

# Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

### Member of the Commission

Sydney

2016

### SCHEDULE 1

**Development Approval:** **MP 09\_0167** granted by the Planning Assessment Commission on 28 October 2011

**For the following:** 26 Storey Mixed Use Development including:

- 367 residential apartments (115 x 1, 204 x 2 and 48 x 3 bedroom units)
- 2,952m<sup>2</sup> of commercial floor space
- 1,240m<sup>2</sup> of retail and restaurant floor space
- 316m<sup>2</sup> Archaeological interpretation Centre
- 6 levels of basement parking

**Applicant:** Crown International Holdings

**Consent Authority:** Minister for Planning

**The Land:** 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta (Lot 1 DP 61073, Lots A, B and C DP 82967, Lots 1 and 2 DP 213184, Lot 1 DP 539968 and lots 101, 102 and 103 DP 785428)

**Modification:** **MP 09\_0167 MOD 5:** the modification includes:

- a reduction in the height of the building in Section D (south-west wing) by 1.8 metres from 64 m to 62.1 m;
- a net reduction in the number of apartments by five equating to a total of 586 apartments;
- a net reduction in the total gross floor area (GFA) by 102 sqm equating to a total of 47,145 m<sup>2</sup>;
- strata subdivision of two residential stratum lots; and
- amendments to signage, affordable housing, visitor parking, stratum subdivision and lightning poles.

## SCHEDULE 2

The above approval is modified as follows:

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

- 594 **586** residential apartments, comprised of:
- ~~76~~ **77** x studio apartments;
- ~~318~~ **312** x 1-bedroom apartments;
- 180 x 2-bedroom apartments; and
- 17 x 3-bedroom apartments.
- A 448 m<sup>2</sup> archaeological interpretation centre;
- A 665 m<sup>2</sup> conference centre
- Construction and use of a new mixed use development with a maximum GFA of 47,247m<sup>2</sup> **47,145m<sup>2</sup>**.
- Operation and use of six levels of basement car park accommodating 574 car parking spaces (inclusive of 11 stacked spaces), 14 motorbike spaces and 70 bicycle parking spaces.

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

The development shall be undertaken generally in accordance with:

- MP No. 09\_0167 and the Environmental Assessment except where amended by the Preferred Project Report dated February 2011, prepared by JBA Planning;
- Section 75W Modification to MP 09\_0167 (MOD2), prepared by JBA Planning, dated November 2012 as amended by Preferred Project Report dated December 2013;
- Section 75W Modification to MP 09\_0167 (MOD4), prepared by JBA Planning, dated October 2014 as amended by Response to Submissions dated 1 April 2015 and Design Amendments dated 7 July 2015 (updated 4 August 2015); **and**
- **Section 75W Modification to MP09 0167 (MOD 5) prepared by JBA Planning and dated December 2015 as amended by the Response to Submissions dated 17 April 2016 and further amendments dated 5 May 2016; and**
- the following drawings:

Architectural Drawings prepared by Allen Jack+Cottier			
Drawing No.	<b><u>Issue Revision</u></b>	Name of Plan	Date
2000	<b><u>9-10</u></b>	Ground Floor	Undated
2001	<b><u>9-10</u></b>	Basement 1	Undated
2002	<b><u>9-10</u></b>	Basements 2	Undated
2003	<b><u>9-10</u></b>	Basement 3	Undated
2004	<b><u>9-10</u></b>	Basement 4	Undated
2005	<b><u>9-10</u></b>	Basement 5	Undated
2006	<del>10</del> <b><u>11</u></b>	Basement 6	Undated
<del>2009-2100</del>	10	Mezzanine	Undated
2101	10	Level 1	Undated
2102	10	Level 2	Undated
2103	10	Level 3	Undated
2104	10	Level 4	Undated
2112	10	Levels 10-15	Undated
2117	2	Level 16 & 17	Undated
2118	<del>10</del> <b><u>11</u></b>	Level 18	Undated
2119	<del>10</del> <b><u>11</u></b>	Level 19	Undated
2120	10	Level 20	Undated
2121	10	Level 21 - 25	Undated

2126	10	Level 26	Undated
2127	10	Level 27	Undated
2128	<del>10</del> <b>11</b>	Level 28	Undated
2129	<del>10</del> <b>11</b>	Level 29	Undated
2200	10	Roof	Undated
3100	<del>10</del> <b>11</b>	North Elevation	Undated
3101	<del>10</del> <b>11</b>	South Elevation	Undated
3102	<del>10</del> <b>11</b>	East Elevation	Undated
3103	<del>10</del> <b>11</b>	West Elevation	Undated
3110	2	V LOUNGE ELEVATIONS	Undated
3111	2	Marsden St Signage	Undated
3200	<del>10</del> <b>11</b>	Section	Undated
Signage	<b>CE</b>	General Exterior Signage for the V by Crown Development	<b>4 August 2015</b> <b>10/11/2015</b>
Architectural Drawings prepared by Taylor Brammer Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
LA01	A	S75W Landscape Plan – Public Domain / Ground Floor	26/02/2014
LA02	B	S75W Landscape Plan – Level 1 / Pool	20/06/2014
LA03	A	S75W Landscape Plan – Level 3	20/06/2014
LA05	A	S75W Landscape Plan – Level 19	18/06/2014
LA06	A	S75W Landscape Plan – Level 26	20/06/2014
Stratum Subdivision Drawings prepared by Anthony Todarello			
Drawing No.	Issue	Name of Plan	Date
<del>7782-statum</del> <b>150725</b> <b>DSUB</b>	<b>F9</b>	PLAN OF PROPOSED SUBDIVISION OF LOT 100 IN D.P. 1173658 (SHEETS 1 TO <del>16</del> <b>17</b> )	<del>15/10/2014</del> <b>11/04/2016</b>
Strata Subdivision Drawings			
Drawing No.	Issue	Name of Plan	Date
<b>150725 DSP</b> <b>RESI 1</b>	<b>9</b>	<b>PLAN OF SUBDIVISION OF LOT 1 IN A PLAN OF SUBDIVISION OF LOT 100 IN D.P. 1212216 (SHEETS 1 TO 45)</b>	<b>11/04/2016</b>
<b>150725 DSP</b> <b>RESI 2</b>	<b>4</b>	<b>PLAN OF SUBDIVISION OF LOT 3 IN A PLAN OF SUBDIVISION OF LOT 100 IN D.P. 1212216 (SHEETS 1 TO 9)</b>	<b>08/01/2016</b>

