

Modification of Minister's Approval

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

As delegate of the Minister for Planning, we approve the modification 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

MEMBER OF THE COMMISSION

Sydney

2015

SCHEDULE 1

Application Number:	MP 09_0167 MOD 4
Proponent:	Crown Landmark Development Pty Ltd
The 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
Project Approval:	Mixed use development granted on 28 October 2011 by the Planning Assessment Commission
Project:	Mixed use retail/commercial and residential development including an archaeological interpretation centre.
Modification:	MP 09_0167 MOD 4 , the modification includes: <ul style="list-style-type: none">• increase the height of Block D by seven storeys (from RL 54.8 metres (12 storeys) to RL 74.90 (19 storeys);• increase of 3,822.33m² of overall GFA (from 43,424.67m² to 47,247m²);• an increase of 114 residential apartments (from 477 to 591);• deletion of all 42 serviced apartments;• increase of 180m² of conference centre GFA (from 485m² to 665m²);• increase of 25m² of the archaeological interpretation centre GFA (from 423m² to 448m²) and amendment to the archaeological display area;• external amendments to all facades;

- internal reconfiguration and amendments;
- provision of a roof-top bar and outdoor terrace at level 26 of Block C;
- an increase of eight car parking spaces (from 566 to 574) and reconfiguration of basement car parking levels;
- amendment of the below ground archaeological display area;
- stratum subdivision of uses; and
- provision of building and business identification signage and signage zones.

The Project Application for MP09_0167 is modified as follows:

SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (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 **~~bold struck out~~** words/numbers as follows:

A1 DEVELOPMENT DESCRIPTION

Except as amended by conditions of this approval (including Condition A16), project approval is granted for the following:

- ~~477~~ **591** residential apartments, comprised of:
 - ~~46~~ **81** x studio apartments;
 - ~~277~~ **312** x 1-bedroom apartments;
 - ~~181~~ **181** x 2-bedroom apartments; and
 - ~~15~~ **16** x 3-bedroom apartments.
- ~~42 serviced apartments;~~
- A ~~423~~ **448**m² archaeological interpretation centre;
- A ~~485~~ **665**m² conference centre;
- Construction and use of a new mixed use development with a maximum GFA of ~~43,424.67~~ **47,247**m².
- Operation and use of six levels of basement car park accommodating ~~566~~ **574** car parking spaces (inclusive of ~~17 tandem~~ **11 stacked** spaces), ~~40~~ **14** motorcycle spaces and ~~50~~ **70** bicycle parking spaces.

- (b) Schedule 2 Part A – Terms of Approval 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 THE PLANS AND DOCUMENTATION

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; ~~and~~
- **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**
- the following drawings:

Architectural Drawings prepared by Allen Jack+Cottier			
Drawing No.	Revision	Name of Plan	Date
2000	9	<u>Ground Floor</u>	<u>Undated</u>
DA2001	18 <u>9</u>	Basement 1	17 October 2012 <u>Undated</u>
DA2002	15 <u>9</u>	Basement 2, 3, 5	17 October 2012 <u>Undated</u>
2003	9	<u>Basement 3</u>	<u>Undated</u>
DA2004	14 <u>9</u>	Basement 4	17 October 2012 <u>Undated</u>
2005	9	<u>Basement 5</u>	<u>Undated</u>
DA2006	14 <u>10</u>	Basement 6	17 October 2012 <u>Undated</u>
DA2099 2100	14 <u>10</u>	Mezzanine	3 April 2013 <u>Undated</u>

