

MODIFICATION REQUEST:

***Mixed use Development at 330 Church Street
Parramatta***

MP 10_0171 MOD 13

***Modification request to amend condition F9 - Entry
and exit to podium and basement levels***



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

May 2018

ABBREVIATIONS

ADG	<i>Apartment Design Guide</i>
AS	Australian Standard
Council	Parramatta City Council
Department	Department of Planning and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
Proponent	Meriton Group (Karimbla Constructions Services NSW Pty Ltd)
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Cover Photograph: Aerial view of 330 Church Street, Parramatta (Source: Google Maps)

© Crown copyright 2018
Published April 2018
NSW Department of Planning & Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W application to modify the Project Approval (MP 10_0171) for a mixed-use 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) and seeks approval to amend condition F9 to allow the replacement of the approved roller shutter door with remote control to the resident parking driveway with an intercom and gate.

1.2 The site and surrounds

The site, 330 Church Street Parramatta, is in the Parramatta Local Government Area (LGA). It is located at the northern part of the Parramatta CBD on the eastern side of Church Street, adjacent to the Parramatta River. The eastern boundary of the site adjoins the Riverbank Car Park and its northern boundary fronts the river foreshore area (**Figure 1**).

The site has been redeveloped for a mixed-use development pursuant to approval MP 10_0171. The development has a large underground car park with access via Dirrabarri Lane near the south-eastern part of the site. (**Figure 2**)

