

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and Statement of Commitments in Schedule 3.

Member of Commission

Member of Commission

Member of Commission

Sydney

2014

SCHEDULE 1

Project Approval:

MP09_0167 granted by the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure.

For the following:

26-storey mixed use development including:

- 367 residential apartments (115 x 1, 204 x 2 and 48 x 3 bedroom apartments);
- 2,952 m² of commercial floor space;
- 1,240 m² of retail and restaurant floor space;
- 316 m² archaeological interpretation centre; and
- 6 levels of basement parking.

Modification:

MP09_0167 MOD 2:

- Increase the height of the approved towers and podium as follows:
 - Increase the height of Block 'A' of the tower from RL 94.5 m (25-storeys) to RL 112.4 m (28-storeys);
 - Block 'B' of the tower from RL 88.3 m (24-storeys) to RL 105 m (28-storeys);
 - Block 'C' of the tower from RL 82.1 m (21-storeys) to RL 105 m (25-storeys); and
 - Block 'D' of the tower from RL 44.9 m (10-storeys) to RL 54.8 m (11-storeys).
- Reduce the height of the podium from a maximum of RL 32.5 m (4-storeys, inclusive of architectural feature) to RL 26.9 m (3-storeys, inclusive of architectural feature).
- Increase the GFA from 40,522 m² to 43,424.67 m².
- Increase the size of the archaeological interpretation centre to 423 m².
- Increase the number of residential apartments from 367 to 484 and introduction of 35 serviced apartments.
- Alterations to the podium and tower façade.
- Reconfiguration of the basement car park.
- Increase in the number of car parking spaces from 535 parking spaces to 566.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

1. In Part A, delete Condition A1 in its entirety and replace it with the following:

A1 DEVELOPMENT DESCRIPTION

Except as amended by conditions of this approval (including Condition A16), project approval is granted for the following:

- 484 residential apartments, and 35 serviced apartments, comprised of:
 - 46 x studio apartments;
 - 277 x 1-bedroom apartments;
 - 181 x 2-bedroom apartments; and
 - 15 x 3-bedroom apartments.
- A 423 m² archaeological interpretation centre;
- A 485 m² conference centre;
- Construction and use of a new mixed use development with a maximum GFA of 43,360.7 m².
- Operation and use of six levels of basement car park accommodating 566 car parking spaces (inclusive of 17 tandem spaces), 10 motorbike spaces and 50 bicycle parking spaces.

2. In Part A, Condition A2 Development in Accordance with Plans and Documentation, delete the drawings in the table in their entirety and replace them with the drawings listed in Table 1 below:

Table 1: Drawings Approved under MP09_0167 MOD 2

Drawing No.	Revision	Name of Plan	Date
DA2001	18	Basement 1	17 October 2012
DA2002	15	Basements 2, 3, 5	17 October 2012
DA2004	14	Basement 4	17 October 2012
DA2006	14	Basement 6	17 October 2012
DA2099	14	Mezzanine	3 April 2013
DA2100	19	Ground Floor	3 April 2013
DA2101	20	Level 1	3 April 2013
DA2102	16	Level 2	3 April 2013
DA2103	18	Level 3	17 October 2012
DA2104	18	Level 4 - 11	17 October 2012
DA2112	13	Level 12	17 October 2012
DA2113	6	Level 13	17 October 2012
DA2114	14	Level 14 -20	17 October 2012
DA2121	8	Level 21 - 15	17 October 2012
DA2126	14	Level 26	3 April 2013
DA2127	18	Level 27	3 April 2013
DA2128	13	Level 28	3 April 2013
DA2129	3	Level 19	17 October 2012
DA3100	14	North Elevation	3 April 2013
DA3101	12	South Elevation	3 April 2013
DA3102	14	East Elevation	3 April 2013
DA3103	13	West Elevation	3 April 2013
DA3200	14	Section	3 April 2013

3. In Part A, insert new Condition A16 as follows:

A16 DESIGN MODIFICATIONS

The architectural plans prepared by AJ&C Architects and the landscape plans prepared by TaylorBrammer shall be modified to the satisfaction of the Director-General for approval prior to the issue of a Construction Certificate for above ground works to:

