

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation effective 1 October 2011, I approve the modification of the concept plan referred to in Schedule 1, subject to the amendments to conditions in Schedule 2.



Heather Warton  
**Director**  
**Metropolitan and Regional Projects North**

Sydney 11 January

2013

### SCHEDULE 1

**Concept Plan Approval:**

MP10\_0075

**For the following:**

North Penrith Development Site, Penrith (Lots 1, 2, 4, 5 and 6 in DP 1020994; Lots 3 and 4 in DP 1017480; Lot 11 in DP 159973; Lot 1 in DP 33753; and Lot 1 in DP 532379), including:

- 1,000 residential dwellings
- 4,500m<sup>2</sup> of retail floor space
- 10,650m<sup>2</sup> of commercial floor space
- 7,000m<sup>2</sup> of light industrial floor space
- 7 hectares of open space and
- Associated estate works and infrastructure.

**Modification Number:**

MP10\_0075 MOD 2

**Modifications:**

The proposed changes comprise amendments including:

- Add the indicative staging plan by JBA dated 09.11.2012
- Replace the indicative subdivision plan produced by Craig and Rhodes, ref 07210L13(02) dated 13.04.2011 with 'Block Subdivision Plan' by JBA dated 09.11.2012
- Add new Design Guideline plans prepared by JBA dated 6 December 2012
- Reconcile Schedule 2 of the Concept Plan approval with the modified plans.

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**SCHEDULE 2**  
**MODIFICATIONS TO CONCEPT PLAN**  
**CONCEPT PLAN APPLICATION NO. MP 10\_0075**

**PART A – ADMINISTRATIVE TERMS OF APPROVAL**

**1. Delete condition A2 and replace with the following:**

***A2 Development in Accordance with Plans and Documentation***

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
- “North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application” report prepared by JBA Planning dated November 2010, as amended by Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011
  - The Block Subdivision Plan prepared by JBA, dated 09.11.2012.
  - The indicative staging plan prepared by JBA, dated 09.11.2012.

Except for otherwise provided by the Department’s modifications of approval set out in Schedule 2, Part B and further assessment requirements set out in Schedule 2, Part C.

- (2) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Part A, Schedule 2, the modifications of this concept approval prevail.
- (3) In accordance with Section 75P(2)(a) of the Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act, must be generally consistent with the terms of the approval of the Concept Plan.

**PART B - MODIFICATIONS TO THE CONCEPT PLAN**

**2. Delete condition B1 and replace with the following:**

***B1 Concept Plan Drawings***

All plans submitted with the Concept Plan, including but not limited to- the indicative subdivision plans; the land use plan; the yield block plan; and illustrative concept plan are to be modified to be consistent with the following:

- 1) The maximum height of buildings plan shall be amended so that the 10m building height restriction continues from Thornton Hall (Thornton Park) to the edge of the oval, including the lots adjoining Thornton Avenue within Blocks C1 and C4 as shown in the Block subdivision plan by JBA dated 09.11.2012.

**3. New condition B2A is inserted as follows:**

***B2A Design Guideline Updates***

To ensure that the North Penrith Design Guidelines remain consistent with any approved modifications to the concept plan MP10\_0075, the proponent shall update the Design Guidelines to be consistent with each respective concept plan modification approval and submit the modified documentation to the Department of Planning and Infrastructure for approval within 3 months of determination.



## PART C - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### 4. Delete condition C1 and replace with the following:

#### ***C1 Road Works – Site Access***

The following intersections (which provide direct access to the site) shall be constructed or upgraded by the proponent. The detailed design of the intersections shall be included with the relevant application as identified in the table below. The works shall be completed to the satisfaction of the RMS or Council prior to the issue of a Subdivision Certificate for the relevant stage.

Intersection	Timing
A new intersection on Coreen Avenue providing access to Stage 1	Stage 1
Access to the site via the existing roundabout at the intersection of Coreen Avenue and the commuter car park access road.	Stage 3A prior to the occupation of the supermarket
Access to the site from Castlereagh Road, opposite its existing intersection with Peach Tree Road.	Stage 2C

### 5. Delete condition C9 and replace with the following:

#### ***C9 Cumberland Plain Woodland***

Replanting in areas where Cumberland Plain Woodland is to be removed should be with plants grown from local provenance seed. Details are to be submitted with the development application for Stage 2A.

### 6. Delete condition C10 and replace with the following:

#### ***C10 Aboriginal Heritage***

A section 88B instrument (or other suitable means) is to be provided to protect the aboriginal heritage item in Lot C3. Details are to be submitted with the development application for Stage 2A.