

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under the delegation dated 14 September 2011 (effective 1 October 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 Schedule 3.



Paul Forward
Member of the Commission



Brian Gilligan
Member of the Commission

Sydney

19 December 2013

SCHEDULE 1

Project Approval:

MP10_0171 granted by the Deputy Director-General, Development Assessment and Systems Performance, as delegate for the Minister for Planning and Infrastructure.

For the following:

Demolition of existing structures on site and construction of mixed use buildings (residential/retail/serviced apartments), basement with 597 car parking spaces, public domain works and installation of utility services.

Modification:

MP10_0171 MOD 3:

- Increase the height of the approved towers and podium as follows:
 - eastern tower from RL 91.5m (36 storeys) to RL 116.3 m (52 storeys);
 - western tower from RL 125.6 m (23 storeys) to RL 185.1 m (30 storeys); and
 - podium from a maximum of RL 20.2 m (three storeys) to RL 23.3 m (four storeys).
- Increase the GFA from 44,117 m² to 61,711 m².
- Increase the number of residential apartments from 220 to 378 and increase the number of serviced apartments from 170 to 266.
- Alterations to the podium façade.
- Reconfiguration of the ground floor as a result of deleting the approved supermarket
- Internal reconfigurations between podium levels 1 and 3 including:
 - the deletion of the child care centre on level 2; and
 - the introduction of residential and serviced apartments and above ground car parking within levels 1 and 2.
- Addition of a new podium level with serviced and residential apartments and communal recreation facilities.
- Installation of one building name sign on each elevation of the eastern (serviced apartments) tower.
- Reconfiguration of the access and egress points within the basement car park.
- Increase in the number of car parking spaces from 597 to 709.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

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

Except as amended by this approval, project approval is granted for the following:

- Demolition of the existing building.
- Piling and associated earthworks.
- Construction and use of a new mixed use development with a maximum GFA of 61,711 m².
- Operation and use of 709 car parking spaces, a loading dock and a 158 m² bicycle parking area within the basement car park.
- Installation of utility services.

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

Table 1: Drawings Approved under MP10_0171 MOD 3

Drawing No.	Issue	Name of Plan	Date
A000	8	Cover	27/06/13
A001	7	Site Analysis	26/09/13
A096	6	Plan_Parking Level 04	17/05/13
A097	7	Plan_Parking Level 03	20/06/13
A098	7	Plan_Parking Level 02	20/06/13
A099	9	Plan_Parking Level 01	20/06/13
A100	15	Plan_Level 00 Retail	1/11/13
A101	3	Plan_Level 01 Podium	1/11/13
A102	3	Plan_Level 02 Podium	1/11/13
A103	3	Plan_Level 03 Podium	1/11/13
A104	9	Plan_Level 04	1/11/13
A105	7	Plan_Level 05 Typical Tower Lower	17/05/13
A106	6	Plan_Typical Tower Middle	17/05/13
A107	6	Plan_Typical Tower Upper	17/05/13
A148	7	Plan_Level 4	17/05/13
A149	7	Plan_Levels 5-27	17/05/13
A150	7	Plan_Levels 28-30	17/05/13
A151	7	Plan_Levels 31	17/05/13
A152	7	Plan_Levels 32-33	17/05/13
A153	7	Plan_Levels 34-53	17/05/13
A154	7	Plan_Level 54 Plant	17/05/13
A155	7	Plan_Level 55 Roof	17/05/13
A156	No Issue	Plans_Podium Levels 1 -3	Undated
157	No Issue	Plans_Podium Levels 1 -3	Undated
A200	7	Sections	17/05/13
A300	11	Elevations – Site	20/09/13
A350	8	Elevations - Podium	20/09/13

