



MOD-24-00235
SPP-17-00003

21 August 2024

Mecone Pty Ltd
15/6 Hassall Street,
Parramatta, NSW 2150

Dear Sir/Madam,

Property: Lot 135 DP 208203, 49 Terry Road ROUSE HILL
Proposal: Modification to Notice of Determination No. SPP-17-00003 under
Section 4.56 of the Environmental Planning and Assessment Act 1979

Reference is made to the Section 4.56 application (MOD-24-00235) lodged with us for the modification of development consent Notice of Determination No. SPP-17-00003 dated 11 May 2018

Please be advised that we have considered your request and, under Section 4.56 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that the above determination is **APPROVED** and modified in the following manner:

1 ADVISORY NOTES

1.7 Engineering Notes

The following advisory conditions are added:

1.7.3 Stage 2 cannot proceed until Boolavogue Street and associated drainage is constructed.

1.7.4 Staging description to be as per the statement of environmental effects prepared by Mecone Pty Ltd Section 3, Revision 5, Dated 7 August.

2 GENERAL

2.1 Scope of Consent

Condition 2.1.1 is modified as follows:

2.1.1 This consent relates to the following drawings/details submitted to Council with the development application (as modified), subject to compliance with any other conditions of this consent:

Drawing Reference:	Dated:
Plans prepared by DKO Architecture (NSW) Pty Ltd:	
DA000 Cover Page, Revision G	13/12/2021
DA100 Site Plan, Revision G	22/11/2022
DA102 Demolition & Excavation Plan, Revision A	21/12/2016

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Council Chambers - 62 Flushcombe Road - Blacktown NSW 2148

Telephone: (02) 9839 6000 - DX 8117 Blacktown

Email: council@blacktown.nsw.gov.au - Website: www.blacktown.nsw.gov.au

All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

DA103 Site Works Plan, Revision A	02/02/2017
DA210 Master Plan Ground Plan, Revision G	13/12/2021
DA211 Master Plan Level 1 & 2 Plan, Revision G	13/12/2021
DA212 Master Plan Level 3 & Roof Plan, Revision H	22/11/2022
DA213 Master Plan Basement Plan, Revision H	13/12/2021
DA221 Building A Ground Level Plan, Revision G	13/12/2021
DA222 Building A Level 1 Plan, Revision G	13/12/2021
DA223 Building A Level 2 Plan, Revision G	13/12/2021
DA224 Building A Level 3 Plan, Revision G	13/12/2021
DA225 Building A Basement Plan, Revision F	18/10/2017
DA231 Building B Ground Level Plan, Revision G	13/12/2021
DA232 Building B Level 1 Plan, Revision G	13/12/2021
DA233 Building B Level 2 Plan, Revision G	13/12/2021
DA234 Building B Level 3 Plan, Revision G	13/12/2021
DA235 Building B Basement Level Plan, Revision G	13/12/2021
DA241 Building C Ground Level Plan, Revision G	13/12/2021
DA242 Building C Level 1 Plan, Revision G	13/12/2021
DA243 Building C Level 2 Plan, Revision G	13/12/2021
DA244 Building C Level 3 Plan, Revision G	13/12/2021
DA245 Building C Basement Level Plan, Revision G	30/10/2017
DA251 Typical Unit Plans, Revision F	18/10/2017
DA301 Street Elevations, North & South Elevations, Revision G	13/12/2021
DA311 Building A North & East Elevations, Revision F	18/10/2017
DA312 Building A South & West Elevations, Revision F	18/10/2017
DA321 Building B North & East Elevations, Revision F	18/10/2017
DA322 Building B South & West Elevations, Revision G	22/11/2022
DA331 Building C North & East Elevations, Revision G	30/10/2017
DA332 Building C South & West Elevations, Revision G	30/10/2017
DA341 External Finishes Schedule 1, Revision F	18/10/2017
DA342 External Finishes Schedule 2, Revision F	18/10/2017
DA343 External Finishes Schedule 3, Revision F	18/10/2017
DA344 External Finishes Schedule 4, Revision F	18/10/2017
DA401 Sections – Buildings A & C, Revision G	30/10/2017
DA402 Sections – Building B, Revision G	13/12/2021
DA601 Adaptable Apartments, Revision F	18/10/2017
DA602 GFA Calculations, Revision G	13/12/2021
DA603 Apartment Mix, Revision G	13/12/2021
DA604 Compliance Diagram, Revision G	13/12/2021
DA605 Cross Ventilation, Revision F	18/10/2017
DA606 No Solar Access, Revision F	18/10/2017
Plans prepared by Urbis:	
Landscape Design Report	17/12/2021
Plans prepared by Egis Pty Ltd:	
R05 Staging Plan – Stage 1 (Revision E)	30/05/2024
R06 Staging Plan – Stage 2 (Revision E)	30/05/2024

