

Planning Assessment Report

APPLICATION TO MODIFY (MOD 1) NORTH PENRITH DEVELOPMENT SITE STAGE 2A (SSD 5234) DEVELOPMENT CONSENT

1. PROPOSED MODIFICATION

A section 96(1) modification application was received by the department on 7 March 2013 from JBA Urban Planning Consultants Pty Ltd on behalf of UrbanGrowth NSW (formerly Landcom) seeking to modify the approved Stage 2A development consent for the North Penrith development site (**Tag B**).

The proposal seeks to amend the conditions of consent as listed in the 'comments on draft conditions' at **Tag C**. The comments primarily relate to formatting and administrative errors.

2. BACKGROUND

2.1 Site Description

The site is known as the North Penrith development site (formerly the North Penrith Defence Site), and is owned by UrbanGrowth NSW. The 40 hectare North Penrith development site is bounded to the north by Coreen Avenue, to the south by the Great Western Railway which is immediately to the north of the Penrith CBD (see Figure 1).

Stage 2A is located on the eastern edge of the site and includes items of european heritage being Thornton Hall and Thornton Park, items of aboriginal heritage, the endangered Cumberland Plane Woodlands as well as approval for a residential subdivision and associated infrastructure (see figure 1).

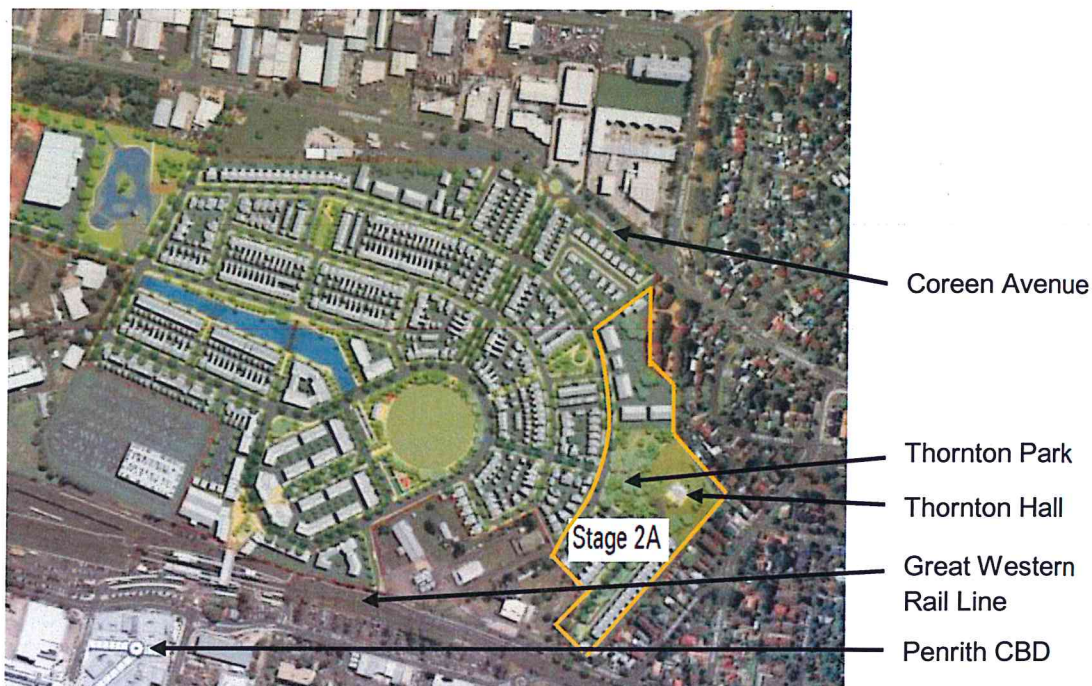


Figure 1: North Penrith Development Site – Approved Illustrative Concept Plan and Stage 2A

2.2 Site History

The North Penrith development site is linked to early Australian aviation and sporting history and includes both indigenous and European heritage items. The site was previously Department of Defence land housing an Army Base until 1994.

2.3 Development History

2.3.1 Concept Plan Approval

The concept plan MP10_0075 for the North Penrith development site was approved on 9 November 2011. The approved concept plan will deliver approximately 1000 dwellings, 4,500m² of retail floor space, 10,625m² of commercial floor space, 7,000m² of light industrial floor space and 7.2 ha of open space.

2.3.2 Modifications for Concept Plan

Two modifications to the concept plan have been approved. Modification 1 included modification of the section 94 contributions payments and of car parking controls within the Design Guidelines for the North Penrith development site. Modification 2 included modification of the subdivision and site staging plans within the concept plan approval.

2.3.3 Stages of Development

i) Stage 1

A project application for Stage 1 was approved concurrently with the concept plan. The Stage 1 approval is for the provision of infrastructure such as roads and utilities as well as lot subdivision in order to support the future construction of the range of development approved within the concept plan. Stage 1, which adjoins the western boundary of Stage 2A (see figure 2), is presently under construction.

