

Our Reference:
Contact:
Phone:

2016/127
William Attard
8757 9924

TBA

Stockland Development
Level 25 133 Castlereagh Street
SYDNEY NSW 2000

Dear Sir/Madam

**PREMISES: 233, 249-259 MERRYLANDS ROAD, & 52 - 54 MCFARLANE STREET,
MERRYLANDS**

**SECTION 96(2) MODIFICATION TO DEVELOPMENT CONSENT NO: 2016/127/1
S96(2) MODIFICATION NO: 2016/127/2**

I refer to your application lodged on 28 April 2017 seeking amendment to Development Consent 2016/127/1 issued for demolition of existing structures; construction of 5 mixed use building ranging in height between 10 and 17 storeys over 2 separate basements ranging between 2 and 5 levels accommodating a total of 562 residential units; 7,876m² of commercial floor; 742 car parking spaces; construction of a new road; and Torrens subdivision into 5 lots. The modification seeks internal and external alterations to an approved mixed use development.

Pursuant to Section 96(2) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

Accordingly, Development Consent 2016/127/1 is amended as follows:-

The property is amended to read as follows:-

PROPERTY: Lots 5 to 8, DP 244047; Lot 12, DP 1178575; Lots 9 and 10, DP 244047; Lots 22 and 25 to 29, Section A, DP 7916; Lot 10, DP 814298; and Lot 5, DP 17401

Reason: The original consent incorrectly referenced the DP for Lots 5 to 8 as 736930, instead of the correct DP being 244047.

The proposed development is amended to read as follows:-

PROPOSED DEVELOPMENT: Demolition of existing structures; construction of 5 mixed use buildings ranging in height between 10 and 16 storeys over 2 separate basements ranging between 2 and 5 levels accommodating a total of 562 residential units; 6,147m² of commercial floor; 735 car parking spaces; construction of a new road; and Torrens subdivision into 5 lots

Condition 2 under Schedule 'B' is amended to read as follows:-

2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:

Doc No.	Rev	Title	Prepared By	Date
Architectural Plans prepared by Turner Architects, Project No. 15030				
DA-000-001	02	Cover Sheet	Turner Architects	24.08.16
DA-100-110	02	Site Plan/ Demolition	Turner Architects	24.08.16
DA-110-003	02	Basement 05	Turner Architects	24.08.16
DA-110-004	02	Basement 04	Turner Architects	24.08.16
DA-110-005	02	Basement 03	Turner Architects	24.08.16
DA-110-006	02	Basement 02	Turner Architects	24.08.16
DA-110-007	02	Basement 01	Turner Architects	24.08.16
DA-110-008	02	Ground Level	Turner Architects	24.08.16
DA-110-010	02	Level 1	Turner Architects	24.08.16
DA-110-020	02	Level 2	Turner Architects	24.08.16
DA-110-030	02	Level 3	Turner Architects	24.08.16
DA-110-040	02	Levels 4 - 9	Turner Architects	24.08.16
DA-110-100	02	Level 10	Turner Architects	24.08.16
DA-110-110	02	Level 11	Turner Architects	24.08.16
DA-110-120	02	Level 12	Turner Architects	24.08.16
DA-110-130	02	Level 13	Turner Architects	24.08.16
DA-110-140	02	Level 14	Turner Architects	24.08.16
DA-110-150	02	Level 15	Turner Architects	24.08.16
DA-110-160	02	Level 16	Turner Architects	24.08.16
DA-110-170	02	Level 17	Turner Architects	24.08.16
DA-110-180	02	Roof Plan	Turner Architects	24.08.16
DA-200-001	02	Streetscape Elevation McFarlane Street	Turner Architects	24.08.16
DA-200-002	02	Streetscape Elevation Treves Street	Turner Architects	24.08.16
DA-200-003	02	Streetscape Elevation Merrylands Road	Turner Architects	24.08.16
DA-210-001	02	North Elevation	Turner Architects	24.08.16
DA-210-002	02	East Elevation	Turner Architects	24.08.16
DA-210-003	02	South Elevation	Turner Architects	24.08.16
DA-210-004	02	West Elevation	Turner Architects	24.08.16
DA-210-005	02	Building B & C East Elevation	Turner Architects	24.08.16
DA-210-006	02	Building A & B South Elevation	Turner Architects	24.08.16
DA-210-007	02	Building C, D & E North Elevation	Turner Architects	24.08.16
DA-310-001	02	Section AA	Turner Architects	24.08.16
DA-310-002	02	Section BB	Turner Architects	24.08.16
DA-310-003	02	Section CC	Turner Architects	24.08.16
DA-310-004	02	Section DD	Turner Architects	24.08.16
DA-310-005	02	Section EE	Turner Architects	24.08.16
DA-310-010	02	Section FF	Turner Architects	24.08.16
DA-310-011	02	Section GG	Turner Architects	24.08.16

