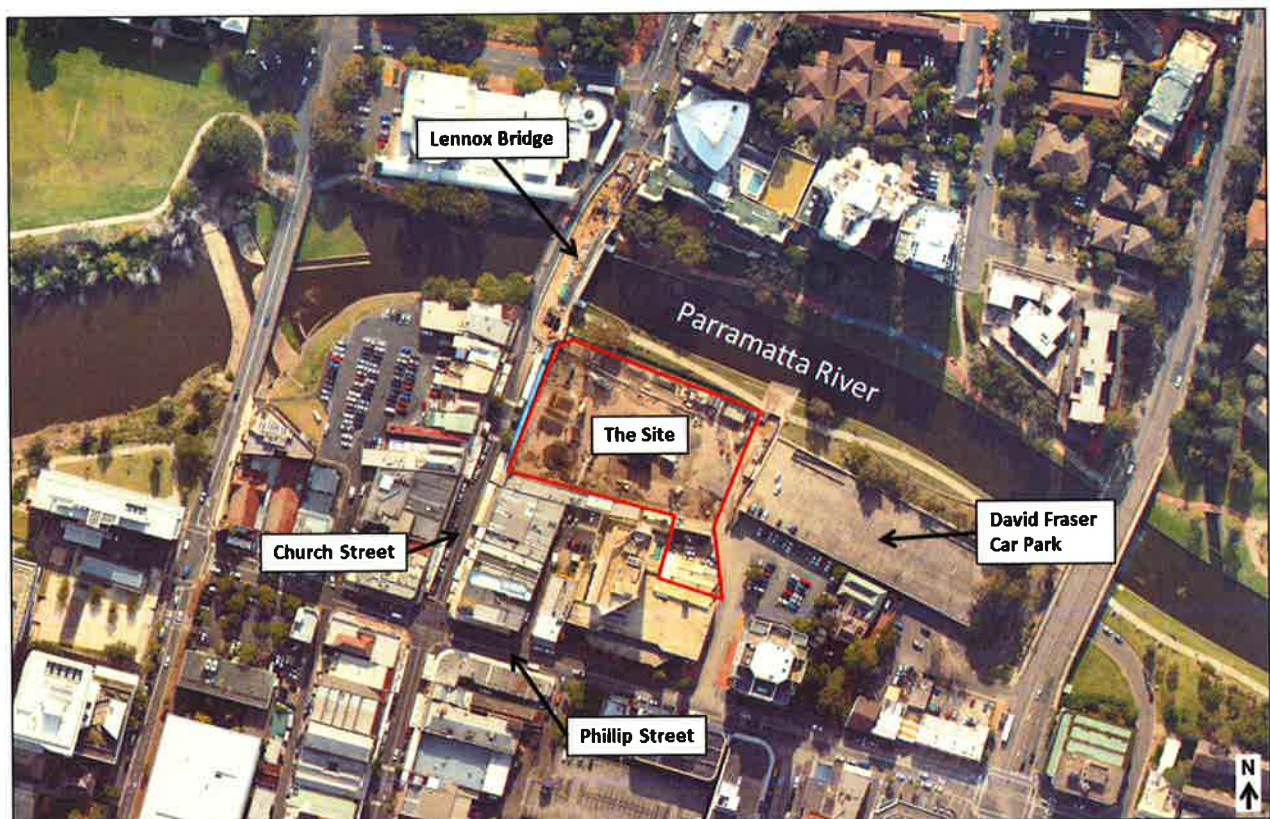


Figure 1: Site location (Base source: Nearmap)

### 1.2 Previous Approvals

On 19 October 2012, the then Deputy Director-General, Development Assessment and Systems Performance approved a project application (MP10\_0171) for the redevelopment of 330 Church Street for a mixed use residential and commercial development subject to conditions. The Project Approval



comprises the demolition existing commercial buildings and provision of a 44,117m<sup>2</sup> mixed use building including:

- three storey podium containing eight retail tenancies, a supermarket, a childcare centre and nine apartments;
- 22 storey tower (eastern tower) containing 170 serviced apartments;
- 32 storey tower (western tower) containing 211 residential apartments; and
- basement car park 597 car parking spaces, four loading docks and 24 bicycle spaces.

