

Modification of Development Consent

Section 4.56 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Keiran Thomas
Director Regional Assessments
As delegate of the Minister for Planning and Public Spaces

13 February 2024

Sydney

SCHEDULE 1

Development consent: DA 9876 granted by the Land and Environment Court on 31 March 2022

For the following:

- Torrens title subdivision of three lots into four environmental lots and one residual lot;
- subdivision of the residual lot into 93 Community title lots and one community association lot;
- thirteen (13) development stages;
- earthworks to achieve the final site levels;
- construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;
- landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and
- freestanding advertisement signage.

Applicant: Great River NSW Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 14-98 Old Castlereagh Road, Castlereagh, Lots 1, 2 and 3 in Deposited Plan 1263486

Modification: DA 9876-Mod-4

The modification seeks to delete Condition E38 to remove the requirement to consolidate lots prior to the Community Title Subdivision.

SCHEDULE 2

The consent (DA 9876-Mod-4) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

- A1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with any written directions of the Planning Secretary in accordance with the Condition A2;
 - (c) in accordance with the SEE;
 - (d) in accordance with the approved plans in the table below:

Civil Plans prepared by <i>Enspire Solutions Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
200044-DA-C01.01	3	COVER SHEET AND DRAWING SCHEDULE	4/11/2021
200044-DA-C01.21	2	GENERAL NOTES AND LEGENDS – SHEET 1	17/12/2020
200044-DA-C01.22	2	GENERAL NOTES AND LEGENDS – SHEET 2	17/12/2020
200044-DA-C01.31	5	STAGING PLAN	4/11/2021
200044-DA-C01.41	5	GENERAL ARRANGEMENT PLAN	4/11/2021
200044-DA-C01.42	1	ZONE OVERLAY PLAN	4/11/2021
200044-DA-C01.91	3	TORRENS TITLE SUBDIVISION PLAN	27/04/2023
200044-DA-C01.90	1	COMMUNITY TITLE PLAN	2/03/2021
200044-DA-C02.01	5	TREE REMOVAL PLAN - SHEET 01	14/02/2022
200044-DA-C02.02	5	TREE REMOVAL PLAN - SHEET 02	14/02/2022
200044-DA-C02.11	3	TREE REMOVAL PLAN WESTERN BOUNDARY - SHEET 01	20/01/2022
200044-DA-C02.12	3	TREE REMOVAL PLAN WESTERN BOUNDARY - SHEET 02	20/01/2022
200044-DA-C03.01	2	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 01	4/11/2021
200044-DA-C03.02	1	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 02	17/12/2021
200044-DA-C03.03	2	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 3	4/11/2021
200044-DA-C03.05	1	SOIL AND WATER MANAGEMENT NOTES	17/12/2021
200044-DA-C03.21	1	EROSION AND SEDIMENTATION CONTROL DETAILS	17/12/2021
200044-DA-C04.01	5	BULK EARTHWORKS CUT AND FILL PLAN	4/11/2021
200044-DA-C04.21	2	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 1	17/12/2021
200044-DA-C04.22	3	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 2	4/11/2021
200044-DA-C04.23	3	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 3	4/11/2021

200044-DA-C04.22A	1	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 4	4/11/2021
200044-DA-C04.23A	1	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 5	4/11/2021
200044-DA-C04.26	1	SITE SECTIONS	4/11/2021
200044-DA-C05.01	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 1	4/11/2021
200044-DA-C05.02	4	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 2	17/12/2021
200044-DA-C05.03	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 3	4/11/2021
200044-DA-C05.04	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 4	4/11/2021
200044-DA-C05.05	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 5	4/11/2021
200044-DA-C05.06	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 6	4/11/2021
200044-DA-C05.07	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 7	4/11/2021
200044-DA-C05.08	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 8	4/11/2021
200044-DA-C06.01	2	ROAD TYPICAL CROSS SECTIONS - SHEET 1	17/12/2021
200044-DA-C07.01	4	ROAD TYPICAL LONGITUDINAL SECTIONS - SHEET 1	17/12/2021
200044-DA-C07.02	4	ROAD TYPICAL LONGITUDINAL SECTIONS - SHEET 2	17/12/2021
200044-DA-C11.01	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 1	17/12/2021
200044-DA-C11.02	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 2	17/12/2021
200044-DA-C11.03	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 3	17/12/2021
200044-DA-C11.04	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 4	4/11/2021
200044-DA-C11.05	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 5	4/11/2021
200044-DA-C11.06	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 6	17/12/2021
200044-DA-C11.07	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 7	4/11/2021
200044-DA-C11.08	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 8	17/12/2021
200044-DA-C12.01	1	CONCEPT SERVICES INFRASTRUCTURE COORDINATION PLAN	4/11/2021
200044-DA-C12.50	1	SERVICING ARRANGEMENTS WASTE MANAGEMENT AND LOADING ZONES	4/11/2021

