

# Modification of Minister's Approval

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

As delegate of the Minister for Planning, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant  
**Executive Director**  
**Key Sites and Regional Assessments**

Sydney

19 August 2021

### SCHEDULE 1

#### PART A: PARTICULARS

<b>Application No:</b>	MP 10_0068
<b>Proponent:</b>	Westfield Ltd
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	Westfield Shopping Centre, Parramatta (Lot 2 DP 851525)
<b>Project:</b>	<p>Additions to Shopping Centre incorporating:</p> <ul style="list-style-type: none"><li>• 31,495 m<sup>2</sup> (GFA) of retail additions and associated internal modifications;</li><li>• Building envelope for commercial tower above retail podium incorporating up to 35,000m<sup>2</sup> (GFA) commercial floor space;</li><li>• Parking for 562 vehicles;</li><li>• Associated public domain works; and</li><li>• Road infrastructure works to support the development.</li></ul>
<b>Modification:</b>	<p><b>MP 10_0068 MOD 1</b>, comprising amendments to the Concept Approval, including:</p> <ul style="list-style-type: none"><li>• amendments to the approved tower building envelope for Stage 2 including:<ul style="list-style-type: none"><li>○ relocation of the envelope west to the corner of Argyle and Marsden Street</li><li>○ increase the height of the envelope from RL 131 to RL 220</li><li>○ modify the size, shape and dimensions of the envelope floorplate</li><li>○ increase associated GFA by 70,000 m<sup>2</sup> (to 105,000 m<sup>2</sup>)</li></ul></li><li>• incorporation of changes to the podium levels and street wall below the commercial tower</li><li>• incorporation of new basement parking and servicing below the podium</li></ul>

- associated amendments to the extent and location of public domain upgrades and podium level landscape works

## SCHEDULE 2

The Concept Approval (MP 10\_0068) is modified as follows:

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

### Development Description

A1. Concept approval is granted to the development as described below:

Additions to Shopping Centre, incorporating:

#### Stage 1

- Single-storey retail extension (31,495 m<sup>2</sup> GFA) and associated internal modifications;
- Three additional parking levels providing ~~562~~ **542** additional car parking spaces; Associated public domain works; and
- Road infrastructure works.

#### Stage 2

- Building envelope for commercial tower above retail podium incorporating up to ~~35,000 m<sup>2</sup>~~ **105,000 m<sup>2</sup>** (GFA) commercial floor space.
- **Associated re-development of podium levels below the tower and creation of new basement parking levels below the podium**
- **Associated public domain improvements**

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

### Development in Accordance with the Plans and Documentation

A2. The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated November 2012 prepared by Ingham Planning as amended by the Preferred Project Report prepared by Ingham Planning dated June 2013, including all associated documents and reports, **as amended by:**
  - **the Section 75W Modification Application (MOD 1) by Ingham Planning dated June 2018, Response to Submissions dated October 2020 and further information dated 8 April 2021, 30 April and 2 June 2021;**
- the ~~Draft~~ Statement of Commitments prepared by Ingham Planning dated ~~June 2013~~ **2 June 2021**; and
- the following drawings:

<i>Drawings Prepared by Westfield</i>		
<i>Drawing No</i>	<i>Name of Plan</i>	<i>Date</i>
<b><u>MOD-1-2069-CP Rev E</u></b>	<b><u>Proposed Basement</u></b>	<b><u>Sept 2020</u></b>
<del><b><u>DA-01-2070-CP Rev D</u></b></del> <b><u>MOD-1-2070-CP Rev E</u></b>	Concept Envelope	<del><b><u>June 2013</u></b></del> <b><u>Sept 2020</u></b>