DA-710-120	02	Staging Plan Phase 01	Turner Architects	24.08.16
DA-710-123	02	Staging Plan Phase 02	Turner Architects	24.08.16
DA-710-125	02	Staging Plan Phase 03	Turner Architects	24.08.16
DA-740-001	03	Typical Adaptable Apartment Typologies	Turner Architects	24.08.16
DA-740-010	03	Apartment Typologies 01	Turner Architects	24.08.16
DA-740-011	03	Apartment Typologies 02	Turner Architects	24.08.16
DA-740-012	03	Apartment Typologies 03	Turner Architects	24.08.16
DA-740-013	03	Apartment Typologies 04	Turner Architects	24.08.16
DA-740-014	03	Apartment Typologies 05	Turner Architects	24.08.16
DA-810-001	02	Schedule of External Materials & Finishes	Turner Architects	24.08.16
Civil Works Plans prepared by Wood & Grieve Engineers, Job No. 29068-SYD- (OSD Plan No. 2016/286)				
C-101	C	Civil Design Plan – Ground Floor	Wood & Grieve Engineers	24.08.16
C-102	C	Civil Design Plan - Basement	Wood & Grieve Engineers	24.08.16
C-106	C	On-Site Detention Tank Plans, Sections and Details	Wood & Grieve Engineers	24.08.16
C-111	C	Sediment & Erosion Control Plan	Wood & Grieve Engineers	24.08.16
C-112	C	Sediment & Erosion Control Details	Wood & Grieve Engineers	24.08.16
Subdivision Plan prepared LTS Lockley Surveyors				
42879PS	-	Draft Plan of Subdivision	LTS Lockley Surveyors	29.02.2016
Landscape Plans prepared by Oculus, Job No. S15-054				
DA_L-000	1	Landscape Cover Sheet	Oculus	11.3.16
DA_L-010	3	Ground and Level 1 Landscape Programming Diagrams	Oculus	11.3.16
DA_L-011	3	Level 3 and Level 10 Landscape Programming Diagrams	Oculus	11.3.16
DA_L-100	3	Landscape Concept Design Ground Floor Plan	Oculus	11.3.16
DA_L-101	1	Landscape Concept Design Ground Floor Sections	Oculus	11.3.16
DA_L-102	3	Landscape Concept Design Level 1 Plan	Oculus	17.3.16
DA_L-103	2	Landscape Concept Design Level 1 Sections	Oculus	17.3.16
DA_L-104	2	Landscape Concept Design Level 1 Sections	Oculus	17.3.16
DA_L-105	3	Landscape Concept Design Level 3 Plan	Oculus	17.3.16

DA_L-106	2	Landscape Concept Design Level 10 Plan	Oculus	17.3.16
DA_L-107	2	Landscape Concept Design Level 10 Sections	Oculus	17.3.16
DA_L-200	1	Landscape Concept Design Tree Species Selection	Oculus	17.3.16
DA_L-201	1	Landscape Concept Design Plant Species Selection	Oculus	17.3.16
DA_L-202	1	Landscape Concept Design Plant Species Selection	Oculus	17.3.16
DA_L-203	1	Landscape Concept Design Materials Selection	Oculus	17.3.16

- Landscape Design Statement prepared by Oculus, dated 22 July 2016;
- Remediation Action Plan prepared by DLA Environmental Services, Report No. DL3692_S005763, Revision 4.1, dated 17 November 2016;
- Hazardous Materials Survey and Register prepared by DLA Environmental Services, Report No. DL3821_S004449, Project ID: DL3681, Version 1.0, dated 20 April 2016;
- Acoustic Report prepared by Acoustic Logic, Reference No. 20160168.1, Revision 0, dated 11 February 2016;
- Arboricultural Impact Assessment prepared by Birds Tree Consultancy, dated 17 February 2016;
- Traffic and Transport Assessment Report prepared by Arup, Job No. 246308, Revision A, dated 3 August 2016;
- Stormwater Management Report prepared by Wood & Grieve Engineers, Reference No. 29068-SYD-C-R-SMP, Revision D, dated 24 August 2016;
- Flood Statement prepared by Greenarrow, Reference No. 215-1439, dated 14 March 2016;
- Natural Ventilation Statement prepared by Windtech, Reference No. WC845-02F01 (rev 1) NV Memo, dated 25 August 2016;
- Lift Evaluation prepared by Floth Sustainable Building Consultants, dated 22 July 2016;
- Access Review prepared by Morris-Goding Accessibility Consulting, Project No. 15030, Version v2, dated 25 August 2016;
- Qualitative Wind Impact Assessment prepared by SLR, Report No. 610.15975-R1, Revision 0, dated 15 March 2016;

