

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**MODIFICATION OF DEVELOPMENT CONSENT GRANTED UNDER SECTION 80
OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

MOD 109-11-2003 TO DA 53-2-2003

(FILE NO. S03/00526 PT4)

I, Michael Brown, Acting Team Leader, Urban Assessments, as delegate of the Minister for Infrastructure and Planning, under Instrument of Delegation dated 4 August 2003, 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 encourage good urban design and a high standard of architecture that is consistent with the vision for the Homebush Bay area,
- (2) To promote the orderly and ecologically sustainable use and development of this land, and
- (3) To enhance the amenity of the local area.

Michael Brown
Acting Team Leader
Urban Assessments

Sydney,

2004

SCHEDULE 1 –THE DEVELOPMENT

PART A—TABLE

Application Number:	MOD 109-11-2003 modifying DA 53-2-2003
On land comprising:	3 Carnarvon Street, Silverwater Lots 1 & 7, DP 837052
For the carrying out of:	Modification to the unit mix, internal reconfiguration of units, amendments to balconies, windows and pergolas, addition of glass blocks and skylights, amendment of Consent Condition 3 of DA 53-2-2003. The original DA was approved on 30 June 2003 for construction of 130 residential dwellings comprising apartments and town homes in a residential complex of two and four storey residential buildings as well as car parking and associated strata subdivision.
Development consent granted by:	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)
On:	30 June 2003
Type of development:	Local Development
S.119 public inquiry held:	No
As modified:	Consent previously modified by MOD 87-8-2003

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT MOD 109-11-2003

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 only available within 3 months after the date on which the applicant received this notice.

Appeals—Third Party

For designated development, a third party has the right to appeal to the Land and Environment Court on the merits of this decision under Section 98 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only available within 28 days of the date of commencement of this consent.

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.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA No. 53-2-2003.

SCHEDULE 2

MODIFICATION OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION MOD 109-11-2003

The development consent is modified as follows:

- (a) Insert at the end of Condition 1. the following:

And in accordance with the following information that was submitted in support of modification MOD 109-11-2003 to development consent DA 53-2-2003. Drawings listed in the table below supersede drawings listed in Condition 1(b) of DA 53-2-2003.

A letter report dated 20 November 2003 prepared by Meriton Apartments and enclosed plans			
The bubbled / clouded areas of the Architectural (or Design) Drawings prepared by Meriton Apartments Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
A1000	D	Cover Sheet	14.11.2003
A1001	F	Site Plan	14.11.2003
A2002	I	Level 2 – Ground floor plan	14.11.2003
A2003	G	Level 3 – overall	14.11.2003
A2004	G	Level 4 – overall	14.11.2003
A2005	G	Level 5 – overall	14.11.2003
A2006	E	Plant level plan	14.11.2003
A2007	C	Roof Plan overall	14.11.2003
A3002	M	Building A – level 2	14.11.2003
A3003	O	Building A – level 3	14.11.2003
A3004	H	Building A – level 4	14.11.2003
A3007	C	Building A – roof plan	14.11.2003
A3102	R	Building B – level 2	14.11.2003
A3103	U	Building B – level 3	14.11.2003
A3104	O	Building B – level 4	14.11.2003
A3105	T	Building B – level 5	14.11.2003
A3106	F	Building B – level 6	14.11.2003
A3107	D	Building B – roof plan	14.11.2003
A3202	Q	Building B,C & H – level 2	14.11.2003
A3203	O	Buildings B & C – level 3	14.11.2003
A3204	N	Buildings B & C – level 4	14.11.2003
A3205	P	Buildings B & C – level 5	14.11.2003
A3207	C	Buildings B, C & H – roof	14.11.2003
A3302	Q	Buildings D,E,F,G & I – level 2	14.11.2003
A3303	S	Buildings D,E,F,G & I – level 3	14.11.2003
A3304	N	Buildings D,E,F,G & I – level 4	14.11.2003
A3305	R	Buildings D,E,F,G & I – level 5	14.11.2003

A3307	D	Buildings D,E,F,G & I – roof	14.11.2003
A4001	G	Building A – elevations, sections	14.11.2003
A4002	I	Building B – north, west & south elevations	14.11.2003
A4003	J	Building B – south & east sectional elevations	14.11.2003
A4004	J	Building C – south elevation, west & north elevations	14.11.2003
A4005	H	Building C & H – east elevation, west sectional elevations	14.11.2003
A4006	G	Building D & G – west elevation	14.11.2003
A4007	G	Building D, G & E – elevations	14.11.2003
A4008	H	Building F & I – elevations & sections	14.11.2003

(b) Replace Condition 3 of DA 53-2-2003 with the following:

3. An easement shall be created on the site providing unrestricted public access along the extensions of Day Street and Carnarvon Street to the south east corner of the site to enable a future pedestrian and cycle link to Newington. The public access ROWs for pedestrian and cycle access shall be a min 3m width extending south from Day Street and a minimum of 4.5m width extending east from Carnarvon Street. A public positive covenant placed on the min 4.5m wide ROW to the southern boundary (the Carnarvon Street extension) is to allow for the future dedication of the cycle and pedestrian Right of Way to Council, upon Council's request and at no cost to Council. The positive covenant shall be created prior the issue of an Occupation Certificate. Details of the positive covenant shall be submitted and approved by the Director General of his delegate prior to issue of a Construction Certificate for any aboveground works.

(c) Replace Condition 42 of DA 53-2-2003 with the following:

CONTRIBUTIONS TOWARDS PUBLIC OPEN SPACE (SECTION 94)

42. A sum of \$353,327.35 is to be paid to Auburn Council for the purpose of purchase and embellishment of public open space. Such payment shall be made prior to the issue of a construction certificate. This amount is subject to adjustment based upon the Implicit Price Deflator (IPD) which is calculated from 1st July of each year. This adjustment will be made at the payment date and in accordance with Auburn Council's Contributions Plan No.2 – Open Space.

The above sum is broken down to the following items;

Item	Cashier code	Amount
Administration	470	\$3,688.26
District Open Space Acquisition	471	\$79,851.76
District Open Space Embellishment	472	\$172,469.82
Local Open Space Acquisition	473	\$47,970.04
Local Open Space Embellishment	474	\$49,347.47
Total		\$353,327.35

Auburn Council's Contribution Plan No.2 – Open Space, is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn.

- (d) Replace Condition 43 of DA 53-2-2003 with the following:

**CONTRIBUTIONS TOWARDS COMMUNITY SERVICES AND FACILITIES
(SECTION 94)**

43. A sum of \$89,516.44 is to be paid to Auburn Council for the purposes of community facilities. Such payment shall be made prior to the issue of a construction certificate. This amount is subject to adjustment based upon the Consumer Price Index (CPI) which is calculated on a quarterly basis. This adjustment will be made at the payment date and in accordance with Council's Contributions Plans – "Community Services and Facilities" and "Multi Cultural and Youth Services".

The above sum is broken up into the following components:

Component	Cashier Code	Amount
Multi Cultural Community Centre	457	\$6,504.69
Library Extension	454	\$16,532.34
Libraries Stock	455	\$22,563.84
Newcomers Program	458	\$13,401.54
Planning Studies/Plan Preparation	459	\$1,153.80
Administration	450	\$13,155.22
Multi Cultural Program	456	\$8,734.50
Youth Program	462	\$7,470.51
TOTAL		\$89,516.44

Auburn Council's Contribution Plans - "Community Services and Facilities" and "Multi Cultural and Youth Services", are available for inspection at Council's Customer Service Centre, Civic Place, 1 Susan Street, Auburn.