

PPSSWC-243 – Penrith – DA22/0318 - 158-164 Old Bathurst Road, Emu Plains - Torrens Title Subdivision into 40 Industrial Lots, 1 Stormwater Management Infrastructure Lot & Public Roads including Land Remediation, Earthworks, Civil Engineering Works & Public Domain Landscaping

New Conditions Set generated 2 April 2024 in response to Panel's determination dated 26 March 2024.

Comments below relate to the determination and requested changes to conditions.

Panel Comment	Condition Change
The Council is to submit a final set of conditions addressing the discussion above (which the Panel does not intend to require a deferred commencement) as soon as practicable.	Deferred Commencement condition deleted. Refer to new conditions below.
<p>Condition 97 (Point 1)</p> <p>(a) The word "architectural" should be removed from (1).</p> <p>(b) The Condition should allow for removal of any tree within the earth mound with the written approval of Penrith Councils Tree Management Officer or Natural Systems Team Leader, noting particularly the desirability of removing weed or inappropriate trees, and the fact that there are plainly trees behind the top of the bank which are not visible from the public roads. Removal of trees to permit the approved vehicular access will be necessary.</p> <p>(c) A plan indicating the extent of tree removal is necessary before work within 5 metres of the toe of the earth mound commences. There is no reason why work on other parts of the site cannot commence without that plan being resolved.</p>	New Condition 7.
<p>Condition 97 (Point 2)</p> <p>If the principles identified in Condition 97 are adopted, it is not necessary for there to be a deferred commencement condition which would hold up work on the site which does not affect the tree mound.</p>	New Condition 98.
<p>Condition 97 (Point 3)</p> <p>This condition concerns preparation of a vegetation management plan for the following areas:</p> <ul style="list-style-type: none"> • 'Constructed Wetlands – Lot 31' as shown in the revised Plan of Subdivision • Rear setbacks of Lots 14–2113-20; Lot 31 and Lot 323--38; and • Area along the south to eastern boundary where it interfaces with the road and boundary fence. <p>A vegetation management plan endorsed by a suitably qualified ecologist for retained vegetation will be needed before work in those areas of the retained vegetation commences.</p> <p>Provided that the tree mound is to be substantially preserved, a minimum tree replacement rate of 1:1 is sufficient, provided that replanting numbers are sufficient to satisfy the project ecologist or bush regenerator that they will offset the tree removal.</p>	New Condition 33.
<p>Condition 97 (Point 4)</p> <p>A site audit statement which records the opinion of the auditor that the site has been remediated sufficiently to be suitable for the use approved by this DA provided to the Council and the certifying authority will be sufficient. Further review of the audit by Council (noting that the audit itself is an independent verification process) is</p>	New Condition 11.

not required provided that the conditions of the development consent granted for DA23/0506 are met. The conditions of the development consent granted for DA23/0506 regulate the decontamination works. The conditions should also record that no site works under the consent to his DA which disturb the soil should occur on site without confirmation from the site auditor that they are consistent with the development consent granted for DA23/0506 and relevant standards, procedures and guidelines.	
<p>Condition 34 & Condition 37</p> <p>The Panel notes agreement in relation to these conditions which should be implemented.</p>	<p>Condition wording changed as per agreed in table.</p> <p>New Conditions 37 & 40.</p>
<p>Conditions 35 & 36</p> <p>The Panel notes agreement in relation to these conditions subject to the discussion above.</p>	<p>No change to conditions.</p> <p>There was no agreement due to the applicant objecting to TPZ +3m.</p>
<p>Condition 38</p> <p>This condition appears to be resolved by the discussion of the conditions above. Relevant policies for safe tree removal should be applied, and tree removal permitted by Penrith Council's Tree Management Officer or Natural Systems Team Leader should be allowed.</p>	<p>Condition wording changed as per agreed in table.</p> <p>Unsure what additional words to add re: Panel's comment, as they are already referenced in this condition plus New Condition 7.</p> <p>New Condition 41.</p>
<p>Conditions 29 and 39</p> <p>The Panel notes agreement (or at least the absence of objection) in relation to these conditions.</p>	<p>Condition 29 – words added as per table.</p> <p>New Condition 31.</p> <p>Condition 39 - No change to conditions. There was no agreement from the applicant.</p>