<u>MOD-1-2071-CP Rev E</u>	<u>Proposed Level 6 Envelope Base Plan</u>	<u>Sept 2020</u>
<del>DA-01-5301-CP Rev D</del> <u>MOD-1-5301-CP Rev E</u>	Proposed <del>South</del> Elevation 2 – Campbell Street	<del>June 2013</del> <u>Sept 2020</u>
<del>DA-01-5302-CP Rev D</del> <u>MOD-1-5302-CP Rev E</u>	Proposed <del>North</del> Elevation 1 – Argyle Street	<del>June 2013</del> <u>Sept 2020</u>
<del>DA-01-5303-CP Rev D</del> <u>MOD-1-5303-CP Rev E</u>	Proposed <del>East</del> Elevation 3 – Church Street	<del>June 2013</del> <u>Sept 2020</u>
<del>DA-01-5304-CP Rev D</del> <u>MOD-1-5304-CP Rev E</u>	Proposed <del>West</del> Elevation 4 – O'Connell Street	<del>June 2013</del> <u>Sept 2020</u>
<del>DA-01-5305-CP Rev D</del> <u>MOD-1-5305-CP Rev E</u>	Proposed <del>East</del> Elevation 5 – Marsden Street	<del>June 2013</del> <u>Sept 2020</u>
DA-01-5306-CP Rev D	Proposed West Elevation 6 – Marsden Street	June 2013
<del>DA-01-5401-CP Rev D</del>	<del>Section AA + BB</del>	<del>June 2013</del>
<u>MOD-1-5401A-CP Rev E</u>	<u>Section AA</u>	<u>Sept 2020</u>
<u>MOD-1-5401B-CP Rev E</u>	<u>Section BB</u>	<u>Sept 2020</u>
<del>DA-01-5402-CP Rev D</del>	<del>Section CC + DD</del>	<del>June 2013</del>

except for as modified by the following pursuant to Section 75O(4) of the Act **and the conditions below.**

- (c) Schedule 2 Part A – Terms of Approval, Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and strikethrough**~~ words/numbers as follows:

#### **Inconsistencies between documentation**

- A3 In the event of any inconsistency between modifications, **terms of approval or future environmental assessment requirements** of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications, **terms of approval or future environmental assessment requirements** of the Concept Plan shall prevail

- (d) Schedule 2 Part A – Terms of Approval, Condition A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and strikethrough**~~ words/numbers as follows:

#### **Maximum Gross Floor Area (GFA)**

- A5. The maximum GFA for the development shall not exceed ~~66,495~~ **136,495**m<sup>2</sup> comprising a maximum of:
- 31,495 m<sup>2</sup> retail GFA; and
  - ~~35,000 m<sup>2</sup>~~ **105,000 m<sup>2</sup>** commercial GFA.

**The above commercial GFA is a maximum figure and subject to design excellence and future environmental assessment requirements in Schedule 3 of this Approval. Compliance with these requirements may result in the maximum GFA not being achieved.**

- (e) Schedule 2 Part A – Terms of Approval, Condition A6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and strikethrough~~ words/numbers as follows:

#### **Car Parking**

- A6. ~~562~~ **542** net additional car parking spaces are to be provided as part of the Stage 1 development.

- (f) Schedule 2 Part A – Terms of Approval, Condition A8 is added as follows:

#### **Commercial Tower Storeys**

- A8. This Concept Approval does not approve a specific number of storeys within the Concept Plan envelope. Floor to floor heights and the number of storeys able to be achieved within the envelope is to be determined as part of the future Development Application and will be dependent on demonstration of adequate internal amenity, sustainability, and design excellence considerations.**

- (g) Schedule 2 Part A – Terms of Approval, Condition A9 is added as follows:

#### **Mid-rise transfer levels**

- A9. This Concept Approval does not approve any specific mid-rise tower transfer/service levels within the Concept Plan envelope. The provision of any mid-rise transfer levels is a design matter to be considered as part of the future Development Application.**

- (h) Schedule 2 Part B – Modifications, Condition B1 is deleted and replaced with new Condition B1 by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and strikethrough~~ words/numbers as follows:

#### **Building Envelope**

- ~~B1. The plans described above in Part A – Terms of Approval shall be modified to provide a building envelope for the commercial tower as follows:~~

- ~~(a) Maximum building envelope area of 1800m<sup>2</sup> per floor;~~
- ~~(b) Maximum GFA area of 1400m<sup>2</sup> per floor;~~
- ~~(c) Maximum building envelope height of 120 metres above ground level;~~
- ~~and~~
- ~~(d) Average setback to Church and Argyle Streets of 8 metres.~~

~~Amended plans, demonstrating compliance with this modification shall be submitted to, and approved by, the Director General~~

#### **Design Excellence**

- B1. Prior to the Commencement of any Design Competition, the Design Excellence Strategy is to be revised and submitted to Secretary for approval. The revised Strategy is to be developed in consultation with Council, and is to:**
- (a) Revise the objectives of the strategy to include objectives relating to the quality of architectural, urban design and civic amenity outcomes**
  - (b) Provide for a 5-member Jury consistent, with requirements of the Government Architect's Design Excellence Competition Guidelines**
  - (c) Provide for a Competition Jury Report which identifies the key**