Condition 2.8 is deleted and replaced with the following condition:

2.8 Staging of Subdivision Works and buildings:

- **Stage 1:** Prior to the issue of the subdivision certificate, Stage 1 public roads and associated stormwater drainage works and services are required to be constructed.
- **Stage 2:** Prior to the issue of the subdivision certificate, Stage 2 public roads, and associated stormwater drainage works and services, are required to be constructed

5 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

5.1 DA Plan Consistency

Condition 5.1.2 is deleted

~~5.1.2 No construction certificate for building works is to be released until all civil works related to roads and drainage within the road reserve have been completed and sign-off received from the PCA. However, staging of road construction (and any associated drainage works) will be permitted where suitable traffic circulation or temporary turning areas in dead end roads are evident in accordance with Council's Engineering Guide for Development, to the satisfaction of the PCA.~~

6 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

6.1 Section 7.11 Contributions

Condition 6.1.1 is deleted and replaced with the following condition:

Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the *Environmental Planning & Assessment Act 1979* must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

Under the Section 7.17 Direction issued by the Minister for Planning on 15 March 2011, Council must not impose a condition of development consent under Sections 7.11 (1) or 7.11 (3) or the Act requiring the payment of a monetary contribution exceeding \$35,000 for each dwelling authorised by the development consent, or in the case of a development consent that authorises the subdivision of land into residential lots, exceeding \$35,000 for each residential lot/dwelling authorised to be created by the development consent.

The Section 7.11 contributions payable below have been assessed in accordance with this Direction.

Payment of the capped amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Number of intended dwellings/apartments: 311 apartments
 Total Developable Area: 2.223 hectares
 Additional Population: 533.6 persons

These contributions are permitted to be paid in stages according to the parameters below. Payments must be made prior to the issue of a Construction Certificate (for building works) for each relevant stage. The payment of staged contributions is based upon the following parameters:

Stage 1 – Building A:
 Number of intended dwellings/apartments: 98 dwellings/apartments
 Total amount payable: \$3,430,000.00

Stage 2 – Building B & C:
 Number of intended dwellings/apartments: 213 dwellings/apartments
 Total amount payable: \$7,455,000.00

Copies of the following relevant Contributions Plan(s) may be inspected/purchased

Contribution Item	Amount
Stormwater Quantity	\$837,302.00
Stormwater Quality	\$152,480.00
Traffic Management	\$1,930,044.00
Open Space	\$10,329,668.00
Community Facilities	\$357,775.00
Combined Precinct Facilities	\$212,294.00
Total	\$13,819,563.00

from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

Copies of the following relevant contributions plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au

Section 7.11 Contributions Plan No. CP No. No. 22 Rouse Hill (Works and Land).