200044-DA-C13.01	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 1	17/12/2021
200044-DA-C13.02	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 2	18/12/2021
200044-DA-C13.03	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 3	19/12/2021
200044-DA-C13.04	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 4	20/12/2021
200044-DA-C13.05	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 5	21/12/2021
200044-DA-C13.06	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 6	22/12/2021
200044-DA-C13.07	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 7	23/12/2021
200044-DA-C13.08	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 8	24/12/2021
200044-DA-C14.01	3	SITEWORKS DETAILS - SHEET 1	21/12/2020
200044-DA-C14.02	2	SITEWORKS DETAILS - SHEET 2	17/12/2021
200044-DA-C14.11	2	COUNCIL DETAILS - SHEET 1	17/12/2021
200044-DA-C14.12	2	COUNCIL DETAILS - SHEET 2	17/12/2021
200044-DA-C14.13	2	COUNCIL DETAILS - SHEET 3	17/12/2021
200044-DA-C14.14	2	COUNCIL DETAILS - SHEET 4	17/12/2021
200044-DA-C18.01	2	STORMWATER DETAILS - SHEET 1	17/12/2021
200044-DA-C18.02	2	STORMWATER DETAILS - SHEET 2	17/12/2021
200044-DA-C18.03	3	STORMWATER DETAILS - SHEET 3	4/11/2021
200044-DA-C19.01	1	SITE PLAN - SHEET 1	4/11/2021
200044-DA-C19.02	1	SITE PLAN - SHEET 2	4/11/2021
200044-DA-C19.03	1	SITE PLAN - SHEET 3	4/11/2021
200044-DA-C19.04	1	SITE PLAN - SHEET 4	4/11/2021
200044-DA-C22.01	3	CATCHMENT PLAN	4/11/2021
200044-DA-C25.01	2	TURNING PATH PLAN - SHEET 1	17/12/2021
200044-DA-C25.02	2	TURNING PATH PLAN - SHEET 2	17/12/2021
200044-DA-C25.03	3	TURNING PATH PLAN - SHEET 3	4/11/2021
200044-DA-C25.04	2	TURNING PATH PLAN - SHEET 4	17/12/2021

200044-DA-C25.05	2	TURNING PATH PLAN - SHEET 5	17/12/2021
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Landscape Plans prepared by <i>Clouston Associates</i>			
Dwg No.	Issue	Name of Plan	Date
S18-0072 DA 6	K	General Arrangement Plan	17/12/2020
S18-0072 DA 7	K	Old Castlereagh Road – Section AA	17/12/2020
S18-0072 DA 8	K	Typical Road – Section BB	17/12/2020
S18-0072 DA 9	K	Entry Signage Concepts	17/12/2020
S18-0072 DA 10	K	Indicative Planting Palette	17/12/2020
S18-0072 DA 11	K	Indicative Planting Palette	17/12/2020
S18-0072 DA 12	K	Indicative Planting Schedule	17/12/2020