A351	8	Elevations - Podium	20/09/13
A352	4	Elevations – East Tower	17/05/13
A353	4	Elevations – East Tower	17/05/13
A354	5	Elevations – West Tower	17/05/13
A355	5	Elevations – West Tower	17/05/13
A400	5	Detailed Elevations – Podium	21/05/13
A401	6	Detailed Elevations – Podium	21/05/13
A403	5	Detailed Elevations – Podium	21/05/13
A404	6	Detailed Elevations – Podium	21/05/13
A405	4	Detailed Elevations – East Tower	17/05/13
A406	4	Detailed Elevations – East Tower	17/05/13
A407	4	Detailed Elevations – East Tower	17/05/13
A408	5	Detailed Elevations – West Tower	17/05/13
A409	5	Detailed Elevations – West Tower	17/05/13
A410	5	Detailed Elevations – West Tower	17/05/13
A550	7	Diagram_GFA Areas	17/05/13
A650	7	Plans_Adaptable Apartments	17/05/13
Materials and Samples Board Prepared by Tony Caro Architects (see approved Materials and Sample Board at Schedule 3)			

3. In Part A, after Condition A7 delete Note¹ in its entirety and replace with the following new Note¹:

A7 DEVELOPMENT CONTRIBUTIONS

Note¹: The value of the proposed works as specified in the Quantity's Surveyor's report prepared Harper Somers O'Sullivan dated 18 December 2013 is \$209,917,825.00.

4. In Part A, after Condition A8 insert the following new condition:

A8A EXECUTION OF ADDITIONAL VOLUNTARY PLANNING AGREEMENT

The proponent shall enter into an additional voluntary planning agreement (VPA) with Parramatta Council covering the following items within six months of the date of this project approval:

- (1) The transfer of Part Lot 102 in Deposited Plan 1031459 from the Council to the proponent at a cost of \$3,100,000.00.
- (2) The payment of \$3,367,050.00 to Parramatta Council as a contribution for the additional floor space approved under MP10_0171 MOD 3.
- (3) The payment of \$10,000,000.00 by Parramatta Council to Karimbla Properties (No.22) Pty Limited which represents the cost of the lease over the David Fraser Car Park which is being surrendered to the Parramatta Council.
- (4) The transfer of Part Lot 102 in Deposited Plan 1031459 (fully landscaped) at a cost of \$1.00 from the proponent back to Parramatta City Council once construction reaches the podium level.

Note¹: The Planning Agreement is in addition to the section 94A developer contributions applicable to the project.

Note²: The Voluntary Planning Agreement required under Condition A8A is in addition to the Voluntary Planning Agreement executed on 10 April 2013 in accordance with Condition A8.

5. In Part A, insert new Condition A10 as follows:

A10 PRESCRIBED AIRSPACE

This instrument of modification does not permit the buildings to be constructed beyond RL 151 until the proponent has provide evidence to the satisfaction of the Director General confirming that the proponent has obtained all relevant approval(s) from the Secretary, Department of Transport and Regional Development, or his or her delegate, under the Airports Act 1996 (Airports Act).

6. In Part B, delete Condition B6 in its entirety and replace it with the following:

B6 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.

7. In Part B, delete Condition B7 in its entirety and replace it with the following:

B7 NUMBER OF CAR SPACES

- (1) The provision of 709 car spaces is approved. A total of 529 of these car spaces are approved for the multi-unit dwellings. For all other uses, 180 car spaces are approved.
- (2) The loading area located adjacent to the southern boundary of the site is to be made available for the use of the future tenants. The space shall be located in a position that has easy and close access to a lift.
- (3) Details and drawings showing the car parking allocation for each use² and of the loading arrangements shall be submitted for the approval of the Director-General, prior to the issue of the first Construction Certificate.
- (4) Individual non-residential uses must not exceed each maximum requirement for that type of use under the Council's LEP.
- (5) Any future strata subdivision shall reflect the car parking allocation as approved under (3) above.

