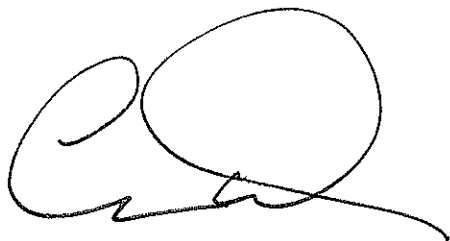


Modification of Minister's Approval

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

I, Chris Wilson, Executive Director, Major Project Assessments, in accordance with the instrument of Delegation issued by the Minister for Planning on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director
Major Project Assessments
As delegate of the Minister for Planning

Sydney, 22. *December* 2008

File No. 9040502
05_0032 MOD 1

SCHEDULE 1

Concept Approval: Granted by the Minister for Planning on 22 August 2005.

For the following: Mixed residential and tourist development (05_0032).

Modification: Modification of part (e) and Schedule 1, Definitions, and Conditions of Approval A1(7), C1(1), C1(2) and C2.

SCHEDULE 2

The Approval is modified by:

- 1) Omitting (e) of the Minister's determination and replacing it with the following:
(e) pursuant to Section 75P(1)(a) that future development for Precinct A be subject to Part 3A of the Act (other than building demolition and site remediation works that are not listed as a Part 3A project in the *SEPP Major Projects 2005*).
- 2) Omitting the description of the land in Schedule 1 and replacing it with the following:

Land: Cattle Bay, Eden, comprising Lots 3 to 5, 8, 9, 13, 16 and 17 Sec 15, DP758379, Lot 1 DP221120, Lots 1 and 2 DP249511, Lots 11 to 14 DP707599, Lot 1 Sec 12 DP758379, Lot 8 DP63315, Lots 2, 3 and 18 Sec 14 DP758379, Lot 1 and 15 DP227822, Lot 1 DP660623, and Lot 117 DP750205. ✓

- 3) Omitting the definition of 'Stages' in the Definitions and replacing it with the following:

Stage 1: Construct new conference building and associated parking. Upgrade waterfront areas for public use. Upgrade Chandos Street with new roundabout.

- 4) Omitting condition A1(7) and replacing it with the following:

Staging – provision of pedestrian access to the foreshore and the upgrade and landscaping of waterfront areas for public access as part of any Stage 1 or Stage 2 (whichever occurs first), generally in accordance with the *Construction Staging – Indicative* (Drawing B.1.11 dated 2 August 2007).

- 5) Omitting the table to condition C1(1) and replacing it with the following:

PRECINCT	MAXIMUM GFA	MAXIMUM HEIGHT (m) AHD	MAXIMUM HEIGHT STOREYS
Precinct A	5,000m ² (hotel); 1,400 m ² (conference building); 12,000 m ² (serviced apartments)	7.5m (conference building); 14m (hotel & serviced apartments)	2 (conference building); 4 (hotel & serviced apartments)
Precinct B	2,000 m ²	7.5m	2
Precinct C	1,500 m ²	7.5m	2
Precinct D	1,000 m ²	7.5m	2
Precinct E1	2,400 m ²	7.5m for 2 storeys 10m for 3 storeys	2-3
Precinct E2	1,000 m ²	7.5m for 2 storeys 10m for 3 storeys	2-3
Precinct F1	2,600 m ²	7.5m (Precinct F1)	2 (Precinct F1)
Precinct F2	2,900 m ²	10m (Precinct F2)	3 (Precinct F2)

- 6) Omitting condition C1(2) and replacing it with the following:

Notwithstanding the maximum GFAs in the table above, all future residential buildings, including single dwelling houses and multi-unit development in Precincts B and E1,

shall not exceed an FSR of 0.5:1, and in Precinct F (averaged across Precincts F1 and F2) shall not exceed an FSR of 0.57:1. Note, once the site is subdivided, depending upon the final subdivision layout, this will mean that the maximum GFAs indicated above may need to be reduced and the FSR above shall prevail.

- 7) Omitting condition C2(1) and replacing it with the following:

Future applications for all residential flat buildings in Precincts E1 and F2 must include an assessment against *State Environmental Planning Policy No.65 – Residential Flat Buildings*. All these residential flat buildings must demonstrate compliance with SEPP 65. For the purpose of this clause, 'residential flat building' is defined in SEPP 65.