



18 March 2014

Our ref: DHB/12148

Director General  
NSW Planning and Infrastructure  
23 Bridge Street  
SYDNEY 2000

**Attention: Mr Matthew Rosel**

Dear Sir,

**re: Major Project 08\_0245 Concept Plan Approval and Major Project 08\_0260 Project Approval Cardinal Freeman Village, Ashfield – Mod 2**

We write in response to the email submission from Ashfield Council dated 10 March 2014 in relation to the application to modify the above approvals. It is noted that this email contains Council's more detailed submission following Council's letter dated 21 October 2013.

We respond to the matters raised by Council as follows.

**1. Changes to Height and Intensification**

Council raises no concern to height or intensification.

**2. Staging Not Clear**

Staging was addressed in the Response to Submissions Report lodged with the Department on 13 January 2014. The Council is of the view that the staging is a matter for Planning and Infrastructure to consider and suggests that the variation to the staging should not impact on the residents or the local community.

As stated in the Response to Submissions Report, the phasing of construction of the Stage 1 works is changed as detailed in Sections 3.1.1 and 3.2.5 of the Environmental Assessment and the Construction Management Plan contained in Appendix 3 accompanying the application.

**3. Removal of Victoria Street Gates**

Council considers that it is not appropriate to remove the gates.

As stated in the Response to Submissions Report, the removal of the Victoria Street gates is already approved.

This application seeks only to remove them earlier in the construction program to ensure that adequate access for larger fire service vehicles can be provided. This has been the subject of heritage advice and detailed advice on the process for removing the gates as required by the terms of the approval of the Concept Plan as described in Appendix 1 and 7 of the Environmental Assessment.

#### **4. Timing of Payment of S94**

Council does not support the proposed changes to the timing of the payment of section 94 contribution levy from 'prior to release of construction certificate' to 'prior to occupation of the building' as it is inconsistent with the terms of Council's section 94 Contribution Plan and further Council has consistently required the payment of section 94 payment prior to the release of the construction certificate.

The proponent notes the Council's concerns and would prefer if contributions are not required until prior to occupation certificate because of the implications for cash flow for a seniors housing project that is of general community benefit.

As NSW Planning and Infrastructure is aware, the development will be staged as separate construction certificates will be obtained for each building. The proponent is prepared to accept a condition requiring payment of the contribution prior to issuing a construction certificate proportional to the number of apartments to which the construction certificate relates. This appears how the conditions B17 and 18 relating to S94 contributions are worded. Thus the proponent submits that the wording of conditions B17 and 18 are expressed so as to make it clear and unambiguous that contributions are only payable proportional to the number of apartments to which the construction certificate relates.

#### **5. Survey of Bandicoots**

Although the deletion of condition C4 requiring additional survey of the bandicoot is reasonable for the reasons given in the EA accompanying the modification, the deletion of this condition is no longer pressed in the interests of a speedy and expeditious determination of the modification application.

If any clarification of the above is required, please do not hesitate to contact this office.

Yours faithfully  
**BBC Consulting Planners**



**Dan Brindle**  
**Director**