- attributes of the winning design that must be preserved, as well as recommendation for further design development
- (d) Provide for an independent Design Integrity Panel (DIP), comprising original jury members to follow up on the recommendations of the Jury Report. The DIP is to review the project throughout design development, and provide written confirmation that the project's design integrity, as defined through the Jury Report, has been maintained. The DIP confirmation is to be included in the DA submission.
  - (e) Provide for the Strategy and the Design Competition to include:
    - all aspects of the future development, including the tower, podium beneath the tower and public domain upgrades (as detailed in Future Environmental Assessment Requirement 6)
    - integration of the tower and podium with the existing development and conceptual future upgrades to the remainder of the street wall of Argyle and Marsden Streets
  - (f) Ensure the future design demonstrates achievement of all relevant FEARs
  - (g) Delete or replace images that do not reflect the above requirements and delete Section 2.6.
- (i) Schedule 3 – Future Environmental Assessment Requirements, Condition 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and strikethrough~~** words/numbers as follows:

### **Design Excellence**

1. A design competition shall be held prior to the submission of a future Development Application for Stage 2 (the commercial tower). in accordance with the ~~Director General's~~ **Government Architect NSW Design Excellence Competition Guidelines May 2018 NSW** and Parramatta Council' Design Excellence Competition Guidelines **and the updated Design Excellence Strategy required by Condition B1.**
- (j) Schedule 3 – Future Environmental Assessment Requirements, Condition 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and strikethrough~~** words/numbers as follows:
2. The future Development Application for Stage 2 shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high-quality materials and finishes.

### **In particular, the design must demonstrate the following:**

- (a) **The provision of a 20% articulation zone within the approved envelope**
- (b) **The depth of the tower (measured at any point along the east/west axis) must not exceed 60 metres**
- (c) **That visual impacts and visual bulk as viewed from the Church Street view corridor and St John's Anglican Cathedral are minimised**
- (d) **That the tower design significantly articulates and breaks up visual building mass and mitigates the appearance of large building envelope widths as viewed from the north and south of the site**
- (e) **That the materials, finishes and design of the commercial tower elevations minimises the visual bulk and reflectivity of the tower in relation to the St Johns Anglican Cathedral and the Old Government House.**

- (k) Schedule 3 – Future Environmental Assessment Requirements, Condition 3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and strikethrough~~** words/numbers as follows:

**Built Form and Building Envelope Location**

3. The future Development Application for Stage 2 shall be located entirely within the **approved** building envelope ~~required by modification B1~~. **The Applicant is to demonstrate with detailed CAD drawings or survey that the approved envelope is clear of the Church Street View Corridor alignment and achieves a setback of at least 12 metres from the alignment of Church Street north of the site.**
- (l) Schedule 3 – Future Environmental Assessment Requirements, Condition 4 deleted as follows:
4. ~~Notwithstanding the maximum building envelope as required by Modification B1, the future Development Application for Stage 2 shall demonstrate that the building floor plate or gross floor area does not exceed 1400m<sup>2</sup> per floor.~~
- (m) Schedule 3 – Future Environmental Assessment Requirements, Condition 5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and strikethrough~~** words/numbers as follows:

**Environmental Performance**

5. The future Development Application for Stage 2 shall demonstrate that the commercial tower achieves a minimum 5 star Green Star rating and incorporates ESD principles in the design, construction and ongoing operation phases of the development in accordance with the initiatives specified in the ESD Report prepared by Cundall dated ~~15 November 2012~~ **21 October 2020**.
- The future Development Application is also to demonstrate that at least 80% of the floor area on any floor is within 12 metres of a window.**
- (n) Schedule 3 – Future Environmental Assessment Requirements, Condition 6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and strikethrough~~** words/numbers as follows:

**Landscaping and Public Domain**

6. The future Development Application for Stage 2 shall include detailed landscape plans for all associated public and private open space areas, and for any alterations to the landscape treatment of adjoining public domain areas and road reserves arising from the proposed works.