- Remove the serviced apartments located on level 8 and conversion of these apartments to residential apartments;
- Limit the serviced apartments to 35 serviced apartments located within levels 2 to 7 of 'Block D';
- Amend drawings DA2102 (Revision 16), DA2102 (Revision 16), and DA2103 (Revision 18) to:
 - install an automatic fail-open security door adjacent to the 'Block D' lift core; and
 - delete the access door located within the southern corridor of 'Block D' as per plan provided at **Attachment A**.
- Convert apartment numbers 12.16 and 13.16 from 1-bedroom apartments to studio apartments;
- Identify the materials and finishes for, and the detailed design of, the walkways, balustrades and retaining walls within the archaeological display area. The detailed design of the abovementioned elements must be undertaken in consultation with the Heritage Branch, OEH;
- Identify the detailed design of the environmental management system including, moisture movements monitoring and reactive conservation processes for the archaeological display area. The design of the environmental management system must be undertaken in consultation with the Heritage Branch, OEH; and
- Revise the ground level landscaping to ensure compliance with the requirements of the *Parramatta Public Domain Guidelines* and Parramatta Council's *Street Tree Masterplan 2011*.

4. In Part B, delete Condition B4 in its entirety and replace it with:

B4 SECTION 94A CONTRIBUTION

A monetary contribution comprising of three per cent of the value of the proposed works is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the Parramatta City Centre Civic Improvement Plan. Payment must be made by Cash, EFTPOS, bank cheque or credit card only.

The contribution is to be paid in stages to the Council as follows:

- \$277,133 is to be paid prior to the issue of a Construction Certificate for excavation, basement works and ground level building works (up to a maximum RL of 12.5);
- For all works above RL 15.5 the balance of the contribution is to be paid on a pro-rata basis based upon the value of works associated with each Construction Certificate; and
- The value of each staged payment is to be agreed with Parramatta City Council prior to the issue of each Construction Certificate for works above RL 15.5.

Note¹: The value of the proposed works will be calculated based on the requirements of section 25J of the *Environmental Planning and Assessment Regulation 2000* as identified in the final Quantity Surveyor's report approved by the Director-General under Condition B18

5. In Part B, delete Condition B10 in its entirety and replace it with the following:

B10 LAYOUT OF CAR PARKING SPACES

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas shall comply with the current relevant Australian standards, including Australian Standard AS2890.1 (2004), AS2890.2 (2002), and AS2890.6. Confirmation from an appropriately qualified traffic

consultant that the car park layout complies with the abovementioned requirements shall be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate for the basement and podium works.

In addition to the above, the PCA shall certify that no new elements within the basement car park and podium levels such as columns, garage doors, fire safety measures and the like will not compromise compliance with Australian Standard AS2890.1 (2004), AS2890.2 (2002), and AS2890.6.

6. In Part B, insert new Condition B18 as follows:

B18 REVISED QUANTITY SURVEYOR'S REPORT

The proponent must submit a revised Quantity Surveyor's report to the Director-General for approval prior to the issue of a Construction Certificate for above ground works.

The revised Quantity Surveyor's report must provide:

- (1) A detailed breakdown of the costs of constructing the project, if it was constructed in accordance with the plans approved under Condition A2 of the original project approval (MP09_0167); and
- (2) A detailed breakdown of the cost of constructing the project based on the plans approved under Condition A2 as they are modified under MP09_0167 MOD 2.

The revised report must also include a section which provides a breakdown of the cost of the works as approved under MP09_0167 MOD 2, calculated in accordance with section 25J of the Environmental Planning and Assessment Regulation 2000.

7. In Part B, insert new Condition B19 as follows:

B19 NUMBER OF CAR PARKING, MOTORBIKE AND BICYCLE PARKING SPACES

The approved car parking, bicycle parking and motorbike parking is as follows:

- 566 car spaces. A total of 519 of these car spaces are approved for the multi-unit dwellings and serviced apartments. For all other uses, 47 car spaces are approved; and
 - 10 motorbike parking spaces and 50 bicycle parking spaces.
- (1) Details and drawings showing the car parking allocation for each use¹ and the loading arrangements shall be submitted for the approval of the Director-General, prior to the issue of the first Construction Certificate.
 - (2) Individual non-residential uses must not exceed each maximum requirement for that type of use under the Council's LEP.
 - (3) Any future strata subdivision shall reflect the car parking allocation as approved above.