- Waste Management Plan prepared by Elephants Foot, Revision D, dated 27 July 2016;
- BASIX Certificate No. 712485M_02, dated 25 August 2016;
- Correspondence prepared by Roads and Maritime Services (RMS), Reference No SYD16/00679/02, dated 15 November 2016 (copy attached), and all conditions contained therein.
- Correspondence prepared by Sydney Water, dated 20 June 2016 (copy attached), and all conditions contained therein;
- Correspondence prepared by Department of Primary Industries Office of Water, Ref. No. 10ERM2016/0383, dated 14 June 2016 (copy attached), and all conditions contained therein;
- Correspondence prepared by Endeavour Energy, dated 27 October 2016 (copy attached), and all conditions contained therein;
- Correspondence prepared by NSW Police Holroyd Local Area Command, Reference No. D/2016/244137, dated 1 June 2016 (copy attached), and all conditions contained therein; and
- Correspondence prepared by NSW Police Holroyd Local Area Command, Reference No. D/2016/573498, dated 1 December 2016 (copy attached), and all conditions contained therein.

As amended by the following plans and documents approved for application 2016/127/2:

- Architectural plans (listed below) prepared by Turner Architects, Project Number 15030, listed below:-

Drawing No.	Drawing Title	Rev.	Dated
DA-001-001	GENERAL Cover Page	03A	26 September 2017
DA-110-006	GA Plans Basement 02	03	11 April 2017
DA-110-007	GA Plans Basement 01	03	11 April 2017
DA-110-008	GA Plans Ground Level	03A	26 September 2017
DA-110-010	GA Plans Level 1	03A	26 September 2017
DA-110-020	DA Plans Level 2	03A	26 September 2017
DA-110-030	GA Plans Level 3	03	11 April 2017
DA-110-040	GA Plans Level 4 – Level 9	03	11 April 2017
DA-110-100	GA Plans Level 10	03	11 April 2017
DA-110-110	GA Plans Level 11	03	11 April 2017
DA-110-120	GA Plans Level 12	03	11 April 2017
DA-110-130	GA Plans Level 13	03	11 April 2017
DA-110-140	GA Plans Level 14	03	11 April 2017

DA-110-150	GA Plans Level 15	03	11 April 2017
DA-110-160	GA Plans Level 16	03	11 April 2017
DA-210-001	GA Elevation North Elevation	03	11 April 2017
DA-210-002	GA Elevation East Elevation	03	11 April 2017
DA-210-003	GA Elevation South Elevation	03	11 April 2017
DA-210-004	GA Elevation West Elevation	03	11 April 2017
DA-210-005	GA Elevation Building B & C East Elevation	03	11 April 2017
DA-210-006	GA Elevation Building A & B South Elevation	03	11 April 2017
DA-210-007	GA Elevation Building C, D & E North Elevation	03A	26 September 2017
DA-310-001	GA Sections Section AA – Eat Street & Building C	03A	26 September 2017
DA-310-002	GA Sections Section BB – Building A & New Lane	03	11 April 2017
DA-310-003	GA Sections Section CC – Through Building D	03	11 April 2017
DA-310-004	GA Sections Section DD – Through Building B & New Lane	03	11 April 2017
DA-310-005	DA Sections Section EE – Through Building E	03	11 April 2017
DA-740-001	Apartment Typologies Typical Adaptable / Liveable Apartment	03	11 April 2017
DA-740-010	Apartment Typologies Apartment Typologies Sheet 1	03A	26 September 2017
DA-740-011	Apartment Typologies Apartment Typologies Sheet 2	03A	26 September 2017
DA-740-012	Apartment Typologies Apartment Typologies Sheet 3	03B	12 December 2017
DA-740-013	Apartment Typologies Apartment Typologies Sheet 4	03A	26 September 2017
DA-740-014	Apartment Typologies Apartment Typologies Sheet 5	03A	26 September 2017

- BASIX Certificate Number 712485M_03, dated 7 April 2017; and
 - Noise Impact Assessment Review prepared by Acoustic Logic, dated 18 September 2017.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 12 under Schedule 'B' is amended to read as follows:-

12. No approval is granted or implied for the installation of fire hydrant booster pumps and radiant heat shields. Separate Development Consent is required.

Conditions 14 and 15 under Schedule 'B' are amended to read as follows:-

14. 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 562 units made up of, 190 x 1 bedroom units, 354 x 2 bedroom units and 18 x 3 bedroom units, 6,147m² of GFA and 41 car parking spaces, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$9,024,531**.

This contribution is to be paid on the following basis:

- Payment 1 (Stage 2B and 2C in staging plan – construction of ground floor retail and Building A) totalling **\$1,249,363.80** for 30 x 1 bedroom units, 82 x 2 bedroom units, 6 x 3 bedroom units, 3,654.8sqm of retail and the credit for Lot 5 as per condition 15;
- Payment 2 (Stage 2D in staging plan – construction of Building B) totalling **\$1,097,053** for 28 x 1 bedroom units, 51 x 2 bedroom units and 2 x 3 bedroom units;
- Payment 3 (Stage 2E in staging plan – construction of Building C) totalling **\$1,360,741** for 27 x 1 bedroom units and 71 x 2 bedroom units;
- Payment 4 (Stage 3A, 3B and 3C in staging plan – construction of basement, retail and Building D) totalling **\$3,603,290.20** for 54 x 1 bedroom units, 77 x 2 bedroom units, 5 x 3 bedroom units, 2,492.2sqm of retail and 41 car parking spaces; and
- Payment 5 (Stage 3D in staging plan – construction of Building E) totalling **\$1,714,083** for 51 x 1 bedroom units, 73 x 2 bedroom units and 5 x 3 bedroom units.

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.cumberland.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.

15. Pursuant to Holroyd Section 94 Development Contributions Plan 2013 ('CP'), the applicant shall dedicate to Council free of cost proposed Lot 5 shown on the Plan of Proposed Subdivision, Ref No. 42879PS, dated 29/2/16, having a total area of approximately 343sqm. The value of this land has been applied as an offset against the monetary contributions totalling \$10,226,944 that would otherwise be authorised under the CP at the date of this consent. The value of this land is the value of the land shown in the CP – \$1,202,413. Such land shall be dedicated prior to the issue of any Construction Certificate. All necessary title documents and surveys shall be prepared by the applicant at no cost to Council.

Condition 42 under Schedule 'B' is amended to read as follows:-

42. Details of the 362 bicycles spaces required within the basement shall be shown on the plans accompanying the Construction Certificate.

Condition 44a under Schedule 'B' is inserted and reads as follows:-

- 44a. Amended landscape and stormwater plans which correspond with the architectural plans endorsed under Section 96 Application 2016/127/2 shall be submitted to the Certifying Authority for approval, prior to the issue of a Construction Certificate.

Condition 72 under Schedule 'B' is amended to read as follows:-

72. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the Development Consent. In this regard, design and construction details shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate and the following shall also be addressed:
- Demonstrate compliance with the Flooding Advice as stipulated in Stormwater Management Report prepared by Wood Grieve Engineers, dated 18 March 2016.
 - Design and construction of the ground level retail shops and associated areas shall be flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).
 - A notation on the plans shall be provided ensuring that "All electrical switchboards, electrical signs / connections and power points shall be built 0.5m above the ground level" for retail areas 111, 112 and 113.
 - A notation on the plans shall be provided ensuring that "All fixed materials (i.e. flooring, glazing, etc.) from 0.5m above the ground level shall be built with flood compatible materials for retail areas 111, 112 and 113 in accordance with Council's requirements.
 - Design and construction of the basement shall ensure that it is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).

Condition 219 under Schedule 'B' is amended to read as follows:-

219. At least 735 car parking spaces numbered and line marked in accordance with the endorsed plan, and 362 bicycle spaces, are to be made available at all times for residents, employees and visitors' vehicles only in conjunction with the occupation of the building/premises.

All other conditions of Development Consent 2016/127/1 remain unchanged.

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(2) 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 William Attard of Council's Environment & Infrastructure Division on 02 8757 9924, Monday to Friday.

Yours faithfully,

Karl Okorn
MANAGER DEVELOPMENT ASSESSMENT