- (a) generally in accordance with the following documents:
- (i) Site Audit Report, prepared by Enviroview Pty Ltd dated February 2016;
 - (ii) Site Audit Statement, prepared by Enviroview Pty Ltd dated 29 February 2016;
 - (iii) Economic Impact Analysis, updated letter prepared by HillPDA dated 22 October 2021;
 - (iv) Traffic Report, prepared by Transport and Traffic Planning Associates dated December 2020;
 - (v) Noise Assessment Report, prepared by RAPT Consulting dated 08 December 2020;
 - (vi) Air Quality Report, prepared by Ramboll Australia Pty Ltd dated 9 December 2020;
 - (vii) Geotechnical Statement, prepared by PSM dated 10 December 2020;
 - (viii) Bushfire Assessment Report prepared by Bushfire Planning Australia dated 27 September 2021;
 - (ix) Civil Engineering Report prepared by Enspire Solutions dated 6 November 2021;
 - (x) Great River v PCC Master Tree Data 23-02-22 – Annexure 1 to the Supplementary Joint Arboricultural Experts' Report dated 14 February 2022.
 - (xi) Urban Design Strategy and Masterplan prepared by Giles Tribe & Clouston Associates dated 30 November 2021;
 - (xii) Flora and Fauna Assessment Report prepared by RPS Group dated 15 October 2021;
 - (xiii) Landscape letter titled 'Nepean Business Park: Response to Statement of Facts and Contentions (SOFC) relating to landscape design' prepared by Coulston Associates dated 9 September 2021;
 - (xiv) Tree canopy cover letter titled 'Nepean Business Park DA9876 Located at 14-278 Old Castlereagh Road, Penrith' prepared by Urbis dated 10 September 2021;
 - (xv) Site Audit letter titled 'RE: - Respondent's SOFC – Great River NSW Pty v Minister for Planning and Public Spaces' prepared by Enviroview dated 9 September 2021;
 - (xvi) Archaeological Assessment and Aboriginal Cultural Heritage Assessment, prepared by EcoLogical Australia dated 20 December 2021;
 - (xvii) Traffic letter addressing construction impacts titled 'Re: Penrith Lakes Responses to SOF&C's' prepared by TTPA dated 25 October 2021;
 - (xviii) Supplementary Traffic Assessment Rev G prepared by TTPA dated 29 October 2021;
 - (xix) Review of Traffic Impact Assessment prepared by Urbis dated 27 October 2021;
 - (xx) Amended Flood Emergency Response Plan Version 6.2 prepared by

Molino Steward Pty Ltd dated March 2022;

- (xxi) Flood Evacuation Report (Draft) prepared by Molino Steward Pty Ltd dated 5 November 2021;
- (xxii) Nepean Business Park – Old Castlereagh Road Vegetation Management Plan, revision 1 dated 8 February 2021;
- (xxiii) Nepean Business Park – Nepean River Vegetation Management Plan, revision 1 dated 8 February 2021 and
- (xxiv) Waste Management Plan dated 9 September 2021.
- (xxv) Modification Report 'Proposed Modification of Penrith Lakes Employment Land Subdivision (DA 9876) Nos. 14-28, 30-68 and 70-98 Old Castlereagh Road, Penrith' Prepared by Planning Ingenuity dated 16 June 2023
- (xxvi) **Modification Report 'Proposed Modification of Penrith Lakes Employment Land Subdivision (DA 9876) Nos. 14-28, 30-68 and 70-98 Old Castlereagh Road, Penrith' prepared by Planning Ingenuity dated 30 January 2024**

- (b) Schedule 2 Part E – Prior to the Issue of Subdivision Certificate/ Commencement of Operation, is amended by the deletion of condition E38

Community Title Subdivision

~~E38. Prior to the release of any subdivision certificate for the community title subdivision, Lots 204, 205 and 206 are to be consolidated into a single lot. Evidence of the lots registration is to be provided to the consent authority prior to the release of any subdivision certificate for the community title subdivision~~

- (c) Schedule 2 Part E – Prior to the Issue of Subdivision Certificate/ Commencement of Operation, is amended by the insertion of new condition E39

Drainage Infrastructure

E39 Prior to the issue of any subdivision certificate, any drainage infrastructure constructed outside the extent of road to be dedicated as public road will require a suitable drainage easements and Restriction on the Use of Land pursuant to 88B of the Conveyancing Act 1919 to be shown on the plan of subdivision. Penrith City Council is to be identified as the party to vary or modify the easement or restriction.

End of modification
(DA 9876-Mod-4)