The Section 7.11 contribution(s) have been based on the total developable area, and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

8.1 General

Condition 8.1.3 is deleted and replaced with the following condition:

- 8.1.3 Construction Certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Revision	Dated
Calibre Consulting	16-002086	C0-00	D	23/02/18
Calibre Consulting	16-002086	C0-01	D	23/02/18
Calibre Consulting	16-002086	C0-02	D	23/02/18
Calibre Consulting	16-002086	C1-10	D	23/02/18
Calibre Consulting	16-002086	C1-11	D	23/02/18
Calibre Consulting	16-002086	C1-15	D	23/02/18
Calibre Consulting	16-002086	C2-00	D	23/02/18
Calibre Consulting	16-002086	C2-01	D	23/02/18
Calibre Consulting	16-002086	C3-10	C	07/11/17
Calibre Consulting	16-002086	C3-20	C	07/11/17
Calibre Consulting	16-002086	C3-21	C	07/11/17
Calibre Consulting	16-002086	C3-22	C	07/11/17
Calibre Consulting	16-002086	C3-23	C	07/11/17
Calibre Consulting	16-002086	C3-24	C	07/11/17

Calibre Consulting	16-002086	C3-40	C	07/11/17
Calibre Consulting	16-002086	C3-41	C	07/11/17
Calibre Consulting	16-002086	C3-42	C	07/11/17
Calibre Consulting	16-002086	C3-43	C	07/11/17
Calibre Consulting	16-002086	C3-44	C	07/11/17
Calibre Consulting	16-002086	C3-45	C	07/11/17
Calibre Consulting	16-002086	C3-46	C	07/11/17
Calibre Consulting	16-002086	C3-80	C	07/11/17
Calibre Consulting	16-002086	C4-00	D	23/02/18
Calibre Consulting	16-002086	C4-01	D	23/02/18
Calibre Consulting	16-002086	C4-02	D	23/02/18
Calibre Consulting	16-002086	C4-20	D	23/02/18
Calibre Consulting	16-002086	C4-21	D	23/02/18
Calibre Consulting	16-002086	C4-35	B	23/02/18
Calibre Consulting	16-002086	C4-60	D	23/02/18
Calibre Consulting	16-002086	C4-61	D	23/02/18
Calibre Consulting	16-002086	C4-62	C	23/02/18
Calibre Consulting	16-002086	C4-65	C	23/02/18
Calibre Consulting	16-002086	C4-66	C	23/02/18
Calibre Consulting	16-002086	C4-80	D	23/02/18

Calibre Consulting	16-002086	C4-81	D	23/02/18
Calibre Consulting	16-002086	C4-82	D	23/02/18
Calibre Consulting	16-002086	C4-83	D	23/02/18
R05 Staging Plan – Stage 1 (Revision E)				30/05/2024
R06 Staging Plan – Stage 2 (Revision E)				30/05/2024

The below conditions are added:

8.1.12 Provide a staged subdivision plan to match the staging.

8.1.13 Works are to be in accordance with staging as below:

- **Stage 1: Prior to the issue of the subdivision certificate, Stage 1 public roads and associated stormwater drainage works and services are required to be constructed.**
- **Stage 2: Prior to the issue of the subdivision certificate, Stage 2 public roads, and associated stormwater drainage works and services, are required to be constructed**

8.1.14 Staging plans are to be in coordination with statement of environmental effects, prepared by Mecone Pty Ltd, section 3, Revision 5, Dated 7 August.

Please note that all other conditions remain unaltered and therefore must be complied with.

Right of Appeal:

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within 6 months of the date of determination.

Right of Review:

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days of the date of determination and determined within 6 months of the date of determination.

Note: To enable the Section 8.2 review to be considered within the 6 months' timeframe prescribed by under the Environmental Planning and Assessment Act 1979, you must lodge the application for review under Section 8.2 within 28 days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a determination made by the Council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note: Sections 8.3, 8.4 and 8.5 apply to a review under this section.

Should you have any further enquiries concerning this matter, please contact Council's Town planner Ryleigh Lewis on 5300 6000.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alan Middlemiss', with a stylized, cursive script.

Alan Middlemiss
Coordinator Planning Assessment