**Public Domain works extending the full length of the site's street frontage and at a minimum extending south on Marsden Street to the second vehicle crossing, just north of the overhead bridge, and east on Argyle Street to Church Street are to be developed in consultation with Council and are to include:**

- **a cohesive pavement upgrade**
- **associated landscape and street tree upgrades**
- **provision of street furniture, and any other associated infrastructure upgrades.**

**The Public Domain plan should also consider the placement of any furniture including furniture to activate the street, while also ensuring adequate**

**pedestrian movements and cover from the rain and sun for pedestrians, as well as pedestrian movements at vehicle crossings and intersections.**

- (o) Schedule 3 – Future Environmental Assessment Requirements, Condition 12 is added as follows:

**Traffic Impact Assessment**

**12 The future Development Application for Stage 2 shall be accompanied by detailed traffic impact assessment which considers the traffic generation caused by the 100 parking spaces and service vehicles associated with the tower. Where adverse impacts are identified, the application is to make provision for funding or delivery of any necessary infrastructure upgrades required to offset the impacts of the development.**

- (p) Schedule 3 – Future Environmental Assessment Requirements, Condition 13 is added as follows:

**Draft Green Travel Plan**

**13 The future Development Application for Stage 2 shall be accompanied by a draft Green Travel Plan. The plan is to increase the mode share of public transport and active transport for all staff and visitors. The plan is to include a mechanism to monitor the effectiveness of the plan.**

- (q) Schedule 3 – Future Environmental Assessment Requirements, Condition 14 is added as follows:

**Loading and Servicing Management**

**14 The future Development Application for Stage 2 shall include a draft Loading and Servicing Management Plan based on independent surveys to demonstrate that future loading and servicing facilities within the site could adequately accommodate service vehicle movements and servicing demand.**

- (r) Schedule 3 – Future Environmental Assessment Requirements, Condition 15 is added as follows:

**Heritage considerations**

**15. The future Development Application for Stage 2 shall demonstrate that all proposed signage is designed and located to minimise visibility from Old Government House and Domain.**

- (s) Schedule 3 – Future Environmental Assessment Requirements, Condition 16 is added as follows:

**Aviation Safety**

**16. The future Development Application for Stage 2 shall demonstrate that the proposal meets the requirements of Bankstown Airport.**



- (t) Schedule 3 – Future Environmental Assessment Requirements, Condition 17 is added as follows:

**Sydney Trains**

**17. The future Development Application for Stage 2 shall demonstrate that the proposal has been developed based on consultation with, and incorporates all requirements of, Sydney Trains.**

- (u) Schedule 3 – Future Environmental Assessment Requirements, Condition 18 is added as follows:

**18. The future Development Application for Stage 2 shall include a Detailed Environment Site Investigation (DESI) and, as necessary, a Remedial Action Plan reviewed and approved by a site auditor accredited under the Contamination Land Management Act 1997.**

- (v) Schedule 4 – Proponent's Statement of Commitments is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and strikethrough**~~ words/numbers as follows:

### SCHEDULE 3

#### Proponent's Statement of Commitments

ISSUE	COMMITMENT	APPROVAL AUTHORITY	TIMING
Building Code of Australia & Australian Standards	The proposed building is designed to meet all relevant requirements of the BCA & Australian Standards	PCA	Prior to issue of Construction Certificate
Demolition	Demolition work will comply with the requirements of AS2601:2001 in relation to Demolition of Structures. A work plan required by AS260.1:2001 will be accompanied by a written statement from a suitably qualified person that demolition works in the work plan comply with the safety requirements of the relevant Standards.	PCA	Prior to issue of Construction Certificate
Geotechnical and excavation	Geotechnical and excavation issues associated with structural strengthening <b>and provision of a 2 level basement car park</b> will be addressed as part of the preparation of Construction Certificate documentation. A dilapidation survey will be undertaken of adjoining properties prior to works commencing.	PCA	Prior to issue of Construction Certificate
Pedestrian access during construction	Pedestrian access along public footpaths around the site will in the main be retained during construction and suitable pedestrian safety measures implemented where required (as per a CMP).	Council	During Construction
Access to car parking during construction	The DA Construction Management Plan will include a Car Parking Management Plan to ensure adequate parking is available during the construction phases.	PCA	During Construction
Accessibility	The proposed development will be designed & constructed to comply with the relevant Australian Standards, the BCA & the intent of the Disability Discrimination Act with respect to access.	PCA	Prior to issue of Construction Certificate
Public domain works	A public domain improvements plan will be prepared in consultation with Parramatta City Council for public domain improvements. Timing of construction of public domain improvements will be negotiated with Council.	Council	A Public Domain Improvement Plan will be prepared, finalised and approved, prior to Stage 1 works <b>or DA consent for the office tower, whichever is sooner.</b>

