

Our Reference: 2013/450-02
Contact: Mr M J Stephenson
Phone: 02 9840 9823

TBA

Dyldam Developments Pty Ltd
Level 1 74 Macquarie Street
PARRAMATTA NSW 2150

Dear Sir/Madam,

**PREMISES: 1 ADDLESTONE ROAD & 272-284 MERRYLANDS ROAD, MERRYLANDS
SECTION 96(2) MODIFICATION TO DEVELOPMENT CONSENT NO. 2013/450/1
S96(2) MODIFICATION NO. 2013/450/2 (JRPP No. 2015SYW172)**

I refer to your application lodged on 1 July 2015 seeking amendment to Development Consent 2013/450/1 issued for the demolition of existing structures; consolidation of 6 lots into 1 lot; construction of a 9 storey mixed commercial/residential development over 2 levels of basement parking and a 2 storey commercial building, accommodating (8) commercial suites with a total gross leaseable floor area of 2229sqm, 146 dwellings, 246 parking spaces and strata subdivision into 154 lots.

This modification seeks internal and external alterations to the approved mixed commercial/residential development comprising the reduction of 186sqm of commercial floor space, an increase of 6 x 1b/r residential units and an increase of 5 car parking spaces.

Accordingly, Development Consent 2013/450/1 is amended as follows:-

The description of the proposed development is amended and shall read as follows:

Proposed Development: Demolition of existing structures; consolidation of 6 lots into 1 lot; construction of a 9 storey mixed commercial/residential development over 2 levels of basement parking and a 2 storey commercial building, accommodating (8) commercial suites with a total gross leaseable floor area of 2,043sqm, 152 dwellings, 251 parking spaces and strata subdivision into 160 lots.

Condition 2 is amended and shall read as follows:

2. Development shall take place in accordance with the attached endorsed plans:

Doc No.	Rev	Title	Prepared By	Date
Architectural Plans				
01-01	A	External Colours & Finishes Schedule	Idraft	21.10.2013
01-20	D	Calculations & Unit Breakdown	Idraft	21.03.2014
02-20	D	Site Analysis *	Idraft	21.03.2014
04-20	D	Site Plan *	Idraft	21.03.2014
05-20	E	Lower Basement Plan	Idraft	06.06.2014
06-20	E	Upper Basement Plan	Idraft	06.06.2014
07-20	E	Ground Floor Plan *	Idraft	06.06.2014
08-20	D	Level 1	Idraft	21.03.2014
09-20	D	Level 2	Idraft	21.03.2014
10-20	D	Level 3	Idraft	21.03.2014
11-20	D	Levels 4-8	Idraft	21.03.2014
12-20	D	Communal Rooftop	Idraft	21.03.2014
13-20	D	North & South Elevations	Idraft	21.03.2014
14-20	D	East & West Elevations	Idraft	21.03.2014
15-20	E	Section A-A & B-B	Idraft	06.06.2014
16-20	D	Adaptable Details	Idraft	21.03.2014
20-20	A	Sedimentation Control Plan	Idraft	21.10.2013
21-20	D	Elevations – Stand Alone Building	Idraft	21.03.2014
22-20	D	Stormwater Channel Sections	Idraft	21.03.2014
Hydraulic Plans				
101	B	Stormwater Concept Plan Lower Basement	Umbrella Group	02.04.2014
102	B	Stormwater Concept Plan Lower Basement	Umbrella Group	02.04.2014
103	B	Stormwater Concept Plan	Umbrella Group	02.04.2014
104	B	On Site Detention Tank 1 Detail Plan	Umbrella Group	02.04.2014
105	B	On Site Detention Tank 2 Detail Plan	Umbrella Group	02.04.2014
106	B	Sediment & Erosion Control Plan & Details	Umbrella Group	02.04.2014

Landscape Plans				
DA L101	B	Landscape General Arrangement Plan *	Canvas	31.03.2014
DA L102	B	Landscape Planting Plan 01 (Sheet 1 of 2)	Canvas	31.03.2014
DA L103	B	Landscape Planting Plan 02 (Sheet 2 of 2)	Canvas	31.03.2014
DA L104	B	Landscape Planting Plan: Communal Rooftop	Canvas	31.03.2014
DA L105	A	Landscape Planting Plan 01 (Sheet 1 of 2)	Canvas	31.03.2014