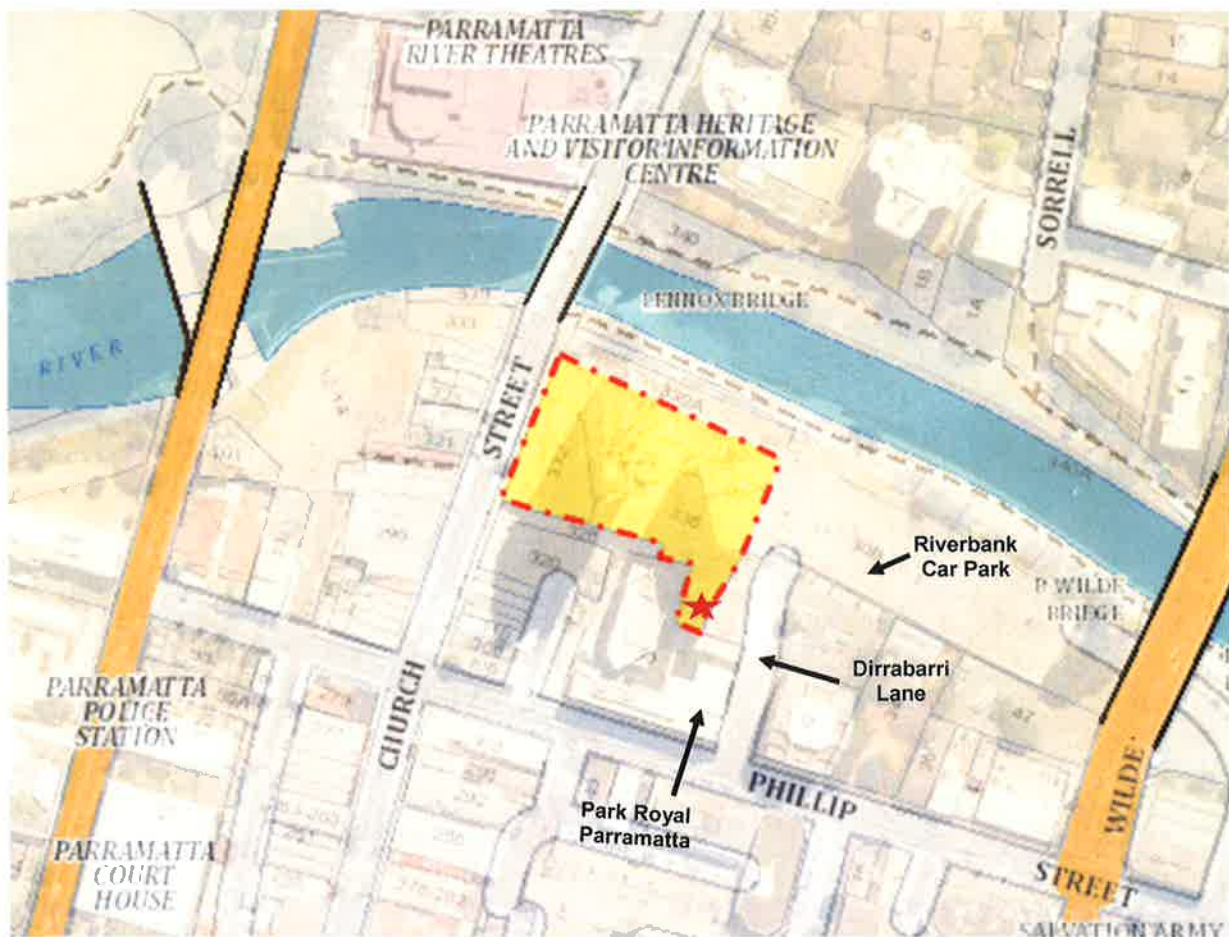


Figure 1. The subject site, 330 Church Street Parramatta, outlined in red. The location of the residential parking entrance depicted by a red star (source: Six Maps).

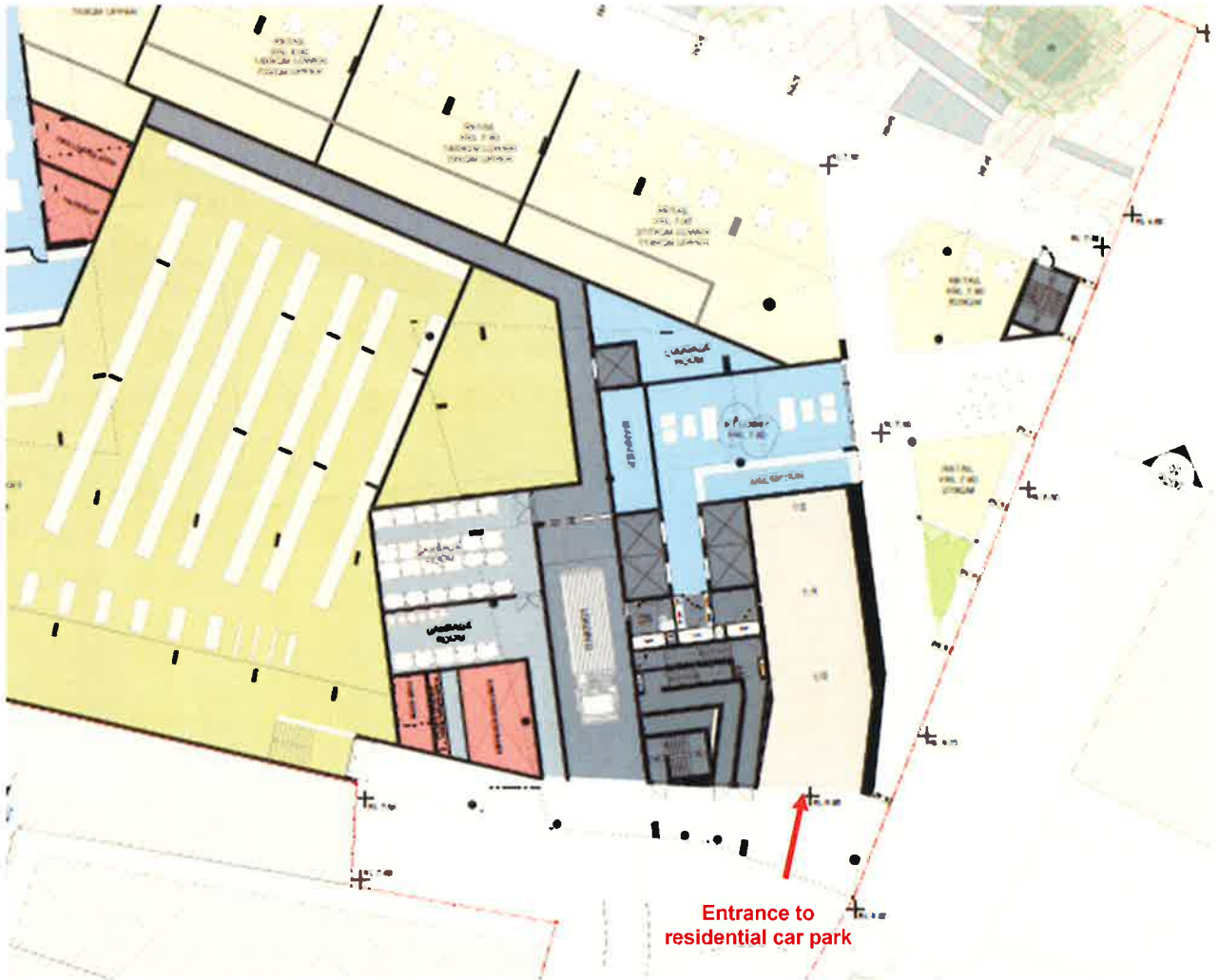


Figure 2. The entrance to the residential car park is identified by red arrow.

