

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION (MOD 187-12-2005) OF DEVELOPMENT CONSENT (DA 143-6-2005)

ERECTION OF TWO APARTMENT BUILDINGS CONTAINING 340 RESIDENTIAL APARTMENTS, CHILDCARE CENTRE FOR 40 CHILDREN, CAR PARKING FOR 452 VEHICLES AND ASSOCIATED STRATA SUBDIVISION

PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(FILE NO. 9041154)

I, Chris Wilson, Acting Executive Director of Sustainable Development Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 5 April 2006, pursuant to Section 96(2) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To promote the orderly and ecologically sustainable use and development of land;
- (2) To promote the orderly and economic use and development of land;
- (3) To ensure that the development represents good design by providing an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings;
- (4) To ensure that the height, form and orientation of buildings take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences;
- (5) To protect and improve the unique visual qualities of the Parramatta River, Homebush Bay and Bray's Bay by ensuring that the character of the development, as viewed from the water, is compatible and sympathetic with the character of the surrounding foreshores;
- (6) To ensure that the development represents good design by achieving an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements;
- (7) To ensure the development provides a high quality of landscaping and plantings.

Chris Wilson
Acting Executive Director, SDA

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 187-12-2005 modifying DA 143-6-2005
Application made by:	Meriton Apartment Pty Ltd 267-277 Castlereagh Street, Sydney
On land comprising:	Lot 12 DP 1062326 1 Mary Street, Rhodes
Local Government Area	Canada Bay
For the carrying out of:	<ul style="list-style-type: none"> • six interconnected residential buildings comprising no more than 307 units and a Gross Floor Area of no more than 32,283.2 square metres, • basement car parking for no more than 413 cars, • a childcare centre accommodating no more than 40 children, and • subdivision (including strata subdivision).
Section 96(2) Application	MOD 187-12-2005 to modify DA 143-6-2005 to provide an additional 7 units in Building F.
Development consent granted by:	Minister for Planning
On:	17 November 2005
Type of development:	State Significant Development Integrated Development
S.119 public inquiry held:	No
As modified:	MOD 191-12-2005 under Section 96(1A) of the Act in January 2006. MOD 58-4-2006 under Section 96(1A) of the Act in May 2006.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 187-12-2005

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is available within the time limit specified within Clause 1, Part 17 of the Land and Environment Court Rules 1996, which is 60 days after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains revised levies for development imposed under Section 94 of the Act. The revised levies were imposed in accordance with Concord Section 94 Plan, which includes the Renewing Rhodes Section 94 Framework adopted by the Department of Planning on December 2001. The Concord Section 94 Plan may be inspected at the following locations within Canada Bay Council during its normal business hours:

- Drummoyne Citizen Services Centre, 1A Marlborough Street, Drummoyne, and
- Concord Services Centre, Cnr Flavelle and Wellbank Street, Concord.

The Renewing Rhodes Section 94 Framework may be viewed at Department of Planning at 23-33 Bridge Street, Sydney its during normal business hours.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application 143-6-2005.

SCHEDULE 2

MODIFICATION (MOD187-12-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 143-6-2005

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

(a) Omit Condition A1. Insert instead:

A1 Development description

Development consent is granted only to carrying out the development described in detail below:

- (1) Six interconnected residential buildings comprising no more than 314 units and a Gross Floor Area of no more than 33,258.3 square metres
- (2) basement car parking of no more than 413 cars,
- (3) a childcare centre accommodating no more than 40 children, and
- (4) subdivision (including strata subdivision).

(b) Insert below the table in Condition A2 the following:

As modified by:

Architectural Drawings (as clouded) prepared by Marchese + Partners Architects as the drawings reflect the provision of the additional 7 units in Building F.			
Drawing No.	Revision	Name of Plan	Date
A-115-L06	A	LEVEL 06 – ARCH 200	03.05.06
A-116-L07	A	LEVEL 07 – ARCH 200	03.05.06
A-117-L08	A	LEVEL 08 – ARCH 200	03.05.06
A-118-L09	A	LEVEL 09 – ARCH 200	03.05.06
A-119-L10	A	LEVEL 10 – ARCH 200	03.05.06
A-120-L11	A	LEVEL 11 – ARCH 200	03.05.06
A-121-L12	A	LEVEL 12 – ARCH 200	03.05.06

(c) Omit Condition A3(2). Insert the following instead;

A3 Inconsistency between documents

- (2) In order to avoid any confusion, despite any plan, drawing, document, figure or calculations for the purposes of identifying GFA, the maximum GFA permitted on the Subject Site is 33,258.3 square metres.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Omit Condition B1. Insert the following instead;

B1 Gross floor area calculations

Before the Certifying Authority can issue a Construction Certificate for any works, the Applicant must lodge documentation that demonstrates and confirms the gross floor area in the consolidated set of plans for the Subject Site does **not** exceed 33,258.3 square metres. In complying with this condition, the Applicant should submit a set of A3 poly line drawings that:

- (1) show and number the included and excluded floor area for each level,
- (2) show the breakdown and cumulative total for each level of gross floor area, and
- (3) are signed off by a registered architect.

Omit Condition B27(1). Insert the following instead;

(1) Amount of Contribution

Contribution Category	Amount
Open Space	\$708,047.13
Community Facilities	\$696,238.11
Roads	\$373,042.82
TOTAL	\$1,777,328.06

Omit Condition B28. Insert the following after Condition B27;

B28 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Minister directs that the Applicant pay to the Department a monetary contribution for the engagement of a community liaison officer to be engaged by the Department to carry out liaison and consultation functions on behalf of developments across SREP 29:

(2) Amount of Contribution

Contribution Category	Amount
Community Liaison Officer	\$16,787.7

(3) Timing and Method of Payment

The contribution must be paid in the form of cash or bank cheque, made out to the Department. For accounting purposes, the contribution will require separate payment for the category above.

Evidence of the payment to the Department must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(4) Indexing

The above payments will be adjusted according to the relative change in the Consumer Price Index from the date of consent.

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Omit Condition F14. Insert the following after Condition F13;

F14 Gross Floor Area

Prior to the issue of an Occupation Certificate, the Applicant shall submit a set of A3 polyline drawings prepared by a registered surveyor and signed by the Architect that identifies the gross floor area not exceeding 33,258.3 square metres.

Insert Condition F15 as follows;

F15 Privacy Screens

Prior to the issue of the Occupation Certificate, fixed louver privacy screens shall be provided on each bedroom window of the units on levels 6,7,8,9 & 10 approved by modification application MOD 187-12-2005. The screens shall cover the entire height and width of each bedroom window.

END OF MODIFICATIONS TO DA143-6-2005