Note ²: 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 use (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, Condition B8, delete Condition B8 in its entirety and replace it with the following:

B8 NUMBER OF BICYCLE SPACES

A minimum of 8 bicycle spaces are to be provided for the development and permanently located within the basement car park. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

9. In Part B, delete Condition B12 in its entirety and replace it with the following

B12 FLOOD RISK MANAGEMENT MEASURES

Prior to the issue of any Construction Certificate for works located below RL 8.8 m, the proponent must provide the Certifier with evidence that the following works have been incorporated in the Construction Certificate drawings:

- (1) The car park ramp level at the entrance to the basement car park must be no lower than RL 7.48 m
- (2) Provision of elevating landings within the stair wells (one or two steps higher than the level of the car park) to allow visitors and/or residents to access the stairwell without causing shallow floodwaters in the car park to flow into the stairwell and impede the vertical evacuation of visitors and/or residents to the lower podium level.
- (3) Any substation and/or control room being located on the lower podium level. In the event that this is not possible, evidence demonstrating why the substation can not be accommodated in this location must be provided to the satisfaction of the Certifying Authority.
- (4) Provision of sufficient shelter over the refuge area to protect residents/patrons from on inclement weather at a density rate of 2m² per person based on the peak level of non residential visitors accessing the retail areas of the podium must be provided. Details of the size and location of the refuge area must be provided to the satisfaction of the Director-General prior to issue of the relevant Construction Certificate.
- (5) All doors to stairwells that are lower than the PMF level must open outward so that floodwaters will shut these doors thereby limiting the ingress of floodwaters from a higher level spilling down stairs and hampering the movement of persons from lower levels to higher levels in the building(s).
- (6) A 300 mm high plinth being constructed on the three sides of the ramp on Levels 01, 02 and 03 to control the spill of inflows from one level down to the next level of the car park.
- (7) The provision of stairs on the south-east corner of the development connecting the car parking levels to the ground level only.

10. In Part B, delete Condition B18 in its entirety and replace it with the following:

B18 COMPLIANCE WITH BASIX CERTIFICATE

Prior to the issue of the first Construction Certificate, details of all commitments outlined in the BASIX Certificate 63718608 Revision 2 dated 30 June 2013 to achieve satisfactory levels of thermal comfort and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority. Should design changes require an amended BASIX Certificate, a copy shall be provided to the Department along with stamped plans for information

11. In Part B, delete Condition B19 in its entirety and replace it with the following:

B19 DETAILS OF COLOURS, MATERIALS AND FINISHES

External building materials and finishes shall be in accordance with details submitted with the modification application (MOD 3).

Final design details of the awnings and or/louvers, and roof feature/s including, where relevant, their proposed external materials and finishes, schedules and a sample board of materials and colours, shall be submitted to and approved by the Director-General prior to the issue of the Construction Certificate for the relevant works.

12. In Part B, delete Condition B22 in its entirety and replace it with the following:

B22 NOISE MITIGATION MEASURES

Prior to the issue of each Construction Certificate associated with the residential and serviced apartments, all noise mitigation measures identified in the Church Street Parramatta Part 3A Application Acoustic Assessment prepared by Acoustic Logic and dated 22 May 2013 shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

A supplementary acoustic report must also be prepared to satisfaction of the Director-General prior to the commencement of construction of the podium to demonstrate all measures required to provide adequate amenity to the residential apartments adjacent to the podium level car park.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all noise mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

13. In Part B, insert new Condition B23A as follows:

B23A WIND MITIGATION MEASURES

Within three months of the date of the modification approval (MOD 3), the proponent must submit a supplementary wind report and associated plans to the satisfaction of the Director-General identifying all wind mitigation measures (including their design specifications) to ensure compliance with the following criteria :

- (1) 10 m/s at all test points located along Church St and all areas where outdoor dining is proposed (permanent wind mitigation measures); and
- (2) 13 m/s at each test point within the riverbank foreshore area² (temporary and permanent wind mitigation measures).