DA2100	19	Ground Floor	3 April 2013
DA2101	20 10	Level 1	3 April 2013 Undated
DA2102	16 10	Level 2	3 April 2013 Undated
DA2103	18 10	Level 3	17 October 2012 Undated
DA2104	18 10	Levels 4-11-9	17 October 2012 Undated
DA2112	13 10	Levels 12 10-15	17 October 2012 Undated
DA2113	6	Level 13	17 October 2012
2117	2	Level 16 & 17	Undated
2118	10	Level 18	Undated
2119	10	Level 19	Undated
DA2114 2120	14 20	Level 14 – 20	17 October 2012 Undated
DA2121	8 10	Level 21 – 15 25	17 October 2012 Undated
DA2126	14 10	Level 26	3 April 2013 Undated
DA2127	18 10	Level 27	3 April 2013 Undated
DA2128	13 10	Level 28	3 April 2013 Undated
DA2129	3 10	Level 19 29	17 October 2012 Undated
2200	10	Roof	Undated
DA3100	14 10	North Elevation	3 April 2013 Undated
DA3101	12 10	South Elevation	3 April 2013 Undated
DA3102	14 10	East Elevation	3 April 2013 Undated
DA3103	13 10	West Elevation	3 April 2013 Undated
3110	2	V LOUNGE ELEVATIONS	Undated
3111	2	Marsden St Signage	Undated
DA3200	14 10	Section	3 April 2013 Undated
Signage	C	General Exterior Signage for the V by Crown Development	4 August 2015
<u>Landscape Drawings prepared by Taylor Brammer Landscape Architects</u>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>LA01</u>	<u>A</u>	<u>S75W Landscape Plan – Public Domain / Ground Floor</u>	<u>26/02/2014</u>
<u>LA02</u>	<u>B</u>	<u>S75W Landscape Plan – Level 1 / Pool</u>	<u>20/06/2014</u>
<u>LA03</u>	<u>A</u>	<u>S75W Landscape Plan – Level 3</u>	<u>20/06/2014</u>
<u>LA05</u>	<u>A</u>	<u>S75W Landscape Plan – Level 19</u>	<u>18/06/2014</u>
<u>LA06</u>	<u>A</u>	<u>S75W Landscape Plan – Level 26</u>	<u>20/06/2014</u>
<u>Stratum Subdivision Drawings prepared by Anthony Todarello</u>			
<u>Drawing No.</u>	<u>Issue</u>	<u>Name of Plan</u>	<u>Date</u>
<u>7782-statum</u>	<u>F</u>	<u>PLAN OF SUBDIVISION OF LOT 100 IN D.P. 1173658 (SHEETS 1 TO 16)</u>	<u>15/10/2014</u>

except for:

- 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; and

- otherwise provided by the conditions of this approval.

SCHEDULE 2

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (c) Schedule 2 Part B – Condition B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B4 Section 94A Contribution

A monetary contribution comprising three percent of the value of the proposed works is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only.

The contribution is to be paid in stages to Council as follows:

- \$227,133 is to be paid prior to the issue of a Construction Certificate for excavation, basement works and ground level building works (up to a maximum RL 12.5);
- for all works above RL 15.5 the balance of the contribution is to be paid on a pro-rata basis based upon the value of works associated with each Construction Certificate
- the value of each staged payment is to be agreed with Parramatta City Council prior to the issue of each Construction Certificate for works above RL 15.5.

Note¹: The value of the proposed works will be calculated based on the requirements of section 25J of the Environmental Planning and Assessment Regulation 2000 as identified in the final Quantity Surveyor's report approved by the Director-General under Condition ~~**B1830**~~

- (d) Schedule 2 Part B – Condition B10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

B10 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. **In addition, bollards shall be installed on the shared area adjacent to all disabled parking spaces in the development.**

Confirmation from an appropriately qualified traffic consultant that the car park layout complies with the abovementioned requirements 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.

- (e) Schedule 2 Part B – Condition B10A is added by the insertion of the **bold and underlined** words/numbers as follows:

B10A Bicycle Parking Layout

The layout and configuration of bicycle parking/racks shall comply with AS 2890.3-1993.

- (f) Schedule 2 Part B – Conditions B18 to B29 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

B4830 REVISED QUANTITY SURVEYOR'S REPORT

The proponent must submit a revised Quantity Surveyor's report to the Director-General for approval prior to the issue of a Construction Certificate for above ground works.

The revised Quantity Surveyor's report must provide:

- (1) A detailed breakdown of the costs of constructing the project, if it was constructed in accordance with the plans approved under Condition A2 of the original project approval (MP09_0167); and
- (2) A detailed breakdown of the cost of constructing the project based on the plans approved under Condition A2 as they are modified under MP09_0167 MOD 2.

