

23rd July 2013

The General Manager
Penrith City Council
601 High Street
PENRITH NSW 2760

Attention: Gavin Cherry

Dear Gavin,

RE: Section 96 Application for DA 12-0897– Stage 4, St Marys Development – Western Precinct, Jordan Springs

This statement has been prepared by Lend Lease as the applicant on behalf of Maryland Development Company. It accompanies an application to Penrith City Council (Council) under Section 96 (1A) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) to modify the Development Consent granted for the abovementioned development.

This S96 (1A) application seeks to amend the development consent as follows:-

- **Modification to Building Envelope Plans**

The Building Envelope Plans have been amended with minor modifications to reflect the following:

- Revised Bushfire Attack Levels and Asset Protection Zones, to reflect the modified BAL map prepared in accordance with Council conditions and requirements; and
- The appropriate setbacks for proposed integrated lots (4001, 4293 and 4119) in accordance with the Development Control Strategy.

The modified BEPs are included at **Appendix B**.

- **Modification to Plan of Subdivision**

The Plans of Subdivision has been modified from the original set of approved plans. The amendments are specifically as follows:

- Slight modifications to stage boundaries;
- Number of lots in each stage;
- The identification of the Village Park as a Public Reserve (previously identified as lot 4130);
- The relocation of the substations, which have been moved to avoid clashes with services and sight lines; and
- The exclusion of the land subject to the VC2, VC3 and VC10 subdivision DA, occupying the western most residue lot.

The revised plans of subdivision are included at **Appendix A**.

- **Modification of Building Envelope Plans**

The Building Envelope Plans have been modified from the original set of approved plans. The amendments are specifically as follows:

- Changes to the APZ and BALs, in accordance with the revised BAL map provided to Council previously; and
- Removal of most secondary garage locations in accordance with the Council's consent condition.

The revised Building Envelope Plans are included at **Appendix B**.

- **Modification of Development Description**

The current description of development displayed in the consent is as follows:

Staged Subdivision Creating 292 Lots and Associated Civil Works

For the purposes of authority clearances for individual the stages of the development, the description will need to specifically identify the number of lots in each stage. The description of development will need to be displayed on the consent as follows:

*Staged Subdivision Creating 292 Lots and Associated Civil Works in 6 Development Stages. **Stage 4a-** subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 70 residential lots, 5 residue lots and Public Roads; **Stage 4b-** subdivision of Lot 3999, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 52 residential lots, 1 residue lot and Public Roads; **Stage 4c-** subdivision of Lot 4123, a subdivision of Lot 3999, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 75 residential lots, 1 Public Reserve lot and Public Roads; **Stage 4d-** subdivision of Lot 3998, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 52 residential lots, 1 residue lot and Public Roads; **Stage 4e-** subdivision of Lot 4251, a subdivision of Lot 3998, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 43 residential lots and Public Roads; and **Stage 4f-** subdivision of Lot 3996, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 1 residue lot and a Public Road.*

- **Modification of Condition 30**

Condition 30 lists the allotments which require the secondary garage access to be removed from the Building Envelope Plan in lieu of the garage on the primary frontage. The following four allotments listed in Condition 30 are unable to meet the requirements of this condition:

- Lot 4010
- Lot 4046
- Lot 4059
- Lot 4210

The garage location is not possible on the primary frontage of these allotments because the Australian Standards require a driveway to be located a minimum of 6m away from the tangent point of a corner. The reduced width of the primary frontage on these allotments prevents this standard from being met.



It is therefore proposed that the four abovementioned allotments remain as secondary frontage access lots, with a 2.5m garage setback as specified in the Western Precinct Plan. It is considered that four allotments with a reduced setback in a subdivision of 292 lots will not have a major or detrimental impact on the streetscape or the overall subdivision. Double garages will also be mandated on the abovementioned allotments, to ensure that two vehicles can adequately park on site, avoiding the need to park on the shortened driveway in front of the garage.

This statement is accompanied by the following:

- **Appendix A-** Modified Plans of Subdivision; prepared by Whelans Insites;
- **Appendix B-** Modified Building Envelope Plans; prepared by Lend Lease; and
- Section 96 application form.

This submission should be read in conjunction with the original Statement of Environmental Effects (SEE).

In accordance with Section 96 of the EP&A Act, it is submitted that:

- the proposed modifications will have a minor environmental impact; and
- pursuant to Section 79C(1A) of the EP&A Act, the proposed modifications will not raise any environmental issues.

In light of the above, we respectfully request that Council approve the proposed modification. If you should require further information please do not hesitate to contact me on 0439 094 730.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "A. Fulton".

Angus Fulton
Statutory Planner NSW / ACT
COMMUNITIES



Appendix A
Modified Plans of Subdivision, prepared by Whelans Insites



Appendix B
Modified Building Envelope Plans, prepared by Lend Lease