

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I as a member of the Planning Assessment Commission, approve the modification of the Concept Plan referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

Sydney

2014

SCHEDULE 1

Concept Approval:

MP 08_0195 granted by the Planning Assessment Commission on 15 March 2012

For the following:

Mixed use residential, retail and commercial development at 78-90 Old Canterbury Road, Lewisham consisting of:

- residential building retail and commercial floor space;
- basement car parking;
- publicly accessible open space and through site links;
- road works; and
- pedestrian and cycle pathways.

Modification:

MP 08_0195 MOD 5: Amendment to Term of Approval A3 and Future Environmental Assessment requirement 20 relating to a Voluntary Planning Agreement and Section 94 Contributions

SCHEDULE 2

CONDITIONS

- a) *Amend Term of Approval A3 by the deletion of the struck out words and insertion of the **bold** words as follows:*

Voluntary Planning Agreement

- A3 Prior to the submission of any future application under Part 4 of the Act, negotiations shall be underway with respect to a Voluntary Planning Agreement between the proponent and Marrickville Council, ~~in consultation with Transport for NSW~~, with terms outlined in the EA, PPR and Revised Statement of Commitments, including
- Upgrade of Hudson Street **generally in accordance with AT&L Drawing SKC23 Issue P5;**
 - Embellishment and dedication of public open space to the north of Hudson Street;
 - Upgrade and embellishment of pedestrian and cycle access links to the Lewisham West light rail stop, and Lewisham railway station **from the site**, and surrounding residential areas **(generally in accordance with AT&L Plan SKC 10 Issue P1 and in consultation with Transport for NSW);**
 - **Stormwater, footpath and road upgrade works in Brown Street and William Street generally in accordance with plan SKC 22 Issue P4;**
 - **Stormwater Works in McGill Street generally in accordance with AT&L Drawing SKC23 Issue P5; and**
 - **Upgrade and realignment of the trunk drainage infrastructure generally in accordance with AT&L Drawing SKC 22 Issue P4 and SKC23 Issue P5.**
 - ~~Other parts of the site that will be upgraded, embellished, constructed or dedicate to Council.~~

Works shall be generally in accordance with the plans listed above, but may be varied as a result of agreement between the parties, consultation with Transport for NSW in respect of pedestrian and cycle links, or to reflect plans approved through future development applications.

The following items and works must be offset against the final payable Section 94 Contributions:

- **The cost of embellishment of the 3000m² Open Space Park;**
- **50% of the cost of the off-site upgrade and embellishment of pedestrian and cycle access links to Lewisham railway station (excluding the footpath upgrade and road works in William Street).**

Other works may be offset against Section 94 contributions where the parties agree.

For the purpose of calculating offsets, costs are to be established by an independent quantity surveyor's assessment.

The Voluntary Planning Agreement shall be entered into prior to the issue of the first Construction Certificate for the construction of residential dwellings (not including carparking or similar below ground works).

- b) *Amend Future Environmental Assessment Requirement 20 by the deletion of the struck out words and insertion of the **bold** words as follows:*

Section 94 Contributions

20. Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval. A VPA with Council ~~may~~ **must** offset Section 94 Contributions **in accordance with Term of Approval A3.**