



**Planning &  
Infrastructure**

***MODIFICATION REQUEST:  
Mixed Use Development, 330 Church  
Street, Parramatta  
MP 10\_0171 MOD 3***



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

November 2013

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## EXECUTIVE SUMMARY

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This report is an assessment of a section 75W modification application lodged by Meriton Property Services Pty Limited seeking approval to increase the heights and gross floor area of its mixed use development at 330 Church Street, Parramatta (MP10\_0171 MOD 3).

The proposed changes to the approved project include:

- Increasing the height of the podium by 3.1 m from RL 20.2 m to RL 23.3 m;
- Increasing the height of the eastern tower by 24.8 m from RL 91.5 to RL 116.3 m;
- Increasing the height of the western tower by 59.5 m from RL 125.6 m to RL 185.1;
- Increasing the gross floor area of the development by 17,594 m<sup>2</sup> from 44,117 m<sup>2</sup> to 61, 711 m<sup>2</sup>;
- Altering the configuration and land uses contained within the podium level; and
- Increasing the number of car parking spaces from 597 spaces to 709 spaces.

The proposed modification will increase the capital investment value (CIV) of the project from \$149.8 million to \$200.8 million, however the application will not increase the number of construction or operational jobs beyond that approved under the original project (400 construction jobs and 15 operational jobs).

The site is zoned 'B4 Mixed Use' within the *Parramatta City Centre Local Environmental Plan 2007* (PCC LEP) and the proposed development is permissible with approval. However, the proposed eastern and western building heights exceed the current maximum permitted (80 m) under the PCC LEP by 30.8 m and 97.5 m respectively.

The application was placed on public exhibition between 3 July and 16 August 2013. A total of 43 submissions were received. This included four submissions from public authorities including: Parramatta City Council, the Heritage Council of NSW, Transport for NSW (Roads and Maritime Services Division), and Sydney Water. Thirty-nine (39) public submissions of objection and one submission of support were received during the exhibition period.

The matters raised in the agency and public submissions included: the use of section 75W to undertake large scale modifications; the impact of the additional height on the National and World heritage values of Old Government House and The Domain; the interface of the ground floor level with Church Street and the public domain adjacent to the northern boundary of the site; traffic impacts; vehicular and pedestrian access; the activation of the future laneway proposed on the southern boundary of the site; and air safety and navigation impacts.

The proponent provided a Response to Submissions (RTS) and additional supplementary information which:

- Outlined the proponent's reasons for maintaining the height of the podium and towers as originally proposed;
- Proposed to integrate the tenancies along the Church Street frontage with the finished floor levels of the adjacent public domain;
- Proposed a reduction in the finished floor levels within the tenancies and colonnade area along the northern boundary of the site; and
- Proposed to provide a landscaped shared zone with vehicle loading spaces adjacent to the southern boundary of the site.

The department has assessed the merits of the proposal and has found that the key issues associated with the project include: height, bulk and scale, amenity impacts (solar access, wind, noise), compliance with SEPP 65, traffic and car parking, flood management, signage and development contributions.

In response to the issues raised in the public and agency submissions, the department engaged GM Urban Design and Architecture and Richard Lamb and Associates to review the urban design

and visual impacts of the proposed modification. The department has considered this advice and has concluded that whilst the proposed modifications to the height of the podium and the eastern and western towers are significant, the proposed modifications would not result in any adverse environmental impacts.

In addition, the department considers that the application is consistent with the changes to the city skyline and future strategic context that Parramatta Council (council) is in the process of progressing with the department. Furthermore, the department considers that the voluntary planning agreement proposed between the proponent and the council will offset any additional demand on infrastructure that may arise from the increase in serviced and residential apartments proposed by the application, and will assist the council in implementing the public domain upgrades articulated in the council's Riverbank Design Strategy.

Given the above, the department considers that the site is suitable for the proposed development, subject to the recommended changes, and that the application is generally consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including ecologically sustainable development, NSW 2021, and the draft *Metropolitan Strategy for Sydney to 2031*.

In accordance with the Minister's delegation effective 1 October 2011, the application must be referred to the Planning Assessment Commission as more than 25 public submissions of objection were received during the exhibition period.

## 1. BACKGROUND

### 1.1 The Site

The site is located on the northern edge of the Parramatta CBD. The Parramatta River and Lennox Bridge are located immediately north of the site (see **Figure 1**). Development on the northern side of the river is setback between 20 and 40 m from the riverbank and comprises the Riverside Theatre, a 15-storey hotel and several eight to 19-storey residential flat buildings.

Immediately south of the site is the Crown Plaza Hotel, a 12-storey commercial building and a number of two to seven-storey buildings housing retail and commercial uses.

To the east is a council owned public car park (known as David Fraser Car Park) which accommodates 535 car parking spaces.

Development on the western side of Church Street is characterised by two and three-storey Federation and Inter-War style commercial and retail buildings. These buildings predominantly accommodate ground level shops or restaurants with outdoor dining areas. A Location Plan is provided at **Figure 1** below.



**Figure 1:** Location Plan

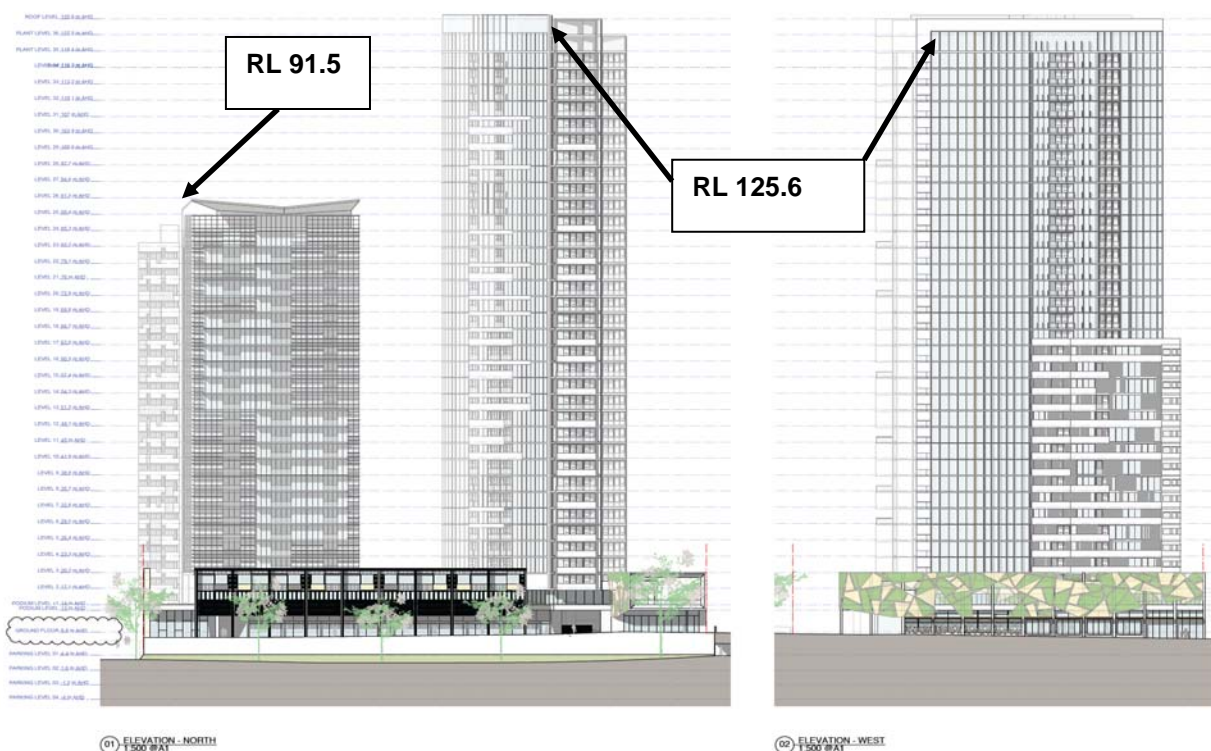


## 1.2 Approval History

On 19 October 2012, the Deputy Director-General, Development Assessment and Systems Performance approved a project application (MP10\_0171) for the redevelopment of the Church Street site for a mixed use residential and commercial development under delegation. The approved development included:

- Demolition of the existing building;
- Piling and associated earthworks;
- Construction of a 44,117 m<sup>2</sup> mixed use building comprised of:
  - a three-storey podium comprising residential and commercial lobby areas, eight retail tenancies, a 1928 m<sup>2</sup> supermarket, a 709 m<sup>2</sup> childcare centre (inclusive of outdoor play area), nine maisonette apartments fronting the river and resident recreational facilities;
  - a 22-storey tower (eastern tower) containing 170 serviced apartments; and
  - a 32-storey tower (western) containing 211 residential apartments.
- Operation and use of a basement car park containing 597 car parking spaces, four loading docks and 24 bicycle parking spaces; and
- Installation of utility services.

Figure 2 below depicts the project as it is currently approved.



**Figure 2:** Mixed-use development as approved

On 23 January 2013, the Director, Metropolitan and Regional Projects North approved MP10\_0171 MOD 1 which permitted the following changes to the project approval:

- Re-wording of Condition B23 to defer the timing for the final design of the wind mitigation measures to prior to the issue of the first Construction Certificate;
- Re-wording of conditions C8, C9 and C10 to facilitate the simultaneous testing and subsequent reporting and interpretation of Aboriginal and historical archaeological objects;
- Deletion of Conditions D17 and D18; and
- Insertion of Condition C15 to outline a process for managing human remains if encountered during test excavations or pre-construction and/or construction works.

On 13 March 2013, the Director, Metropolitan and Regional Projects North approved another modification MP10\_0171 MOD 2 which permitted the re-wording of Condition A8 to defer the execution of the voluntary planning agreement (VPA) from within six months of the date of the project approval to prior to the issue of an Occupation Certificate.

## 1.2 Justification for Modification

The proponent has provided the following justification to support the proposed modification:

- The application would assist in breaking up the built form of Church Street by introducing smaller more slender towers providing light and view corridors, and introducing variety and interest into the city skyline. This is considered to represent a significant improvement in comparison to the existing situation, given that the current controls would create a monolithic block feature within the city skyline, which is very wide and would obstruct the visual connectivity between north and south Parramatta and the CBD centre;
- The site can accommodate the proposed increase in height and GFA without resulting in any unacceptable design or environmental impacts;
- The application would generate the payment of additional section 94A contributions which will offset any additional demand on local infrastructure as a result of the proposed development; and
- The application would facilitate the transfer of Meriton's 50 year lease over the David Fraser Car Park to the council, which will allow council to bring forward the redevelopment of the car park as a public plaza in accordance with the council's Riverbank Design Strategy. This is proposed to be achieved via a voluntary planning agreement between Meriton and the council.

## 2. PROPOSED MODIFICATION

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### 2.1 Modification Description

Below is a summary of the proposed modifications as amended by the Response to Submissions report dated 26 September 2013, and supplementary information lodged on 4 and 11 November 2013:

#### Gross Floor Area

- Increase the GFA from 44,117 m<sup>2</sup> to 61,711 m<sup>2</sup> which will result in the following changes to the allocation of retail, residential and commercial (serviced apartment) floor space:
  - 3,201 m<sup>2</sup> of retail floor space (a reduction of 1,152 m<sup>2</sup>);
  - 32,873 m<sup>2</sup> of residential floor space (an increase of 10,778 m<sup>2</sup>); and
  - 20,753 m<sup>2</sup> of serviced floor space (an increase of 6,613 m<sup>2</sup>).

#### Podium

- Increase the height of the podium from RL 20.2 m (three storeys) to RL 23.3 m (four storeys).
- Internal reconfigurations between podium levels 1 and 3 including:
  - the deletion of the 1,928 m<sup>2</sup> supermarket at ground floor level;
  - the deletion of the child care centre on level 2; and
  - the introduction of residential and serviced apartments and above ground car parking within the podium.
- Alteration of the podium façade to introduce a colonnade and steps to the Church Street elevation.

#### Towers

- Alter the height of the approved towers as follows:
  - increase the height of the eastern tower from RL 91.5m (23 storeys) to RL 116.3 m (30 storeys); and
  - increase the height of the western tower from RL 125.6 m (36 storeys) to RL 185.1 m (52 storeys).
- Alter the mix of residential and serviced apartments as follows:

- increase the number of residential apartments from 220 to 378 (72 per cent increase); and
- increase the number of serviced apartments from 170 to 266 (56 per cent increase).
- Installation of one building name sign on each elevation of the eastern (serviced apartments) tower.

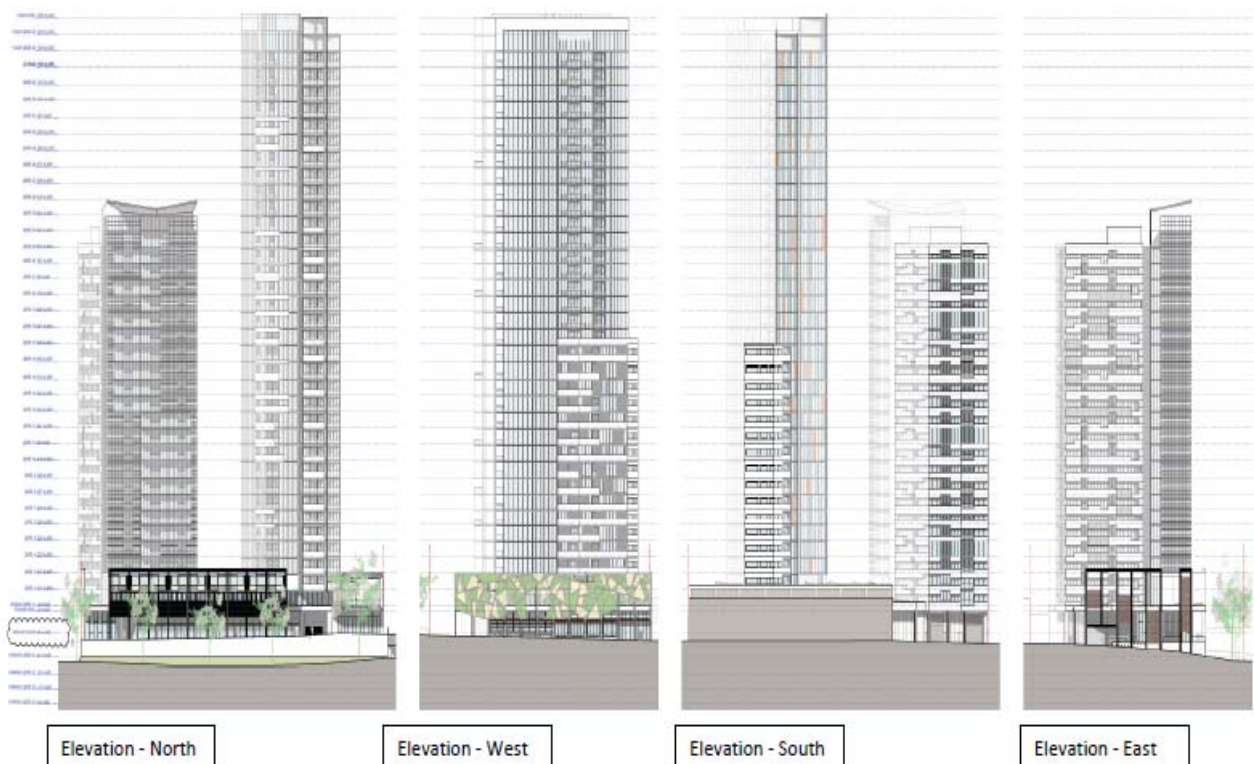
#### Basement Car Park

- Reconfiguration of the access, egress and loading arrangements within the basement car park; and
- Increase the number of car parking spaces from 597 to 709.

