

14 April 2014

Mr Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad

**78-90 Old Canterbury Road, Lewisham
MP 08_0195 (MOD 5)**

I refer to the Executive Director's letter dated 1 April 2014 referring the above application to the Planning Assessment Commission for determination under Ministerial delegation.

Mr Alan Coutts and I constituted the Commission for the Project. I chaired the Commission.

The Commission notes that due to the nature of the modification the Agency only notified Transport for NSW and Marrickville Council of the proposal. Submissions were received from both authorities, neither raising objection however each authority provided comments.

During consideration of this project the Commission met with a senior staff member from Marrickville Council. Council advised the Commission that it had concern with the inability to agree to terms for a Voluntary Planning Agreement (VPA) with the proponent. The concerns include the proposed offsetting of works in kind for infrastructure such as storm water and street/road upgrades.

The Commission also met with the proponent who provided detail with regard to the nature of infrastructure works associated with the project. This included substantial drainage works required to accommodate storm water management for the site along with required road upgrade requirements. The proponent also indicated that users of the recently constructed light rail station would benefit from the development through the two-way and roundabout access for Hudson Street and therefore this should be offset against the projects Section 94 contributions.

The Commission carefully considered the Agency's Assessment Report, the Council, Transport for NSW and proponent's submissions along with the independent Michael Collins & Associates (MCA) and Evans & Peck reviews commissioned by the Agency.

Section 5.3 of the Agency's Assessment Report discussed the VPA and other issues including storm water infrastructure and road works in detail indicating it was generally supportive of the matters raised by the public authorities.

The Commission also notes the MCA and Evans & Pecks reports concluded that while the required works, in part, provide a public benefit they were incidental to the primary purpose of facilitating the development.

The Assessment Report concluded that it was supportive of clarifying the scope of works within the VPA and the funding methodology along with the partial offset for the pedestrian and cycle links. The Agency recommended the modification in respect of those requirements be approved.

The Agency was not supportive however of a number of additional offsets against the Section 94 contributions for works required as a direct result of facilitating the development including storm water and road infrastructure. The Agency recommended the modification in respect of those requirements not be supported.

The Commission considers the identified issues have been adequately addressed and concurs with Planning & Infrastructure's recommendation to grant conditional approval of the limited range of the modification's sought, for the reasons given in the Director-General's Assessment Report.

The file and signed instrument of approval are returned.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Garry Payne', with a horizontal line extending to the right.

Garry Payne AM

Planning Assessment Commission

cc. The Hon Brad Hazzard MP
 Minister for Planning and Infrastructure
 Minister Assisting the Premier on Infrastructure NSW
 Level 33 Governor Macquarie Tower
 1 Farrer Place
 SYDNEY NSW 2000