Note ¹: The breakdown and allocation is to be in accordance with the Council's LEP and is required to indicate: residential spaces, residential spaces for persons with a disability and residential visitor spaces; serviced apartment spaces, serviced apartment spaces for persons with a disability; spaces for retail customer and for retail staff (based on Council's LEP requirement for 'Shops'); and spaces for commercial use. Where the final use of tenancies is unknown, a scenario for the allocation of uses is to be provided.

8. In Part B, insert new Condition B20 as follows:

B20 DETAILS OF COLOURS, MATERIALS AND FINISHES

A final schedule of materials and finishes shall be submitted to and approved by the Director-General prior to the issue of a Construction Certificate for above ground works.

9. In Part B, insert new Condition B21 as follows:

B21 NOISE MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all noise mitigation measures identified in the *V by Crown, 45 Macquarie Street, Parramatta Noise Impact Assessment* (Revision 0) prepared by Acoustic Logic and dated 27 August 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate.

10. In Part B, insert new Condition B22 as follows:

B22 WIND MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all wind mitigation measures identified in section 8 of the *Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta* (Revision 0) prepared by Windtech and dated 12 September 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

11. In Part B, insert new Condition B23 as follows:

B23 REFLECTIVITY MITIGATION MEASURES

Prior to the issue of each Construction Certificate, the glazing specifications identified in section 4 of the *Solar Light Reflectivity Analysis V by Crown, Parramatta* (Revision 0) prepared by Windtech and dated 14 August 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

12. In Part B, insert new Condition B24 as follows:

B24 DISABLED ACCESS - GENERAL

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA Access Policy and the recommendations contained in the *V by Crown Access Review s.75W Application* prepared by Morris Gooding Accessibility Consulting, dated 12 June 2013. Prior to the issue of the relevant Construction Certificate, a statement confirming compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

13. In Part B, insert new Condition B25 as follows:

B25 WIND MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all wind mitigation measures identified in section 8 of the *Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta* (Revision 0) prepared by Windtech and dated 12 September 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

14. In Part B, insert new Condition B26 as follows:

B26 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed 43,424.67 m², and the maximum height of the building does not exceed RL 112.4 m. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the first Construction Certificate for works above ground floor level (RL 7.5).

Note: 'Height' (building height) is as defined in Standard Instrument (Local Environmental Plans) Order 2006. Accordingly, the height of the architectural roof feature on the northern elevation may exceed RL 112.4 m, however it shall not exceed a maximum of RL 123.23 m.

15. In Part B, insert new Condition B27 as follows:

B27 BASIX CERTIFICATION

A revised BASIX Certificate, incorporating all of the changes approved under MP09_0167 MOD 2 shall be submitted to the Certifying Authority and the Director-General prior to the issue of a Construction Certificate for above ground works.

16. In Part B, insert new Condition B28 as follows:

B28 MANAGEMENT OF OVERSIZE VEHICLES

An Oversize Vehicle Access Permit must be lodged with the Council and approved prior to the commencement of works.

17. In Part B, insert new Condition B29 as follows:

B29 ROAD OCCUPANCY PERMIT

A Road Occupancy Permit must be lodged with the Council and approved prior to the commencement of works.

18. In Part E, delete Condition E7 in its entirety and replace it with the following:

E7 LANDSCAPING

All landscaping shall be implemented in accordance with the Landscape Plan approved under Condition A16 prior to the issue of an Occupation Certificate.

Note: In the event that Occupation Certificates are issued on a level by level basis, all landscaping relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

19. In Part E, delete Condition E13 in its entirety and replace it with the following:

E13. MONITORING AND MAINTENANCE PLAN FOR ARCHAEOLOGY

A Monitoring and Maintenance Plan that provides specific details regarding the long term maintenance needs of the retained physical archaeological 'relics' and associated artefacts shall be provided. The plan shall include:

- The detailed design of the underground viewing area for the cellar including all:
 - height clearances;
 - access points;
 - walkways;

- balustrades and retaining walls; and
- all other associated services.
- The detailed design of the environmental management system, including all measures proposed to undertake moisture movement monitoring, and all reactive conservation processes for the archaeological display area.