#### Proposed Voluntary Planning Agreement

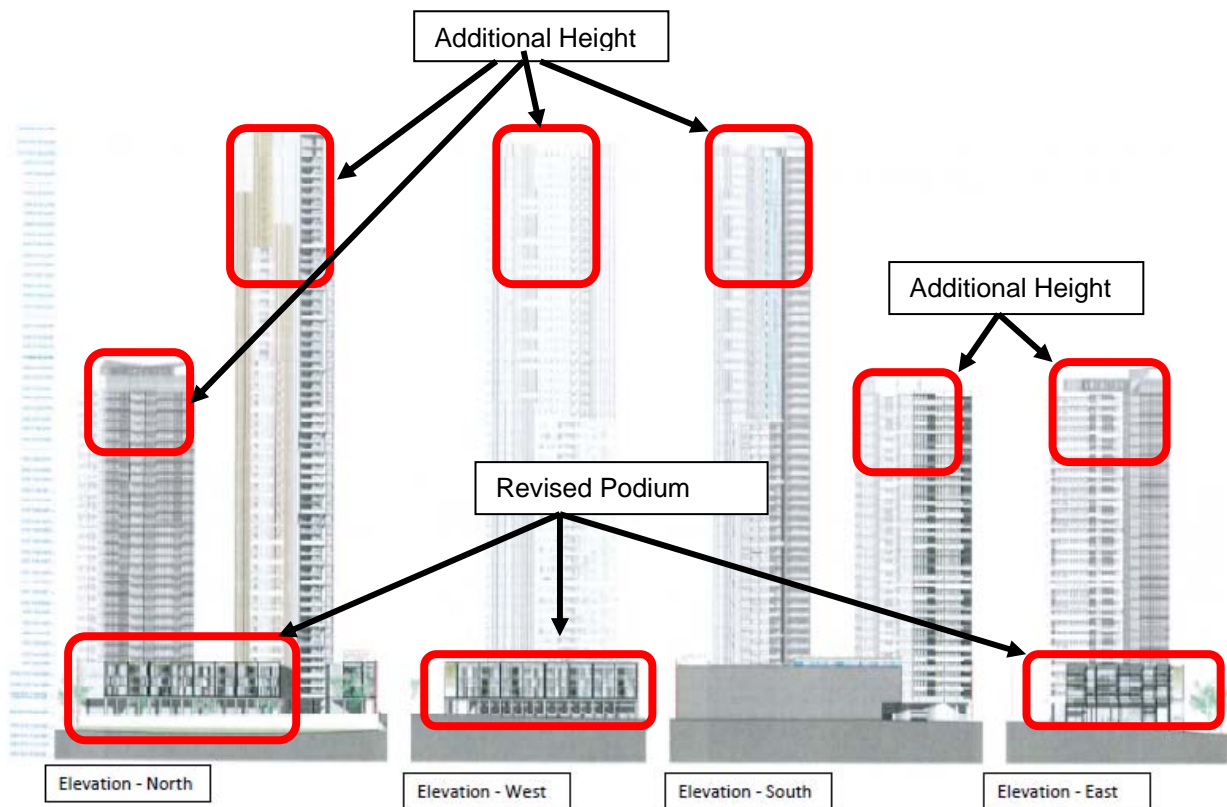
- Creation of an additional VPA to secure additional community benefits to offset the impacts of the proposed modification.

A comparison of the approved and proposed elevations and floor plans is provided in **Figures 3 to 8**.

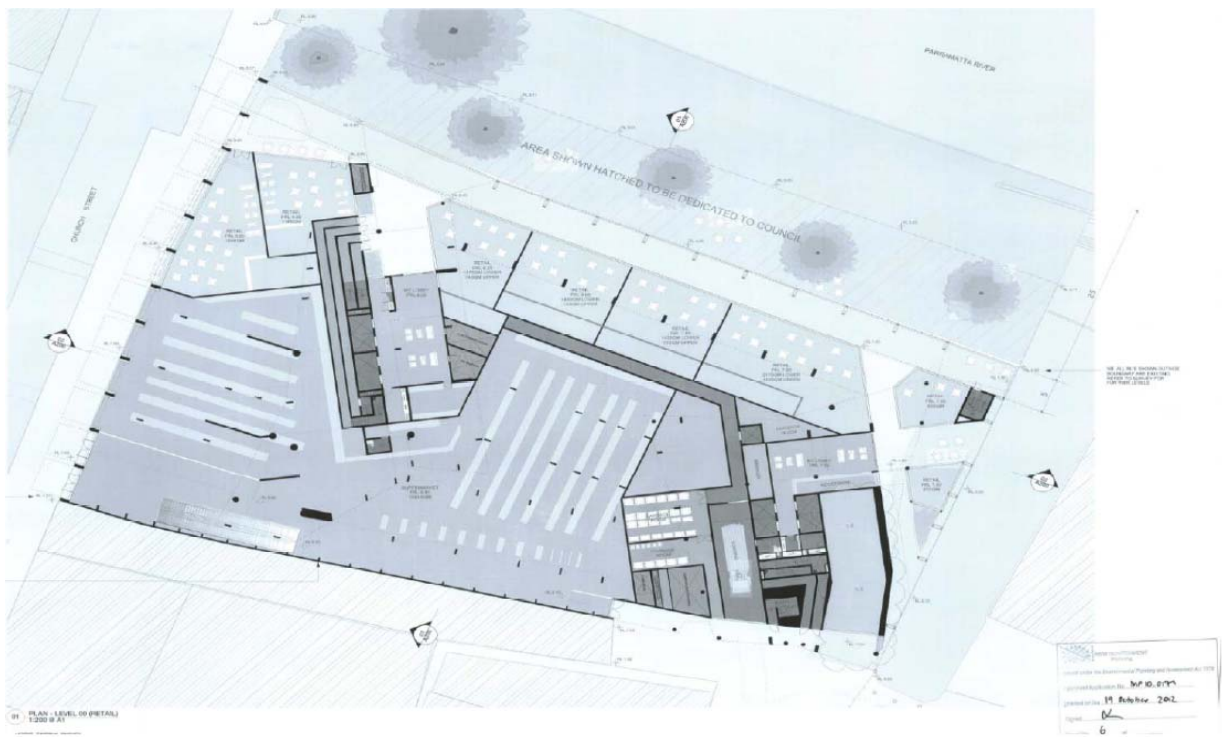


**Figure 3: Approved Elevations**

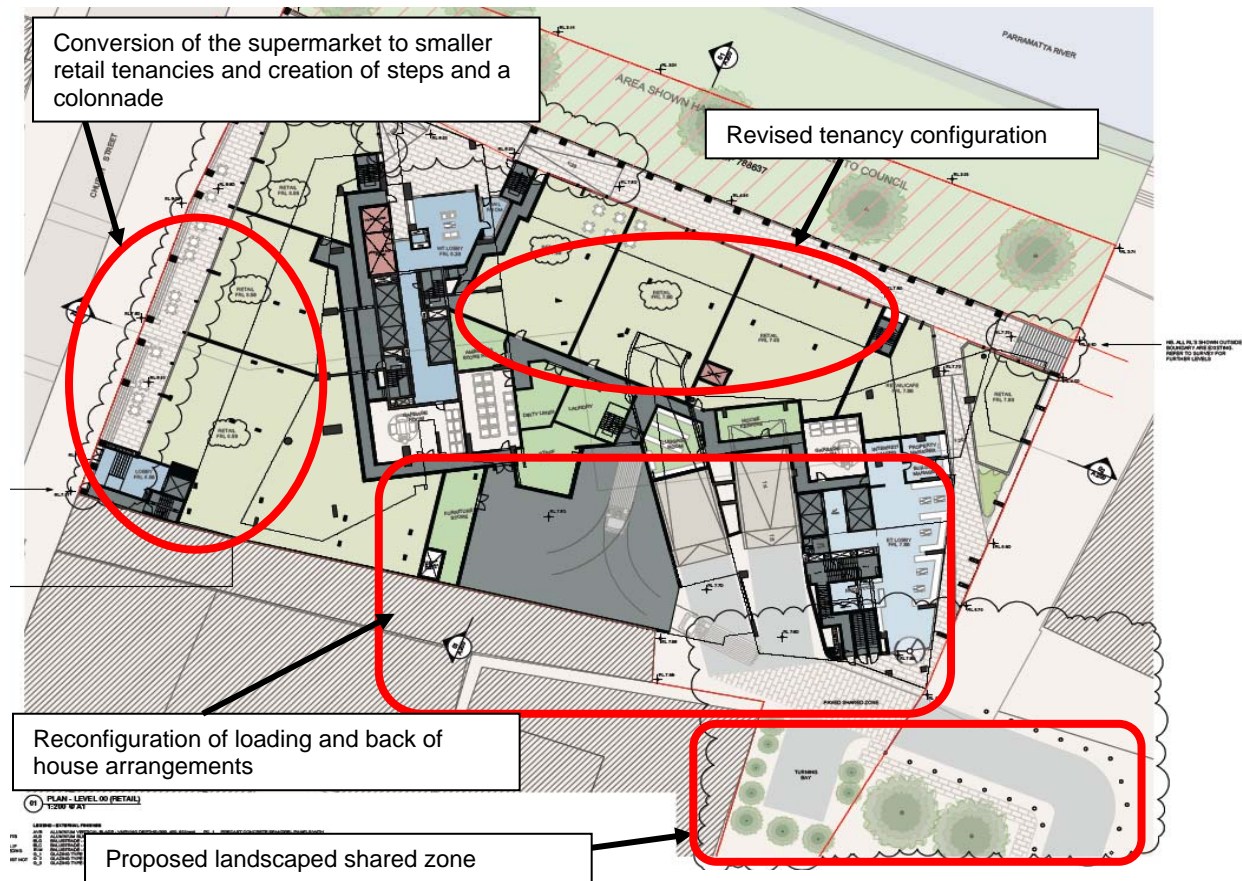




**Figure 4: Proposed Elevations**



**Figure 5: Approved Ground Floor Plan**



**Figure 6:** Proposed Ground Floor Plan



**Figure 7:** Approved 'Typical' Tower Floor Plate





**Figure 8:** Proposed 'Typical' Tower

## 2.2 Strategic Context

### NSW 2021

NSW 2021 is the NSW Government's strategic plan setting priorities for action and guiding resource attention. NSW 2021 is a 10-year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and community. The provision of additional accommodation within the Parramatta CBD with excellent access to public transport would contribute to the Plan's goals of:

- Delivering 25,000 of new dwellings in Sydney each year, thereby improving housing affordability and availability (Goal 5);
- Building liveable cities by locating people closer to jobs (Goal 20); and
- Growing patronage on public transport (Goal 8).

The proposal is therefore consistent with NSW 2021.

### Draft Metropolitan Strategy for Sydney to 2031 (Draft Metropolitan Strategy)

The Draft Metropolitan Strategy was released in March 2013, and sets out the NSW Government's vision for Sydney to 2031. Within the 'West Central and North West' subregion, which includes the Parramatta local government area, targets include an additional 148,000 dwellings and 142,000 jobs by 2031, with a target of 74,000 additional dwellings by 2021. The proposal would make a positive contribution to the dwelling and job targets under the draft plan.

The proposed residential development is considered to support the strategic direction of the Draft Strategy by placing housing close to employment. In addition, it is also considered to improve employment opportunities by increasing the intensity of the serviced apartment component of the project. These two factors combined will assist in strengthening the role of the Parramatta CBD as a Regional City and increasing growth within proximity to the Global Economic Corridor.

### Parramatta Council's Strategic Position

The council has advised (**Appendix 8**) that in recent years there has been a shortfall in development activity within the Parramatta CBD, despite the *Parramatta City Centre Local Environmental Plan 2007* (PCC LEP) being drafted to provide a significant amount of additional floor space to strengthen Parramatta's role as Sydney's second CBD.

In order to stimulate short-term growth within the CBD, and assist in achieving Parramatta's status as Sydney's premiere regional city and second CBD, the council has supported a number of planning proposals seeking approval to increase height limits beyond that currently permitted in the PCC LEP. Each of these proposals are located along the central 'spine' of the CBD and represent a move away from the 'bell-curve' city skyline concept of the PCC LEP.

Furthermore, the council has recently resolved to undertake a strategic review of the PCC LEP, with the view of removing the 'bell-curve' skyline concept and replacing it with a consistent height datum of approximately 65 m (20 storeys) along the north-south 'spine' of the CBD, with peaks at the centre and the northern and southern gateways to the CBD.

The council has reviewed the proposed modification in the context of the recent planning proposals that it has supported, and the proposed changes to the strategic vision for the CBD, and has advised that:

- The subject site is located at the northern gateway of the CBD, and the proposed modification together with the proposed redevelopment of the council's Philip Street Car Park will create an important entry statement at this location; and
- The proposed modification is consistent with the scale and form of buildings that the council is seeking to promote along the Church Street 'spine' of the CBD.

## **3. STATUTORY CONTEXT**

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

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (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 the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

### **3.2 Modification of the Minister's Approval**

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to alter the approved heights, GFA and apartment mix, the modification requires the Minister's approval.

Section 75W of the EP&A Act gives the Minister broad powers to modify an approval granted under Part 3A. It is for the Minister to decide the permissible scope of a request for modification made under section 75W. In determining a modification request, the Minister is required to consider the principles of ESD as part of the public interest and may consider any other factors that the Minister considers relevant. The Minister may assign weight to the particular aspects of a modification request and any environmental impacts as the Minister considers appropriate in the circumstances.

The department is satisfied that the application is within the scope of section 75W on the basis that the application will not result in any adverse environmental or amenity impacts in comparison to the existing approval, and will result in an acceptable increase in floor space (26 per cent) in comparison to the existing project approval.

### 3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for this modification as the proponent addressed the key issues related to the modification request.

### 3.4 Permissibility

The site is zoned 'B4 Mixed Use' within the Parramatta City Centre Local Environmental Plan 2007 (PCC LEP). The proposed works are permissible within the zone subject to development approval.

### 3.5 Delegated Authority

On 14 September 2011 (effective 1 October 2011), the Minister delegated his functions to determine a modification request under section 75W of the EP&A Act to the Planning Assessment Commission (PAC) where the application has not been made on or behalf of a public authority and:

- The relevant local council has made an objection; or
- A political disclosure statement has been made; or
- There are more than 25 public submissions in the nature of objections.

Parramatta City Council (council) raised no objection to the application, and the proponent did not disclose any political donations with this application. However, 39 public submissions of objection were received during the exhibition period. Accordingly, the modification application must be referred to the PAC for determination.

### 3.6 Heritage

The site is listed as a heritage item within Schedule 1 of the PCC LEP. In addition, the Lennox Street Bridge immediately adjacent to the northern boundary of the site is listed as a heritage item on the New South Wales (NSW) State Heritage Register.

The site is also located within 600 m of Old Government House and The Domain (OGH and The Domain) which is listed on the National and World heritage register. Given the above, the proponent referred the proposed modification to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities (SEWPAC) to determine whether the project requires assessment against the provisions of the *Environmental Protection and Biodiversity Conservation Act (1999)* (EPBC Act).

On 24 April 2013, the Department of Sustainability, Environment, Water, Population and Communities (DSEWPAC) advised the proponent that whilst the *'Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values: Technical Report'* identifies the subject site as being within a 'sensitive area', development within this area would not have a significant impact on the National and World heritage values of OGH and The Domain. Accordingly, the DSEWPAC advised that the application did not require a referral under the EPBC Act.

The department's assessment of the heritage issues associated with the application is provided in **section 5** of this report.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is required to make modification requests publicly available. The application was placed on public exhibition between 3 July and 16 August 2013. In addition, the department notified relevant State and local government authorities and previous objectors in writing.



## 4.2 Public Authority Submissions

A summary of submissions received from government agencies is provided below:

### Parramatta City Council (council)

The council supports the height of the proposed development, however, raised the following concerns with the design of the proposal:

#### Urban Design

- The revised podium and tower heights are not incongruous with the future city skyline;
- First floor apartments should be converted to commercial floor space;
- Potential impacts on Bankstown Airport;
- The steps proposed along the Church Street frontage of the site are not supported; and
- The retail tenancies fronting Church Street should be limited in width to 6 m.

#### Residential Amenity

- Some of the apartments located within the podium have compromised amenity, particularly in relation to natural ventilation;
- All apartments that share a common wall with the podium level car park should be provided with appropriate acoustic treatments; and
- All balconies should comply with the *Residential Flat Design Code*.

#### Traffic and Transport

- Two parking spaces on each podium level do not comply with the reversing swept path requirements of AS 2890.1, AS 2890.2 and AS 2890.6;
- The sight lines for motorists exiting the basement do not comply with AS 2890.1;
- Impacts on the loading, parking and pedestrian access arrangements at 328 Church Street;
- Amended plans should be provided to depict how the driveway that will run through the future public square will be designed to ensure vehicle and pedestrian conflicts are mitigated; and
- Amended plans should be provided to identify the location of security gates and security card readers.

#### Access

- The council is concerned that the application may result in accessibility issues and pedestrian and vehicular conflicts for patrons accessing the eastern tower lobby.

#### Signage

- The proposed signage should be reduced in size.

The department reviewed the council's comments and agreed that additional information should be provided to address streetscape, accessibility, traffic/pedestrian safety, amenity and accessibility issues. Consequently, the department requested that the proponent address these issues in its response to submissions. The resolution of these issues is discussed in greater detail in **section 4.4** of this report.

### Heritage Council NSW (Heritage Council)

The Heritage Council did not object to the application, however it raised the following concerns:

- Increasing the approved tower heights will have an adverse visual impact on the setting of Old Government House and Parramatta Park. In particular, the application would alter views from within the courtyard, the front garden and the carriage drive of OGH from a semi-rural view to an urban view;
- The modifications to the podium are too bulky and not sympathetic to the scale of the Church Street streetscape or the character of Lennox Bridge;
- Adverse impacts on the heritage items within the vicinity of the site;
- The applicant should be required interpret the former use of the site prior to any Occupation Certificate being issued;

- The *Aboriginal & Historical Preliminary Archaeological Impact Assessment 330 Church Street, Parramatta* by AHMS, dated 2011, does not appear to comply with the Director-General's Requirements (DGR) for the project, which require that assessment of Aboriginal and non-indigenous archaeological resources;
- All archaeological work should be undertaken by an appropriately qualified Archaeologist; and
- The archaeological methodology and research design is adequate to guide the future archaeological excavations at 330 Church Street, however concern is raised in relation to the lack of detailed research questions within the research design for the salvage excavation phase. This issue should be resolved prior to any archaeological works commencing on site.

The department has reviewed the Heritage Council's comments and notes that:

- The Commonwealth in its correspondence to the proponent dated 24 April 2013, concluded that the application is located within an area where new development would not have a significant impact on the National or World heritage values of OGH and The Domain;
- The department obtained independent advice from Richard Lamb and Associates on the impacts of the podium design on the character of the Lennox Bridge. This advice concluded that the design of the podium would not have any adverse impacts on the heritage significance of Lennox Bridge;
- The department's assessment of the original project concluded that retention and re-use of the existing David Jones building was not a viable option. As such, the department included a condition (Condition B34) requiring the proponent to undertake archival recording of the existing building prior to any work commencing on-site. In addition, Condition E15 requires the proponent to prepare and implement a plan which details the design and location of suitable historic markers prior to the issue of any Occupation Certificate;
- The proposed modification will not alter the extent of excavation approved under the current project approval. Hence, the department considers that the Aboriginal and Historical Preliminary Archaeological Impact Assessment lodged with the original project provides sufficient information to determine the likelihood of encountering Aboriginal and European relics during construction works. Furthermore, the department is satisfied that the existing conditions of approval will ensure appropriate archaeological investigations take place prior to construction works commencing; and
- The final archaeological research design methodologies (Aboriginal and historical) were reviewed in conjunction with the Heritage Council and approved by the Director-General's nominee on 4 May 2013. The department notes that the approved methodologies nominated appropriately qualified excavation directors and refined the research design questions as per the advice of the Heritage Council.

### **Transport for NSW Roads and Maritime Services Division (RMS)**

RMS raised no objection to the proposed modification.

### **Sydney Water**

Sydney Water raised no objection to the application, however, it requested a condition requiring the proponent to obtain a Section 73 Certificate.

### **4.3 Public Submissions**

Thirty-nine (39) public submissions of objection and one submission of support were received during the exhibition period. It should be noted that 33 of the 39 submissions of objection were form letters raising concerns about the extent of the proposed modifications; the use of section 75W to undertake large scale modifications; and the impact of these modifications on the National and World heritage values of OGH and The Domain. The residual submissions of objection raised the following concerns:

#### Heritage

- The application is potentially inconsistent with the recommendations contained in the *Development in Parramatta City and the Impact on Old Government House and Domain's*

*World and National Heritage Listed Values: Technical Report*, as the visual impacts of development within the Riverside Edge precinct were based upon development achieving a height limit of 80 m, not the height maximum proposed under the current modification.

#### Use of Section 75W

- Section 75W should not be used to undertake substantial modifications to an approved project.

#### Traffic Impacts and Vehicular and Pedestrian Access

- The traffic report does not address the functionality and usability of the car parking spaces and loading docks. In addition, it does not address the management of potential vehicular and pedestrian conflicts or hazard management;
- The application proposes a substantial increase in the size of the loading dock, despite a substantial decrease in the extent of commercial floor space within the podium levels;
- The amended entry/exit arrangements will create two large crossovers at the rear of the site which may result in increased pedestrian and vehicular conflicts; and
- The proposed configuration of the loading dock will prohibit loading from the rear of the adjoining site (El-Phoenician restaurant).

#### Activation of Future Laneway

- The proposed reconfiguration of the ground floor level will result in more than 50 per cent of the southern elevation accommodating loading/car parking uses. The proponent should be required to provide a rigorous analysis of the relationship between the ground floor and the rear laneway to address activation and pedestrian safety issues.

The department has reviewed the public submissions and has concluded that:

- Appendix 3 of the *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values: Technical Report* confirms that the report considered the impacts of the approved development at 330 Church Street, Parramatta, which is currently exceeds the 80 m height control;
- The proposed modification will not erode the public benefits of the existing approval as the Voluntary Planning Agreement endorsed under the existing project approval will remain in place if the proposed modification is approved;
- The department requested that the proponent address the impacts associated with the operation of the proposed loading dock in its response to submissions report; and
- The department agrees that the activation of the proposed laneway on the southern elevation should be addressed by the proponent. As such, the department has recommended a condition requiring the proponent provide plans to the satisfaction of the Director-General, prior to the issue of a Construction Certificate, demonstrating how the southern elevation can be activated once the laneway is constructed.

#### **4.4 Response to Submissions**

The proponent submitted a Response to Submissions Report (RTS) on 26 September 2013. Below is a summary of the proponent's response to the concerns raised in the agency and public submissions.

#### Height

- The department notes that Urbis, on behalf of the proponent, provided a review of the proposed height increase as part of the proponent's RTS. In this regard, the report contends that the proposed increase in height should be supported for the following reasons:
  - the application is accompanied by a VPA that delivers significant public benefits by facilitating the conversion of the David Fraser Car Park to public parkland;
  - whilst the additional building height will be highly visible, visibility itself is not a negative impact;
  - the application will not significantly increase the environmental impacts (visual, overshadowing, reflectivity, wind) in comparison to the approved project;

- the proposed development would not be out of scale with the emerging and planned CBD skyline. In particular, the proposed development would still be subservient to the 200 m high buildings planned immediately north of the railway station, and the 306 m high Aspire tower proposed within the centre of the CBD; and
- the additional height proposed on the site will assist in clearly demarcating the northern threshold to the CBD.

#### Podium Design

- It is not possible to lower the retail tenancies fronting Church Street given the current flood planning levels for the site (a minimum finished floor level (FFL) of RL 8.8 m along the Church Street elevation);
- The ground floor tenancies fronting Church Street have been amended to respond to the fine grain character of Church Street via the introduction of mullions at 6 m intervals;
- Meriton does not agree that the upper levels of the podium should be converted to commercial uses given that the podium has been designed to provide an appropriate interface with the public domain; and
- The plans have been revised to identify the location of the serviced and residential apartments within the podium levels.

#### Public Benefits

- The VPA for the landscape works was agreed to under the original project application. No changes are proposed to this VPA in relation to landscaping.

#### Internal Amenity of Podium Level Apartments

- It is requested that the department impose appropriate conditions to ensure the acoustic treatment of the residential apartments within the podium comply with the relevant traffic noise criteria.

#### Signage

- It is requested that the department recommend a condition requiring the proponent to submit the details and dimensions of the proposed signage to the satisfaction of the Director-General prior to the issue of a Construction Certificate for these works.

#### Traffic, Transport and Access

- The revised design of the ground floor and basement car park will improve the loading and access arrangements at 328 Church Street; and
- It is requested that the department impose appropriate conditions to ensure compliance with the relevant Australian Standards. In addition, it is requested that details relating to the final location of the roller doors and card readers be deferred until prior to the issue of a Construction Certificate.

#### Compliance with SEPP 65

- All balconies are provided with a minimum depth of 2 m where possible.

The RTS was referred to the council and all persons who made a submission whilst the application was on exhibition. The department received submissions from the council, the Heritage Council, Australia ICOMOS, and Think Planners on behalf of the owner of 328 Church Street. Below is a summary of the submissions received in response to the proponent's RTS.

#### Council

- The finished floor levels of the retail shops fronting Church Street should be lowered so that they are at the same level as Church Street to provide universal access. In addition, the balance of the retail areas should meet the 1 in 100 year flood level plus a 500 mm freeboard;
- The finished floor levels of the retail shops and colonnade fronting the river should be set at RL 6.59 m as per the recommendations of the flooding per review undertaken by Evans and

Peck dated 10 August 2013. This would enable a better transition between the northern boundary of the site and the adjoining public domain which will be redeveloped by the Council in the near future;

- The RTS does not address the council's concerns in relation the design of the podium;
- The RTS has not addressed the council's concerns in relation to the non-compliant access aisles proposed within the podium level car park; and
- The right of access from Lot 1 in DP 61726 over Lot 101 in DP 1031459 should be maintained.

#### Heritage Council

- The Heritage Council considers that the proposed modifications are inconsistent with the height limit against which the *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values: Technical Report* was based (i.e. 80 m). As such, the Heritage Council considers that the proposed increase in height to the western tower may require assessment under the EPBC Act; and
- The Heritage Council support's Australia ICOMOS' request for the Commonwealth to refer the application to the World Heritage Centre for advice prior to determination.

#### Australia ICOMOS

- Australia ICOMOS does not support the Commonwealth's decision that the approved project does not constitute a controlled action;
- The decision by the Minister for SEWPAC does not relate to the current proposal, particularly in terms of the proposed height of the eastern and western towers; and
- Meriton has not responded to Australia ICOMOS' assertion that the *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values: Technical Report* cannot be relied upon to support the proposed development on the basis that the report only assessed the impact of developments up to 80m in height.

#### Think Planners

- The proposed access and loading arrangements at the rear of the site are inferior to those approved under the original project application. Furthermore, the proposed access arrangements do not take into consideration the impacts of the proposed development at 328 Church Street or the proposed conversion of Lot 1 in DP 61726 to a laneway as per the requirements of the PCC LEP; and
- The traffic volumes in the am and pm peaks would exceed the peak traffic flows recommended by the RMS for shared zones where pedestrians have priority (100 vehicles per hour (vph) recommended, 225 vph proposed in the pm peak).

As a result of the council's residual concerns, the proponent submitted supplementary drawings on 4 November 2013, which proposed to:

- Revise the elevations of upper levels of the podium at the corner of Church Street and the riverfront to provide a more commercial appearance;
- Reduce the levels within the colonnade area from between RL 8.4 m and 7.8 m to between RL 8.2 m and RL 7.7 m; and
- Identify the treatment of the future shared zone on the south-eastern boundary of the site.

In addition, on 13 November 2013, the proponent advised that it was not possible to alter the FFLs of the retail tenancies and colonnade adjacent to the northern boundary of the site beyond that identified in the plans lodged on 4 November 2013, for the following reasons:

- Reducing the levels beyond that identified in the plans dated 4 November 2013, would have serious consequences on the design of the basement car park which is currently being excavated; and
- Neither the approved levels on site or the levels proposed in the letter dated 4 November 2013, allowed for direct access from the riverfront to the site or vice versa. It was always



intended that people would walk along Church Street and access the lower foreshore area via the colonnade.

The department has considered the information provided in the proponent's RTS and the supplementary information submitted on 4 and 13 November 2013, and considers that:

- The supplementary information supports the proposed increase to the height of the podium and eastern and western towers;
- Based upon a review of the design of the basement car park undertaken in conjunction with the council, it would not be possible to reduce the levels within the colonnade area beyond that proposed by the proponent in its letter dated 4 November 2013;
- The revised plans would improve pedestrian accessibility along the Church Street frontage of the site. In addition, the revised elevations would provide a more suitable response to the commercial character of Church Street;
- The department has recommended conditions to ensure the internal layout and the access and egress arrangements for the basement car park will comply with the relevant Australian Standards;
- The application does not seek to alter the existing rights of access afforded to the owner/tenant of Lot 1 in DP 61726; and
- The traffic volumes at the rear of the site already exceed the maximums recommended by the RMS. Notwithstanding, the traffic impacts of the project have been assessed in conjunction with Transport NSW (Roads and Maritime Services Division) and the council, and it has been concluded that there would be no adverse traffic impacts as a result of the current approval or the proposed modification.

## 5. ASSESSMENT

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The department considers the key issues for the proposed modification are:

- Height, bulk, scale, and visual impacts;
- Amenity impacts;
- Compliance with SEPP 65;
- Traffic and car parking;
- Flood management;
- Signage;
- Development contributions; and
- Air Safety and Navigation Issues.

### 5.1 Height, Bulk, Scale and Visual Impacts

The PCC LEP sets a height limit of 80 m and maximum floor space ratio (FSR) of 6:1 for the site. The application seeks approval to increase the height of the eastern tower from 86 m (RL 91.5 m) to 110.8 m (RL 116.3 m), and the western tower from 118 m (RL 125.6 m) to 177.5 m (RL 185.1 m). In addition, the application seeks approval to increase the FSR of the project from 6.52:1 to 8.25:1.

In this regard, the eastern tower exceeds the height control by 30.8 m or 38.4 per cent. The western tower exceeds the height control by 97.5 m or 121.8 per cent. Furthermore, the application requires a 37.5 per cent variation to the maximum FSR permissible on the site. **Tables 1 and 2** summarise the approved project, the proposed modifications and compliance with the height and FSR controls of the PCC LEP.

**Table 1: Compliance with the Height Limits of the PCC LEP 2007**

LEP Control	Approved Project			Proposed Modification		
	Height	Compliance	% Variation	Height	Compliance	% Variation from LEP Control
Eastern Tower 80 m permitted	86 m (RL 91.5m)	Yes <sup>1</sup>	7.5%	110.8 m (RL 116.3 m)	No	38.4%
Western Tower 80 m permitted	118 m (RL 125.6 m)	No	47.5%	177.5 m (RL 185.1 m)	No	121.8%

**Note**<sup>1</sup>: Clause 22B of the PCC LEP permits a 10 per cent variation to the height and FSR controls subject to a proposal exhibiting design excellence.

**Table 2: Compliance with the FSR Limits of the PCC LEP 2007**

LEP FSR Control	Approved Project			Proposed Modification		
	FSR	Compliance	% Variation	FSR	Compliance	% Variation
6:1	6.52:1	Yes <sup>1</sup>	8.66 %	8.25:1	No	37.5%

**Note**<sup>1</sup>: Clause 22B of the PCC LEP permits a 10 per cent variation to the height and FSR controls subject to a proposal exhibiting design excellence.

LEP controls do not strictly apply to transitional Part 3A projects. Notwithstanding, the department has undertaken a merit based assessment of the application, which includes an assessment against the relevant requirements of the PCC LEP, and the strategic context as provided for in **section 2.2**.

Clause 22B of the PCC LEP permits a 10 per cent variation to the height or FSR maxima provided that:

- The building exhibits design excellence;
- The design of the building has been informed by a design competition; and
- The Director-General has provided his concurrence to the application.