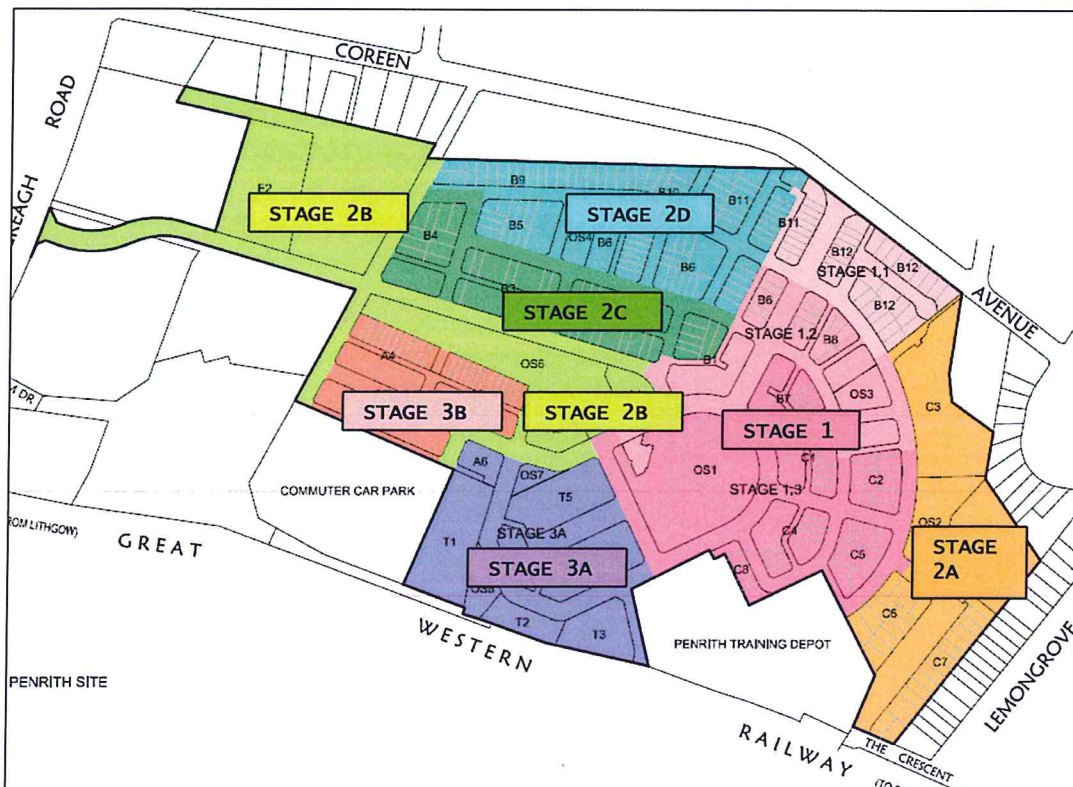


Figure 2: North Penrith Approved Staging Plan

ii) Stage 2A

A State Significant Development application for infrastructure, landscaping and lot subdivision works within Stage 2A (SSD 5243) was approved on 16 January 2013.

iii) Stages 2B & 2C, 2D and 3B

Infrastructure and subdivision works for three further stages of development, being Stages 2B and 2C, 2D and 3B (see figure 2) are currently under assessment by the department.

Earthworks for Stage 3A (see figure 2), which is the future town centre, and works next to the rail line, are included within the Stage 2B and 2C development application.

3. STATUTORY CONTEXT

3.1 SEPP (State and Regional Development) 2011

Stage 2A is State Significant Development in accordance with section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development which is identified in Schedule 2 cl. 11 of State Environmental Planning Policy (State and Regional Development) 2011 and identified on the State Significant Development Sites Map. The Minister for Planning and Infrastructure is therefore the consent authority.

3.2 Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure confirmed the continuation of the delegation executed on 14 September 2011. Responsibility for the determination of State Significant Development under section 96(1) of the EP&A Act is delegated to Directors in the Major Projects Assessment Division.

The delegation applies where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

The nature of the modification is administrative and as such this application was not notified and as a consequence there were no objections. A political disclosure statement has not been made. The Director, Metropolitan and Regional Projects North can determine the proposal.

4. KEY ISSUES

The application for modification (SSD 5234 MOD 1) of the stage 2A consent, requests the department amend a number of minor, largely administrative errors and inconsistencies with the consent which are detailed in the applicant's application (see **Tag C**)

5. ASSESSMENT

A review of the applicant's suggested amendments has been undertaken (see **Tag D**). It is acknowledged that there are minor grammatical and formatting errors, repetition and inconsistencies.

These issues are considered to have little or no impact on the intent of the consent and are not considered to detrimentally impact the works to be undertaken under the Stage 2A consent. However, in order to provide clarity and consistency a number of the suggested amendments are recommended for modification.

During the review of the conditions, the department has also made minor amendments which do not provide any further significant imposition on the applicant but are intended to enhance clarity and order of the consent document.

The amendments included splitting or moving conditions of consent into different parts of the consent document. This process impacted the numbering of all the conditions within that part whether or not the content of the condition actually changed. In consideration of the impact of these amendments on the entire document it is proposed to reissue Schedule 2 in its entirety.

A draft copy of the modified conditions was sent to the applicant for comment. The applicant confirmed they had no further issues. It is recommended that the modified conditions of approval as shown at **Tag A** be approved.

6. RECOMMENDATION

It is **RECOMMENDED** that the Director, Metropolitan and Regional Projects North:

- note the information provided in this report;
- approve modification (MOD 1) of the development consent for Stage 2A (SSD 5243) of the North Penrith development site, subject to conditions; and
- sign the attached modifying instrument (**Tag A**).

Prepared by:



Denise Robertson
Planner
Metropolitan and Regional Projects North

Endorsed by:



Joanna Bakopanos
Team Leader
Metropolitan and Regional Projects North

Approved by:



Heather Warton
Director
Metropolitan and Regional Projects North