

North Penrith Development Site Stage 2A (SSD 5243) Proposed MOD 1

DEPARTMENT OF PLANNING AND INFRASTRUCTURE RESPONSE TO
URBANGROWTH NSW REQUESTED MODIFICATION OF CONDITIONS OF APPROVAL

No.	UrbanGrowth NSW Comments	Department Response	Action
	<p>To be applied to Conditions of Approval where necessary:</p> <p>Note only general comment about use of 'Certifying Authority' for consistency .</p>	<p>The conditions of approval refer variously to 'certifying authority', 'PCA' or 'principal certifying authority'. The department has reviewed all references to certification within the approval.</p> <p>Where necessary the conditions are recommended to be modified in accordance with the 'Definitions' attached to the consent.</p> <p>'Certifying authority' is to be referenced where documentation is to be certified prior to commencement of works. The 'PCA' is to be referenced where confirmation that work undertaken is in accordance with the consent documentation is required.</p>	Modify
A2	<p>i) Typo (erroneous apostrophe) in c) i)</p> <p>ii) Not sure why the subdivision plan is specifically referenced – it forms part of the documents that are referenced in parts a) and b) of the condition.</p>	<p>i) Minor grammatical error.</p> <p>ii) The subdivision plan for Stage 2A is one of many plans within a large amount of documentation referenced in the approval. As a pivotal and defining reference document for works to Stage 2A it is reasonable to identify the subdivision plan within Schedule 2.</p> <p>Department amendment:</p> <p>Correct formatting;</p> <p>Reference to the concept plan and latest version of the design guidelines to be moved from condition A4 and included in condition A2.</p>	<p>Modify</p> <p>To Remain</p>
A3	Suggest deletion of last sentence in condition – there are no 'elevations' in the plans, so that reference is not relevant.	'Elevations' not relevant.	Modify
A4	Query the intention of this condition – the purpose of the DA was to demonstrate consistency with the referenced documents – not sure when else we would need to do this?	The concept plan and the latest version of the design guidelines are relevant reference documents for the North Penrith development site. Add these documents to the plans and documents of approval in condition A2. Remove condition A4.	Remove

No.	UrbanGrowth NSW Comments	Department Response	Action
A6	<p>There is a conflict in the timing in the condition – first it is stated as ‘prior to issue of subdivision certificate’ but then later stated as ‘prior to the commencement of works’.</p> <p>Note however that as part of Modification 1 to the concept plan (approval pending), Landcom and Council agreed to alternate timing for payment of section 94 as follows:</p> <ul style="list-style-type: none"> • Payment for dwelling houses, dual occupancies and subdivision is to be prior to construction certificate of the dwelling. • Payment for integrated housing applications, multi-unit and shop-top housing, and housing for older people it to be prior to occupation certificate for the dwelling. 	<p>Section 94 contributions were modified in MOD 1 of the North Penrith concept plan issued on 23 January 2013 i.e. after the Stage 2A application was approved.</p> <p>Modification 1 specifies contributions are to paid at a rate per dwelling, new lot or dwelling type.</p> <p>Replace with new MOD 1 condition</p>	Modify
B1	Typo at end of e)	<p>Semi-colon to be replaced with a full stop.</p> <p>Department amendment:</p> <p>Condition is entitled ‘Erosion and Sedimentation Control’ but includes traffic requirements.</p> <p>Relocate traffic issues under appropriate headings and as follows:</p> <ul style="list-style-type: none"> • Parts b) and e) to be included in condition B3. Parts a) and c) to be conditions C21 and C22 and part d) to be included in section D – Roads. 	Modify
B3	<p>i) The reference to traffic facilities (roundabouts, median islands etc) is not relevant to this application and should be deleted.</p> <p>ii) The inclusion of RMS for consultation on road design is not relevant as RMS has no role in the roads being constructed under this application. Condition should reference Penrith City Council only.</p>	<p>i) The traffic facilities referenced in brackets are indicative of the facilities to which this term may apply only. Mountain View Crescent is a split road and as such traffic facilities of this nature are potentially relevant.</p> <p>ii) The condition states the roads are to be ‘designed in consultation <u>with the relevant requirements</u> of Penrith City Council and the Roads and Maritime Services.’ The intent of the condition should be more clearly articulated. It is agreed that consultation with RMS is not required.</p>	<p>To remain</p> <p>Modify</p>
B5	This condition is not relevant to the Stage 2A works and should be deleted.	It has been agreed to undertaken works to the footpath on The Crescent. The Crescent is not within the North Penrith defense site boundaries. The responsible agency should be consulted prior to works being undertaken outside of the site. Clarify wording of condition.	To remain
B9	<p>Some confusion with this condition – the heading is ‘Plans to Council’ but the condition states ‘to the satisfaction of the Director-General’. Is the requirement for fencing details to be submitted to Council or the Department?</p> <p>Note that the fencing details are already shown on the landscape plans – therefore question the need for this condition in any event.</p>	It has been confirmed that no fence is shown on the landscape plan. The condition is to remain. The fencing details are to be submitted to Council and not the Director-General, prior to commencement of work.	modify