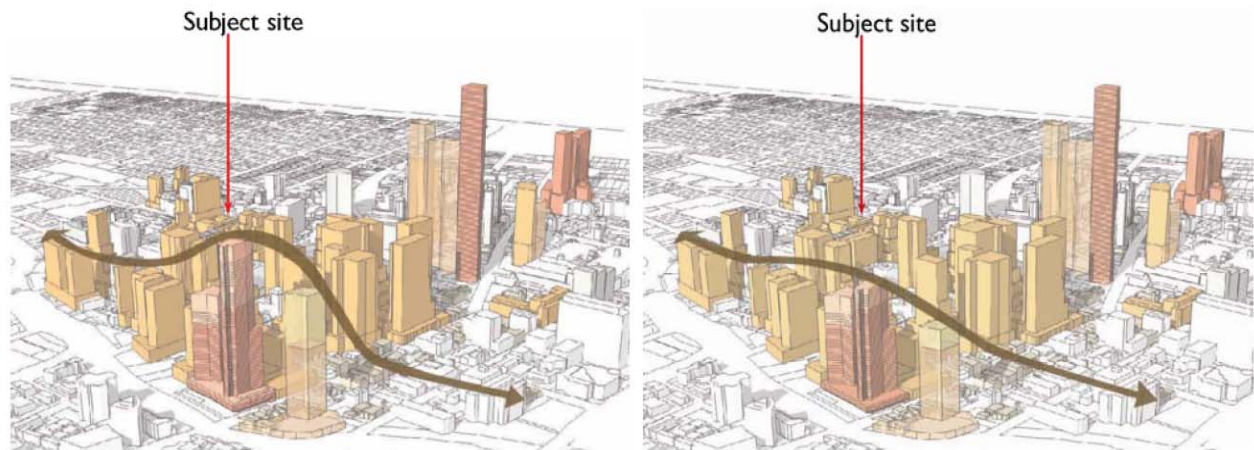
As previously discussed, the design of the approved project was based on the results of a design competition endorsed by the Director-General. The department has reviewed the design verification statement provided by Tony Caro in support of the proposed modification and agrees that the revised design continues to exhibit design excellence as per the requirements of clause 22B of the PCC LEP. The department's full assessment of compliance with clause 22B is provided at **Appendix 5**.

The department notes that the application exceeds the 10 per cent variation to the height and FSR control permitted under the PCC LEP. Accordingly, the department engaged GM Urban Design & Architecture (GMU) and Richard Lamb and Associates (RLA) to model and review the urban design and visual impacts of the proposed modification. In this regard, the review took into consideration the existing built form of the Parramatta CBD, the height limits identified in the PCC LEP 2007, and all planning proposals within the Parramatta CBD that have obtained gateway approval and are with the council for implementation. It did not however, take into consideration the strategic vision of the Parramatta CBD as outlined in **section 2.2**. The results of GMU's modelling are provided at **Appendix 6**.

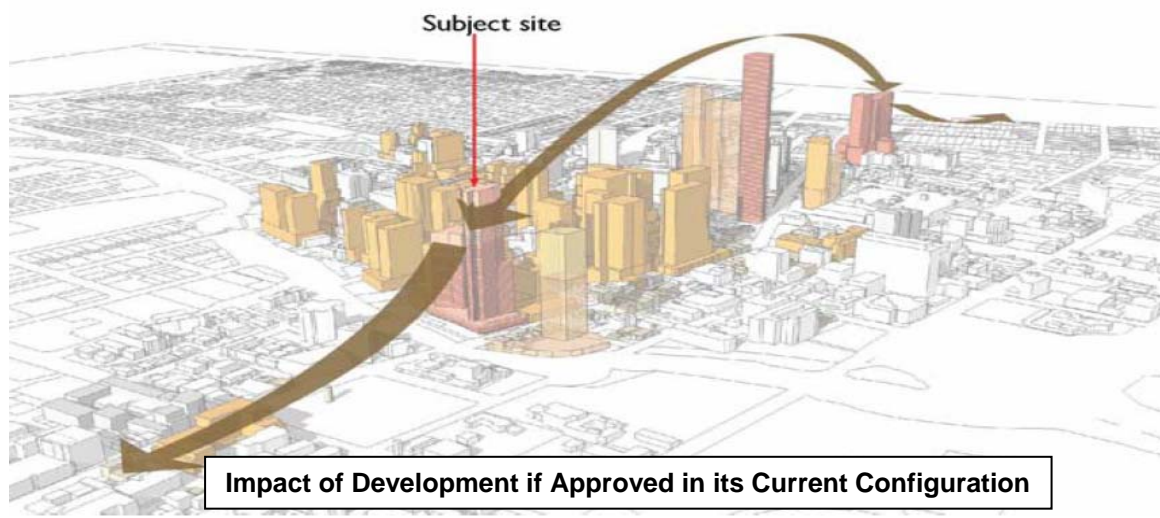
Based on the results of the modelling and site inspections, GMU and RLA made the following observations in relation to the urban design and visual impacts of the proposal:

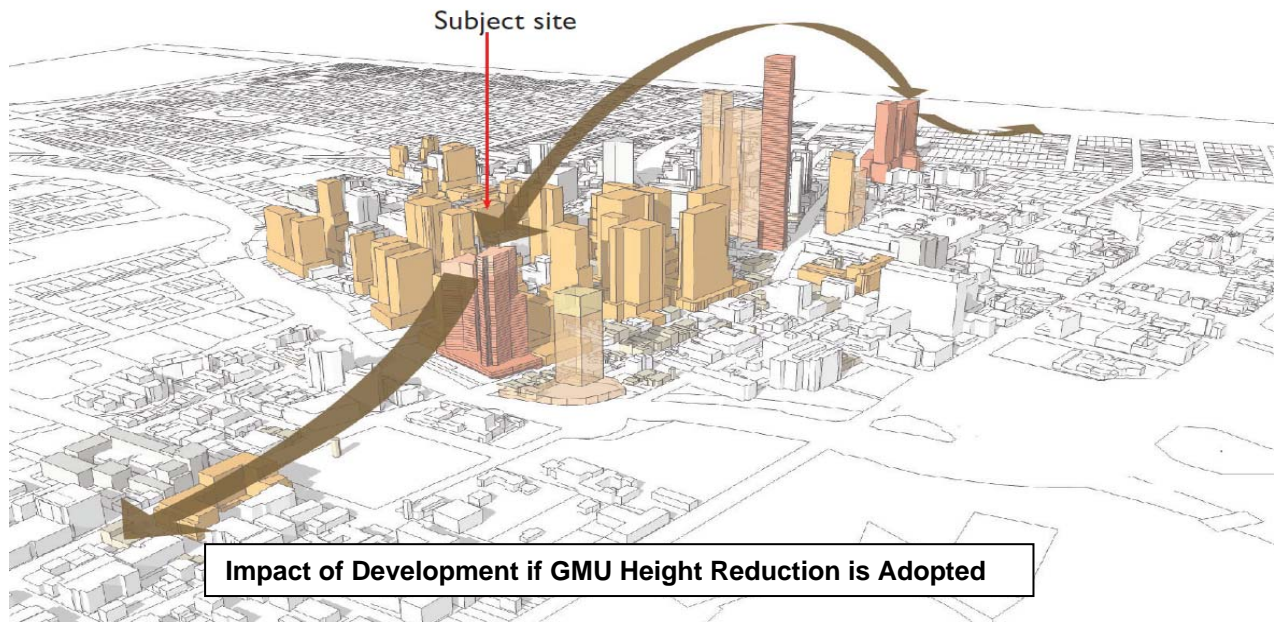
### Urban Design Impacts

- The Parramatta CBD is currently characterised by buildings ranging in height between 10 and 22-storeys to the east of Church Street, and four and six-storeys along the river;
- Currently there is no discernible city skyline or height marker within the centre of the CBD;
- Additional height on the subject site would assist in marking the northern gateway to the city centre. However, the proposed height at this location would still be in direct contrast with the maximum heights permitted along the southern bank of the Parramatta River. In this regard, the height of the western tower does not provide an appropriate transition between the centre and the periphery of the CBD, or between the lower scale development proposed immediately east and west of the site along the riverfront;
- Increasing the height of the western tower would alter the relationship between both towers to one that is less balanced and harmonious. However, the additional height proposed on the eastern tower would result in an improved design outcome, as the tower would appear more elegant and slender;
- There are no adverse impacts associated with increasing the height of the podium; and
- In order to provide a smoother transition between the centre and the periphery of the CBD, and the adjoining development east and west of the site, GMU recommends that the western tower should be reduced in height by between six and eight storeys as per **Figures 9 and 10** overleaf.



**Figure 9:** Comparison of Proposed Modification and the Height Limit for the Site Recommended by GMU



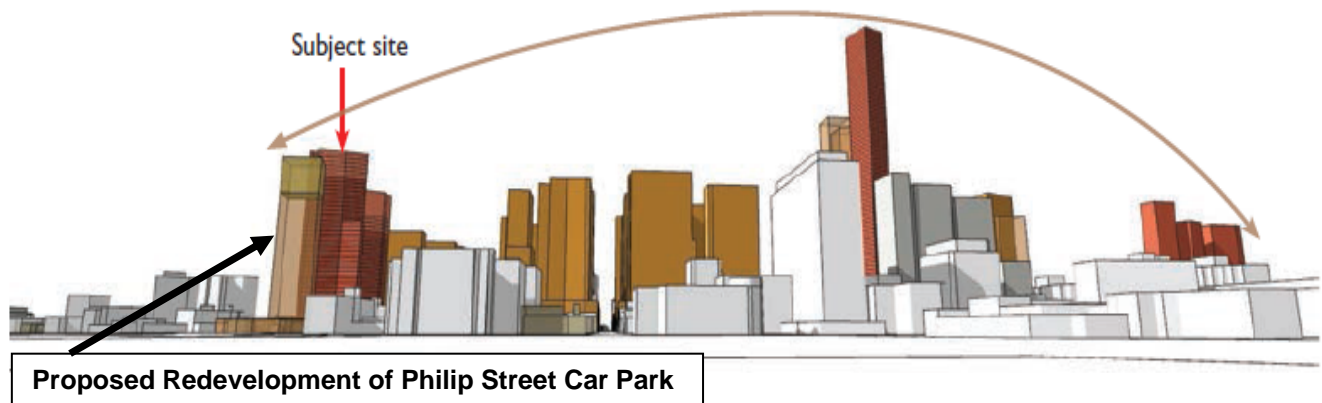


**Figure 10:** Comparison of Proposed Modification and the Height Limit for the Site Recommended by GMU

Visual Impacts (including Impacts on Significant Heritage Vistas)

- The modification to the podium maintains a scale that is not inconsistent with the existing situation along the riverbank and Church Street. In addition, the scale of the building is mediated by a ground floor 'base' colonnade and an articulated upper section;
- The application will not have any significant or unacceptable impacts on views to and from Lennox Bridge or its abutments. Given the above, the proposed modifications to the podium are acceptable in regard to visual impacts;
- The proposed modifications to the towers would be highly visible from many parts of Parramatta. However, locations close to the site within the CBD would be less affected due to intervening built components in comparison to sites located further afield such as OGH and The Domain, Prince Alfred Park, The Old Kings School or Dixon Park;
- In the context of a proposed tall building immediately west of the site (Philip Street Car Park), the proposed increase in the height of the approved towers is unlikely to cause any significant cumulative visual impact (see **Figure 11** below);
- The extra height has no further significant impacts on the sense of place of the building in relation to the river corridor and with respect to the intention to create an entry statement to the northern edge of the CBD on a strategic site;
- The proposed modification would not further obscure documented views of established heritage significance, or views of items of significance that are associated with the National or World heritage values of OGH and The Domain in comparison to the approved project, as the additional heights proposed on the eastern and western towers would predominantly result in additional building bulk and height being seen against the sky, rather than any potential tangible impacts on the visibility or cues to the locations of heritage items; and
- The proposed development will be visible from six of the heritage view corridors identified in the PCC DCP. RLA notes that it is unlikely that views to the west of the site will be screened in the manner identified in the Visual Impact Assessment prepared by Urbis.





**Figure 11:** Subject Site as Viewed from OGH and The Domain

The analysis and recommendations provided by GMU and RLA were forwarded to the council for comment on the basis that the council was in the process of engaging independent consultants to undertake a strategic review of the height and FSR limits within the Parramatta CBD, with a view of introducing taller slimmer towers within the CBD.

As a result of this consultation, the council advised that in recent years there has been a shortfall in development activity within the Parramatta CBD. This shortfall has occurred due to high levels of fragmented land ownership, and heritage and flooding constraints, such that readily developable sites are scarce. In response to this issue, the council has progressed a number of planning proposals, which if implemented, will assist with stimulating short-term growth on unconstrained sites. These planning proposals also signify a shift away from the 'bell curve' height concept envisaged under the PCC LEP.

Notwithstanding the above, the measures that are currently being progressed to stimulate further development within the CBD are considered short-term in nature, and as such, the council is currently undertaking a review of the planning framework with a view to implementing a new LEP that will:

- Facilitate the development of tall slim towers with a minimum height of 20-storeys, which are widely separated to avoid adverse wind and overshadowing impacts, and maintain access to light and views;
- Remove the 'bell curve' skyline concept with a view to facilitating a skyline that contains tall buildings edge to edge, with peaks at Lennox Bridge/Church Street, Parramatta Square, and Great Western Highway/Church Street;
- Ensure all CBD buildings achieve design excellence; and
- Enable the collection of appropriate contributions to fund the scale of infrastructure required to support the development of Parramatta as Sydney's premiere regional city.

The department has reviewed the advice provided by the council, GMU and RLA and has concluded that:

- Whilst the advice provided by GMU may assist in mitigating any adverse potential urban design impacts arising from the proposed development, these comments have been given in the context of the current height limits of the PCC LEP, the height limits proposed under a number of undetermined and draft planning proposals, and a logical growth pattern that may emerge as a result of a combination of the above;
- Based on the advice provided by the council, the department considers that the growth pattern promoted under the PCC LEP is unsustainable insofar as it does not provide sufficient development potential on unconstrained sites to facilitate the extent of growth planned for the Parramatta CBD in the Metropolitan Plan. In this regard, the department supports the council's vision which moves away from a 'bell-curve' pattern of development along the north-south spine of the CBD, toward a general height datum of 60 m (20-storeys) that is



punctuated by taller development located at the centre and the northern and southern thresholds of the CBD;

- From a strategic planning perspective the department considers that the introduction of taller, slender towers in this location is consistent with the strategic vision for the Parramatta CBD, which seeks to:
  - encourage employment growth opportunities by renewing and growing the Parramatta CBD; and
  - maximise housing and jobs in close proximity to public transport.
- The proposal will make a significant positive contribution toward strengthening Parramatta's role as a premier regional city and Sydney's second CBD
- In terms of the visual impacts of the proposal, the department has concluded that whilst the application will result in changes to the vistas out of OGH and The Domain, these changes are not significant enough to require assessment under the provisions of the EPBC Act. This view is supported by advice from the former Department of Sustainability, Environment, Water, Population and Communities; and
- The site is located outside seven of the eight historic view corridors identified in the PCC LEP, and will not have any adverse impacts on view corridor 5 which seeks to preserve the north-south vista along Church Street, including views of ANZ Dome, surrounding heritage buildings, the St John's Church spires and St Peter's church.

Based on the above, the department considers that the height of the podium and towers, as proposed under this application, would be consistent with the desired future character of the Parramatta CBD and should be supported.

## 5.2 Amenity Impacts

### 5.2.1 Overshadowing

The proposed development is orientated north-south and would result in additional overshadowing during the winter solstice. It should be noted that the council's development control plan (Parramatta City Centre DCP 2007) only includes specific controls to manage solar access to Lancer Barracks and Jubilee Park, both of which are not affected by the proposed development.