The revised report must also include a section which provides a breakdown of the cost of the works as approved under MP09_0167 MOD 2, calculated in accordance with section 25J of the Environmental Planning and Assessment Regulation 2000.

B4931 NUMBER OF CAR PARKING, MOTORBIKE AND BICYCLE PARKING SPACES

The approved car parking, bicycle parking and motorbike parking is as follows:

- ~~566~~ **574** car spaces. A total of ~~519~~ **527** of these car spaces are approved for the multi-unit dwellings ~~and serviced apartments~~. For all other uses, 47 car spaces are approved; and
- ~~10-14~~ motorbike parking spaces and ~~50-70~~ **bicycle** parking spaces.

- (1) ~~Details and drawings showing the car parking allocation for each use⁴ and the loading arrangements shall be submitted for the approval of the Director-General, prior to the issue of the first Construction Certificate.~~

- (2)(1) Individual non-residential uses must not exceed each maximum **car parking** requirement for that type of use under the Council's LEP.

- (3)(2) Any future strata subdivision shall reflect the car parking allocation as approved above.

~~Note⁴: The breakdown and allocation is to be in accordance with the Council's LEP and is required to indicate: residential spaces, residential spaces for persons with a disability and residential visitor spaces; serviced apartment spaces, serviced apartment spaces for persons with a disability; spaces for retail customer and for retail staff (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.~~

B2032 DETAILS OF COLOURS, MATERIALS AND FINISHES

A final schedule of materials and finishes shall be submitted to and approved by the Director-General prior to the issue of a Construction Certificate for above ground works.

B2433 NOISE MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all noise mitigation measures identified in the V by Crown, 45 Macquarie Street, Parramatta Noise Impact Assessment (Revision 0) prepared by Acoustic Logic and dated 27 August 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate.

B2234 WIND MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all wind mitigation measures identified in section 8 of the Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta (Revision 0) prepared by Windtech and dated 12 September 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

B2335 REFLECTIVITY MITIGATION MEASURES

Prior to the issue of each Construction Certificate, the glazing specifications identified in section 4 of the Solar Light Reflectivity Analysis V by Crown, Parramatta (Revision 0) prepared by Windtech and dated 14 August 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

B2436 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 V by Crown Access Review s.75W Application prepared by Morris Gooding Accessibility Consulting, dated 12 June 2013. 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.

B2537 WIND MITIGATION MEASURES

Prior to the issue of each Construction Certificate, all wind mitigation measures identified in section 8 of the Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta (Revision 0) prepared by Windtech and dated 12 September 2012, shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the level(s) being certified must be identified on the Construction Certificate drawings prior to the issue of the corresponding Construction Certificate

B2638 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed ~~43,424.67~~ **47,247**m², and the maximum height of the building does not exceed RL 112.4m. 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.

B2739 BASIX CERTIFICATION

A revised BASIX Certificate, incorporating all of the changes approved under MP09_0167 MOD 2 shall be submitted to the Certifying Authority and the Director-General prior to the issue of a Construction Certificate for above ground works.

B2840 MANAGEMENT OF OVERSIZE VEHICLES

An Oversize Vehicle Access Permit must be lodged with the Council and approved prior to the commencement of works.

B2941 ROAD OCCUPANCY PERMIT

A Road Occupancy Permit must be lodged with the Council and approved prior to the commencement of works.

- (g) Schedule 2 Part B – Condition B42A is added by the insertion of the **bold and underlined** words/numbers 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.**

SCHEDULE 2

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

- (h) Schedule 2 Part E – Condition E7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

E7 Landscaping

The All landscaping shall be completed in accordance with the **approved** Landscape Plans **~~approved under listed at~~** Condition **~~A16~~ A2** prior to the issue of an Occupation Certificate.

