

Our Reference:
Contact:
Phone:

2016/496
William Attard
02 8757 9924

TBA

Landmark Group Australia Pty Ltd
Attention: Joseph Scuderi
PO Box R351 Royal Exchange
SYDNEY NSW 1225

Dear Sir/Madam

PREMISES: 1-7 & 9-11 NEIL STREET, MERRYLANDS
SECTION 4.56 MODIFICATION TO DEVELOPMENT CONSENT NO: 2016/496/1
MODIFICATION APPLICATION NO: 2016/496/3

I refer to your application lodged on 27 September 2017 seeking amendment to Development Consent 2016/496/1 issued for *construction of 2 x residential flat buildings (Buildings 3 & 4) over 3 levels of basement parking accommodating a total of 438 car parking spaces and 5 on-grade spaces; Building 3 being 12 storeys accommodating 178 units and Building 4 being Part 6, Part 8 and Part 12 storeys accommodating 133 units.* The modification seeks internal and external alterations to Building 4.

Pursuant to Section 4.56 of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

Accordingly, Land and Environment Court Appeal No. 2017/00132564 (Development Consent 2016/496/1) is amended as follows:-

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:
 - Architectural plans prepared by Marchese Partners International Pty Ltd, Job Number 14001, listed below:

Drawing DA11.04	No.	Site Plan	Rev. A	Dated 28/10/2016
Drawing DA12.01	No.	Basement 3 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.02	No.	Basement 2 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.03	No.	Basement 1 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.04	No.	Building 3 Ground Floor Plan	Rev. B	Dated 16/02/2017

Drawing DA12.05	No.	Building 3 Level 1-8 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.06	No.	Building 3 Level 9-11 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.09	No.	Building 3 Roof Plan	Rev. A	Dated 28/10/2016
Drawing DA12.14	No.	Building 4 Ground Floor Plan	Rev. B	Dated 16/02/2017
Drawing DA12.15	No.	Building 4 Level 1-5 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.16	No.	Building 4 Level 6 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.17	No.	Building 4 Level 7 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.18	No.	Building 4 Level 8 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.19	No.	Building 4 Level 9-11 Floor Plan	Rev. A	Dated 28/10/2016
Drawing DA12.20	No.	Building 4 Roof Plan	Rev. A	Dated 28/10/2016
Drawing DA13.01	No.	Building 3 – Neil Street Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.11	No.	Building 3 – North Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.12	No.	Building 3 – South Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.13	No.	Building 3 – East Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.14	No.	Building 3 – West Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.21	No.	Building 4 – North Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.22	No.	Building 4 – South Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.23	No.	Building 4 – East Elevation	Rev. B	Dated 28/03/2017
Drawing DA13.24	No.	Building 4 – West Elevation	Rev. B	Dated 28/10/2016
Drawing DA14.01	No.	Building 3 – Section AA	Rev. A	Dated 28/10/2016
Drawing DA14.02	No.	Building 3 – Section BB	Rev. A	Dated 28/10/2016
Drawing DA14.03	No.	Building 4 – Section CC	Rev. A	Dated 28/10/2016
Drawing DA14.04	No.	Building 4 – Section DD	Rev. A	Dated 28/10/2016
Drawing DA16.01	No.	Building 3 – Adaptable Unit Plan 01	Rev. A	Dated 28/10/2016

Drawing DA16.03	No.	Building 3 – Adaptable Unit Plan 03	Rev. A	Dated 28/10/2016
Drawing DA16.04	No.	Building 3 – Adaptable Unit Plan 04	Rev. A	Dated 28/10/2016
Drawing DA16.05	No.	Building 3 – Adaptable Unit Plan 05	Rev. A	Dated 28/10/2016
Drawing DA16.11	No.	Building 4 – Adaptable Unit Plan 01	Rev. A	Dated 28/10/2016
Drawing DA16.12	No.	Building 4 – Adaptable Unit Plan 02	Rev. A	Dated 28/10/2016
Drawing DA16.13	No.	Building 4 – Adaptable Unit Plan 03	Rev. A	Dated 28/10/2016
Drawing DA16.14	No.	Building 4 – Adaptable Unit Plan 04	Rev. A	Dated 28/10/2016
Drawing DA16.15	No.	Building 4 – Adaptable Unit Plan 05	Rev. A	Dated 28/10/2016
Drawing DA16.16	No.	Building 4 – Adaptable Unit Plan 06	Rev. A	Dated 28/10/2016