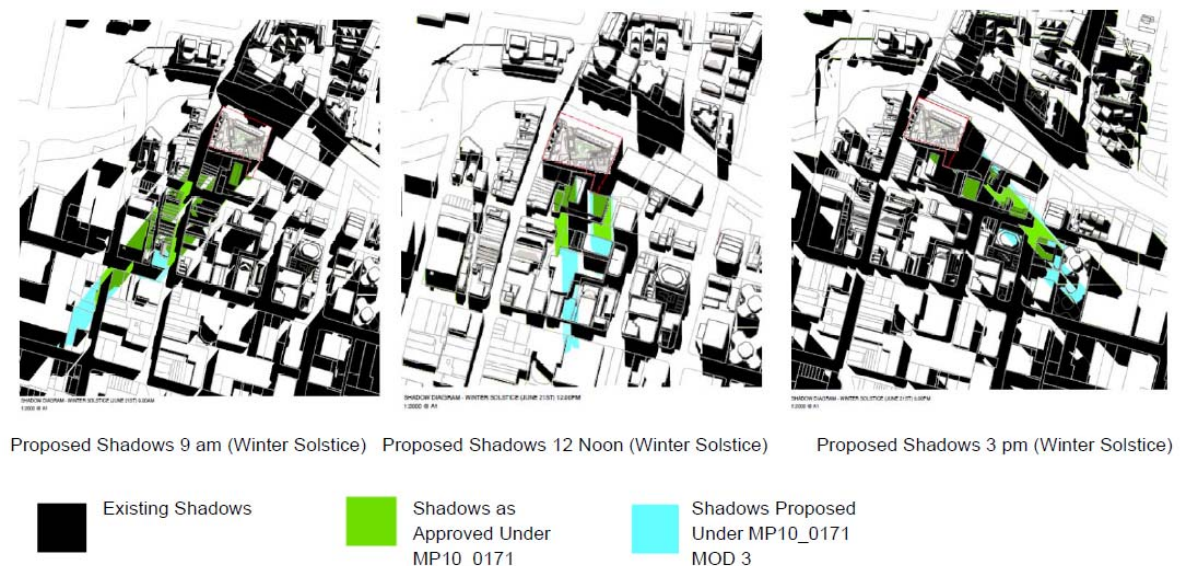
The department has compared the shadow impacts of the approved project and the proposed modification and has concluded that the application would result in the following additional impacts during the winter solstice:

- The project would result in a minor increase in the extent of overshadowing within Church Street and George Street between 9 am and 12 midday during the winter solstice;
- The project would result in increased overshadowing which would extend over the elevations and roof tops of existing commercial buildings and car parks to the south, south-east and south-west of the site between 9 am and 3 pm at the winter solstice. The department considers this impact to be minor in comparison to the impact of the approved development;
- The project would result in some minor additional overshadowing on top of the adjoining David Fraser car park, which the council is proposing to redevelop into a public park in accordance with the requirements of the Riverbank Site Controls 2010. The department does not consider that this overshadowing will adversely impact on the amenity of the proposed park as the majority of the park will receive sunlight between 9 am and 3 pm at the winter solstice; and
- The application would not result in any additional overshadowing impacts at surrounding residential premises.

These impacts are depicted in **Figures 12 and 13**. Based on the above the department considers that the extent of the additional overshadowing is minor and acceptable.



**Figure 12: Overshadowing Impacts of the Approved Project at Winter Solstice**



**Figure 13: Overshadowing Impacts of the Proposed Modification at Winter Solstice**

### 5.2.3 Wind Impacts

The section 75W planning report includes a Qualitative Environmental Wind Report prepared by SLR Consulting. The report has not modelled wind speeds at critical locations within and adjoining the site, rather it provides a quantitative analysis of compliance with the following wind speed criteria:

#### Safety Criteria

- A maximum wind speed of 24 metres per second (m/s) in isolated areas; and
- A maximum of 23 m/s in publicly accessible areas.

#### Amenity Criteria

- 16 m/s for walking;
- 13 m/s for standing and slow walking; and
- 10 m/s for outdoor dining areas.

The department has reviewed the wind report and notes that the report predicts wind speeds of up to:

- 16 m/s at test points 1 to 5 which are located on Church Street;

- 16 m/s at test points 10 and 14 which are located within the foreshore area adjacent to the subject site;
- 16 m/s at test points 17, 19, and 21 to 37 which are located along the north-east corner of the colonnade, the south-eastern boundary of the site, the entry to the basement car park, the podium areas fronting the foreshore and Church Street, and the podium level courtyard; and
- 23m/s at test points 38 to 41 which are located on the lower and upper balconies of the towers.

Despite the above predicted wind speeds, the report concludes that wind conditions can be reduced to 10 m/s in the outdoor dining areas along Church Street, subject to the implementation of the wind mitigation measures proposed in Table 2 of the wind report.

The department is generally satisfied with the conclusions and recommendations of the wind report. However, the department is concerned that the areas along Church Street that are not proposed for outdoor dining will exceed the 10m/s wind criterion specified for Church Street in Condition B24 of the current project approval. This is not considered appropriate on the basis that Church Street accommodates high volumes of pedestrian traffic and accommodates extensive areas of outdoor dining.

In addition, the department is concerned that the proposed modification will result in a number of test points located within the adjacent public domain not complying with the 13 m/s criterion specified for the Riverbank foreshore area in the existing project approval. Furthermore, the department is concerned that the proponent is seeking to rely on the council undertaking wind mitigation works within the parcel of land that is being transferred to the council via the existing VPA. The department is not satisfied with this outcome and considers that the proponent should be providing temporary wind mitigation measures within the adjoining public domain that will remain in place until the council upgrades the public domain area adjacent to the site. The department notes that this will mean that the proponent will need to consult with the council on the design of the temporary wind mitigation measures located on land that will be transferred to the council via the existing VPA.

Given the above, the department has recommended the imposition of a new condition (Condition B22A) requiring the proponent to prepare a supplementary wind report in consultation with the council and to the satisfaction of the Director-General, within three months of the date of the modification approval that identifies:

- All permanent wind mitigation measures required to ensure that each test point located along Church Street will comply with the 10 m/s wind criterion; and
- All temporary wind mitigation measures required to ensure that each test point located within the adjoining public domain complies with the 13 m/s wind criterion.

### **5.3 Traffic and Car Parking**

#### **Traffic Impacts**

In order to identify the impacts of the proposed modification on the surrounding road network, the proponent provided a revised traffic and parking assessment which modelled the impacts of the proposed modification at the following intersections:

- Marsden Street and Philip Street;
- Church Street and Philip Street;
- Smith Street and Philip Street;
- Marsden Street and George Street;
- Church Street and George Street; and
- Smith Street and George Street.

The report demonstrates that whilst the application would result in the creation of 112 additional car parking spaces on-site (597 approved, 709 proposed resulting in an 18 per cent increase), it would actually result in a 13 trip reduction in the total number of vehicle trips per hour (vph) in the am period (176 trips predicted for the original project, and 163 predicted as a result of the

proposed modification) and an 84 trip reduction in the pm peak (a total of 309 trips predicted for the original project, and 225 predicted as a result of the proposed modification).

The reduction in total vehicle movements is a result of revisions to the trip generation rates recommended for high density residential dwellings by the RMS. In this regard, the RMS currently identifies the average am and pm peak (1 hour) vehicle trips per unit as 0.19 trips and 0.15 respectively, whereas the original modelling was undertaken on the basis 0.24 trips per hour per unit in both the am and pm peak period.

Based on the revised number of vehicle trips in the am and pm peak periods, the traffic report demonstrates that the application would not result in any change to the level of service, degree of saturation, the average delay time or queue length at the surrounding intersections in comparison to the approved project. A comparison of the approved traffic impacts and proposed traffic impacts is provide at **Appendix 7**.

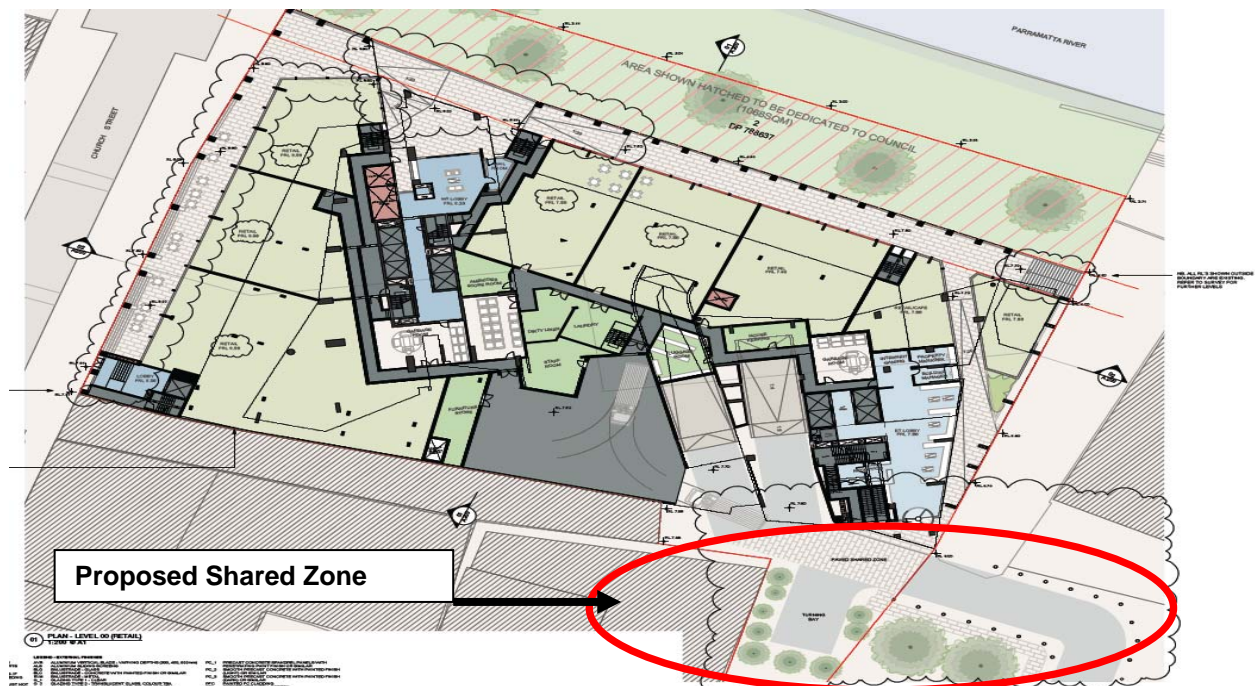
The department has reviewed the results of the revised traffic modelling in conjunction with the RMS and the council and has concluded that the impacts of the proposed development would not result in any unacceptable impacts on the performance of the local road network.

### Car Park Design

The application seeks approval to revise the entry and exit configuration of the car park and provide car parking within the podium level. The department has reviewed the proposed modifications to the car park design, as amended by the supplementary report provided by the proponent on 4 November 2013, and notes that the issues previously raised by the council in relation to non-compliances with the relevant Australian Standards have now been addressed.

In addition, the department notes that the supplementary documentation dated 4 November 2013, proposes to create a landscaped shared zone at the rear of the site (see **Figure 14** overleaf). The department has reviewed the design of the shared zone and is satisfied that it has been designed to integrate with the future laneway proposed on the southern boundary of the site. In addition, the department considers that it provides a satisfactory response to the issues by the owner of the adjoining site (328 Church Street) in relation to vehicle access.

Accordingly, the department is satisfied the design of the basement car park is appropriate.



**Figure 14:** Revised Ground Floor Configuration



### Car Parking Rates

Clause 22C of the PCC LEP provides car parking maxima for specific land uses. In this regard, the following maxima apply to the proposed development:

- One car parking space for every multi-dwelling unit, plus one parking space per five dwellings for visitor use;
- One car parking space per 10 m<sup>2</sup> of retail floor space approved for restaurant use, or one parking space for every four seats (whichever is the lesser);
- One car parking space per 30 m<sup>2</sup> of gross floor area approved for a shop use; and
- One car parking space per 100 m<sup>2</sup> of gross floor area approved for a commercial use.

The department notes that the proponent is seeking to vary the car parking rates applicable to the residential and serviced apartment components of the project by applying an average car parking rate of 0.82 spaces per residential and/or serviced apartment. The proponent is seeking to apply this rate on the basis that the PCC LEP does not specify a car parking rate for serviced apartments, and serviced apartments typically have lower car parking requirements in comparison to residential apartments.

The department notes that as the fit-out of the ground floor retail space does not form part of the proposed modification, there is a degree of uncertainty in terms of the maximum number of car parking spaces that should be allocated to the site. This is due to the fact that this floor space may be suitable for either a restaurant, shop, or commercial use, and the PCC LEP 2007 allocates different car parking maxima to each of these uses.

Based on the potential uses at ground floor level and the car parking rates outlined above, the maximum number of car parking spaces permitted to service the proposed development is 1,093. The modification application proposes the creation of 709 car parking spaces and is therefore compliant with the LEP requirements (i.e. < 1,093 parking spaces). A breakdown of the car parking maxima based on specific land uses is provided in **Table 3** below.

**Table 3: Compliance with PCC LEP Car Parking Provisions**

Land Use	Maximum Number of Bays Permitted	Number of Bays Proposed	Compliance
Multi Unit Dwellings <sup>1</sup>	644 <sup>1</sup>	529	Yes
Multi Unit Dwelling Visitor Spaces <sup>1</sup>	128.8 <sup>1</sup>	180 <sup>2</sup>	N/A
Restaurant, Shop and Commercial Uses <sup>3</sup>	<ul style="list-style-type: none"> <li>• 320.1 for 'restaurant' use; or</li> <li>• 106.7 for 'shop' use; or</li> <li>• 32 for a 'commercial use'</li> </ul>	180 <sup>2</sup>	Yes
<b>TOTAL</b>	<b>1,092.9</b>	<b>709</b>	<b>Yes</b>

**Note**<sup>1</sup>: Multi unit dwellings include serviced apartments.

**Note**<sup>2</sup>: The traffic report prepared to support the proposed modification only expresses the total number of visitor spaces proposed for the retail and residential visitors.

**Note**<sup>3</sup>: The larger of the three rates has been applied as a worst case scenario. .

Whilst the department agrees that the application is compliant with the LEP car parking rates insofar as the application would not exceed the theoretical maxima for the site, the department notes that there is a substantial difference between the theoretical maxima and the actual number of car parking spaces proposed (a difference of 384 spaces). Nevertheless, the department considers that there will be sufficient car parking available to service the proposed development for the following reasons:

- Neither council or the RMS raised an objection to the application of an average car parking rate for the residential and serviced apartment components of the project;
- Visitor car parking should not be required for the serviced apartment component of the project. If the visitor parking is not required for this component of the project it would result in a theoretical reduction in the maximum number of spaces permitted to service the site (53 spaces if visitor parking is levied at one space per five serviced apartments);



- It is unlikely that 100 per cent of the parking spaces allocated to the serviced apartment component of the project will be occupied at any given time;
- The site is within a highly accessible location, close to bus, train and ferry options which would reduce the demand for on-site car parking; and
- It is also unlikely that the peak demand for the ground floor retail and serviced apartment components of the project will coincide. Accordingly, the proponent could manage parking demand on site via the implementation of a car parking management plan.

#### Service Vehicles

Neither the PCC LEP or the PCC DCP specify rates for the provision of loading facilities. The application proposes the creation of a loading dock accessed via the rear laneway. The department considers that this loading area will be large enough to accommodate the delivery of goods on-site.

#### Bicycle Parking

The City Centre DCP requires bicycle parking to be provided at a rate of one space per 100 parking spaces. In addition, end of trip facilities (change and shower facilities) are required for commercial and retail developments providing employment for 20 or more persons.

Given the requirements above, the proposed modification would generate the need to provide eight bicycle parking spaces. The application proposes to a 158 m<sup>2</sup> area for secure bicycle parking to service the retail component of the project within the basement car park. The department considers this area will provide additional space to accommodate in excess of eight bicycles.

In addition, the application proposes the creation of 3,025 m<sup>2</sup> of caged storage space to facilitate compliance with the requirements of SEPP 65. The department considers that the caged storage areas will provide sufficient space to permit the storage of bicycles for residents.

Whilst it is unclear whether any of the retail tenancies will employ more than 20 persons, the department notes that the existing conditions of approval include a requirement for the proponent to provide end of trip facilities to service employees as per the requirements of the *Planning Guidelines for Walking and Cycling* (2004).

#### **5.4 Compliance with SEPP 65**

SEPP 65 applies to all applications for residential flat buildings within NSW. The policy aims to improve the quality of residential flat buildings by requiring all new applications to respond to the 10 design quality principles outlined in Part 2 of the SEPP. In addition, clause 30(2)(c) of the SEPP requires consent authorities to take into consideration compliance with the 'rules of thumb' of the RFDC.

The proponent has provided a Design Verification Statement, prepared by Tony Caro Architecture which evaluates the design quality of the building against the principles of the SEPP. In addition, the application includes a SEPP 65 'rule of thumb' compliance table.

