



Mr Chris Pope
Development Director
Crown Landmark Development Pty Ltd
Level 29, 1 Market St
SYDNEY NSW 2000

Dear Mr Pope

Decision on approval

Modifications to V Crown Development, Corner Macquarie and Marsden Street, Parramatta, NSW

I am writing to you in relation to your proposal to modify the previously approved V by Crown mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, within the Parramatta CBD, NSW (Proposed Action). The Proposed Action was referred and assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for its impacts on the values of a World Heritage property and National Heritage place – the Old Government House and Domain, Parramatta, which forms part of the Australian Convict Sites World Heritage property.

I have considered the proposal in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to Crown Landmark Development Pty Ltd (ACN 140 255 090). 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 start the action and who will be the contact person responsible for the administration of the approval decision.

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.

If you have any questions about this decision, please contact the project manager, Caitlin Ellis, by email to caitlin.ellis@environment.gov.au, or telephone 02 6274 9927 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Dane Roberts
Acting Assistant Secretary
Assessments (NSW/ACT) and Fuel Branch
22 January 2016



Approval

Modification to V by Crown development, corner Macquarie and Marsden Streets, Parramatta, New South Wales (EPBC 2014/7331)

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	ACN 140 255 090
proposed action	To modify the previously approved V by Crown, located at 45-47 Macquarie Street and 134-140 Marsden Street, within the Parramatta CBD, New South Wales [as described in EPBC Act referral 2014/7331 received on 15 September 2014, the variation of proposal to take action received on 28 November 2014 and the variation of proposal to take action received on 26 November 2015].

Approval

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 2021.

Decision-maker

name and position	Dane Roberts Acting Assistant Secretary Assessments (NSW/ACT) and Fuel Branch
signature	
date of decision	22 January 2016

Conditions of approval

1. To protect and conserve the listed World Heritage values of the Australian Convict Sites World Heritage property and Old Government House and Domain National Heritage place and to maximise consistency with the Highly Sensitive Area Controls defined in the **Conservation Agreement**, the approval holder must:
 - a. ensure that no part of **Section D** of the building at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta, New South Wales, exceeds a height limit of 62.1 metres, as measured from the natural ground level directly below (or RL73.1 metres on the western edge of the Hunter Street frontage of **Section D** and RL72.3 metres on the eastern edge of the Hunter Street frontage of **Section D**)
 - b. ensure all levels of **Section D** above 54 metres as measured from the natural ground level directly below, are setback from the floors below 54 metres, consistent with the 'Level 16 and 17 – 2117' and 'Level 18 – 2118' floor plans and the figure called 'Perspectives – 4102' in the variation received on 26 November 2015
 - c. utilise external building materials, finishes and colours that are sympathetic to the surrounding environment in accordance with the final Preliminary Documentation (17 June 2015)
 - d. ensure that the side of **Section D** facing the Old Government House and Domain World and National Heritage Place is no wider than 30 metres.
2. Within five (5) days after the **commencement of the action**, the approval holder must advise the **Department** in writing of the actual date of commencement.
3. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to 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.
4. On **completion of the action**, the **approval holder** must publish a report on their website addressing compliance with the conditions of this approval. Non-compliance with any of the conditions of this approval must be reported to the **Department** within five (5) business days of the non-compliance occurring.
5. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

Definitions:

Approval holder is the person to whom the approval is granted.

Commencement of the action is the construction of any part of Section D above 54 metres and the rooftop bar in **Section C** of the V by Crown building.

Completion of the action is the end of the construction of any part of Section D above 54 metres and the rooftop bar in Section C of the V by Crown building.

Conservation Agreement is the *Conservation Agreement for the protection and conservation of the World Heritage Values and National Heritage Values of the Australian Convict Sites, Old Government House and Domain, Parramatta New South Wales* prepared under section 305(1)(b) and (c) of the EPBC Act.

Department is the Australian Government Department of the Environment administering the **EPBC Act**.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister means the Minister administering the **EPBC Act** and includes a delegate of the Minister.

Section C is the south-eastern part of the V by Crown building fronting Marsden Street, Parramatta, as indicated in the EPBC Act referral 2014/7331, the Preliminary Documentation and the variation received on 26 November 2015.

Section D is the south-western part of the V by Crown building fronting Hunter Street, Parramatta, as indicated in the EPBC Act referral 2014/7331, the Preliminary Documentation and the variation received on 26 November 2015.

