

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.



Louise Densmore
Director Regional Assessments

As delegate of the Minister for Planning and Public Spaces

29 May 2025

Sydney

SCHEDULE 1

Development consent:	DA 9876 granted by the Land and Environment Court on 31 March 2022
For the following:	<ul style="list-style-type: none">• 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-6 The dedication of all internal roads as private roads, managed under the Community title scheme.

SCHEDULE 2

The consent (DA 9876-Mod-6) 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	4	COMMUNITY TITLE PLAN	2/03/2024
<u>SK0113-200044-00</u>	<u>4</u>	<u>COMMUNITY TITLE SUBDIVISION PLAN</u>	<u>18/12/2024</u>
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

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 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;
- (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
- (xxvii) Modification Report 'Statement of Environmental Effects Section 4.56 Modification of Development Consent DA9876 14-98 Old Castlereagh Road, Penrith', prepared by Planning Ingenuity dated 19 January 2023; and
- (xxviii) **Modification Report 'Statement of Environmental Effects Section 4.56 Modification of Development Consent DA9876 14-98 Old Castlereagh Road, Penrith', prepared by Planning Ingenuity dated 13 December 2024**

- (b) Schedule 2 Part B – Prior to the issue of a Construction Certificate or Subdivision Works /Certificate, is amended by the modification of conditions B6 and B8.

Public Domain Plan and Works

- B6.** ~~Prior to issue of the first Construction Certificate or Subdivision Works Certificate, a public domain plan, prepared by a suitably qualified person and in consultation with Council, must be submitted to the satisfaction of the Planning Secretary. The public domain plan must detail the design, maintenance and management (including pedestrian management) of streets.~~

Prior to issue of the Subdivision Works Certificate, civil engineering plans showing the details of the design, maintenance and management of private roads and footpaths which will be accessed by the public, must be submitted with the

Subdivision Works Certificate. A copy provided to the Council and Planning Secretary.

Note: Regard should be given to the Registrar General's Directions requirements for a Community Schemes, including requirements within Schedule 2 of the Community Land Development Act 2021.

Roadworks and Access

- B8.** ~~Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for roadworks and access (if any), the Applicant must submit, and receive approval of, design plans to be prepared to the satisfaction of the relevant roads authority.~~

Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for roadworks and access (if any), the Applicant must submit design plans to be prepared to the satisfaction of the Certifier.

- (c) Schedule 2 Part E – Prior to the Issue of Subdivision Certificate/ Commencement of Operation, is amended by the modification of conditions E12, E35 and E39.

Roadworks and Access

- E12. Prior to issue of the relevant Subdivision Certificate for that stage or commencement of operation of that stage, the Applicant must complete the construction of all internal roads of that stage to the satisfaction of ~~Council~~ **a suitably qualified Certifier.**

Complete All Subdivision Works

- E35. ~~Complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges.~~

The applicant must complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission to Council of works as executed drawings, and other construction compliance documentation prior to the registration of the Community Title subdivision. The applicant must pay a maintenance/defects bond to Council in accordance with Council's adopted fees and charges, for those works within the public road reserve prior to the registration of the Community Title subdivision.

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 suitable drainage easements and restriction on the Use of Land, pursuant to section 88B of the Conveyancing Act 1919 (NSW) must be shown on the plan of subdivision. Penrith City

Council must be identified as a party to vary or modify the easement or restriction, **where appropriate.**

- (d) Schedule 2 Part E – Prior to the Issue of Subdivision Certificate/ Commencement of Operation, is amended by the deletion of condition E32 and E33.

Dedication of Internal Roads

~~E32. All internal roads must be constructed by the Applicant and dedicated to Council as public roads following registration of the Plan of Subdivision. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads. The dedication must be at no cost to Council.~~

Dedication of Stormwater Drainage Systems

~~E33. The stormwater drainage system must be constructed by the Applicant and dedicated to Council following registration of the Plan of Subdivision. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the stormwater drainage system. The dedication must be at no cost to Council.~~

- (e) Schedule 2 Part E – Prior to the Issue of Subdivision Certificate/ Commencement of Operation, is amended by the insertion of conditions E40 and E41.

Erection of Street Lighting

E40. Prior to the issue of a subdivision certificate for all Stages, the applicant must install the approved street lights at no cost to Council.

Erection of Street Signs

E41. Prior to the issue of a subdivision certificate for all stages, street signs for the approved street names must be installed in accordance with AS 1743:2023, at no cost to Council.

**End of modification
(DA 9876-Mod-6)**