

## Annexure A – Modified Conditions

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

|   |   |
|---|---|
| <b>Modification Application No</b>                                    | s 4.55(8) Modification to SPP-20-00002  |
| <b>Development Consent modified</b>                                   | SPP-20-00002  |
| <b>Description of development to be carried out under the consent</b> | <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 9698.9m<sup>2</sup>; proposed Lot 2 being a residue lot zoned R3 with an area of 3553.3m<sup>2</sup>; 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 8106.1m<sup>2</sup>.</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"> <li>- Total retail floor space with area of 2641m<sup>2</sup> for 14 commercial tenancies including a future Gymnasium with GFA of 404m<sup>2</sup> on the ground level; and a future Child Care Centre with GFA of 582.7m<sup>2</sup> and outdoor play area of 700m<sup>2</sup> on the ground level, and</li> <li>- 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.</li> <li>- Associated landscaping, and street tree planting.</li> </ul> |

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| <b>Address and particulars of title of land on which development to be carried out</b> | Lot 13 in Deposited Plan 1190560 otherwise known as 971 Richmond Road Marsden Park   |
| <b>Description of modification to the development consent</b>                          | 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&amp;S Partners v Blacktown Council</i> [2021] NSWLEC 1700 on 18 November 2021 (Proceedings 2021/55619) |
| <b>Determination</b>   | 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.