On 23 January 2013, the then Director, Metropolitan and Regional Projects North approved a modification application (MP10\_0171 MOD1), which allowed variations to requirements in relation to wind mitigation measures and Aboriginal and non-Aboriginal archaeology.

On 13 March 2013, the then Director, Metropolitan and Regional Projects North approved a modification application (MP10\_0171 MOD2), which amended condition A8 to defer the execution of the voluntary planning agreement (VPA) to prior to the issue of an Occupation Certificate.

On 19 December 2013, the Planning Assessment Commission (PAC) approved a modification application (MP10\_0171 MOD3), which permitted the following modifications:

- increase GFA from 44,117m<sup>2</sup> to 61,711m<sup>2</sup>;
- increase building heights as follows:
  - eastern tower to RL 116.3m (30 storeys);
  - western tower to RL 185.1m (52 storeys); and
  - podium from RL 20.2m (3 storeys) to RL 23.3m (four storeys);
- increase of residential apartments (from 220 to 378) and increase of serviced apartments (from 170 to 266);
- deletion of the child care centre and supermarket;
- reconfiguration of internal layouts and external alterations to elevations; and
- increase in the number of car parking spaces from 597 to 709 spaces and reconfiguration of basement vehicular access points.

## 2. PROPOSED MODIFICATION

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On 9 April 2014, Karimbla Construction Services (NSW) Pty Ltd (the proponent) lodged a modification request application under section 75W of the EP&A Act to modify the project application MP10\_0171.

On 13 August 2014 and 24 September 2014 the proponent submitted amended plans, which included minor internal and external alterations to the building.

The modification request, as amended, proposes the following key changes:

- a reduction of three residential apartments (from 378 to 375 apartments) and alteration of dwelling mix;
- an increase of 25 serviced apartments (from 266 to 291 apartments) and alteration of apartment mix;
- a reduction of 2,185m<sup>2</sup> total GFA (from 61,711m<sup>2</sup> to 59,526m<sup>2</sup>) including a reduction of 1,098m<sup>2</sup> retail floorspace (from 3,201m<sup>2</sup> to 2,103m<sup>2</sup>), and ancillary circulation and storage space;
- a reduction of 46 car parking spaces (from 709 to 663 spaces);
- internal reconfiguration of retail, residential and serviced apartment accommodation;
- external alterations to elevations;
- reconfiguration of the landscaped podium level;
- provision of building name signage; and
- associated reworded conditions and commitments.

Images of the proposed modification are shown at **Figures 2 and 3**. Further details of the proposed modification are provided at **Appendix A**.



**Figure 2: Approved (top) and proposed (bottom) ground floor retail, servicing and entrance lobby area layouts (Source: MP10\_0171 MOD3 and proponent's application)**





Figure 3: Approved (left) and proposed (right) northern elevations fronting Parramatta River  
(Source: proponent's application)

### 3. STATUTORY CONTEXT

#### 3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or her delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

#### 3.2 Modification of a Minister's Approval

The modification application has been lodged with the Secretary pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including 'revoking or varying a condition of the approval or imposing an additional condition on the approval'.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify the form of the development and specific conditions of the approval, which require further assessment and therefore approval is required.

### **3.3 Secretary's Environmental Assessment Requirements**

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of Secretary's Environmental Assessment Requirements (SEARs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of SEARs as suitable information was provided to the Department to consider the application.

### **3.4 Delegated Authority**

Consistent with the Minister for Planning's delegation, the application can be determined by the Planning Assessment Commission.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Notification**

Under section 75X(2)(f) of the EP&A Act, the Department is required to make a modification request publicly available. With regard to public notification the Department:

- referred the application to Parramatta City Council for comment;
- notified surrounding owners and occupiers from 4 June 2014 until 21 July 2014; and
- made the application publically available on the Department's website.

The Department did not receive any submissions from the public. A submission was received from Parramatta City Council (Council).

### **4.2 Council Submission**

On 10 October 2014 Council wrote to the Department advising that it raised no objection to the proposal subject to conditions regarding awning, footpath and colonnade design and bicycle parking.