			Rectification of any damage to public infrastructure will be completed prior to building occupation.
<b><u>Street activation and podium upgrade</u></b>	The concept plan for street activation of the Argyle Street interface will be further developed in consultation with Council <b><u>and podium upgrade of the facade/interface of the podium, below the tower envelope to Argyle Street and Marsden Street (east side Argyle Street to the pedestrian overbridge)</u></b> will be included in the Design Competition Brief for the tower.	<b><u>Council Design Excellence Jury</u></b>	Argyle Street Activation Plan approved by Council prior to finalisation of stage 2 plans <b><u>Argyle &amp; Marsden Street podium upgrade and street activation Plan endorsed by the Design Excellence Jury prior to lodgement of the DA for the office tower.</u></b>
Office Tower Architectural design Competition	An Architectural Design Competition will be held for the design of the office tower and a preferred design adopted by the proponent <b><u>in accordance with the adopted Design Excellence Strategy and Parramatta City Council's Design Excellence Brief Template, with the design endorsed by the Design Excellence Jury included in the preparation of the DA.</u></b>	<b><u>Council Design Excellence Jury</u></b>	Within 12 months of the occupation of Stage 1 <b><u>Architectural Design Competition completed, and the design endorsed by the Design Excellence Jury prior to submission of the DA for the office tower</u></b>
<b>S94 S7.12</b> Developer Contributions	The proponent undertakes to pay the <b><u>s94 S7.12</u></b> Developer Contribution (currently 3% of project value) to Council <b><u>for the office tower and associated facilities. Contributions will be payable with each respective stage of the development.</u></b>	Council	Contribution for Stage 1 <b><u>(retail additions)</u></b> paid prior to issue of Stage 1 Construction Certificates (CC) for Stage 2 <b><u>(office tower)</u></b> paid prior to issue of Stage 2 CC
Transport Accessibility Plan/Guide/Brochure &	Preparation of Transport Accessibility Plan/Guide to inform visitors, shoppers and workers of transport options to access the site without the need to rely on private motor vehicles.	NSW Department of Transport <b><u>(TfNSW)</u></b>	Prior to occupation of Stage 1 <b><u>or Stage 2, whichever is sooner.</u></b>
Road/traffic improvements	Implement road and traffic improvements on the Great Western Highway, Campbell Street, Church Street	Council & Roads & Maritime Services NSW	Prior to occupation of Stage 1.

	(northbound) and modifications to signal timing as outlined in Section 3.38 of the Traffic Impact Study report prepared for the project by Colston Budd Rogers & Kafes Pty Ltd, dated October 2012	Department of Transport (TfNSW)	
Construction hours	In accordance with the CMP, construction hours will be limited to between 7am and 6pm Monday to Friday and 7am to 5pm Saturdays. Variations where required, will be identified in consultation with Council.	Council	During Construction
Construction Management	A <del>Draft</del> Construction Management Plan <del>has been prepared (see Appendix O of the EA)</del> will be prepared for submission with the DA for the office tower. Construction will be undertaken in accordance with the final approved versions of these plans.	PCA	Prior to issue of Construction Certificate and during construction for work activity on the site.
Ecologically Sustainable Development	<p>The proposed retail level will achieve a 4 Green star Retail design rating. The proposed office tower development will achieve a 5 Green star office rating</p> <p>Prior to issue of the Construction Certificate for each stage of proposed works an ESD strategy will be provided outlining ESD measures to be incorporated into the building.</p>	PCA	Prior to issue of the Construction Certificate for each stage of the development

## SCHEDULE 5 – ADVISORY NOTES

- (w) Schedule 5 – Advisory note AN1 is added by the bold and underlined words / numbers as follows:

**AN1 Commonwealth Environment Projection and Biodiversity Conservation Act 1999 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter, or Commonwealth land, without an approval from the Commonwealth Environment Minister.**

**This application has been assessed in accordance with the New South Wales Environmental Planning and Assessment Act 1979. The determination of this assessment has not involved any assessment of the application of Commonwealth legislation.**

**It is the Proponent's responsibility to consult the Department of Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.**

End of Modification  
(MP 10\_0068 MOD 1)