All wind mitigation measures approved by the Director-General must be incorporated into the Construction Certificate¹ drawings. In addition, all temporary wind mitigation measures must be designed in consultation with the Council.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

Note²: Temporary wind mitigation areas are required to be designed and implemented in the area of land being transferred to the Council in accordance with the VPA required under Condition A8.

14. In Part B, delete Condition B25 in its entirety and replace it with the following:

B25 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the buildings approved by this major project do not exceed 61,711 m² or a maximum height of RL 116.3 m for the eastern tower, and RL 185.1 m for the western tower. 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).

15. In Part B, delete Condition B28 in its entirety and replace it with the following:

B28 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 s.75W Access Review prepared by Morris Gooding Accessibility Consulting, dated 28 May 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.

16. In Part B, add the following new condition after Condition B35

B36 ACTIVATION OF SOUTHERN LANEWAY

Plans must be submitted to the satisfaction of the Director-General prior to the issue of a Construction Certificate for above ground works, demonstrating how the development will be adapted to provide active uses along the southern elevation of the building following the construction of the laneway.

17. In Part B, add new Condition B37

B37 MANAGEMENT OF OVERSIZE VEHICLES

An Oversize Vehicle Access Permit must be lodged with the Council and approved prior to the commencement of works associated with MP10_0171 MOD 3.

18. In Part B, add new Condition B38

B38 ROAD OCCUPANCY PERMIT

A Road Occupancy Permit must be lodged with the Council and approved prior to the commencement of works associated with MP10_0171 MOD 3.

19. In Part B, add new Condition B39

B39 LOCATION OF SECURITY GATES AND CARD READERS

Prior to the issue of a Construction Certificate for any works for MP10_0171 MOD 3, the proponent must submit plans to the Certifier depicting the location of all security gates and card readers.

20. In Part B, add new Condition B40

B40 CONSTRUCTION CERTIFICATE ABOVE RL 151 – PRESCRIBED AIRSPACE

A construction certificate shall not be issued for development above RL 151 until such time as the proponent has provided evidence to the satisfaction of the Director General confirming that the proponent has obtained all relevant approval(s) from the Secretary, Department of Transport and Regional Development, or his or her delegate, under the Airports Act 1996 (Airports Act).

21. In Part B, add new Condition B41

B41 LOADING DOCK, VEHICLE CAR PARK ENTRY AND SHARED ZONE

Prior to the issue of a construction certificate for above ground works, an amended plan of the loading dock, vehicle car park entry and shared zone is to be submitted for the approval of Parramatta City Council. The plan is to ensure appropriate and safe loading and vehicular and pedestrian access is provided to the building and the rear of the El Phoenician Restaurant.

22. In Part E, delete Condition E2 in its entirety and replace it with the following:

E2 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of the development at the subject site approved by this major project does not exceed 61,711 m² and a maximum height of RL 116.3 m for the eastern tower, and RL 185.1 m for the western tower respectively. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

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

E7 NOISE MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate for the residential and serviced apartments, all noise mitigation measures identified in the 330 Church Street Parramatta Part 3A Application Acoustic Assessment prepared by Acoustic Logic and dated 22 May 2013, and the supplementary report approved by the Director-General in accordance with Condition B22 shall be installed to the satisfaction of the PCA:

Note¹: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Occupation Certificate.

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

E13 COMPLIANCE WITH BASIX CERTIFICATE

Prior to the issue of each interim Occupation Certificate and the release of the final Occupation Certificate, the applicant shall implement the commitments outlined in BASIX Certificate.

25. In Part E, add the following new condition after Condition E18:

E19 ACCESS RAMP MIRRORS

Prior to the issue of an Occupation Certificate for the basement car park, the proponent must install a convex mirror at the entry of the driveway and at the bottom of the access ramp for each level of the basement car park. The mirrors must be installed at a height that will ensure an exiting driver has a full view of the driveway.

END OF MP10_0171 MOD 3

SCHEDULE 3

Materials and Samples Board