Note: In the event that Occupation Certificates are issued on a level by level basis, all landscaping relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

- (i) Schedule 2 Part E – Conditions E16 to E19 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

E16 Noise Mitigation Measures

Prior to the issue of the first Occupation Certificate, all noise mitigation measures identified in section 6 of the V by Crown, 45 Macquarie Street, Parramatta Noise Impact Assessment (Revision **~~0 1~~**) prepared by Acoustic Logic and dated **~~27 August 2012~~ 13 August 2014**, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E17 WIND MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate, all wind mitigation measures identified in section **~~8 6~~** of the Pedestrian Wind Environment Study V by Crown, Macquarie Street, Parramatta (Revision **~~0 1~~**) prepared by Windtech and dated **~~12 September 2012~~ 17 July 2014**, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E18 REFLECTIVITY MEASURES

Prior to the issue of the first Occupation Certificate, the mitigation measures identified in section **~~4 3~~** of the Solar Light Reflectivity Analysis V by Crown, Parramatta (Revision **~~0 2~~**) prepared by Windtech and dated **~~14 August 2012~~ 30 July 2014**, must be installed to the satisfaction of the PCA:

Note: In the event that Occupation Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the level(s) being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E19 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor must certify that the Gross Floor Area (GFA) of the building does not exceed ~~43,424.67~~ 47,247 m², 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.

SCHEDULE 2 PART F – DURING OPERATIONS

- (j) Schedule 2 Part F – Condition F14 is deleted by the ~~bold struck out~~ words / numbers as follows:

~~F14 Separation of Serviced Apartments and Residential Uses~~

~~Security separation must be provided between the serviced apartment and the residential components of the development via the use of security lift key cards, and the provision of security separation doors in common corridors as approved under Condition A16.~~

- (k) Schedule 2 Part F – Condition F14 is added by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

F14 Business and Building Identification Signage

Business and building identification signage shall comply with the following:-

- a) 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;**
- b) 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; and**
 - vii) must not impede the ability of the occupants to exit the building under emergency conditions.**
- c) The approved signage shall be appropriately maintained at all times; and**
- d) The wording to the signage shall be primarily displayed in English but may include a translation in another language.**

- (l) Schedule 2 Part F – Condition F15 is added by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

F15 Rooftop Bar Operation

The roof top bar at level 26 of Block C shall be operated in accordance with the following requirements:

- a) **the operation of the roof top bar, including patron access arrangements via lift, shall be carried out in accordance with the Rooftop Bar Plan of Management prepared by JBA dated June 2015;**
- b) **the use of the premises shall not give rise to:**
 - i. **a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5 dB(A). The source noise level shall be assumed as an LAeq, 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environmental Planning and Assessment Act 1979: Environmental Noise Control Manual Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997; and**
 - ii. **the transmission of unacceptable vibration to any place of different occupancy.**
- c) **the operation of the bar shall not occur outside the hours of 7.00am and midnight, seven days a week. Extended operating hours may be sought through Parramatta City Council;**
- d) **the communicating doors between the rooftop bar and the adjoining residential communal corridors shown on drawings 2126-9, 2127-8 and 2128-7 shall be alarmed and only be used in the case of emergency;**
- e) **signs must be placed in clearly visible positions within and outside the southern residential lobby fronting Hunter Street requesting patrons to upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area;**
- f) **the management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises and in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with;**
- g) **the supply of alcohol is not permitted until consent has been obtained from the Office of Liquor Gaming and Racing; and**
- h) **takeaway liquor sales or the provision of gaming are not permitted unless approval is obtained from Council.**

- (m) Schedule 2 Part G – Conditions G1 to G3 are added by the **bold and underlined** words / numbers as follows:

SCHEDULE 2 PART G – PRIOR RO ISSUE OF SUBDIVISION CERTIFICATE

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.

G2 (S88B) Access

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, pursuant to Section 88B of the Conveyancing Act 1919.

G3 (S88B) Services

Documentary easements for services, support, drainage, shelter, use of plant and equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the Conveyancing Act 1919 or registered as a shared facility in the strata management statement.

SCHEDULE 2 PART H – ADVISORY NOTES

- (n) Schedule 2 Part H – Advisory note AN6 are added by the **bold and underlined** words / numbers as follows:

AN6 Commonwealth Environment Protection 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 Applicant's responsibility to consult the Department of 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.