

Annexure A – Modified Conditions

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Modification Application No	s 4.55(8) Modification to SPP-20-00002
Development Consent modified	SPP-20-00002
Description of development to be carried out under the consent	<p>Staged development including demolition of existing structures, tree removal, earthworks, road construction, civil and stormwater drainage works and dam dewatering.</p> <p>Development is in two stages:</p> <p>Stage 1: Subdivision of 1 lot to create proposed Lot 1 zoned B4 for mixed use development with an area of 9698.9m²; proposed Lot 2 being a residue lot zoned R3 with an area of 3553.3m²; 1 lot for public roads (New Road 1, New Road 2, New Road 3, New Road 4); proposed Lot 3 being a residue lot zoned B4 and R3 with an area of 8106.1m².</p> <p>Stage 2: Construction of a large mixed-use development within proposed Lot 1 comprising a series of 6 x 8 storey buildings proposed to contain:</p> <ul style="list-style-type: none">- Total retail floor space with area of 2641m² for 14 commercial tenancies including a future Gymnasium with GFA of 404m² on the ground level; and a future Child Care Centre with GFA of 582.7m² and outdoor play area of 700m² on the ground level, and- 236 residential units over 6 buildings (Blocks A – F) in the 7 storeys above the ground level retail and mixed-use development, with the following breakdown: 43 x 1 bedroom units; 145 x 2 bedroom units; 38 x 3 bedroom units; 10 x 4 bedroom units; and 502 car parking spaces across Basements 1 – 3.- Associated landscaping, and street tree planting.

Address and particulars of title of land on which development to be carried out	Lot 13 in Deposited Plan 1190560 otherwise known as 971 Richmond Road Marsden Park
Description of modification to the development consent	Amendment to the civil works on Roads 1, 2 and 3 and associated amendments to conditions approved by the NSW Land and Environment Court in <i>C&S Partners v Blacktown Council</i> [2021] NSWLEC 1700 on 18 November 2021 (Proceedings 2021/55619)
Determination	The development consent is modified as set out below.

Insert the following 2 new conditions and Appendix A:**1.15 Modification of Development Consent DA-15/02765**

1.15.1 Pursuant to section 4.17(1)(b) and (5) of the *Environment Planning and Assessment Act 1979*, Development Consent DA-15-02765 which was granted by the Land and Environment Court on 10 November 2016 is to be modified as necessary so that this Development Consent SPP-20-00002 and Development Consent DA-15-02765 are consistent insofar as this development consent relates to Road 2 and Road 3 and Development Consent DA-15-02765 relates to Road MC01.

Prior to the issue of any construction certificate, the applicant is to provide a written notice of modification in accordance with the requirements of s 4.17(5) of the *Environment Planning and Assessment Act 1979* and s 67 of the *Environment Planning and Assessment Regulation 2021*, providing details of the modification of Development Consent D-15/02765.

DA-15-02765 is to be amended in accordance with the schedule of amendments, which includes an explanatory note for each amendment, as shown at Appendix A of this consent.

1.16 Relationship to Development Consent DA-15-02765

1.16.1 If Road 3 is constructed per SPP-20-00002, the land in the road reserve measured 18m from the eastern boundary may be dedicated as a 'road' pursuant to the *Roads Act 1993* without the need for compliance under the relevant conditions regarding construction of this road under DA-15-02765.

Amend condition 6.1.3 to read:

6.1.3 The engineering drawings referred to below are not for construction. The Construction Certificate/Subdivision Works Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

Construction Certificate/Subdivision Works Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No.	Set No.	Sheet No.	Revision	Dated
Orion Consulting	19-35	1	DA 000	L	undated
Orion Consulting	19-35	1	DA 001	L	17/05/2024
Orion Consulting	19-35	1	DA 001A	A	30/08/2024
Orion Consulting	19-35	1	DA 002	L	17/05/2024
Orion Consulting	19-35	1	DA 003	J	07/08/2023

Orion Consulting	19-35	1	DA 004	L	17/05/2024
Orion Consulting	19-35	1	DA 005	J	07/08/2023
Orion Consulting	19-35	1	DA 006	J	07/08/2023
Orion Consulting	19-35	1	DA 007	J	07/08/2023
Orion Consulting	19-35	1	DA 100	L	17/05/2024
Orion Consulting	19-35	1	DA 101	K	05/04/2024
Orion Consulting	19-35	1	DA 102	J	07/08/2023
Orion Consulting	19-35	1	DA 200	L	17/05/2024
Orion Consulting	19-35	1	DA 201	K	05/04/2024
Orion Consulting	19-35	1	DA 210	J	07/08/2023
Orion Consulting	19-35	1	DA 211	J	07/08/2023
Orion Consulting	19-35	1	DA 212	J	07/08/2023
Orion Consulting	19-35	1	DA 213	K	05/04/2024
Orion Consulting	19-35	1	DA 214	J	07/08/2023
Orion Consulting	19-35	1	DA 300	K	05/04/2024
Orion Consulting	19-35	1	DA 301	K	05/04/2024
Orion Consulting	19-35	1	DA 302	J	07/08/2023
Orion Consulting	19-35	1	DA 400	L	17/05/2024
Orion Consulting	19-35	1	DA 401	K	05/04/2024
Orion Consulting	19-35	1	DA401B	B	17/05/2024
Orion Consulting	19-35	1	DA 402	K	05/04/2024
Orion Consulting	19-35	1	DA 403	K	05/04/2024
Orion Consulting	19-35	1	DA 404	K	05/04/2024
Orion Consulting	19-35	1	DA 405	K	05/04/2024
Orion Consulting	19-35	1	DA 406	K	05/04/2024
Orion Consulting	19-35	1	DA 407	L	17/05/2024
Orion Consulting	19-35	1	DA 408	K	05/04/2024

Orion Consulting	19-35	1	DA 410	J	07/08/2023
Orion Consulting	19-35	1	DA 420	B	05/04/2024
Orion Consulting	19-35	1	DA 421	B	05/04/2024
Orion Consulting	19-35	1	DA 422	B	05/04/2024
Orion Consulting	19-35	1	DA 423	B	05/04/2024
Orion Consulting	19-35	1	DA 430	B	05/04/2024
Orion Consulting	19-35	1	DA 450	K	05/04/2024
Orion Consulting	19-35	1	DA 900	A	05/04/2024

Amend condition 6.16 to read:

6.16 Consistency with DA-15-02765

- 6.16.1 Should construction of Road 3 occur in accordance with DA-15-02765 and JRPP-16-02971 prior to the works commencing for Road 3 under this consent, the civil engineering plans are to be amended to provide consistency with the approved construction design for Road 3 under DA-15-02765 and JRPP-16-02971 and lodged with Council and approved by the Manager Asset Design prior to the issue of a construction certificate.