

# Modification of Minister's Approval

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

As delegate of the Minister for Planning, we approve the development application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**MEMBER OF THE COMMISSION**

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Sydney

2014

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### SCHEDULE 1

<b>Application Number:</b>	MP10_0171
<b>Proponent:</b>	Karimbla Construction Services (NSW) Pty Ltd
<b>The Authority:</b>	Minister for Planning
<b>The Land:</b>	330 Church Street, Parramatta Lots 2 and 3 DP 788637 and Lot 101 DP 1031459
<b>Project:</b>	Mixed use residential and commercial development.
<b>Modification 4:</b>	MP10_0171 MOD4: <ul style="list-style-type: none"><li>• a reduction of three residential apartments (from 378 to 375 apartments) and alteration of dwelling mix;</li><li>• an increase of 25 serviced apartments (from 266 to 291 apartments) and alteration of dwelling mix;</li><li>• a reduction of 2,185m<sup>2</sup> total GFA (from 61,711m<sup>2</sup> to 59,526m<sup>2</sup>) including a reduction of 1,098m<sup>2</sup> retail floorspace (from 3,201m<sup>2</sup> to 2,103m<sup>2</sup>);</li><li>• a reduction of 46 car parking spaces (from 709 to 663 spaces);</li><li>• internal reconfiguration of retail, residential and serviced apartment accommodation;</li><li>• external alterations to elevations;</li><li>• reconfiguration of the landscaped podium level; and</li><li>• provision of building identification signage.</li></ul>

The Project Application for MP10\_0076 is modified as follows:

## SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (a) Schedule 2 Part A – Administrative Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

### A1 DEVELOPMENT DESCRIPTION

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 used development with a maximum GFA of 61,711 m<sup>2</sup>.
- Operation and use of ~~709~~ **663** car parking spaces, a loading dock and 158 m<sup>2</sup> bicycle parking area within the basement car park.
- Installation of utility services
- **Erection of building identification signage.**

- (b) Schedule 2 Part A – Administrative Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

### A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance with the following documents and plans:

- **the Environmental Assessment Report titled 'Environmental Report 330 Church Street, Parramatta Mixed Use Residential, Serviced Apartment, Retail and Commercial Development' prepared by Meriton Apartments Pty Limited, dated June 2011 and Preferred Project Report, dated July 2012;**
- **the S75W Modification Application MP10 0171 MOD1 dated January 2013 prepared by Meriton Pty Ltd, including all documents and reports;**
- **the S75W Modification Application MP10 0171 MOD2 dated January 2013 prepared by Meriton Pty Ltd, including all documents and reports;**
- **the S75W Modification Application MP10 0171 MOD3 dated June 2013 prepared by Meriton Pty Ltd and Response to Submissions dated September 2013;**
- **the S75W Modification Application MP10 0171 MOD4 dated 9 April 2014 prepared by Meriton Pty Ltd, including all documents and reports; and**
- **the following drawings:**

~~Environmental Assessment Report titled *Environmental Report 330 Church Street, Parramatta Mixed Use Residential, Serviced Apartment, Retail and Commercial Development* prepared by Meriton Apartments Pty Limited, dated June 2011~~

~~Preferred Project Report titled *Preferred Project Report MP 10\_0171 330 Church Street Parramatta*, prepared by Meriton Apartments Pty Limited, dated July 2012~~

Architectural Plans prepared by Tony Caro and Associates, Landscaping Plans prepared by Stuart Associates