The department has assessed the Design Verification Statement and is satisfied that the application complies with the design principles of the SEPP. In addition, the department is satisfied that whilst the application proposes variations to the building setback and building ventilation rules of thumb, these variations are minor in nature and will not affect the amenity of the affected apartments due to the incorporation of appropriate screening treatments (offsetting of windows and screen planting). Furthermore, the department is satisfied that the application fully complies with the residual rules of thumb outlined in the RFDC. A full assessment of the application against the provisions of SEPP 65 and the RFDC is provided in **Appendix 5**.

Notwithstanding the above, the department is concerned that the noise report submitted to support the proposed modification does not include recommendations to ensure the podium level

apartments are not affected by the operation of the adjacent car parking area. As such, the department recommends amending Condition B22 and E11 requiring the proponent to:

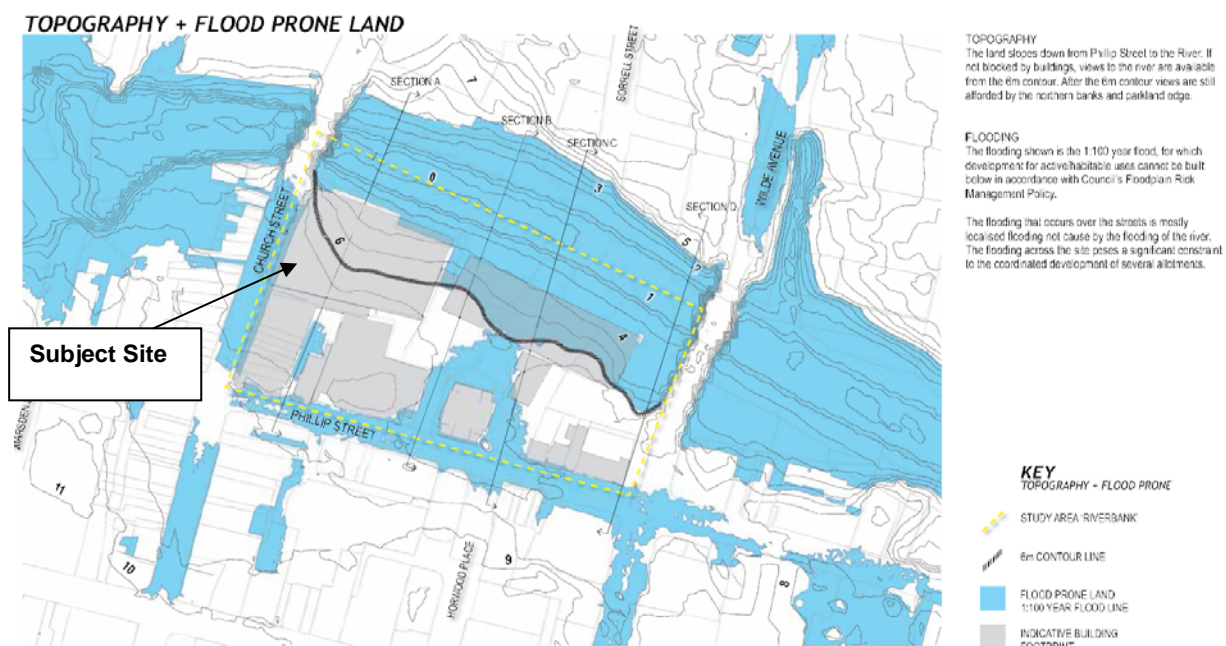
- Prepare a supplementary noise report to the satisfaction of the Director-General, prior to the issue of a Construction Certificate for above ground works, which recommends appropriate noise mitigation measures to ensure the operation of the podium level car park will not affect the amenity of the adjoining residential premises;
- Include all noise mitigation measures recommended to maintain the residential amenity of the podium level apartments within the Construction Certificate Drawings; and
- Ensure that all measures outlined in the supplementary noise report are installed to the satisfaction of the Certifier prior to the issue of the relevant Occupation Certificate.

## 5.5 Flooding and Stormwater Management

Clause 33A of the PCC LEP seeks to maintain the existing flood regime, stream flow and conveyance capacity on a site to prevent adverse environmental and safety impacts. In order to achieve this, clause 33A requires applications to quantify the impact of a new development on the existing flood regime, the environment and public safety.

As the site is surrounded by flood prone land (see **Figure 15**), the department imposed conditions on the original project approval (Conditions B12 to B14, E9 and 10, and F8) to ensure all finished floor levels would achieve a 500 mm freeboard from the 1 in 100 year flood level, and appropriate flood risk management measures would be designed, implemented and maintained on-site. In this regard, the following flood planning levels apply across the site:

- RL 6.59 m along the northern boundary of the site;
- RL 7.48 m on the eastern and southern boundaries of the site;
- RL 8.8 m on the western boundary of the site; and
- RL 7.48 m on the eastern and southern boundary of the site



**Figure 15:** Extent of Existing Flood Prone Land

The department has reviewed the ground floor plans submitted by the proponent on 4 November 2013, and has concluded that the application would not alter the approved building envelope and complies with the flood planning levels specified in the current Instrument of Approval. Notwithstanding, the department notes that Condition B12 will need to be modified to:

- Delete B12(2) as the modification proposes the deletion of the ground floor supermarket; and
- Update B12(5) to ensure that adequate shelter is provided on the roof of the podium for all patrons and visitors of the retail component of the project (at a rate of 2 m<sup>2</sup> per person).

The department has included these conditions in the draft Instrument of Modification.

## 5.6 Signage

The application seeks approval to erect four building identification signs on the western tower (one on each elevation). The department notes that the application does not include any plans identifying the location or dimensions of the proposed signs. In addition, the department notes that the proponent's RTS includes a request for the department to impose a condition to require the proponent to provide the design details of the proposed signage to the satisfaction of the Director-General prior to the issue of the relevant Construction Certificate.

The existing approval includes a condition (Condition A5), which requires the proponent to obtain separate approval for any signage required for the building. Given that the application does not include any details of the proposed signage, the department considers it appropriate to require the proponent lodge a separate development application for the signage as per Condition A5 of the current project approval.

## 5.7 Development Contributions

### Parramatta City Centre Section 94A Development Contributions Plan (PCC Development Contributions Plan)

The PCC Development Contribution Plan imposes a levy of three per cent of the total cost of works where an application will increase the gross floor area of an existing development, or where the cost of works for an application exceeds \$250,000.00.

Based on the revised CIV of \$200,829,956.00, the applicable section 94A contribution would be \$6,024,898.68. In order to ensure the additional contributions are levied, the department has recommended a revision to the note provided at the end of Condition A7 of the existing project approval to ensure the contributions are levied in accordance with the quantity surveyor's report prepared to support the proposed modification.

### Proposed Additional Voluntary Planning Agreement

In addition to the existing VPA, the application is accompanied by a draft voluntary planning agreement (VPA) between the proponent and the council. The additional VPA has been drafted to provide additional public benefits to offset the impact of increasing the intensity of development on-site. In this regard, the VPA will facilitate:

- The payment of additional section 94A contributions based on the revised CIV of the project;
- The purchase and transfer of 720 m<sup>2</sup> of land (Lot 102 in Deposited Plan 1031459) from council to the proponent at a cost of \$3,100,000.00;
- The transfer of Meriton's lease over the David Fraser Car Park at a cost of \$10 million to the Council;
- The landscaping and transfer of Lot 102 in Deposited Plan 1031459 (landscaped) to the council at a cost of \$1.00 at once development reaches podium level; and
- The payment of a cash contribution to the council totalling \$3,367,050.00 for the additional floor space proposed under the modification application.

Once the cost of the council purchasing the lease of the David Fraser Car Park is factored in/offset, the VPA will result in Meriton paying an additional total cash contribution of \$2,763,995.00 to the council.

On 11 November 2013, the council resolved to enter into and endorse the proposed VPA. The department has reviewed the terms of the draft VPA and is satisfied that it will provide appropriate public benefits to offset any increased demand on services and infrastructure arising as a result of increasing the intensity of development on-site. A recommended Condition A8(A) requires the above items to be entered into by the proponent and council.

## 5.8 Air Safety and Navigation Issues

The department notes that the modification application exceeds the obstacle limitation surface (OLS) for Bankstown Airport which is set at RL 151 m within the Parramatta CBD.

As the application will protrude into 'prescribed airspace' as defined under section 181 of the *Airports Act 1996* (Airports Act), the application requires the approval of the Secretary, Department of Transport and Regional Development, or his or her delegate, in accordance with section 183 of the Airports Act. The department notes that the proponent is currently liaising with Bankstown Airport to obtain all necessary approvals under the Airports Act.

The department has recommended the imposition of a new condition (Condition A10) to ensure that the approval of the proposed modification will not come into effect until the proponent has provided the Director-General and the PAC with a copy of the relevant approval(s) issued under the Airports Act.

## 6. CONCLUSION

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The department has assessed the modification application and has considered the public and agency submissions received in relation to the section 75W report and the proponent's RTS.

The strategic context and all relevant environmental issues associated with the proposed modification have been assessed, including the outstanding issues raised by the council in response to the proponent's RTS. In this regard, the department considers that the application is consistent with the council's future strategic vision of the Parramatta CBD, and will assist in strengthening Parramatta's role as Sydney's premiere regional city and second CBD as outlined in the draft Metropolitan Strategy.

In addition, the department considers that the application will result in minimal and acceptable environmental impacts. Notwithstanding, the department has recommended conditions to:

- Ensure development contributions reflect the additional CIV of the project as modified;
- Ensure the additional VPA associated with increases in height is executed;
- Ensure the layout of car parking spaces and access aisles comply with relevant Australian Standards;
- Ensure the proposed modifications continue to comply with wind criterion specified for Church Street and the riverbank foreshore area;
- Require the proponent to prepare a supplementary acoustic report to the satisfaction of the Director-General outlining all measures required to ensure the amenity of the podium level residential apartments is not affected by the operation of the adjoining car park; and
- Ensure the proponent obtains all relevant approvals under the Airports Act.

The proposed modifications are generally consistent with relevant SEPPs and would assist in achieving the housing and job targets for the West Central and North West sub-region as specified in the draft Metropolitan Strategy. In addition, the department considers that the application will take advantage of the site's proximity to strategic transport links and community facilities currently proposed by the council.

Whilst the department acknowledges that the application will increase the approved podium and tower heights, the department considers that the revised design continues to exhibit design excellence, and subject to the conditions recommended above, will not generate any adverse amenity impacts on the surrounding area.

The department has considered the principles of ESD, and considers that the application is within the public interest. Accordingly, the application is supported and is recommended for approval, subject to conditions.

## 7. RECOMMENDATION

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That the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- a) **Consider** the findings and recommendations of this report.
- b) **Approve** the modifications to MP 10\_0171, subject to conditions, under section 75W, as per the transitional arrangements for Part 3A applications as outlined in Schedule 6A of the *Environmental Planning and Assessment Act, 1979*.
- c) **Sign** the attached Instrument of Modification (**Tag A**).

 21/11/13.

Acting Director  
Industry, Social Projects and Key Sites

21.11.13

  
Executive Director  
Development Assessment Systems and Approvals



## **APPENDIX 1      MODIFICATION REQUEST**

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See the department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5797](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5797)

## **APPENDIX 2 SUBMISSIONS**

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See the department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5797](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5797)

## **APPENDIX 3      RELEVANT REPORTS AND DOCUMENTS**

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See the department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5797](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5797)

## **APPENDIX 4      RECOMMENDED MODIFYING INSTRUMENT**

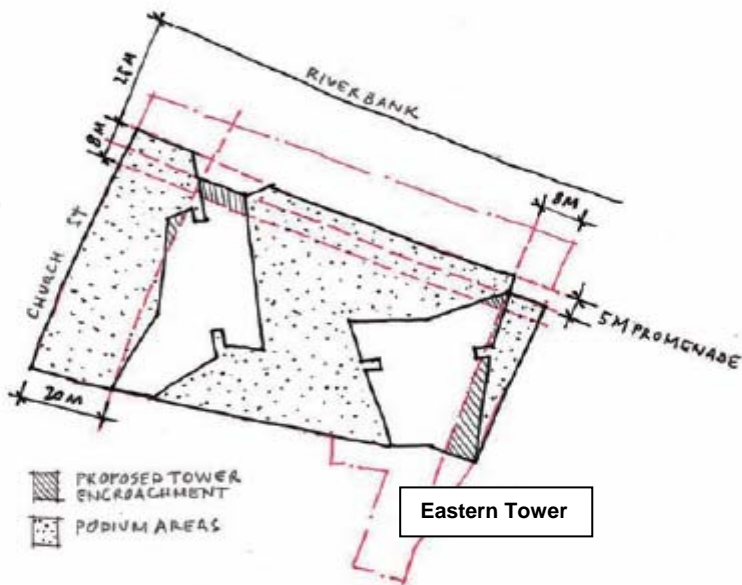
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## APPENDIX 5 ENVIRONMENTAL PLANNING INSTRUMENTS

### 1.2 SEPP 65 – Design Quality of Residential Flat Development and Compliance with the RFDC

The design quality principles of SEPP 65 and the RFDC aim to ensure adequate environmental and residential amenity can be achieved in new residential flat buildings. In addition, the RFDC sets out a number of 'rules of thumb' which provide numerical guidelines for residential flat development to ensure the development complies with the intent of the SEPP 65. **Tables 1** and **2** below summarise the project's compliance against the RFDC.

**Table 1:** Assessment of Compliance with the SEPP 65 Design Principles

Design Principle	Assessment
<b>Context</b>	<p>The site is located adjacent to the southern bank of the Parramatta River. In addition, the site is located adjacent to the southern abutment of Lennox Bridge and a number of heritage listed terraces along the eastern and western side of Church Street.</p> <p>The application proposes to modulate the podium both horizontally and vertically to respond to the scale and rhythm of the terrace forms prominent along Church Street. In addition, the colonnade and ground level retail spaces proposed on the northern and eastern facades of the podium will assist in activating the foreshore area adjacent to the site and the civic place proposed along the eastern boundary of the site.</p> <p>In order to ensure the application will integrate with the future laneway proposed on the southern boundary of the site the department has recommended a condition requiring the proponent to lodge plans to the satisfaction of the Director-General, outlining how the floor space adjacent to the southern elevation can be activated following the construction of the laneway.</p>
<b>Scale</b>	<p>The project has been designed to establish a new urban scale appropriate to the site's iconic gateway location.</p> <p>A consistent podium height has been applied across the site (RL 23.3 m) to provide a cohesive human scale. In addition, the podium achieves a 25 m setback from the river as recommended in the Riverbank Site Controls.</p> <p>The towers have been setback and modulated both vertically and horizontally to ensure an appropriate sense of scale is provided when viewed from the public domain. Notwithstanding, the department notes that there will be minor non-compliances with the setback controls outlined in the Riverbank Site controls as depicted in <b>Figure 10</b> below.</p>  <p><b>Figure 10:</b> Non-Compliances with Riverbank Site Controls</p> <p>This non-compliance is a result of the building being 'creased' in both plan and elevation. The</p>