1.3 Previous approvals

On 19 October 2012, the Deputy Director General approved MP 10_0171 under delegation for a mixed-use development at 330 Church Street Parramatta.

Twelve modification applications have previously been submitted by the Proponent as listed in **Appendix A**. As currently approved, the development comprises:

- construction of a multistorey mixed-use building (residential/retail/serviced apartments) with a maximum GFA of 63,979m²
- basement with 663 car parking spaces, 4 loading docks and 24 bicycle parking spaces
- public domain works
- installation of utility services

2. PROPOSED MODIFICATION

On 19 January 2018, the Proponent lodged a section 75W modification application (MP 10_0171 MOD 12) seeking approval to amend Condition F9 and to replace the approved roller shutter door with remote control access at the entry driveway to residential parking with an intercom (**Figures 3-5**).

The proponent proposes to amend Condition F9 is as follows:

3.3.1 Condition F9

F9 ENTRY AND EXIT TO PODIUM AND BASEMENT LEVELS

Entry and exit access driveway to the podium levels (residential parking only) - ~~a roller shutter door is to be provided via remote control only. No is to be via security card reader or intercom is to be installed on this access point.~~

Entry and exit access driveway to the basement:

- (a) The proposed entry and exit access point should be open 24 hours per day for visitors, service trucks and deliveries;*
- (b) There is no information submitted about how visitor parking is to be managed. If boom gates and control are provided then these facilities are to be installed in accordance with AS 2890.1-2004. Also, card reader and ticket machines are to be provided on the median (not attached on the wall) and should be in accordance with Clause 3.3 (b) of AS 2890.1-2004.*

Condition F9 specifies access to the residential car parking area must be provided with a remote - controlled roller shutter door. The applicant states that this requirement does not allow for visitors' access the residential car parking area. The proposed arrangement provides an alternative solution with the gate controlled by an intercom / card reader system allowing access for both residents and visitors.

The Department notes that the access gate and intercom system have already been installed as shown in **Figures 3-5** contrary to the requirements of Condition F9. The proposed amendments to Condition F9 will regularise the development's non-compliance.



Figure 3. Main entrance to the mixed-use residential development. Card readers and intercoms are located behind the boom gates (see Figure 4).



Figure 3. Card readers and intercom as located behind the main entrance to the mixed use residential development.