- (c) Schedule 2 Part B – Condition B4A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

#### **B4A AFFORDABLE HOUSING**

As set out in the Proponent's revised statement of commitments (see the end of this document), the Proponent shall dedicate 5 affordable housing units to Parramatta City Council ("**Council**") **as identified in condition B4A(b) below (each affordable housing unit being called a "Council Strata Lot")**. The units **Council Strata Lots** shall:

- (a) ~~be dedicated to Council prior to the issue of any occupation certificate for block D~~ **each be dedicated to Council free of cost with the dedication of each individual Council Strata Lot to occur within 15 Business Days after:**
- (i) **the issue of an Occupation Certificate for the relevant part of the Development within which that Council Strata Lot is located, or**
  - (ii) **the registration of a Strata Plan for the relevant part of the Development within which the Council Strata Lot is located,**

whichever occurs later, the proponent must at no cost to Council transfer each Council Strata Lot to the Council in accordance with any relevant approvals, approved plans or construction terms and so that immediately on transfer, the Council will have an estate in fee simple in possession, freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts. For the avoidance of doubt, all stamp duty (including fines penalties and interest) payable on or in connection with, the transfer of any Council Strata Lot and on any other instruments executed under or in connection with the transfer of the Council Strata Lots, must be borne by the proponent;

(b) ~~comprise a 2-bedroom apartment, 2 x 1 bedroom apartments and 2 x studio apartments of the following:~~

- i. Apartment S10.01, being an apartment on level 10, located in the same corresponding location as S12.01 identified in the approved plans under Condition A2;
- ii. Apartment 20.16 as identified in the approved plans under Condition A2;
- iii. Apartment 21.14 as identified in the approved plans under Condition A2;
- iv. Apartment 21.15 as identified in the approved plans under Condition A2;
- v. Apartment 21.17 as identified in the approved plans under Condition A2;

(c) ~~comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and the minimum unit size of the Residential Flat Design Code; each include the following household appliances:~~

- i. a range hood;
- ii. cook top;
- iii. oven;
- iv. dishwasher;
- v. washing machine; and
- vi. dryer.

(d) ~~be identified prior to the issue of any construction certificate for block D~~

~~In the event that the Proponent and Council are unable to agree on the suitability of apartments to be dedicated, the decision of the Director General shall be final."~~

- (d) Schedule 2 Part B – Condition B38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### **B38 GFA AND HEIGHT CERTIFICATION**

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed ~~47,247m<sup>2</sup>~~ **47,145m<sup>2</sup>**, 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.

- (e) Schedule 2 Part B – Condition B39 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

## B39 BASIX CERTIFICATION

A revised BASIX Certificate, incorporating all of the changes approved under MP09\_0167 MOD 2 to **MOD 5** shall be submitted to the Certifying Authority and the Director-General prior to the issue of a Construction Certificate for above ground works.

(f) Schedule 2 Part B is amended by deleting the Condition B42 as follows:

### ~~B42 DELETION OF RETAIL SIGNAGE ZONE~~

~~Prior to the issue of the relevant Construction Certificate, amended plans shall be submitted to the satisfaction of the PCA showing, at the entrance of the northern lobby fronting Macquarie Street:~~

- ~~a) the deletion of the two retail signage zones (RT04 or RT05); and~~
- ~~b) the provision of a single retail signage zone (600mm x 900mm) in the location of deleted retail signage zones RT03 or RT04.~~

(g) Schedule 2 Part E is amended by deleting 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 47,247m<sup>2</sup>, 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.~~

(h) Schedule 2 Part F is amended by modifying following Condition G1 by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

### G1 (S88B) USE OF CAR SPACES

The following conditions apply to car parking:

- a) the on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or register proprietor of a unit in the building;
- ~~b) the on-site car parking spaces allocated to the commercial component of the development shall be available for use of visitors outside of standard office hours;~~
- c) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) ~~and (b)~~ above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council; and
- d) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part – lots in the strata scheme.
- e) The strata subdivision approved as part of MOD 5 is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the strata Plan and/or**

**an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking part – lots in the strata scheme.**

- (i) The Statement of Commitments at the end of the approval is deleted and replaced with the Revised Statement of Commitments dated May 2016.

**End of Modification**