- Landscape plans prepared by Greenplan, Job Number 16713, listed below:

Drawing No. LS	Landscape Cover	Iss. A	Dated 26/10/2016
Drawing No. LS-101	Landscape Site Photos	Iss. A	Dated 25/10/2016
Drawing No. LS-201	Landscape Site Plan Ground Floor	Iss. B	Dated 25/10/2016
Drawing No. LS-301	Landscape Plan Building 3 Ground Floor	Iss. B	Dated 25/10/2016
Drawing No. LS-302	Landscape Plan Building 4 Ground Floor	Iss. B	Dated 25/10/2016
Drawing No. LS-303	Landscape Plan Building 4 Level 6	Iss. B	Dated 25/10/2016
Drawing No. LS-401	Landscape Planting	Iss. A	Dated 25/10/2016
Drawing No. LS-402	Landscape Planting Details	Iss. A	Dated 25/10/2016

- Stormwater plans prepared by SGC, Project Number 20140028, listed below:

Drawing SW500	No.	Cover Sheet	Rev. A	Undated
Drawing SW501	No.	Stormwater Concept Design - Basement 3 Plan Building 3 & 4	Rev. A	Dated 01/11/2016
Drawing SW502	No.	Stormwater Concept Design - Ground Floor Plan Sheet 1 of 2	Rev. A	Dated 01/11/2016
Drawing SW503	No.	Stormwater Concept Design - Ground Floor Plan Sheet 2 of 2	Rev. A	Dated 01/11/2016

Drawing SW504	No.	Stormwater Concept Design - Building 3 Roof Plan	Rev. A	Dated 01/11/2016
Drawing SW505	No.	Stormwater Concept Design - Building 4 Roof Plan	Rev. A	Dated 02/11/2016
Drawing SW506	No.	Stormwater Concept Design - Details Sheet	Rev. A	Undated
Drawing SW507	No.	Erosion and Sediment Control - Plan and Details	Rev. A	Dated 02/11/2016

- Site Waste Management Plan prepared by Senica Consultancy Group, Report Number 2016/0901, dated 1 November 2016;
- BASIX Certificate Number 770665M, dated 2 November 2016;
- Tree Report prepared by Dr. Treegood, Reference Number 2014-476, dated April 2014;
- Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R160099B3, Revision 0, dated 1 November 2016;
- Site Contamination Audit Report prepared by Environmental Earth Sciences NSW, Version 1, dated 4 March 2016;
- Correspondence from Endeavour Energy, dated 22 March 2017, and all conditions contained therein;
- Correspondence from NSW Police Force – Holroyd Local Area Command, Police Reference D/2016/704554, dated 5 January 2017, and all conditions contained therein;
- Correspondence from Water NSW, dated 18 January 2017, and all conditions contained therein;
- Correspondence from Sydney Water, dated 4 April 2016, and all conditions contained therein;
- Correspondence from Sydney Trains, dated 7 April 2017, and all conditions contained therein; and
- Correspondence from Heritage Office, Reference Number DOC16/618389, dated 17 January 2017, and all conditions contained therein.
- All details, including plans and reports, approved by Council in accordance with the conditions in Schedule 'A'

As amended by the following plans and documents approved for application 2016/496/2 dated 11 September 2017:

- Architectural plans prepared by Marchese Partners International Pty Ltd, Job Number 14001, listed below:

Drawing S9612.04	No.	Building 3 Ground Floor Plan	Rev. A	Dated 29/06/2017
Drawing S9612.05	No.	Building 3 Level 1-8 Floor Plan	Rev. A	Dated 29/06/2017
Drawing S9612.06	No.	Building 3 Level 9-11 Floor Plan	Rev. A	Dated 29/06/2017
Drawing S9612.09	No.	Building 3 Roof Plan	Rev. A	29/06/2017