	department considers this non-compliance acceptable on the basis that the 'creasing' of the building provides a sculptural built form, and assists in providing an appropriate bulk and scale for the northern gateway of the CBD.
<b>Built Form</b>	<p>The project provides a sympathetic response to the site's proximity to the Parramatta River, the historic Lennox Bridge, the civic place proposed to the east of the site, and the historic character of Church Street. Specifically, the project has been designed to provide:</p> <ul style="list-style-type: none"> <li>• A human scale along the northern, eastern and western frontages of the site by providing a podium level that relates to the height of the adjoining buildings, and reinforces the alignment of the street grid and the horizontal and vertical rhythm of buildings along Church Street.</li> <li>• Active frontages that will engage with the site's riverfront location and integrate with the civic place proposed adjacent to the eastern boundary of the site.</li> <li>• Tall slender towers that celebrate the site's gateway location and preserve vistas through the site to the Parramatta CBD.</li> <li>• A high level of internal amenity by ensuring the floor plates are rotated to align precisely to true north to maximise solar access and take advantage of views toward the Parramatta River.</li> </ul>
<b>Density</b>	<p>The application proposes the creation of 354 residential apartments. The proposed unit mix for the residential component of the development is as follows:</p> <ul style="list-style-type: none"> <li>• 17 per cent one-bedroom.</li> <li>• 74.5 per cent two-bedroom.</li> <li>• 5.5 per cent three-bedroom.</li> </ul> <p>Given that the site is located on the northern gateway to the CBD, the department considers that the density of the development capitalises on the site's proximity to existing infrastructure and services and provides an appropriate unit mix to cater for a variety of households.</p>
<b>Resource, Energy and Water Efficiency</b>	<p>The application has been designed to optimise the number of north facing and dual aspect apartments to maximise solar access and reduce costs associated with heating, cooling and lighting. In addition, the application is BASIX compliant and includes the following ESD initiatives:</p> <ul style="list-style-type: none"> <li>• Installation of a 20,000 L rainwater tank, a centralised gas fired boiler hot water system and a photovoltaic system with a minimum output of 275 kW.</li> </ul>
<b>Landscape</b>	<p>The VPA executed under Condition A8 of the existing project approval requires the landscaping and ceding of 1068 m<sup>2</sup> of land along the northern boundary of the site to the Council free of cost. This will facilitate the widening of the foreshore area adjacent to the river, providing a significant public benefit by allowing increased visibility of the abutments to Lennox Bridge which are currently obscured by the existing building. No other landscaping works are proposed at ground floor level, however, the ground level of the building has been designed to provide shade and shelter, and activate the northern, eastern and western frontages of the site via the incorporation of retail outlets with adjoining outdoor seating.</p> <p>The upper podium level incorporates passive open space which has been designed to accommodate deep soil planting.</p> <p>Given the above, the department is satisfied that the application provides an appropriate landscape response to the site's CBD context.</p>
<b>Amenity</b>	<p>The tower orientation and floor plans have been designed to ensure:</p> <ul style="list-style-type: none"> <li>• 92 per cent of the apartments receive a minimum of two hours sunlight at the winter solstice.</li> <li>• Flexible use of the living areas through the provision of appropriately sized and dimensioned rooms.</li> <li>• 56 per cent of apartments are cross ventilated.</li> <li>• Balconies achieve the minimum dimensions specified in the RFDC.</li> <li>• Visual and acoustic privacy is provided via the use of appropriate setbacks and/or offsetting windows/balconies.</li> </ul>
<b>Safety and Security</b>	<p>The department notes that the application continues to provide active frontages along the northern, eastern and western elevation to maximise passive surveillance of the public domain.</p> <p>Furthermore, the ground level of the building has been designed to provide a clear delineation between public and private spaces and avoid the creation of concealed spaces. As such, the department considers that the application has been designed in accordance with best practice crime prevention principles.</p>
<b>Social Dimensions and Housing Affordability</b>	<p>As previously discussed, the department considers that the application will provide housing options for a range of household types.</p>

<b>Aesthetics</b>	<p><u>Podium:</u> The eastern façade provides a contemporary architectural language, whilst at the same time responding to the proportions and rhythm of the two and three-storey terrace forms which typify the northern portion of Church Street.</p> <p>The northern, eastern and western elevations of the podium have been designed to provide active uses that respond to the civic uses proposed adjacent to the site in the Riverbank site controls.</p> <p><u>Towers:</u> The towers have been designed to incorporate an elaborate vertical and horizontal shading system which will animate the northern, eastern and western facades of the building, and respond to the site's solar orientation. In addition, the towers have been 'creased' in both plan and elevation to provide a highly sculptural built form.</p> <p><u>Materials and Finishes:</u> The materials and finishes have been selected to reflect the building's contemporary language. The department has reviewed the materials and samples board provided with the project and is satisfied that the podium will incorporate a variety of textures, materials and colours that reflect the use and internal design and structure of the project as required by the SEPP.</p>
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**Table 2: Compliance with the RFDC Requirements**

RFDC Requirement		Proposed	Compliance
<b>Building Depth</b>	18 m.	The building depth varies between 17 m and 27 m for the eastern tower and 16 m and 22 m for the western tower as per the original approval.	Partial compliance non-compliance
<b>Separation Above 9- Storeys (above 25 m)</b>	24 m between habitable rooms/ balconies.	<p>Apartments on the north-western corner of the eastern tower and the south-eastern corner of the western tower do not achieve a 24 m setback (19 m to 21 m proposed). This is consistent with the variation supported in the original project application.</p> <p>The residual portion of the development achieves setbacks between 24 and 39 m.</p>	Partial compliance non-compliance
<b>Floor to Ceiling Height</b>	2.7 m.	2.7 m	Complies
<b>Units Per Core Area</b>	Maximum of 8 units.	A maximum of 8 units is proposed per core area.	Complies
<b>Solar Access</b>	70% of units to achieve 2 hours in mid-winter	92.3 %	Complies
<b>Cross-Ventilated Units</b>	60%	54%. The proponent has advised that due to higher wind velocities in the upper levels of the towers apartments, single aspect apartments will still receive adequate justification. Accordingly, the department accepts that the non-compliant single aspect apartments will achieve an appropriate level of ventilation.	Does not comply
<b>Communal Open Space</b>	25%–30% of site	33% (2,254 m <sup>2</sup> proposed at podium level)	Complies
	25% deep soil planting	Planter beds proposed to enable deep soil planting at podium level.	Generally Complies
	Balconies – 2 m depth	2 m proposed	Complies

RFDC Requirement		Proposed	Compliance
Unit Size	1 bedroom – 50 m <sup>2</sup>	Min. 51.1 m <sup>2</sup>	Complies
	2 bedroom – 70 m <sup>2</sup>	Min. 74.3 m <sup>2</sup>	Complies
	3 bedroom – 95 m <sup>2</sup>	Min. 1007 m <sup>2</sup>	Complies
Storage	Minimum of 2,932 m <sup>2</sup> required	3,025 m <sup>2</sup> of caged storage proposed	Complies
Single Aspect Units	Max. 8 m to window	8 m	Complies
	Max. 10% single aspect south facing	No apartments are single aspect south facing apartments	Complies
Kitchen to Window	Max. 8 m	Max. 8 m	Complies
Vehicle Access	Min. width 6 m	6 m	Complies

### 1.3 Parramatta City Centre LEP 2007

Tables 3 and 4 below provide an assessment of compliance with the Parramatta City Centre LEP 2007 (PCC LEP).

**Table 3: Compliance with PCC LEP**

Clause	Requirement	Compliance
21 Building Height	80m and 88 m with a 10 per cent height variation applied.	<b>Does not comply-</b> the eastern and western towers exceed the 10 per cent height variation permitted under the LEP. The department considers this acceptable based on the assessment undertaken in Section 5 of the report.
22 FSR	6:1 or 6.6:1 with a 10 per cent variation applied.	<b>Does not Comply</b>
22A Minimum Building Street Frontage	At least one street frontage of 20m or more.	<b>Complies.</b> The application exceeds the 10 per cent FSR variation permitted under the LEP. Notwithstanding, the department considers this variation acceptable based on the assessment undertaken in Section 5.
22B Design Excellence	Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence	<b>Complies</b> – the application is consistent with the results of a design competition endorsed by the Director-General. Further assessment of

		compliance with Clause 22B is provided in <b>Table 4</b> below.
22C Car Parking	Car parking cannot exceed the following maxima: <ul style="list-style-type: none"> <li>• One space per 100 m<sup>2</sup> of commercial GFA</li> <li>• One space per dwelling plus one space for every unit for visitors in multi-dwelling buildings.</li> <li>• One space per 10m<sup>2</sup> or 1 space per for seats (whichever is the lesser) for restaurant uses.</li> <li>• One space per 30m<sup>2</sup> of GFA for 'shops'.</li> </ul>	<b><u>Complies</u></b> – a maximum of 1,903 bays permitted, 709 bays proposed.
22D Building Separation	As per City Centre DCP 2007	<b><u>Partial non-compliance</u></b> - the non-compliance is acceptable – see discussion in Section 5 of this report.
22F Serviced Apartments	Consent for the strata subdivision of serviced apartments in the B4 mixed use zone must not be granted unless the consent authority is satisfied that the application complies with the requirements of SEPP 65.	<b><u>Complies</u></b> - the application does not seek approval for the strata subdivision of the building.
33A Development on Flood Prone Land	Clause 33A the PCC LEP seeks to maintain the existing flood regime, stream flow and conveyance capacity on a site to prevent adverse environmental and safety impacts. In order to achieve this, clause 33A requires applications to quantify the impact of a new development on the existing flood regime, the environment and public safety.	<b><u>Complies</u></b> subject to the imposition of conditions. See discussion provided in Section 5 of this report.
33B Acid Sulfate Soils	Consent must not be granted unless the application assesses the impact of the development on the management of acid sulphate soils and an Acid Sulfate Soils Management Plan has been prepared in accordance with the Acid Sulfate Soils Guidelines.	<b><u>Complies</u></b> - the site contains acid sulphate soils and the project has the potential to impact on the management of such soils. The existing project approval includes a condition (B31) requiring the preparation of an Acid Sulfate Soils Management Plan prior to the commencement of works on site.
35 Heritage Conservation	Requires new developments to conserve: <ul style="list-style-type: none"> <li>• The environmental heritage of Parramatta city centre.</li> <li>• The heritage significance of heritage items and heritage conservation areas including associated fabric, layout, settings and views.</li> <li>• Archaeological sites and relics.</li> <li>• Places of Aboriginal heritage significance</li> </ul>	<b><u>Complies</u></b> Conditions B34, C8, C9 and C10, of the existing project approval require the proponent to interpret the heritage significance of the former David Jones building, and manage historic and

		Aboriginal artefacts during construction works.
35A Historic View Corridors	Consent must not be granted for development within a historic view corridor identified in the PCC DCP without an assessment of the impact of the development on historic view corridors.	<b>Complies</b> - the project is not within a historic view corridor. Notwithstanding the proponent's VIA demonstrates that the application will not have any adverse visual impacts.

**Table 4: Compliance with the Requirements of Clause 22B of the PCC LEP**

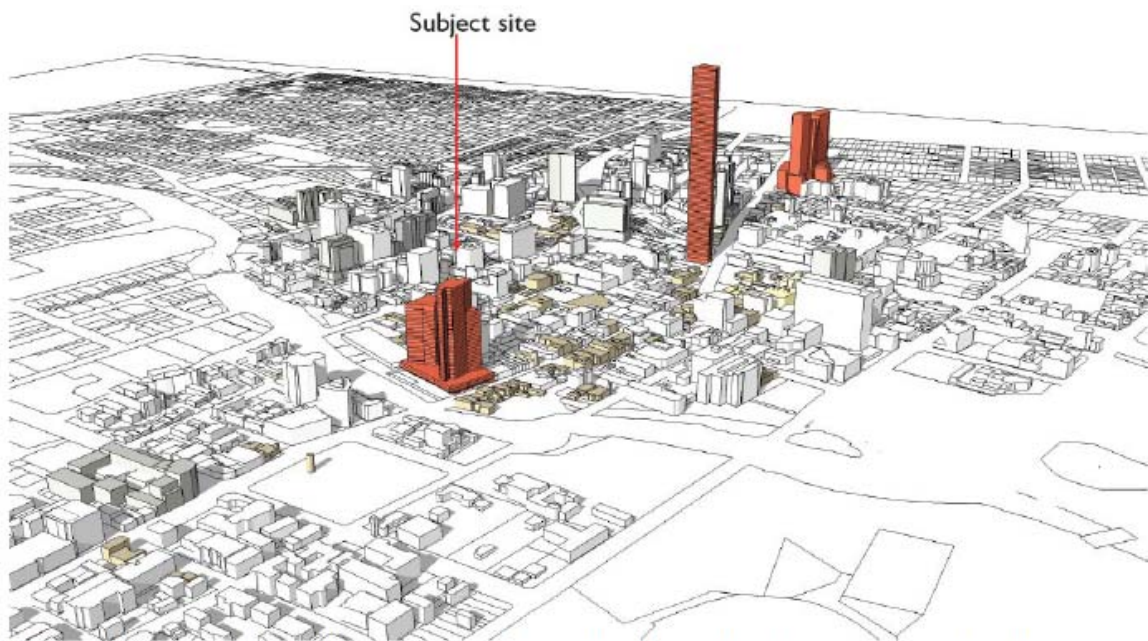
Requirement	Compliance
22B(3)(a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	<p>Yes – the revised podium design provides a sympathetic response to the character of Church Street in terms of respecting the rhythm of the adjoining terrace development, and will provide a higher degree of activation in comparison to the approved project.</p> <p>In addition, the department considers that the northern, southern and eastern elevations of the podium and how they have been designed to integrate with the future plaza to the north and east of the site. In addition, the department has recommended the imposition of a condition requiring the proponent to provide the Director-General with plans depicting how the southern elevation can be activated when the land on the southern boundary of the site is redeveloped as a laneway in accordance with the requirements of the PCC LEP.</p> <p>The tower components are effectively an extension of the approved design.</p> <p>The podium and tower forms comprise high quality and durable materials (sandstone, concrete and glass).</p>
22B(3)(b) Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.	The form and external appearance has been designed to provide an appropriate response to the existing and desired future character of the adjoining Riverbank area.
22B(3)(c) Whether the proposed development detrimentally impacts on view corridors.	The application would not result in any adverse impacts on existing view corridors
22B(3)(d) Whether the proposed development detrimentally impacts on land protected by a sun access plane control established for that land in the City Centre Development Control Plan.	The application will not impact on the sun access plane identified for the City Centre.
22B(3)(e) How the proposed development addresses the following matters: (i) the suitability of the land for development, (ii) existing and proposed use mix; (iii) heritage and archaeological issues and streetscape constraints; (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;	(i) The land is zoned 'B4 Mixed Use' and is suitable for a high density mixed use development. (ii) The proposed unit mix is consistent with the objectives of SEPP 65 and will assist in achieving the density targets for Parramatta as outlined in the draft Metro Strategy. (iii) The application will not increase the excavation envelope in comparison to the current approval. The department considers the existing conditions of approval will manage the archaeological



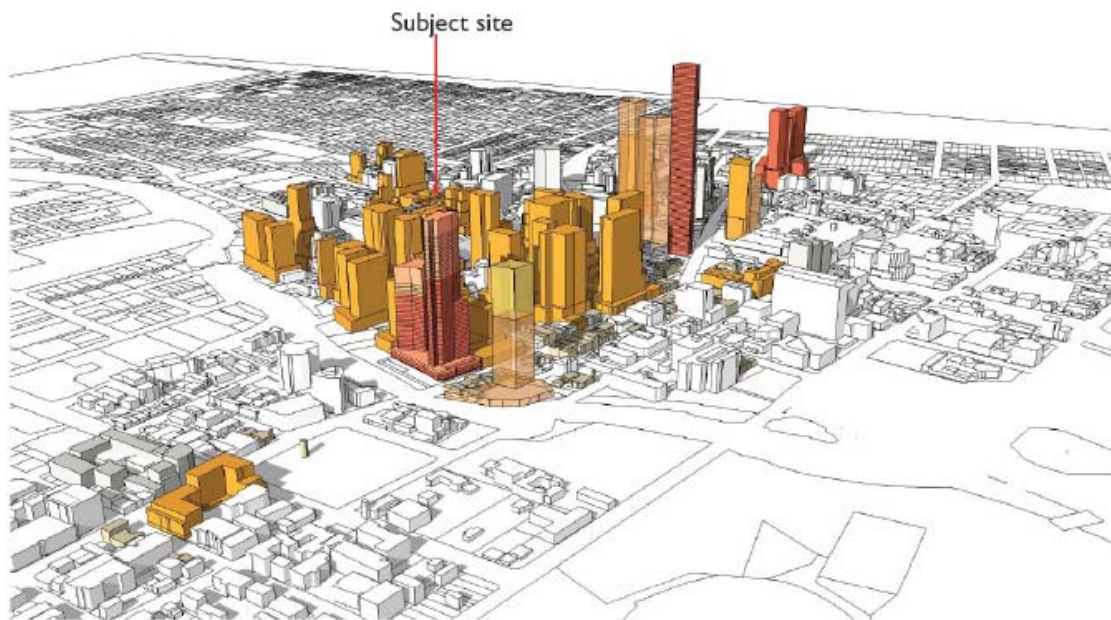
<ul style="list-style-type: none"> <li>(v) bulk massing and modulation of buildings;</li> <li>(vi) street frontage heights;</li> <li>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity;</li> <li>(viii) the principles of ecologically sustainable development;</li> <li>(ix) pedestrian, cycle, vehicular and service access, circulation and pedestrian permeability;</li> <li>(x) the impact on, and any proposed improvements to, the public domain; and</li> <li>(xi) any relevant special character statement in the City Centre Development Control Plan.</li> </ul>	<p>impacts of the project. In addition, the department considers that the application will not result in any adverse heritage or streetscape impacts.</p> <ul style="list-style-type: none"> <li>(iv) The department considers that the towers have an appropriate relationship with the existing and proposed development within the vicinity of the site.</li> <li>(v) The buildings are highly articulated to breakdown the mass of the building.</li> <li>(vi) The application has been accompanied by a revised BASIX Certificate. The department considers that the application will not have any adverse overshadowing or reflectivity impacts, however the department has recommended a condition to ensure the application will comply with the wind speed criteria outlined in the PCC DCP.</li> <li>(vii) The proposed development will continue to comply with ESD principles, in particular, it will increase the number of residents living within close proximity of a regional train station.</li> <li>(viii) The application provides appropriate pedestrian, cycle and vehicle access.</li> <li>(ix) The application is consistent with the desired future character of the area.</li> </ul>
<p>22B(4) consent must not be granted to the following development to which this Plan applies unless an architectural design competition, that is consistent with the City Centre Development Control Plan has been held in relation to the proposed development:</p> <ul style="list-style-type: none"> <li>(a) Development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act;</li> <li>(b) Development in respect of a building that is, or will be, greater than 55 m or 13 storeys (or both) in height;</li> <li>(c) Development having a capital investment value of more than \$1,000,000.00 on a key site, being a site shown edged in heavy black and distinctively coloured on the Key Sites Map; and</li> <li>(d) Development for which the applicant has chosen to have such a competition.</li> </ul>	<p>A design competition was held to inform the design of the original project application. Tony Caro Architecture, the completion winner oversaw the proposed design changes and has certified that the proposed modifications are consistent with the outcomes of the design competition.</p>
<p>22B(5) Subclause 4 does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.</p>	<p>N/A</p>
<p>22B(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:</p> <ul style="list-style-type: none"> <li>(a) The design of the building or alteration is a result of an architectural design competition; and</li> <li>(b) The concurrence of the Director-General has been obtained to the development application.</li> </ul>	<p>The original application was based on the results of a design competition. The proponent has provided advice from the winning architect certifying that the proposed modifications are consistent with the design philosophy and outcomes of the original design. The department agrees with the conclusions of this advice.</p>
<p>22B(7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the result of the architectural design competition (if any).</p>	<p>See comments above.</p>