Drawing No.	Issue	Name of Plan	Date
A000	8	Cover	27/06/13

	<u>17</u>		<u>24/07/14</u>
A001	<u>7</u> <u>9</u>	Site Analysis	<u>26/09/13</u> <u>12/2/14</u>
A096	<u>6</u> <u>10</u>	Plan_Parking Level 04	<u>17/05/13</u> <u>17/4/14</u>
A097	<u>7</u> <u>11</u>	Plan_Parking Level 03	<u>20/06/13</u> <u>17/4/14</u>
A098	<u>7</u> <u>11</u>	Plan_Parking Level 02	<u>20/06/13</u> <u>17/4/14</u>
A099	<u>9</u> <u>13</u>	Plan_Parking Level 01	<u>20/06/13</u> <u>17/4/14</u>
A100	<u>15</u> <u>24</u>	Plan_Level 00 Retail	<u>1/11/13</u> <u>22/9/14</u>
<b><u>A100.1</u></b>	<b><u>6</u></b>	<b><u>Plan Level 00 Mezzanine</u></b>	<b><u>3/7/14</u></b>
A101	<u>3</u> <u>9</u>	Plan_Level 01 Podium	<u>1/11/13</u> <u>3/7/14</u>
A102	<u>3</u> <u>10</u>	Plan_Level 02 Podium	<u>1/11/13</u> <u>3/7/14</u>
A103	<u>3</u> <u>11</u>	Plan_Level 03 Podium	<u>1/11/13</u> <u>3/7/14</u>
A104	<u>9</u> <u>15</u>	Plan_Level 04	<u>1/11/13</u> <u>3/7/14</u>
A105	<u>7</u> <u>12</u>	Plan_Level 05 Typical Tower Lower	<u>17/05/13</u> <u>6/3/14</u>
A106	<u>6</u> <u>10</u>	Plan_Typical Tower Middle	<u>17/05/13</u> <u>6/3/14</u>
A107	<u>6</u> <u>10</u>	Plan_Typical Tower Upper	<u>17/05/13</u> <u>6/3/14</u>
A148	<u>7</u> <u>10</u>	Plan_Level 4	<u>17/05/13</u> <u>18/2/14</u>
<b><u>A148.2</u></b>	<b><u>2</u></b>	<b><u>Plan_Level 5</u></b>	<b><u>18/02/14</u></b>
A149	<u>7</u> <u>10</u>	Plan_Levels <del>5-27</del> <b><u>6-16</u></b>	<u>17/05/13</u> <u>18/2/14</u>
<b><u>A149.1</u></b>	<b><u>10</u></b>	<b><u>Plan Levels 17-22</u></b>	<b><u>18/02/14</u></b>
<b><u>A149.2</u></b>	<b><u>10</u></b>	<b><u>Plan Levels 23</u></b>	<b><u>18/02/14</u></b>
<b><u>A149.3</u></b>	<b><u>3</u></b>	<b><u>Plan Levels 24-27</u></b>	<b><u>18/02/14</u></b>
A150	<u>7</u> <u>10</u>	Plan_Levels 28-30	<u>17/05/13</u> <u>18/2/14</u>
A151	<u>7</u> <u>10</u>	Plan_Levels 31	<u>17/05/13</u> <u>18/2/14</u>
A152	<u>7</u> <u>10</u>	Plan_Levels 32-33	<u>17/05/13</u> <u>18/2/14</u>
A153	<u>7</u> <u>10</u>	Plan_Levels 34-53	<u>17/05/13</u> <u>18/2/14</u>
A154	<u>7</u> <u>10</u>	Plan_Level 54 Plant	<u>17/05/13</u> <u>6/3/14</u>
A155	<u>7</u> <u>10</u>	Plan_Level 55 Roof	<u>17/05/13</u> <u>6/3/14</u>