## **5. ASSESSMENT**

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The Department considers that the assessment issues are:

- dwelling yield, mix and GFA;
- car parking provision;
- signage; and
- built form.

Each of these issues is discussed in the following sections of this report.

### **5.1 Dwelling yield, mix and GFA**

The proposal involves changes to the residential/serviced apartment numbers and mix and a reduction in retail floorspace and overall of floor area. These changes are summarised in **Table 1**:

**Table 1: Summary of key approved and proposed project statistics**

Component		Approved	Proposed	Change +/-
<b>Number of Residential Dwellings</b>		<b>378</b>	<b>375</b>	<b>- 3</b>
Dwelling Mix	1b'room	66	69	+3
	2b'room	292	286	- 6
	3b'room	20	20	0
<b>Number of Serviced Apartments</b>		<b>266</b>	<b>291</b>	<b>+25</b>
Apartment Mix	Studio	3	0	- 3
	1b'room	170	243	+73
	2b'room	66	20	- 46
	3b'room	27	28	+1
<b>Retail GFA</b>		<b>3,201m<sup>2</sup></b>	<b>2,103m<sup>2</sup></b>	<b>- 1,098m<sup>2</sup></b>
Retail units	Church Street	3	5	+2
	Riverfront	5	5	0
<b>Gross Floor Area</b>		<b>61,711m<sup>2</sup></b>	<b>59,526m<sup>2</sup></b>	<b>- 2,185m<sup>2</sup></b>

### 5.1.1 Dwelling yield and mix

The proponent has advised that the proposed changes to residential/serviced apartment numbers and mix are in response to:

- providing an efficient layout within the buildings;
- market demand for smaller serviced apartment sizes; and
- improving dwelling choice.

When compared to the project approval the revised residential/serviced apartment mix and number results in an additional 22 units. The Department notes that this increase has been achieved through improved efficiencies in the internal layout of the building and alterations to unit mix. The Department considers that the overall increase in unit numbers and the revision of the mix of residential/serviced apartments is minor in the context of a development of this size and is therefore acceptable.

### 5.1.2 GFA

The proponent has stated that the rationalisation of the ground floor and mezzanine levels results in a 1,098m<sup>2</sup> reduction of retail floorspace and an overall reduction of 2,185m<sup>2</sup> GFA. The proposed retail spaces would maintain active frontages along the riverfront and Church Street.

A comparison of the approved and proposed ground floor layout is provided at **Figure 2**. The Department accepts that the reduction of 1,098m<sup>2</sup> retail floorspace is appropriate for the following reasons:

- the development would maintain a consistent active retail frontage to Church Street and the Parramatta riverfront;
- the provision of narrower retail frontages is consistent with the plot widths and character of existing retail tenancies on the opposite side of Church Street;
- the resulting retail units have an appropriate layout and are regular in shape;
- the reduction in retail floorspace facilitates the provision of an improved servicing area layout.

## 5.2 Car parking provision

Car parking provision was a key consideration in the Department's assessment of the project application. The project approval (as amended by modification application MP09\_0171 MOD3) allows for a total of 709 car parking spaces. The proposal seeks to reduce the total number of car parking spaces by 46, from 709 to 663 spaces and also revise the allocation of car parking for the residential and serviced apartments, visitor and retail uses (refer to **Table 2**).



**Table 2: Approved and proposed car parking provision**

Type	No. Dwellings / GFA		Car Parking Rate		No. Spaces		Change +/-
	Appr.	Prop.	Appr.	Prop.	Appr.	Prop.	
<b>Residential dwellings</b>	378	375	0.82 spaces per dwelling	1 space per dwelling	310	375	<b>+65</b>
<b>Serviced apartments</b>	266	291	0.82 spaces per apartment	0.54 space per apartment	218	158	<b>- 60</b>
<b>Residential (visitor)</b>	378	375	1 space per 5 dwellings	1 space per 5.6 dwellings	75	67	<b>- 8</b>
<b>Retail</b>	3,201m <sup>2</sup>	2,103m <sup>2</sup>	1 space per 30m <sup>2</sup>	1 space per 33.4m <sup>2</sup>	106	63	<b>- 43</b>
<b>Total parking provision</b>					<b>709</b>	<b>663</b>	<b>- 46</b>

The proponent has confirmed that the increase in car parking spaces for the residential component would not exceed Council's maximum LEP car park rate of 1 space per dwelling within the Parramatta CBD. Furthermore, the reduction in car parking spaces for serviced apartments is in response to the occupancy and car use characteristics of this type of use.