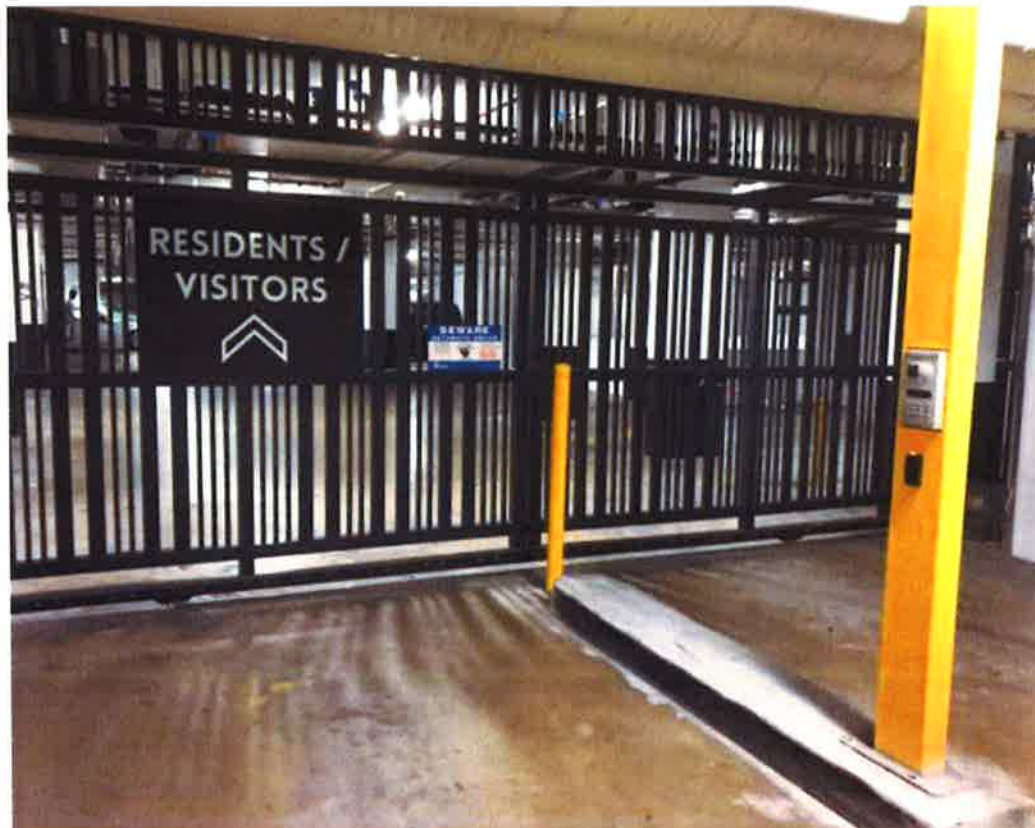


Figure 4, Internal entrance to the car parking area for residents and their visitors. The card reader and intercom system is shown on the right.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the *EP&A (Savings, Transitional and Other Provisions) Regulation 2017*. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

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

3.2 Secretary’s Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Secretary may notify the Proponent of 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.

3.3 Environmental Planning Instruments

The Department undertook a comprehensive assessment of the original concept proposal against the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Parramatta City Centre LEP 2007

Given the minor nature of the proposed modification, the Department is satisfied that the proposed modification remains consistent with these EPIs.

3.4 Delegated Authority

In accordance with the Minister for Planning delegated functions under section 75W of the EP&A Act, signed on 11 October 2017, the Director, Key Sites Assessments may determine this application as:

- the relevant Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X(2)(f) of the EP&A Act, the Department has made the modification publicly available. Due to the minor nature of the application it was not exhibited by any other means.

The Department consulted with Parramatta City Council and the NSW Police (Parramatta Local Area Command (LAC)). A link to the submissions is in **Appendix B**. The Department received no public submissions.

Parramatta City Council does not object to the proposed amendments to condition F9. Council however, notes that the driveway width and ramp grade of the subject driveway does not comply with the Australian Standard for off-street parking (AS2890.1.2004: Part 1 Off-Street Parking).

Council's submission (**Appendix B**) also notes that the intercom and swipe card unit will marginally reduce the driveway width below the requirement of the Australian Standard but will not affect safe access to the car park.

NSW Police (Parramatta LAC) reviewed the proposed modification against the principles of Crime Prevention Through Environmental Design (CPTED). Parramatta LAC recommended that upon installation of the intercom an inbuilt surveillance / CCTV capability is also installed to enable the person allowing access to clearly identify those seeking access to residential carparking.

5. ASSESSMENT

The Department assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The key assessment issue for the proposed modification is to maintain safe and efficient driveway access to the residential car parking area of the development.

The Crime Risk Assessment Report, assessed with the original application (MP 10_0171), considered the car park area to be high crime risk and recommended the installation of physical barriers to secure access to the car park. This assessment resulted in the imposition of Condition F9, requiring the installation of a roller shutter door with remote control access.

The current proposal seeks to replace the required roller shutter door with intercom access to enable access for visitors to visitor car spaces within the residential car parking area. Entrance gates to the car park will remain to physically secure the car park (**Figure 4 & 5**). The Department considers the proposed modification to be acceptable, noting the original intention of Condition F9 in maintaining physical barrier to the car park and secured access will not be compromised.

The Department notes that a concrete kerb has been installed beneath the intercom unit in accordance with the Traffic advice in Appendix 1 of the Applicant's Environmental Assessment report. This is considered to address the need to maintain clearance between the intercom and the access driveway as identified in Council's submission.

The Department also recommends an additional requirement to be included in Condition F9 in response to advice from NSW Police to improve surveillance to the driveway access based on CPTED principles. This involves the provision of an inbuilt surveillance system / CCTV capability or similar be installed with the intercom system to identify the person requesting access to the residential car parking area.

The Department concludes the proposed replacement of the roller shutter door with an intercom and associated modification to F9 is minor in nature and should be approved subject to amendments to Condition F9 as recommended in the Instrument of Modification at **Appendix C**.

6. RECOMMENDATION

It is recommended that the Director, Key Sites Assessment, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report
- approve the modification application MP 10_0171 MOD 13 subject to conditions
- sign the attached instrument of modification (**Attachment C**).

Endorsed by:



Annie Leung
Team Leader, Key Sites Assessments

DECISION

Approved by:



Ben Lusher
Director, Key Sites Assessments
as delegate of the Minister for Planning

APPENDIX A 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	Key amendments	Determination
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
MOD 12	To replace the approved plant room at the top of the western tower with two additional 4-bedroom penthouse apartments.	Approved 22 September 2016

APPENDIX B RELEVANT 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 at <http://majorprojects.planning.nsw.gov.au>:

1. Modification Application
2. Submissions

APPENDIX C INSTRUMENT OF MODIFICATION