## APPENDIX 6 GMU MODELLING RESULTS

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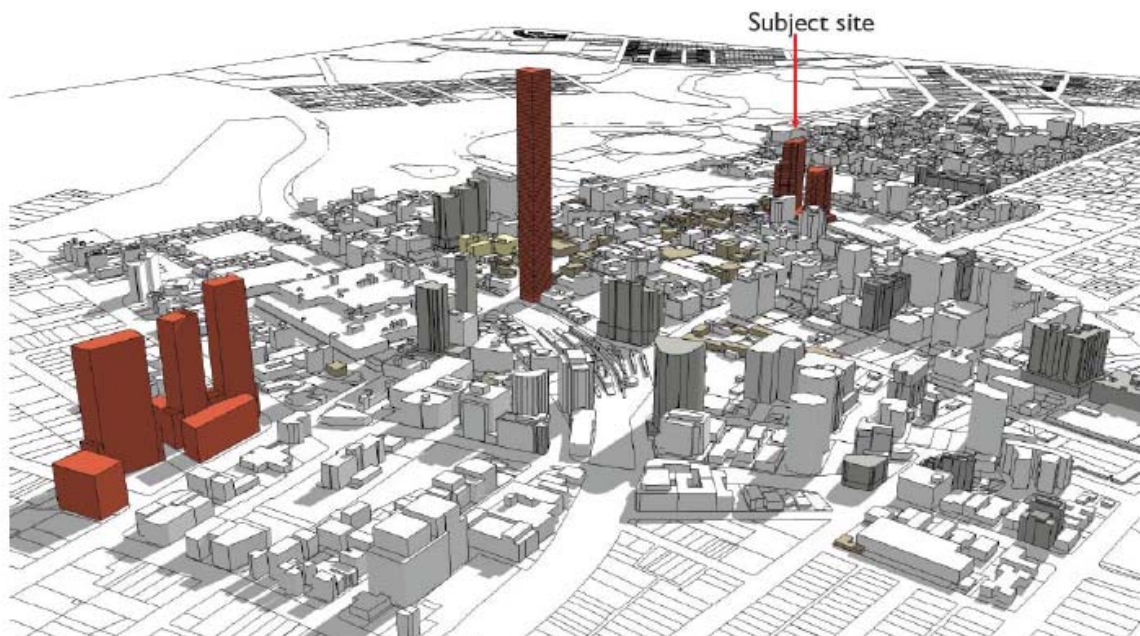


**Figure 1:** Approved Building as Viewed from the North-West in the Context of the Current Planning Proposals and the Existing Built Form of the Parramatta CBD.

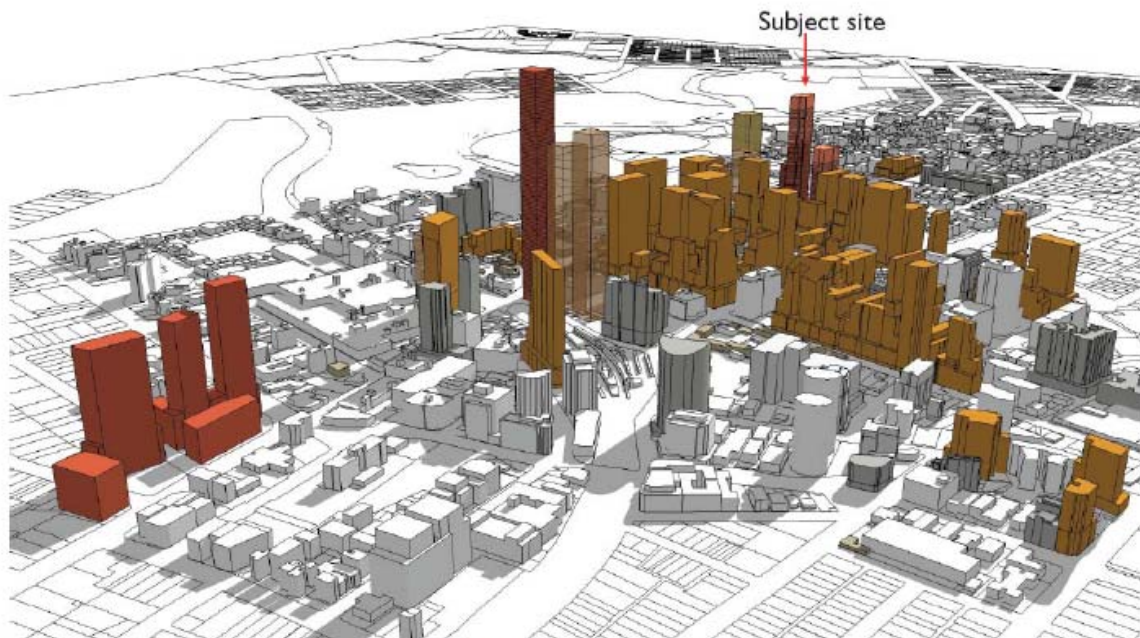


**Figure 2:** Proposed Height of Building as Viewed from the North-West in the Context of the Current Planning Proposals and Potential Building Heights Based on the Height Limits of the PCC LEP.





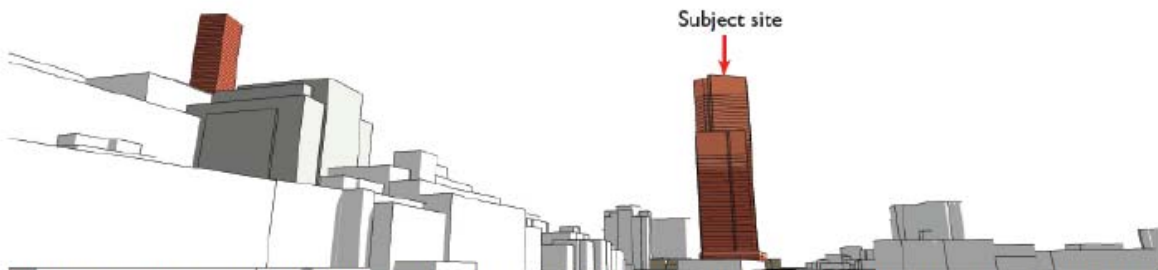
**Figure 3:** Approved Building as Viewed from the South-East in the Context of the Current Planning Proposals and Existing Building Heights in the Parramatta CBD.



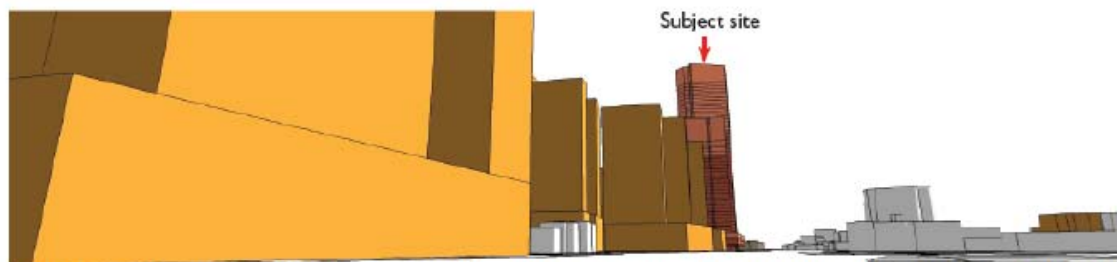
**Figure 4:** Proposed Building as Viewed from the South-East in the Context of the Current Planning Proposals and Potential Building Heights Based on the Height Limits of the PCC LEP.



**Figure 5:** Approved Building as Viewed from the Parramatta Ferry Wharf in the Context of the Current Planning Proposals and the Existing Built Form of the Parramatta CBD.



**Figure 6:** Proposed Building as Viewed from the Parramatta Ferry Wharf in the Context of the Current Planning Proposals and the Existing Built Form of the Parramatta CBD.



**Figure 7:** Proposed Building as Viewed from the Parramatta Ferry Wharf in the Context of the Current Planning Proposals and Potential Building Heights Based on the Height Limits of the PCC LEP.

## APPENDIX 7 INTERSECTION MODELLING RESULTS

Table 1: AM and PM Intersection Performance

Intersection	LOS	DOS	Av Delay (sec)	Av Queue Length (m)
<b>Marsden and Philip Street</b>				
AM Existing	A	0.481	13.1	73.7
AM as Approved	A	0.481	13.6	73.7
Am as Proposed	A	0.481	13.6	73.7
PM Existing	A	0.567	13.2	94.5
PM as Approved	A	0.567	13.9	94.5
PM as Proposed	A	0.567	13.9	94.5
<b>Church Street and Philip Street</b>				
AM Existing	B	0.643	26.1	68.2
AM as Approved	B	0.655	26.8	69.7
AM as Proposed	B	0.655	26.8	69.7
PM Existing	B	0.716	27.7	71.2
PM as Approved	C	0.847	30.1	81.4
PM as Proposed	C	0.847	30.1	81.4
<b>Smith Street and Philip Street</b>				
AM Existing	B	0.589	27.1	114.1
AM as Approved	C	0.701	30.5	122.5
Am as Proposed	C	0.701	30.5	122.5
PM Existing	C	0.746	35.4	116.3
PM as Approved	C	0.806	37.0	119.5
PM as Proposed	C	0.746	37.0	119.5
<b>Marsden and George Street</b>				
AM Existing	B	0.586	17.9	73.9
AM as Approved	B	0.605	17.9	77.8
AM as Proposed	B	0.605	17.9	77.8
PM Existing	B	0.637	14.7	79.8
PM as Approved	B	0.637	14.9	82.4
PM as Proposed	B	0.637	14.9	82.4
<b>Church and George Street</b>				
AM Existing	C	0.840	34.4	95.8
AM as Approved	C	0.840	34.4	95.8
AM as Proposed	C	0.840	34.4	95.8
PM Existing	C	0.817	35.6	70.2
PM as Approved	C	0.817	35.6	70.2
PM as Proposed	C	0.817	35.6	70.2
<b>Smith and George Street</b>				
AM Existing	C	0.770	40.6	107.4
AM as Approved	C	0.770	40.5	107.4
Am as Proposed	C	0.770	40.5	107.4
PM Existing	C	0.778	37.2	77.4
PM as Approved	C	0.778	37.1	77.4
PM as Proposed	C	0.778	37.1	77.4



## APPENDIX 8 COUNCIL'S STRATEGIC JUSTIFICATION



Our Reference: NCA/23/2010  
Contact: Anthony Newland  
Telephone: 9806 5692  
Fax: 9806 5917



Mr Chris Wilson  
Executive Director Development Assessment  
Systems and Approvals  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

29 October 2013

Dear Chris,

**330 Church Street, Parramatta (MP10-0171 MOD3)**  
**Background to the development of the Parramatta CBD**

I write to you regarding the current application to modify the Major Project approval for 330 Church Street, Parramatta, and in particular to explain the strategic background to the ongoing redevelopment of the Parramatta CBD.

Parramatta is identified as a regional premier city under the current and draft Metropolitan Plan for Sydney.

In recent years there has been a shortfall in CBD development activity to that envisaged and facilitated through the Cities Taskforce /PCC LEP 2007 process, having regard to the level of development potential uplift many sites received.

Therefore, the Council's position is that provided the following matters as a minimum are taken into account, consideration will be given to requests for greater height than that identified in the LEP.

- Relationship to context, effect on historic context and world heritage sites;
- Architectural quality;
- Impact on and interface with the public domain, and
- The contribution to public space and facilities.

This approach is evidenced with progression of planning proposals achieving significant height in the CBD (e.g. 57 - 83 Church Street – 120m, Aspire - 300m, 189 Macquarie Street – 91m, Riverside Discovery - 148m).

Decisions on the precise placement of tall buildings needs to be considered in the Parramatta context where there exists a high level of fragmented ownership/strata, small lots, heritage and flooding constraints such that readily developable sites with large site areas are somewhat scarce. This together with the small area of the City has meant that there has been a progressive shift in approach away from strict adherence to the 'bell curve' height distribution concept mapped in the PCC LEP 2007.



A current consolidation LEP amendment will potentially allow for variation to development standards (height and floor space ratios) up to 15% and by up to 25% where a fully commercial building is proposed in the B4 Mixed Use zone. Further to this, a recent Lord Mayoral Minute has commenced a review of the planning framework (vision, LEP and DCP) for the Parramatta CBD to develop a 'world class city'. Whilst work has only recently commenced on this, the matters for consideration include.

- The city developing around the principles of tall slim towers (a minimum of 20 storeys), widely separated, for light, air, and views and avoidance of overshadowing of key public domain and heritage items;
- Removing the 'bell curve' skyline concept with the view of a skyline that contains tall buildings edge to edge, with peaks at Lennox Bridge/Church Street, Parramatta Square and Great Western Highway/Church Street;
- New development contributing positively to active and vibrant public domains, where pedestrians are given priority, including requiring new buildings to be set back further to increase the footpath areas;
- Practical development policies, guidelines, and planning instruments developed on form and context controls that can produce more responsive quality building designs rather than relying on Floor Space Ratio to control building form;
- Sustainable building design being encouraged, including provision of incentives (possibly through development densities) for highly sustainable buildings, rooftop gardens and atrium spaces that encourage a greater sense of community;
- Design excellence being the standard for all development in the Central Business District; and
- Adequate contributions from developments being collected to fund the infrastructure needed for the future of the CBD.

The site at 330 Church Street is considered to be a gateway site for the City and CBD, along with the adjoining proposed Riverside Discovery building. Together these buildings will cement an important northern entry to the CBD, and their presence and scale is consistent with the developing context of Parramatta as Sydney's second CBD and a world class city in its own right.

The Council is supportive of the current MOD3 application to 330 Church Street and believes that the proposal has significant merit in the strategic context of the Parramatta CBD.

Yours sincerely



**Councillor John Chedid**  
Lord Mayor



**Sue Weatherley**  
Acting Chief Executive Strategy