The Department is of the view that the amended scheme would provide sufficient car parking for the future needs of the proposed development and the proposed reduction in car parking provision by 46 spaces is acceptable for the following reasons:

- serviced apartments typically have lower car parking requirements in comparison to residential apartments. Noting that Council's LEP does not specify a car parking rate for serviced apartments and the site's close proximity to public transport, it is considered reasonable that a reduced car parking rate (being approximately 50% less than that applied to residential use) be adopted for the serviced apartments;
- the increase in residential car parking provision would not exceed Council's maximum car parking rate for developments within the Parramatta CBD;
- the reduction in retail car parking provision is largely due to the reduction of retail floorspace (1,098m<sup>2</sup> GFA); and
- the proponent's Traffic Report confirms the reduction in car parking would not have any adverse impacts on the surrounding traffic network.

The proposal seeks to amend condition B7 to reflect the above reduction in car parking and revised car parking allocation. Furthermore, condition B7 is also proposed to be amended so that:

- detailed car parking allocation drawings are required prior to issue of Construction Certificate for the basement structure (rather than the first Construction Certificate); and
- reference to 'commercial use' and 'unknown uses' is deleted.

The Department considers that the amendments to condition B7 to take account of the revised car parking provision are acceptable. Furthermore, the submission of detailed car parking allocation drawings prior to issue of Construction Certificate for the basement structure is considered reasonable. Finally the Department notes that there are no commercial uses or unknown uses within the scheme and therefore deletion of this reference is appropriate.

### 5.3 Signage

The application seeks approval to erect four building identification signs at roof level of the eastern tower (serviced apartments), one on each elevation. Each sign is to be internally illuminated, made of powder-coated aluminium and comprise (refer to **Figure 5**):

- letters spelling 'MERITON' that in total will measure 1.9m high, 14.5m wide and 150mm deep (27.55m<sup>2</sup>); and
- the Meriton logo measuring 1.9m high and 2.4 wide (4.6m<sup>2</sup>).

The proposal also includes the erection of three new parapet walls on which three of the proposed building identification signage will be mounted. The parapet walls are 2.5 metres in

height and located at the roof level of the eastern tower on its southern, eastern and western elevations. The parapet walls would increase the height of the building in this location from RL 107.8 metres to RL 110.3 metres.

The existing approval includes a condition (condition A5), which requires the proponent to obtain separate approval for signage. As the proposal seeks to have signage approved this application also seeks to amend condition A5 to delete reference to signage.



Figure 5: Building identification signage to the northern (left) and eastern (right) elevations of the building (Source: proponent's application).

The Department is of the view that the proposed building identification signage is appropriately sized, positioned and proportioned in relation to the overall height and scale of the eastern tower. The signage relates to the serviced apartment component of the development only and is part of the Meriton corporate identity. The location will ensure that the building has a clear identity and would not result in visual clutter or impact on traffic safety. The proposed signage is also consistent with the principles of SEPP 64. A detailed assessment is provided at **Appendix B**.

Furthermore, the provision of new parapet walls is acceptable as:

- the southern, eastern and western elevations would be 6 metres lower than the architectural roof feature element on the northern elevation and would not challenge its prominence;
- they would not have a harmful visual impact on the overall design and appearance of the eastern tower.

As other signage may be proposed, it is recommended that condition A5 be amended to provide that signage, other than what is granted under this modification, requires separate approval.

## 5.4 Built form

As a result of the evolution of the design development following the approval of the previous modification application (MP09\_0171 MOD3), the application proposes internal and external alterations to the proposed basement, podium and both towers.