A156	<b>No Issue <u>5</u></b>	Plans_Podium Levels 1 -3	<b>Undated <u>6/3/14</u></b>
157	<b>No Issue <u>4</u></b>	Plans_Podium Levels 1 -3	<b>Undated <u>25/2/14</u></b>
A200	<b>7</b>	Sections	17/05/13
A300	<b>11 <u>13</u></b>	Elevations – Site	<b>20/09/13 <u>12/2/14</u></b>
A350	<b>8 <u>15</u></b>	Elevations – Podium	<b>20/09/13 <u>22/9/14</u></b>
A351	<b>8 <u>12</u></b>	Elevations – Podium	<b>20/09/13 <u>4/7/14</u></b>
A352	<b>4 <u>6</u></b>	Elevations – East Tower	<b>17/05/13 <u>26/2/14</u></b>
A353	<b>4 <u>6</u></b>	Elevations – East Tower	<b>17/05/13 <u>26/2/14</u></b>
A354	<b>5 <u>9</u></b>	Elevations – West Tower	<b>17/05/13 <u>20/3/14</u></b>
A355	<b>5 <u>8</u></b>	Elevations – West Tower	<b>17/05/13 <u>6/3/14</u></b>
A400	<b>5 <u>8</u></b>	Detailed Elevations – Podium	<b>21/05/13 <u>25/2/14</u></b>
A401	<b>6 <u>10</u></b>	Detailed Elevations – Podium	<b>21/05/13 <u>25/2/14</u></b>
A403	<b>5 <u>8</u></b>	Detailed Elevations – Podium	<b>21/05/13 <u>25/2/14</u></b>
A404	<b>6 <u>10</u></b>	Detailed Elevations – Podium	<b>21/05/13 <u>25/2/14</u></b>
A405	<b>4 <u>6</u></b>	Detailed Elevations – East Tower	<b>17/05/13 <u>26/2/14</u></b>
A406	<b>4 <u>6</u></b>	Detailed Elevations – East Tower	<b>17/05/13 <u>26/2/14</u></b>
A407	<b>4 <u>6</u></b>	Detailed Elevations – East Tower	<b>17/05/13 <u>26/2/14</u></b>
A408	<b>5 <u>8</u></b>	Detailed Elevations – West Tower	<b>17/05/13 <u>25/2/14</u></b>
A409	<b>5 <u>8</u></b>	Detailed Elevations – West Tower	<b>17/05/13 <u>25/2/14</u></b>
A410	<b>5 <u>8</u></b>	Detailed Elevations – West Tower	<b>17/05/13 <u>25/2/14</u></b>
<b><u>A411</u></b>	<b><u>1</u></b>	<b><u>Detailed Elevations – Signage</u></b>	<b><u>9/4/14</u></b>
<b><u>A550</u> <u>A554</u></b>	<b>7 <u>1</u></b>	Diagram_GFA Areas	<b>17/05/13 <u>Undated</u></b>
A650	<b>7</b>	Plans_Adaptable Apartments	17/05/13
<b><u>001</u></b>	<b><u>2</u></b>	<b><u>Pool Building Elevations</u></b>	<b><u>7/5/14</u></b>

**Materials and Samples Board Prepared by Tony Caro Architects (see approved Materials and Sample Board at Schedule 3)**

except for:

- 1) Any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA.
  - 2) Otherwise provided by the conditions of this approval.
- (c) Schedule 2 Part A – Administrative Condition A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

#### **A5 OTHER APPROVALS**

- 1) The approval of building in no way implies approval for the following:
    - a) the internal fit-out of the retail floor space
    - b) the installation of signage **(other than building identification signage approved on the approved plans listed in condition A2)**
    - c) strata subdivision.
  - 2) Separate approval(s) must be obtained from the relevant consent authority for the above works and uses (where required).
- (d) Schedule 2 Part A – Administrative Condition A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

#### **A7 DEVELOPMENT CONTRIBUTIONS**

A monetary contribution comprising of three per cent of the value of the proposed works is payable to Parramatta 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 to the Council prior to the issue of the first Construction Certificate above ground floor level (RL 7.5). At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the consumer price index (all groups index) for Sydney issued by the Australian Statistician.

**Note<sup>1</sup>:** 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~~ **by Gibson Quantity Surveyors dated 25 March 2014 is \$212,652,825**

### **SCHEDULE 2**

#### **PART B – PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE**

- (e) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B5A is added by the insertion of the **bold and underlined** words / numbers as follows:

## **B5A SIGHT LINES**

**A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.**

- (f) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

### **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:

- a) the car parking layout complies with the abovementioned requirements; and**
- b) vehicles manoeuvres into and out of the two parking spaces on each podium level located at the blind aisle (29m long) on the north-western corner of the building can occur safely**

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.

