

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 executed on 14 September 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Director
Metropolitan & Regional Projects South

Sydney 14 March 2013

SCHEDULE 1

Development Consent:

DA77-3-2002 granted by the Minister for Planning on 17 December 2005.

For the following:

159 lot subdivision, including clearing of vegetation, filling, construction of roads and associated infrastructure, conservation zones and open space, and construction of a bridge on Lot 81, D.P. 1158006, George Bass Drive, Tomakin.

Modification No. 8:

To modify conditions E3 and F1 in respect of Aboriginal cultural heritage.

SCHEDULE 2

CONDITIONS

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Condition E3 is modified as follows:

E3 – Dedication to Mogo Local Aboriginal Land Council

Prior to issue of a Subdivision Certificate that creates Lot 462 **202**, documentary evidence shall be forwarded to Council confirming that the Mogo Local Aboriginal Land Council has accepted Lot 462 **202**.

PART F – GENERAL CONDITIONS

Condition F1 is modified as follows:

F1 - Lot 202 and Aboriginal Cultural/Retail Facility

The applicant shall transfer Lot 202 within the subdivision to the Mogo Local Aboriginal Land Council no later than three (3) years after the first development consent has been issued for construction of a dwelling within the subdivision.

The unencumbered freehold title of Lot 202 is to be transferred to the Mogo Local Aboriginal Land Council at no cost to the Mogo Local Aboriginal Land Council (i.e. the cost of transfer is to be met by the applicant). Prior to the transfer of Lot 202 to the Mogo Local Aboriginal Land Council for the purchase price of \$1.00, an Aboriginal cultural/retail facility shall be approved by the relevant consent authority and constructed ~~on that lot~~ **at the Mogo Community Centre, 32 Sydney Street, Mogo.**

Any development application to facilitate the provision of the Aboriginal cultural/retail facility must propose and address the following:

~~(a) a built structure to be used for the purposes of a shop and Aboriginal Cultural facility which has a maximum 60m² floor area and a maximum building height of 8.5 metres (with maximum two storeys) above natural ground level;~~

~~(b) paved car parking associated with the shop and Aboriginal Cultural facility as required necessary by Council; and~~

~~(c) the total cost of designing the Aboriginal cultural/retail facility, obtaining all necessary approvals, associated construction costs and costs associated with satisfying any conditions imposed on any development consent granted to develop Lot 202 for its intended purposes shall not exceed \$250 000.00 (as adjusted for CPI from the date this consent commences).~~

Note: Subsequent management, use and occupancy arrangements of the Aboriginal cultural/retail facility shall be separately negotiated with Council to its satisfaction. In this regard Council shall use its best endeavours to reach an acceptable arrangement expeditiously and not unnecessarily delay the provision of the Aboriginal cultural/retail facility.