

Allens

Attention: Bill McCredie

5 November 2018

Dear Sir,

Response to Submissions – Jacfin Horsley Park Concept Plan Modification (MP10_0129 MOD1)

I refer to the submission by Penrith City Council dated 4 September 2018 to the exhibition of the above Jacfin Concept Plan MOD 1. Council requests modification to Condition 8 of Schedule 2 relating to stormwater and drainage requirements.

Council submits that a revised Stormwater and Drainage Strategy for the Stages 1 to 4 areas should be required, rather than just Stages 1 to 3. It is a reasonable request to include Stage 4 given that the details of the Stage 4 area would have to be developed in concept to identify the flows to be accommodated in the Stage 3 area. However, it should not include Stage 1 as the stormwater and drainage strategy is already conditioned in the Stage 1 Project approval. As such, the revision to Condition 8 of Schedule 2 should refer to Stages 2 to 4.

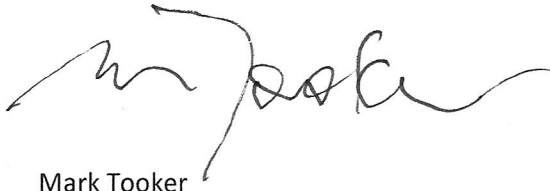
Council then submits that the inclusion of the following words should be added to Condition 8 of Schedule 2: “....Stages 1 to 4 including accepting flows in a 1% AEP storm event from upstream of Stages 3 and 4”. It is considered appropriate to refer to the flows from areas upstream of Stages 3 and 4 given the Stage 3 area has to accept all flows naturally flowing onto its area. However, the recommended amendments for Condition 8 should be “ Stages 2 to 4 including flows from upstream areas” as opposed to the suggested additional words in Council's submission, because the Stage 1 stormwater and drainage approach is already conditioned in the Stage 1 Project approval.

Council also submits that the required Stormwater and Drainage Strategy should be submitted prior to lodgment of applications for both Stages 3 and 4 and not just for Stage 3 as proposed in the modification. Council's request is not appropriate because the stormwater drainage infrastructure in Stage 4 does not necessarily rely upon works within Stage 3. The Stage 4 stormwater strategy could be designed to be independent of the Stage 3 area by having facilities which ensured that the developed runoff flows and water quality matched existing conditions. This would not be difficult to achieve in a low density rural residential development. Further, Development Applications for Stage 4 will be submitted to Penrith City Council and assessed against the relevant provisions of the Penrith Development Control Plan 2014, which includes detailed principles for stormwater management and drainage. Accordingly, future development applications for Stage 4 will necessarily require detailed consideration of stormwater and drainage aspects for Stage 4 that do not necessarily need to be the subject of a further revision of the Stormwater and Drainage Strategy for the industrial stages of the development at a concept level. It is therefore recommended that the Stormwater and Drainage Strategy only be required prior to development in Stage 3 and not in Stage 4.

Council requires the addition of three extra sub clauses in Condition 8 – namely (d), (e) and (f). These are considered to engage with detail relevant to specifics for a Development Application for Stage 4 and not a strategy concept document. The strategy will be a concept which will be subject to further design which could be revised in detail while still achieving the objectives established in the Strategy. This is a likely scenario given that the facilities will not be located in the road reserve but on private land subject to the requirements of particular industrial tenants for which subdivision revisions may

be necessary. As such, the provision at a concept strategy stage of significant detail such as Operation and Maintenance Plans and easement details is considered premature. These detailed matters are more appropriately provided in future Development Applications when final details are known. It is recommended that sub clauses (d) to (f) recommended by Council not be included in Condition 8 of Schedule 2.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Tooker', with a stylized flourish at the end.

Mark Tooker

Director