- (g) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

### **B7 NUMBER OF CAR SPACES**

- 1) The provision of **709 663** 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, with the following breakdown:**
  - **residential units: 375 spaces;**
  - **serviced apartments: 158 spaces; and**
  - **resident visitor and retail: 130 spaces.**
- 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 spaces 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 use<sup>2</sup> and of the loading arrangements shall be submitted for the approval of the Director-General, prior to the issue of the **~~first~~** Construction Certificate **for basement structure**.
- 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<sup>2</sup>: The breakdown and allocation is to be in accordance with the Council LEP and is required to indicated: residential spaces, residential spaces for persons with 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.~~

- (h) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **B8 BICYCLE SPACES**

A minimum of **8 158m<sup>2</sup> shall be provided for** bicycle spaces/**racks and are to be provided for the development and** permanently located within the basement car park. **The dimensions of the bicycle spaces/racks are to comply with Section 2 of AS2890.3-1993.** Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

- (i) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **B18 NUMBER OF CAR SPACES**

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~~ **374161M 03 dated March 2014** 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.

- (j) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B23A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **B23A WIND MITIGATION MEASURES**

Within ~~three~~ **six** months of the date of the modification approval (MOD ~~3~~ **4**), 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 area<sup>2</sup> (temporary and permanent wind mitigation measures).

All wind mitigation measures approved by the Director-General must be incorporated into the Construction Certificate<sup>1</sup> drawings. In addition, all temporary wind mitigation measures must be designed in consultation with the Council.

**Note<sup>1</sup>:** 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.

**Note<sup>2</sup>:** 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.

- (k) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B28 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words/numbers as follows:

#### **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 27 March 2014**. 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.

- (l) Schedule 2 Part B – Prior to Issue of the Relevant Construction Certificate condition B42 is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **B42 BUILDING AWNING AND COLONNADE DESIGN**

**Prior to the issue of the relevant Construction Certificate amended plans shall be submitted to the PCA showing that:**

- a) **the Church Street awning is set back 1400mm from the kerb edge; and**
- b) **the colonnade floor finish matches the footpath finish.**

### **SCHEDULE 2 PART D – DURING CONSTRUCTION**

- (m) Schedule 2 Part E – During Construction condition D18 is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **D17 OVERSIZED VEHICLES**

**Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.**

- (n) Schedule 2 Part E – During Construction condition D18 is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **D18 ROAD OCCUPANCY PERMIT**

**Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.**

### **SCHEDULE 2 PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

- (o) Schedule 2 Part E – Prior to Issue of Occupation or Commencement of Use condition E17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words/numbers as follows:



## E17 WASTE COLLECTION

All waste collection must be undertaken in accordance with the Waste Management Plan prepared by ~~Wastetech Services and dated 17 May 2011~~ **Elephants Foot dated March 2014.**

In addition, prior to the issue of the first Construction Certificate, the proponent shall provide the PCA with the details of the private waste contractor/s engaged to collect commercial and residential waste.

### SCHEDULE 2 PART F – POST OCCUPATION

- (p) Schedule 2 Part F – Post Occupation condition F8 is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **F8 BUSINESS AND BUILDING IDENTIFICATION SIGNAGE**

**The business and building identification signage shall comply with the following:-**

- a) The approved signage shall be appropriately maintained at all times.**
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further consent.**
- c) The signage shall not:-**
  - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;**
  - ii) include any apparatus to provide any sound;**
  - iii) carry a message(s) which is offensive;**
  - iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;**
  - v) contain interchangeable or movable parts;**
  - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign;**
  - vii) must not impede the ability of the occupants to exit the building under emergency conditions.**
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.**

- (q) Schedule 2 Part F – Post Occupation condition F9 is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **F9 ENTRY AND EXIT TO PODIUM AND BASEMENT LEVELS**

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

**Entry and exit access driveway to the basement -**

- a) The proposed entry and exit access point should be open 24 hours per day for visitors, service trucks and deliveries;**
- b) There is no information submitted about how visitor parking is to be managed. If boom gates and control are provided then these facilities are to be installed in accordance with AS 2890.1 - 2004.**

**Also, card reader and ticket machines are to be provided on the median (not attached on the wall) and should be in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.**

**End of Modification to MP10\_0171**