The Plan should be prepared by a materials conservator and must be submitted to the Heritage Branch, OEH for approval prior to the issue of an Occupation Certificate.

20. In Part E, insert new Condition E14A as follows:

E14A. IMPLEMENTATION OF INTERPRETATION PLAN AND DESIGN OF ARCHAEOLOGICAL INTERPRETATION CENTRE

The interpretation of the archaeological relics on-site and the detailed design of the future Archaeological and Heritage Interpretation Centre, with its associated café, must be guided by the detailed Interpretation Plan, as approved by the Heritage Branch of the OEH.

21. In Part E, insert new Condition E16 as follows:

E16 NOISE MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate, all noise mitigation measures identified in section 6 of the *V by Crown, 45 Macquarie Street, Parramatta Noise Impact Assessment* (Revision 0) prepared by Acoustic Logic and dated 27 August 2012, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

22. In Part E, insert new Condition E17 as follows:

E17 WIND MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate, all wind mitigation measures identified in section 8 of the *Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta* (Revision 0) prepared by Windtech and dated 12 September 2012, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

23. In Part E, insert new Condition E18 as follows:

E18 REFLECTIVITY MEASURES

Prior to the issue of the first Occupation Certificate, the mitigation measures identified in section 4 of the *Solar Light Reflectivity Analysis V by Crown, Parramatta* (Revision 0) prepared by Windtech and dated 14 August 2012, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

24. In Part E, insert new Condition E19 as follows:

E19 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed 43,424.67 m², and the maximum height of the building does not exceed RL 112.4 m. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

Note: 'Height' (building height) is as defined in Standard Instrument (Local Environmental Plans) Order 2006. Accordingly, the height of the architectural roof feature on the northern elevation may exceed RL 112.4 m, however, it shall not exceed a maximum of RL 123.23 m.

25. In Part F, insert new Condition F14 as follows:

F14 SEPARATION OF SERVICED APARTMENT AND RESIDENTIAL USES

Security separation must be provided between the serviced apartment and the residential components of the development via the use of security lift key cards, and the provision of security separation doors in common corridors as approved under Condition A16.

END OF MP09_0167 MOD 2

Schedule 3 Statement of Commitments

1. Insert the following new Statement of Commitments:

5.0 Additional Commitment in Statement of Commitments for Section 75W

Subject	Commitments	Timing
Development above 66m in height subject to EPBC Approval	Approval for the development (as modified) above 66 metres (Level 18) in height is not granted until such time as the Department of Sustainability Environment Water Population and Conservation approve the Mitigation and Offset Strategy for the V by Crown development.	Prior to construction certificate for development above podium being issued.
Additional Heritage Council recommendations	Detailed design of the 'underground' viewing area for the cellar, regarding height clearances, access point, walkways, balustrades and retaining walls around the retained archaeological display and all other associated services, shall be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate	Prior to the construction certificate for the archaeological display area being issued.
	Detailed design of the environmental management, moisture movement monitoring and reactive conservation processes for the retained archaeological display shall be prepared in consultation with and to the satisfaction of the Heritage Council or its Delegate.	
	The detailed design of the Archaeological and Heritage Interpretation of the actual archaeology and the Interpretation Centre, with its associated café; shall be guided by the preparation of the detailed Interpretation Plan required under COA. The Plan shall be prepared in consultation with and to the satisfaction of, the Heritage Council or its Delegate	
Cost summary	A cost summary of the project shall be provided in accordance with Section 25J of the EP&A Act.	Once the approval for the Section 75W is issued
Landscaping	The public area landscape plan shall be updated to reflect the requirements of the Parramatta Public Domain Guidelines.	Prior to the construction certificate for any landscaped areas being issued.
	New public area street trees shall reflect the species indicated in the Parramatta City Council Street Tree Master plan 2011. New tree pits shall also be detailed as per the Public Domain Guidelines.	