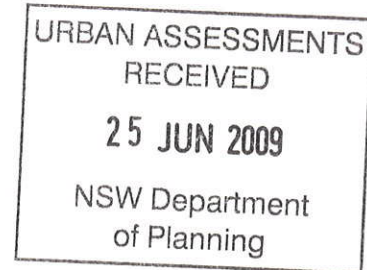




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22 June 2009

Andrew Smith
Team Leader
Urban Assessments
NSW Department of Planning
Ground Floor, 23-33 Bridge Street
SYDNEY NSW 2000



Dear Andrew,

APPLICATION TO MODIFY MP 07_0133, THE ROYAL, NEWCASTLE

We wish to amend our modification application currently being assessed by the Department to include a proposed modification to one of the conditions of the existing consent and some proposed additions and to the Draft Stratum Plan and associated 88B Instrument. Condition E11 still references a pool, which was replaced with an indoor spa as part of our first modification (MP 07_0133 MOD1). Further to that we have revised our draft stratum subdivision plan and draft 88B instrument to include some required new easements.

Condition E11

We request condition E11 to be modified as follows:

E11 Shared Facilities: Gym, Pool Spa and Outdoor Facilities

Prior to release of the Final Strata Plans for certification a Strata Management Plan shall be submitted to the Certifying Authority to state the gym, pool spa and outdoor facilities shall be available for all the residents and the patrons of the hotel. Access to these facilities will be controlled via an approved Strata Management Plan or an equivalent document that is endorsed as part of stratum or / and strata subdivisions.

Draft Stratum Plan and Draft 88B Instrument

The amendments to the stratum plan and 88B instrument are minor but are detailed for your information.

1. Easements 1 – 6 remain unchanged.
2. Easement for Construction number 7 has been added to permit construction of the future buildings on the site. This easement terminates once all buildings on the site are completed.
3. Easement for Overland Flow number 8 has been added to permit water to drain from any natural source through the easement zone.
4. Restriction on Use number 9 and Positive Covenant number 10 have been added to protect the ongoing benefit of the stormwater retention tank for Newcastle City Council.
5. Easement to Drain Water number 11 has been added to permit the drainage of stormwater from the North Wing Building (CP/SP71894) through the site.
6. Easement for Services number 12 has been added to permit the future development stages to use the residual heat from the co-generation plant for the purposes of heating domestic hot water.

7. Easement for Light and Air number 13 has been added to ensure structure is not built within the easement to maintain adequate light, air and privacy to the future buildings on the site.
8. Easement for Services number 14 has been added to enable the benefited lots to drain sewerage through the burdened lots to the connection point with the sewer mains.
9. Minor amendments to the stratum boundaries have been made to reflect minor adjustments made to plans during the first modification application and approved construction certificate drawings.
10. There is a slight adjustment to the boundary between Lot 2 and the future stage lot. This was required to enable access to the substation to an Energy Australia truck.

Also, further to our meeting, we request that Condition F8 be amended to allow the orderly completion of any damage to council or Public Authority assets in line with the staged occupation of the development as originally proposed.

We propose that condition F8 read as follows:

F8 Road Damage

The cost of repairing any damage caused, to council or other Public Authority's assets in the vicinity of the approved development which is the subject to a Occupation Certificate shall be met in full by the Proponent prior to the issue of the Occupation Certificate.

We believe the proposed amendments above are self explanatory, but please contact the undersigned on 9080 8119 should you have any queries.

Yours sincerely,



Paolo Razza
Senior Development Manager
Development NSW