No.	UrbanGrowth NSW Comments	Department Response	Action
B10		Department amendment: Plans to be submitted to Council	
B11		Department amendment: Delete the words 'building or subdivision'.	
B13		Department amendment: As follows: <ul style="list-style-type: none"> • Modify title to 'Waste Management Plan'; • Move d) to section C conditions (see C20); • Amalgamate a) and b) • Remove reference within c) to submitting a copy of the plan to the department; 	
B15	The statement 'all infrastructure fronting the North Penrith development' is vague. Suggest the wording should be 'a dilapidation report of all existing infrastructure with an interface to the Stage 2A area.'	A specific reference to Stage 2A would be preferable. To be clarified.	Modify
B16	There is a reference to services 'affected by the underground structure'. There is no underground structure proposed in Stage 2A works – suggest this condition is not relevant and should be deleted.	There is no 'underground structure' however 'underground infrastructure' will be provided to supply water and power etc to the subdivision as approved within Stage 2A. In order to connect to these services some relocation of existing infrastructure, in relation to the Stage 2A site boundaries, may be required. Modify the wording to clarify the condition.	Modify
B18	This condition should be prior to the release of subdivision certificate – not prior to commencement of works.	Agreed	Modify
C7	There is a reference to the Construction Noise and Vibration Management Plan being approved by the Director-General. Suggest the plan should be submitted prior to commencement of works, but there should not be a reference to it being approved by the Director-General.	A Construction Noise and Vibration Plan is required to be submitted within the Construction Environmental Management Plan condition (condition B12(3)). The applicant is to submit a copy of the CEMP to the certifying authority, Council and the department. The reference to the plan being approved by the Director-General should read 'submitted to the Certifying Authority'. C 7 requires the implementation of that plan during construction and as such is appropriately located.	Modify
C11 d)	Vibration Criteria	Department amendment: This plan is within the Construction Environmental Management Plan submitted to the Certifying Authority not the Director-General.	Modify
C15	Question whether this condition is really necessary?	Council requested this condition be added and it is considered that this is an issue of safety and security and should be retained.	To remain.

No.	UrbanGrowth NSW Comments	Department Response	Action
C17	Suggest this condition should be relocated to section B, as it is 'prior to commencement of works'.	Agreed	Modify
C20	The requirement to register the site in AHIMS is not reasonable, as it requires any object found to be registered before any assessment of its significance is made. Registration in AHIMS should be subject to the outcomes of the investigations that are required under the condition.	Agreed	Modify
D2	Suggest this condition reference the specific subdivision that precedes Stage 2A. Condition should read 'Prior to the issue of a subdivision certificate, the Stage 1.1 subdivision that creates Lot 1193 in DP 1171491 shall be registered'.	The stage approved prior to stage 2A was Stage 1 which is divided into three sub-stages. In consideration of the nature, location and progress of the project it is not considered necessary to constrain the development by requiring registration of the entire Stage 1 area prior to the issue of a subdivision certificate for Stage 2A. The suggestion to require subdivision certification for the stage 1.1 is acceptable.	Modify
D7	OK – note road names have already been approved so this condition is actually superfluous.		To remain
D12	A Site Audit Statement is already provided with the application. Why does this need to be submitted again?	The contamination report submitted with the Stage 2A application recommended the continuing role of the site auditor. The original mitigation measures for Stage 2A included a section on contamination and an ongoing role for a site auditor. It is noted that the contamination commitments were removed in the final mitigation measures submitted with the response to submissions. In order to reflect the recommendations of the report the condition is to remain.	To remain
D18	The heritage interpretation works are embedded within primarily the landscaping works as submitted for Stage 2A. Completion of those works (which is subject to review by the Certifying Authority) will by default complete the interpretation works. Is it really necessary to have a specialist heritage consultant review those works?	It is considered reasonable that the works interpreting of the heritage aspects of the site be reviewed by a heritage consultant to ensure that the heritage references within the site works are interpreted and carried out correctly.	To remain
D19	This condition duplicates condition B6 – suggest it be deleted	Agreed	Remove
D20	This condition duplicates condition D17 – suggest it be deleted	Agreed	Remove
E2	Not sure why there is a prior to occupation condition? Occupation certificate for what? Any damage caused would be picked up at the completion of works and the applicant would be required to rectify it at that point.	Condition E2 to be moved to section D, prior to the issue of a subdivision certificate.	Modify