* As amended to satisfy Schedule “A”

- Preliminary Environmental Site Assessment prepared by Environmental Investigations, Report No. E1997 AA, dated 31 October 2013;
- Geotechnical Investigation prepared by Geotechnique Pty Ltd, Job No. 12947/1, dated 24 October 2013;
- Arboricultural Impact Assessment prepared by Urban Tree Management, Reference No. 16068, dated 13 December 2013;
- Flood Impact Assessment prepared by Cardno, Reference No. W 4898:BCP/bcp, dated 29 October 2013;
- Stormwater Management Plan prepared by Umbrella Group, Issue B, dated April 2014;
- Acoustic Report prepared by Rodney Stevens Acoustics, Report No. 13102R1, Revision 1, dated 13 December 2013 (as amended to satisfy Schedule “A”);
- Traffic Impact Assessment prepared by Thompson Stanbury Associates, Reference No. 13-066, dated October 2013; and Addendum Report prepared Thompson Stanbury Associates, Reference No. 13-066, dated 18 March 2014;
- Access Compliance Report prepared by PSE Access Consulting, dated 21 October 2013;
- Basix Certificate No. 510445M, dated 29 October 2013;
- Waste Management Plan, dated 21 October 2013.
- Correspondence prepared by the Roads and Maritime Services (RMS), Reference No SYD13/01272, dated 21 November 2013 (copy attached), and all conditions contained therein.
- Correspondence prepared by Sydney Water, dated 21 November 2013 (copy attached), and all conditions contained therein.
- Correspondence prepared by the NSW Office of Water, Reference No. 10 ERM2013/0952, dated 20 November 2013 (copy attached), and all conditions contained therein.

As amended by the following plans approved by modification application 2013/450/2:

- Architectural plans prepared by Idraft Architects, Job No. 27795, Drawing No. 01-20, Issue B, dated 3 November 2015 and Drawing Nos. 04-20 – 14-20 (inclusive), Issue A, dated 23 March 2015;
 - Stormwater plans prepared by HKMA Engineers, Drawing No. 1352-SC96 SW001, SW002 & SW005, Issue A, dated 27 May 2015, SW003, Issue B, dated 14 August 2015, SW004, Issue C, and SW006, Issue B, dated 24 August 2015 (OSD Plan No. 2014-048);
 - Basix Certificate No. 510445M_03, dated 1 July 2015; and
 - Correspondence prepared by Sydney Water, dated 16 July 2015 (copy attached), and all conditions contained therein.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 13 is amended and shall read as follows:

Section 94 Contribution

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 22 x 1 b/r units, 118 x 2 b/r units, 12 x 3 b/r units and 2,043sqm of Gross leaseable floor area, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$2,599,265**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.holroyd.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Conditions 20, 24, 91, 122, 123, 124, 125 and 126 are amended as follows:

The reference to "Compensatory Flood Storage" shall be deleted.

Condition 52a is added and shall read as follows:

Water Sensitive Urban Design (WSUD)

- 52a. The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Part A, Section 7.5 of the Holroyd DCP 2013 shall be submitted to the certifying authority prior to the issue of a Construction Certificate.

Condition 115 is amended and shall read as follows:

Compliance Certificates/Documentary Evidence

115. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 31 dwellings have achieved the desired level of adaptability (i.e. “Adaptable House Class A or B”).

Condition 151 is deleted.

Condition 152a is added and shall read as follows:

- 152a. An amended strata plan shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Condition 158 is amended and shall read as follows:

Car Parking

158. At least 251 car parking spaces numbered and line-marked in accordance with the endorsed plan, are to be made available at all times for employees and visitors’ vehicles only in conjunction with the occupation of the building/premises.

All other conditions of Development Consent 2013/450/1 remain unchanged.

Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

Section 96(6) of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council’s determination of an application made pursuant to Section 96(2) a right of appeal to the Land and Environment Court.

Section 96AB of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 96 Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

Section 97AA of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council’s determination of an application made pursuant to Section 96(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.

If you have any further enquiries please contact Mr M J Stephenson of Council's Environmental and Planning Services Department on 02 9840 9823, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT