



Approval

V by Crown – Mixed Use Development Project (EPBC 2013/6803)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Crown Landmark Development Pty Ltd

proponent's ACN (if applicable) 140 255 090

proposed action Construction of a mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta, NSW [See EPBC Act referral 2013/6803].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approve
National Heritage places (sections 15B & 15C)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2020.

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments Branch

signature

date of decision 12 MARCH 2014

Conditions attached to the approval

1. The **approval holder** must ensure the maximum **height** of the building at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta, NSW does not exceed RL 112.4, to minimise visual impacts to the Old Government House and the Government Domain World and National Heritage listed place.
2. The **approval holder** must implement the mitigation strategy as described in *Parramatta Park Mitigation of Potential View Impact* (December 2013) to provide for the planting and ongoing management of six trees in two locations, to mitigate visual impacts to the Old Government House and the Government Domain World and National Heritage listed place. All trees must be planted within 12 months of the date of this approval, and managed to promote their healthy establishment and long-term survival. Any dead or terminally unhealthy trees identified within the first five years of planting must be replaced, at the full cost of the **approval holder**.
3. The **approval holder** must provide \$380,000 to the Western Sydney Parklands Trust within three months of the date of this approval, for the purposes of implementing capital works projects in accordance with the draft Gardens Precinct Master Plan (or subsequent revisions), to compensate for residual impacts to the Old Government House and the Government Domain World and National Heritage listed place.
4. The **approval holder** must provide evidence of compliance with conditions 2 and 3 of this approval within 10 days of undertaking the relevant activity. Evidence of compliance must also be published on the **approval holder's** website, at the same time as it is provided to the **Department**.
5. Within 10 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
6. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the conditions of approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
7. If the **approval holder** wishes to carry out any activity otherwise than in accordance with the mitigation strategy as described in *Parramatta Park Mitigation of Potential View Impact* (December 2013) as specified in condition 2 of this approval, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of that strategy. The varied activity shall not commence until the **Minister** has approved the varied strategy in writing. The **Minister** will not approve a varied strategy unless it would result in an equivalent or improved outcome for the Old Government House and the Government Domain World and National Heritage listed place over time. If the **Minister** approves the revised strategy, that strategy must be implemented in place of the *Parramatta Park Mitigation of Potential View Impact* (December 2013).

8. If the **Minister** believes that it is necessary or convenient for the better protection of Old Government House and the Government Domain World and National Heritage listed place to do so, the **Minister** may request that the **approval holder** make specified revisions to the *Parramatta Park Mitigation of Potential View Impact* (December 2013) specified in condition 2 and submit the revised strategy for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved strategy must be implemented. Unless the **Minister** has approved the revised strategy, then the **approval holder** must continue to implement the *Parramatta Park Mitigation of Potential View Impact* (December 2013), as specified in the conditions.
9. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish the *Parramatta Park Mitigation of Potential View Impact* (December 2013), or subsequent revised approved mitigation strategy, referred to in these conditions of approval on their website. The strategy must be published on the website within 1 month of the date of this approval.

Definitions

Approval holder: The person to whom the approval is granted, or to whom the approval is transferred under S145B of the *Environment Protection and Biodiversity Conservation Act 1999*.

Commencement: The construction of any fixed part of the building that exceeds 66m in height.

Department: The Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Height: The vertical distance between a reference level (in this case ground level, at RL 10.2) and the highest point of the building (RL 112.4), including plant and lift overruns, but excluding communication antennae, satellite dishes, masts, flagpoles, chimneys, flues. To avoid confusion, the balustrades, lightning rods and other architectural roof features as depicted in architectural drawings submitted for this proposal are taken to be excluded, but must not exceed RL123.23.

Minister: The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*, including a delegate of the Minister.



Chris Pope
Development Director
Crown Landmark Development Pty Ltd
Level 11
68 Alfred Street
MILSONS POINT NSW 2061

Dear Mr Pope

Decision on approval
V by Crown – Mixed use development project

I am writing to you in relation to your proposal to undertake a mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta, New South Wales. The above proposal was referred and assessed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for its impacts on World Heritage properties and National Heritage places.

I have considered the proposal in accordance with Part 9 of the EPBC Act and have decided to grant an approval to Crown Landmark Development Pty Ltd. The details of my decision are attached. The proposal must be undertaken in accordance with the conditions specified in the approval.

I would appreciate your assistance by informing me when you commence the action and implement the conditions of approval, and who will be the contact person responsible for the administration of the approval decision.

Please note, any plans required as conditions of approval will be regarded as public documents unless you provide sufficient justification to warrant commercial-in-confidence status.

You should also note that this EPBC Act approval does not affect obligations to comply with any other laws of the Commonwealth, state or territory that are applicable to the action. Neither does this approval confer any right, title or interest that may be required to access land or waters to take the action.

The Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

I have also written to the NSW Planning and Infrastructure to advise them of this decision.

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>. Should you have any feedback on the environmental impact assessment process, please send them through to EIAclientfeedback@environment.gov.au.

If you have any questions about this decision, please contact the project manager, Tess Burdon, by email to tess.burdon@environment.gov.au, or telephone 6274 1841 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Tregurtha', with a stylized flourish at the end.

James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessment Branch

12 March 2014