The proposal includes the following key changes to the internal layouts of the basement, podium and towers:

- reconfiguration of residential/serviced apartments layouts;
- reconfiguration of rear vehicular access and servicing area, including relocation of ramp to basement levels, alteration of loading areas, increase in back of house storage and garbage storage areas, alteration to residential/serviced apartment lobby areas and amended pedestrian access arrangements;
- reconfiguration of retail floorspace at ground and mezzanine levels including the provision of five (instead of three) retail units fronting Church Street and rationalisation of retail units fronting Parramatta riverfront (discussed at **Section 5.1**); and
- reconfiguration and rationalisation of basement and podium level car parking layouts (the reduction in car parking number is discussed at **Section 5.2**).

The proposal includes the following key changes to the external design of the podium and towers:

- revision of the podium elevations including a modified architectural expression, amended awning to Church Street, balcony locations, shading devices, column location and design;
- amendments to the podium terrace including reconfiguration of the western pool and gym, landscaping and inclusion of a new pool at the northern end of the terrace;
- revision of the external elevations of both towers, including balcony locations, window design and air-conditioning/condenser room locations; and
- provision of building identification signage (discussed at **Section 5.3**).

The Department notes that Council raised no concern with the proposed internal changes and supports the external changes subject to conditions requiring that:

- the Church Street awning be set back 1400mm from the kerb;
- the colonnade floor finish matches the footpath finish; and
- tactile indicators are provided on the footpath (it is noted that this is consistent with condition B29 of the Project Approval).

The proposed internal and external alterations will not result in a building that is materially different from the original approval. The internal alterations result in residential/serviced apartment layouts that provide an acceptable standard of future residential amenity (refer to **Appendix B**) and overall a more efficient layout of the development. The external changes to the architectural expression of the building represent minor alterations and would not impact on the overall aesthetic of the building, its relationship to its context or impact on neighbouring residential amenity. The proposed internal and external alterations are therefore acceptable. The Department recommends the inclusion of a new condition which addresses the awning setback and colonnade floor finish as suggested by Council.

## 5.5 Other issues

### Bicycle parking

The modification proposes no change to the approved bicycle parking provision, which includes 158m<sup>2</sup> for bicycle parking within the podium and basement car parking levels.

Council has recommended that the bicycle parking provision be provided at a rate of one space for every two dwellings (being a total of 333 spaces).

The Department notes that 158m<sup>2</sup> would accommodate approximately 100 bicycle spaces. Furthermore, the application proposes the creation of 2,205m<sup>2</sup> of caged residential storage space.

The Department considers that the 158m<sup>2</sup> coupled with the residential caged storage space will provide sufficient bicycle storage space for residents.

### Minor amendments to conditions

Condition B23A requires that a supplementary wind report be submitted to the Department within three months of the approval. The application seeks to extend the submission period to six months to allow for further consideration of the likely wind mitigation measures. The Department is of the view that the extension of the submission timeframe by three months would not have any adverse impacts and is therefore acceptable.

The application includes amendments to conditions B18, B28 and E17 that take account of the revised titles and dates of supporting reports. The Department considers that these changes are minor and administrative in nature and are therefore acceptable.

The changes to conditions A5 and B7 are discussed in **Sections 5.2 and 5.3**.



## 6. CONCLUSION AND RECOMMENDATIONS

The Department has assessed the application on its merits and has reviewed the proponent's application and Council's submission.

The reduction of three residential apartments and increase of 25 serviced apartments is considered minor in the context of a development of this size. The reduction of the retail floorspace by 1,098m<sup>2</sup> is acceptable as active frontages to Church Street and the riverfront are maintained and the resulting narrower retail tenancies are consistent with the established character of Church Street.

The reduction of car parking by 46 spaces and reallocation of spaces between uses would not have any adverse impacts on the traffic network and the resulting car parking provision would be sufficient to meet the future needs of the development.

The Department is satisfied that the building identification signage is appropriately sized, positioned and proportioned in relation to the overall height and scale of the building. The increase of parapet walls by 2.5 metres would not have an adverse impact on the architectural design of the building.

The proposed modification falls within the scope of section 75W of the EP&A Act and does not alter the original assessment as to the site's suitability for the approved development. The proposed modification maintains a high level of design, function and amenity as originally approved.

On balance, the Department supports the modifications subject to conditions.

It is recommended that the Planning Assessment Commission:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification (**Appendix C**).

Endorsed by

  
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5.11.14



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