

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I modify the Concept Plan Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Anthony Witherdin
Acting Director
Modification Assessments

Sydney 16 May

2016

SCHEDULE 1

Application No:	MP10_0155
Proponent:	EG Funds Management
Consent Authority	Minister for Planning
Land:	Former Allied Mills Site, 2-32 Smith Street, Summer Hill
Development:	Mixed use residential, retail and commercial development incorporating: <ul style="list-style-type: none">• residential, retail and commercial floor space;• basement car parking;• publically dedicated and accessible open space and communal open space;• new local street and road works at the intersection of Old Canterbury Road and Edward Street and Edward Street and Smith Street; and• off site pedestrian upgrades.
Modification No:	MP10_0155 MOD 2
Modification:	Modifications to the Concept Plan approval to remove dedication of open space and roads to Council.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows (additions shown as **bold** and underlined, deletions shown as ~~struck-out~~):

a) Condition A1 is amended as follows:

Development Description

A1 Concept approval is granted to the development as described below:

- adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes;
- staged construction over 4 stages;
- up to 360 dwellings (and up to 33,500m² GFA);
- up to 4,000m² of commercial floor space;
- up to 2,500m² of retail floor space;
- a floor space ratio of 1.4 - 1.6:1;
- up to two levels of basement car parking and 35 on-street car parking spaces;
- ~~4,806m²~~ **10,093m²** of publicly accessible open space ~~to be dedicated to Council and an additional 5,287m² of publicly accessible open space;~~
- new **publicly accessible, privately owned** local streets serving the development;
- road works including a roundabout at Edward and Smith Streets as part of Stage 1 and a signalised intersection at Old Canterbury Road as part of Stage 3; and
- off-site pedestrian upgrade works in the surrounding area and to Summer Hill Village.

b) Condition A2 is amended as follows:

Development in accordance with the Plans and Documentation

A2. The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 6 May 2011 prepared by SJB Planning, except where amended by the Preferred Project Report dated 26 March 2012 and additional information submitted on 20 June 2012 and 20 July 2012 and including all associated documents and reports, ~~and~~ as amended by the Section 75W Modification prepared by SJB Planning dated April 2014 as amended by the further information received on 11 September 2014, 11 November 2014 and 20 November 2014, **and as amended by the Section 75W Modification prepared by SJB Planning dated 7 April 2016 and further information received on 5 May 2016.**
- the **revised** Statement of Commitments prepared by SJB Planning ~~as amended by the revised statement of commitments prepared by SJB Planning dated 11 September 2013~~ **dated 5 May 2015**; and
- the following drawings:

Drawing No	Name of Plan	Drawn By	Date
	Building Identification Plan	Hassell	16 February 2012
A-010 (Rev 2)	Masterplan	Hassell	25 May 2012
A-030 (Rev 2)	Basement Plan	Hassell	5 June 2012

Building Heights	Hassell	
Proposed Dedication Plan	Hassell	
Proposed Open Space Plan	Hassell	<u>Revised undated plan submitted with MOD 2 on 7 April 2016</u>
Deep Soil Plan	Hassell	
Access and Traffic Strategy		
Active Ground Level Uses	Hassell	
Heritage and Adaptive Re-Use	Hassell	
Staging Plan	Hassell	

As amended by the following drawings:

Drawing No	Name of Plan	Drawn By	Date
	Building Identification Plan	Hassell	7 November 2014
A-010 (Rev 7)	Masterplan	Hassell	7 November 2014
	Building Height	Hassell	7 November 2014
	Active Ground Level Uses	Hassell	7 November 2014

except for as modified by the following pursuant to Section 75O(4) of the Act.

c) Condition 11 of the Future Environmental Assessment Requirements is amended as follows:

Local Streets and Servicing

Future applications shall provide for design of the two new local streets in the western portion (including road carriageway, footpath and tree planting) to the satisfaction of Council in accordance with Council's engineering guidelines/standard designs for local roads. The design shall provide for traffic calming and pedestrian safety measures where appropriate to provide a slow speed safe environment for pedestrians. ~~The roads shall be dedicated to Council at no cost to Council.~~

d) Condition 23 of the Future Environmental Assessment Requirements is replaced as follows:

Open Space/Public Access

~~Future application/s shall provide for the embellishment and dedication of a minimum of 4,806m² of public open space to Council.~~

A detailed maintenance program, outlining the ongoing scheduled maintenance of the publicly accessible open space and roads, shall be submitted to and approved by Council prior to the commencement of occupation/use of the development.

e) Condition 24 of the Future Environmental Assessment Requirements is amended as follows:

Future applications shall provide for the embellishment of a minimum of 5,287m² **10,093m²** of publicly accessible open space to be maintained in private ownership by the future body corporate.

f) Condition 25 of the Future Environmental Assessment Requirements is amended as follows:

Future applications for each relevant stage shall clearly set out the mechanism **(in favour of Council)** for creating rights of public access to the:

- private roads; and
 - all publicly accessible areas of open space and through site links,
- with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.

f) The Statement of Commitments in Schedule 4 is deleted, and replaced with the Revised Statement of Commitments dated 5 May 2015, and submitted with MOD 2.

End of Modification