Drawing S9613.01	No.	Building 3 – Neil Street Elevation	Rev. A	Dated 29/06/2017
Drawing S9613.11	No.	Building 3 – North Elevation	Rev. A	Dated 29/06/2017
Drawing S9613.12	No.	Building 3 – South Elevation	Rev. A	Dated 29/06/2017
Drawing S9613.14	No.	Building 3 – West Elevation	Rev. A	Dated 29/06/2017
Drawing S9617.21	No.	External Finishes – Sheet 01	Rev. A	Dated 29/06/2017

As amended by the following plans and documents approved under Schedule 'A', dated 23 August 2018:

- Architectural plans prepared by Marchese Partners, Job Number 14001, listed below:

Drawing No.	Drawing Title	Rev.	Date
S9611.04	Site Plan	B	16 November 2017
S9612.01	Basement 3 Floor Plan	B	16 November 2017
S9612.02	Basement 2 Floor Plan	B	16 November 2017
S9612.03	Basement 1 Floor Plan	B	16 November 2017
S9612.04	Building 3 Ground Floor Plan	B	16 November 2017
S9612.05	Building 3 Level 1-8 Floor Plan	B	16 November 2017
S9612.06	Building 3 Level 9 Floor Plan	B	16 November 2017
S9612.08	Building 3 Level 10-11 Floor Plan	B	16 November 2017
S9612.09	Building 3 Roof Plan	B	16 November 2017
S9612.14	Building 4 Ground Floor Plan	B	16 November 2017
S9612.15	Building 4 Level 1-5 Floor Plan	B	16 November 2017
S9612.16	Building 4 Level 6 Floor Plan	B	16 November 2017
S9612.17	Building 4 Level 7 Floor Plan	B	16 November 2017
S9612.18	Building 4 Level 8 Floor Plan	B	16 November 2017
S9612.19	Building 4 Level 9-11 Floor Plan	B	16 November 2017
S9612.20	Building 4 Roof Plan	B	16 November 2017
S9613.01	Building 3 – Neil Street Elevation	B	16 November 2017
S9613.11	Building 3 – North Elevation	B	16 November 2017
S9613.12	Building 3 – South Elevation	B	16 November 2017
S9613.13	Building 3 – East Elevation	B	16 November 2017
S9613.14	Building 3 – West Elevation	B	16 November 2017
S9613.21	Building 4 – North Elevation	B	16 November 2017
S9613.22	Building 4 – South Elevation	B	16 November 2017
S9613.23	Building 4 – East Elevation	B	16 November 2017
S9613.24	Building 4 – West Elevation	B	16 November 2017
S9614.01	Building 3 – Section AA	B	16 November 2017
S9614.02	Building 3 – Section BB	B	16 November 2017
S9614.03	Building 4 – Section CC	B	16 November 2017
S9614.04	Building 4 – Section DD	B	16 November 2017
S9616.01	Building 3 – Adaptable Unit Plan 01	B	16 November 2017

S9616.03	Building 3 – Adaptable Unit Plan 03	B	16 November 2017
S9616.04	Building 3 – Adaptable Unit Plan 04	B	16 November 2017
S9616.05	Building 3 – Adaptable Unit Plan 05	B	16 November 2017
S9616.11	Building 4 – Adaptable Unit Plan 01	B	16 November 2017
S9616.12	Building 4 – Adaptable Unit Plan 02	B	16 November 2017
S9616.13	Building 4 – Adaptable Unit Plan 03	B	16 November 2017
S9616.14	Building 4 – Adaptable Unit Plan 04	B	16 November 2017
S9616.15	Building 4 – Adaptable Unit Plan 05	B	16 November 2017
S9616.16	Building 4 – Adaptable Unit Plan 06	B	16 November 2017
S9617.21	Exterior Finishes – Sheet 01	B	16 November 2017

- Stormwater plans prepared by SGC, Project Number 20140028, OSD Plan Number 2016-099, listed below:

Drawing No.	Drawing Title	Revision	Date
SW101	Stormwater Drainage Design – Specification Sheet	01	25 July 2017
SW200	Stormwater Drainage Design – Site Plan	01	15 March 2018
SW201	Stormwater Drainage Design – Basement 3 Plan	02	15 March 2018
SW202	Stormwater Drainage Design – Basement 2 Plan	02	15 March 2018
SW203	Stormwater Drainage Design – Basement 1 Plan	02	15 March 2018
SW204	Stormwater Drainage Design – Ground Floor Plan – Sheet 1 of 4	02	15 March 2018
SW205	Stormwater Drainage Design – Ground Floor Plan – Sheet 2 of 4	02	15 March 2018
SW206	Stormwater Drainage Design – Ground Floor Plan – Sheet 3 of 4	02	15 March 2018
SW207	Stormwater Drainage Design – Ground Floor Plan – Sheet 4 of 4	02	15 March 2018
SW300	Stormwater Drainage Design – Details Sheet – Sheet 1 of 2	02	21 February 2018
SW301	Stormwater Drainage Design – Details Sheet – Sheet 2 of 2	02	15 March 2018
SW400	Erosion and Sediment Control – Plan and Details	02	15 March 2018

- Correspondence prepared by Sydney Trains, dated 20 August 2018, and all conditions contained therein.

As amended by the following plans and documents approved for application 2016/496/3:

- Architectural plans prepared by Marchese Partners, Job Number 14001, listed below:

Drawing No.	Drawing Title	Rev.	Date
S9612.14	Building 4 Ground Floor Plan	A	24 May 2017
S9612.15	Building 4 Level 1-5 Floor Plan	A	24 May 2017
S9612.16	Building 4 Level 6 Floor Plan	A	24 May 2017
S9612.17	Building 4 Level 7 Floor Plan	A	24 May 2017
S9612.18	Building 4 Level 8 Floor Plan	A	24 May 2017
S9612.19	Building 4 Level 9-11 Floor Plan	A	24 May 2017
S9613.21	Building 4 – North Elevation	A	24 May 2017
S9613.22	Building 4 – South Elevation	A	24 May 2017
S9613.23	Building 4 – East Elevation	A	24 May 2017
S9613.24	Building 4 – West Elevation	A	24 May 2017
S9614.03	Building 4 – Section CC	A	24 May 2017
S9614.04	Building 4 – Section DD	A	24 May 2017
S9616.11	Building 4 – Adaptable Unit Plan 01	A	24 May 2017
S9616.12	Building 4 – Adaptable Unit Plan 02	A	24 May 2017
S9616.13	Building 4 – Adaptable Unit Plan 03	A	24 May 2017
S9616.14	Building 4 – Adaptable Unit Plan 04	A	24 May 2017
S9616.15	Building 4 – Adaptable Unit Plan 05	A	24 May 2017
S9616.16	Building 4 – Adaptable Unit Plan 06	A	24 May 2017
S9617.21	Exterior Finishes – Sheet 01	A	24 May 2017

- Correspondence from Endeavour Energy, dated 2 November 2017, and all conditions contained therein;
 - Correspondence from WaterNSW dated 8 February 2019, and all conditions contained therein; and
 - Correspondence from Roads and Maritime Services, Reference Number SYD16/01689/03, dated 7 November 2017.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 38A under Schedule 'B' is inserted to read as follows:-

38A. An amended BASIX Certificate shall be submitted to the Certifying Authority for approval, prior to the issue of a Construction Certificate, which reflects the amended design endorsed under Section 4.56 Application 2016/496/3.

All other conditions of Land and Environment Court Appeal No. 2017/00132564 (Development Consent 2016/496/1), and Section 4.56 applications 2016/496/2, 2016/496/5 and 2016/496/6 remain unchanged.

Note: This determination notice is strictly for the changes sought under the modification application 2016/496/3. No approval is implied or granted for any other works/changes proposed to the subject development.

Section 8.7 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.56 a right of appeal to the Land and Environment Court.

Section 8.9 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.56 Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

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,

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT