

LANDCOM
L14, 60 STATION STREET
PARRAMATTA NSW 2150

SECTION 4.55 MODIFICATION OF DEVELOPMENT CONSENT

(In accordance with the provisions under Section 4.55 of the *EP&A Act 1979*)

ADDRESS:

**LOT 2 DP 1272931, LOT 3 DP 1272931 & LOT 5 DP 1272931
LOT 5 CAMPBELLTOWN ROAD AND LOTS 2 & 3 ZOUCHE ROAD,
EDMONDSON PARK**

**DESCRIPTION: THE MODIFICATION SEEKS TO CHANGE THE WORDING OF
CONDITION 132 TO ENSURE CONSISTENCY WITH CONDITION
1.8B OF THE CONCEPT PLAN MOD 5**

Reference is made to Modification Application DA-83/2023/B which seeks amendment to Development Consent DA-83/2023 issued for the *subdivision of Lots 2, 3 and 5 DP1272931 into one-hundred and fifty-eight (158) residential lots, eight (8) super lots for future medium density subdivision, two (2) lots for open space, two (2) drainage lots, one (1) residue lot for C1 zoned land and associated open space works, road works, drainage, stormwater infrastructure, services and remediation.*

Modification Application DA-83/2023/B seeks consent to:

- Change the wording of condition 132 to ensure consistency with condition 1.8B of the Concept plan Mod 5.

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for the modifications sought. Accordingly, Development Consent DA-83/2023, as subsequently amended under DA-83/2023/A, has been amended with the following changes (***which are red in colour, and bold and italic in font***):

Condition 132 of Development Consent DA-83/2023 has been amended to now read:

Development Contributions / VPAs prior to issue of the subdivision certificate

132. ~~*Prior to the issue of the first Subdivision Certificate for the development, the Applicant must enter into a Voluntary Planning Agreement with the Council generally in accordance with the terms of the Applicant's Letter of Offer dated 9 July 2024.*~~

Prior to the issue of the first Subdivision Certificate (SC), the applicant must enter into a Voluntary Planning Agreement (VPA) with Council in accordance with the applicant's revised Letter of Offer dated 10 February 2025 and the Concept Approval MP 10_0118 Mod 5 dated 14 February 2025.

Alternatively, Landcom can provide a security in the form of Bond or Bank Guarantee to Council to the amount of \$6,615,000 (147 dwellings x \$30,000 x 150%) within 6 Months of SC approval that would be held by Council until the VPA is executed.

To facilitate this, Landcom must provide a letter to Council confirming their commitment to the above security arrangement before any SC approval.

All other conditions of Development Consent DA-83/2023 and Modification Application DA-83/2023/A remain unchanged.

Note: This determination notice is strictly for changes sought under Modification Application DA-83/2023/B. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (b) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (c) The Section 4.55 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (d) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact on the abovementioned contact details.