

# 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 November 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1, subject to the condition in Schedule 2.



**Jan Murrell**  
MEMBER OF THE COMMISSION



**Gabrielle Kibble AO**  
MEMBER OF THE COMMISSION

Sydney

3 March 2014

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### SCHEDULE 1

<b>Application Number:</b>	MP10_0180 granted by the Executive Director, Development Assessment Systems and Approvals on 11 July 2013
<b>Proponent:</b>	EG Funds Management
<b>The Authority:</b>	Minister for Planning and Infrastructure
<b>The Land:</b>	2-32 Smith Street, Summer Hill (Lot 1 DP 7352, Lot 1 DP 131120, Lot 2 DP 131120, Lot 1 DP 171676, Lot 1 DP 302585, Lot B DP 171931, Lot B DP 172600, Lot 1 DP 182276, Lot 16 DP 130884 and Lot 15 DP 315
<b>Project:</b>	<p>Project application, Stage 1 for mixed use residential, retail and commercial development comprising demolition of existing structures and construction of:</p> <ul style="list-style-type: none"><li>• 44 dwellings</li><li>• 443m<sup>2</sup> of commercial/retail space</li><li>• basement car parking for 53 vehicles</li><li>• two new public streets</li><li>• pedestrian/cycle access to the Lewisham West Light Rail stop</li><li>• six lot subdivision to facilitate delivery of the Concept Plan (MP10_0155) site</li><li>• dedication of road reserves and open space to Ashfield Council.</li></ul>
<b>Modification Application No.1:</b>	MP10_0180 MOD1: modification to condition C4 'Section 94 contributions' to reduce Section 94 contributions from \$926,350.00 to \$447,408.91, including associated amendment to the apportionment of the contribution.

## DEFINITIONS

Proponent	Approval holder or person with the benefit of the development approval
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this approval.
Council	Ashfield Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development ) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment prepared by SJB PI dated March 2013
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Site	Land referred to in Schedule 1

## SCHEDULE 2

The Project Application for MP10\_0180 is modified as follows:

- (a) Part C – Prior to Issue of Construction Certificate, C4 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~struck-out~~ words / numbers as follows:

### **C4. SECTION 94 CONTRIBUTIONS**

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions (taking into consideration the proposed development and providing a credit of 1,674.5m<sup>2</sup> for the existing two level technical centre / administration building) shall be paid to Council ~~P~~prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

<b>Community Infrastructure Type</b>	<b>Contribution</b>
Local Roads	<del>\$10,125.38</del> <b><u>10,164.84</u></b>
Local Public Transport Facilities	<del>\$42,858.63</del> <b><u>31,462.40</u></b>
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	<del>\$792,780.17</del> <b><u>345,337.10</u></b>
Local Community Facilities	<del>\$44,570.79</del> <b><u>44,744.42</u></b>
Plan Preparation and Administration	<del>\$36,015.03</del> <b><u>15,700.15</u></b>
<b>TOTAL</b>	<del>\$926,350.00</del> <b><u>447,408.91</u></b>

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

Where:

**\\$C<sub>c</sub>** is the amount of the contribution for the current financial quarter

**\\$C<sub>p</sub>** is the amount of the original contribution as set out in this development consent

**CPI<sub>c</sub>** is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

**CPI<sub>p</sub>** is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

**End of Modification 1 to MP10\_0180**

