



RL/AC  
14176  
23 February 2015

Mr Alan Stoneham  
General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

Attention: Aimee Lee, Senior Environmental Planner

Dear Aimee

**SECTION 96(1) - DA14/0935  
VILLAGE 5 JORDAN SPRINGS**

This statement accompanies an application to Penrith City Council (the Council) under Section 96(1) of the *Environmental Planning & Assessment Act, 1979* (the Act) to modify Development Consent DA14/0935 granted on 17 December 2014. This statement has been prepared on behalf of the applicant Maryland Development Company Pty Ltd.

This modification application relates to a minor errors on the approved plans associated with the existing development consent and references to the approved plans in the development consent.

This submission identifies the consent, describes the proposed modifications and provides an assessment of the likely impacts in terms of the matters for consideration contained in Section 96(1). This submission should be read in conjunction with the original Statement of Environmental Effects (SEE) prepared by JBA dated July 2014.

**1.0 PROPOSED MODIFICATION OF CONSENT**

On 17 December 2014 Council granted consent to DA14/0935 subject to conditions, for the subdivision of Lot 3997 in DP 1179646 in 5 stages creating a total of 244 residential lots, 2 open space lots and 4 lots for future integrated housing development and associated road construction, drainage, earthworks and landscaping works. The DA consent approved 'Issue M' of the subdivision plans. It is proposed to change to plans to 'Issue Q' due to a number of minor labelling errors. 'Issue Q' of the plans are included with this application. The changes include:

- the correction of errors in the plans relating to boundary lengths including:
  - Lot 5105 frontage of 12.525 changed to 12.595
  - Lot 5140 side boundary 65.061 changed to 32.53
  - Lot 5180 side boundary 32.195 changed to 32.14
- the correction of misdescription of plan titles;
- the correction of incorrect reference to Lakeside Parade rather than Greenwood Parkway;
- adding bearings onto the boundary lines; and
- adding a centre line bearings and distances.

The proposed amended wording of the relevant conditions of consent is identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

- 1 *The development must be implemented and/or installed substantially in accordance with the following plans stamped and approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plan and by the following conditions.*

Drawing Title	Plan No.	Prepared By	Date
Village 5 –Proposed Subdivision of Lot 3997 in DP 1179646	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 1 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5A – PPNDP1199731 ( <del>A-Plan of</del> Subdivision of Lot 3997 in DP1179646)	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 2 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5B – <del>PPNDP1199731</del> <b><i>PPNDP1199872</i></b> Plan of Subdivision of Lot 5016 in PPNDP1199731 (A Subdivision of Lot 3997 in DP1179646)	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 3 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5C – PPNDP1199873 - Page 1/2 Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP1199731 <b><i>in a Subdivision of Lot 3997 in DP1179646</i></b> )	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 4 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5C – PPNDP1199873 - Page 2/2 Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP1199731 <b><i>in a Subdivision of Lot 3997 in DP1179646</i></b> )	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 5 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5D – PPNDP1199874 - Page 1/2 Plan of Subdivision of Lot <del>5054</del> <b><i>5133</i></b> in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP1199872 <b><i>A Subdivision of 5016 in PPNDP1199731 in a Subdivision of Lot 3997 in DP1179646</i></b> )	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 6 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5D – PPNDP1199874 - Page 2/2 Plan of Subdivision of Lot 5133 in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP1199872)	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 7 of 8	RPS	<del>27.11.2014</del> 19.2.2015
Stage 5E – PPNDP1201223 - Page 1/1 Plan of Subdivision of Lot 5000 in PPNDP1199731 (A Subdivision of Lot 3997 in PPNDP1179646)	D646-S5-P01M.dwg Issue <del>M Q</del> Sheet 8 of 8	RPS	<del>27.11.2014</del> 19.2.2015

- 33 *Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Penrith City Council (Being the Roads Authority under the Roads Act), for the full replacement of kerb and gutter with laybacks and stormwater kerb outlet adaptors for the entire development frontage in ~~Lakeside Parade~~ ***Greenwood Parkway***.*

*Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Engineering Construction Specifications for Civil Works, Austroad Guidelines and best engineering practice.*

The rationale for seeking the proposed modifications is identified at Section 2 below.

## **2.0 REASONS FOR PROPOSED MODIFICATIONS & ENVIRONMENTAL ASSESSMENT**

Section 96(1) of the Act states that the consent authority may modify a development consent to correct a minor error, misdescription or miscalculation.

The proposed modification is to correct minor labelling and errors in the plans and misdescription of plan titles in the consent.

Condition 33 refers to the replacement of kerbs and gutters along Lakeside Parade prior to the issue of a Construction Certificate. This reference is considered incorrect as no works are proposed along Lakeside Parade under this application, however civil works and main access to the site will be via Greenwood Parade. It is proposed that this condition be modified to correctly refer to Greenwood Parkway.

The proposed minor changes do not change the approved development in any way and will not give rise to any adverse environmental impact.

## **3.0 CONCLUSION**

In accordance with Section 96(1) of the Act, the proposed modification involves modification to the approved plans to amend minor labelling errors. The proposed modifications will not result in any adverse environmental impacts or raise any additional environmental issues.

In light of the above, we recommend that Council approve the proposed modifications as described above. We trust that this information is sufficient to enable a prompt assessment of the proposed modifications.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [rlockart@jbaurban.com.au](mailto:rlockart@jbaurban.com.au).

Yours faithfully



Rebecca Lockart  
Urban Planner