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30 October 2012

Heather Warton
Director Metropolitan and Regional Projects North
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Stuart Withington

Dear Heather

NORTH PENRITH STAGE 2A DEVELOPMENT APPLICATION (SSD 5243) - RESPONSE TO SUBMISSIONS

An Environmental Impact Statement Assessment Report (EIS) was publicly exhibited for a period of 30 days between Thursday 9 August until Friday 7 September 2012 in relation to a Development Application for Stage 2A of Landcom's North Penrith Development.

Seven (7) agency submissions were received in response to the public exhibition of the Development Application including one from the Department of Planning and Infrastructure, in addition to a submission from Penrith City Council and two (2) public submissions. The two major issues identified in the submissions were the protection of the Cumberland Plain Woodland and indigenous heritage items present on the site, as well as a range of other minor issues.

Landcom and its specialist consultant team have reviewed and considered the Department of Planning and Infrastructure's comments and the public and agency submissions. In accordance with clause 85A of the Environmental Planning and Assessment Act 1979 (EP&A Act), this Response to Submissions Report sets out Landcom's response to the issues raised and provides a revised set of Mitigation Measures for which approval is now sought. In preparing this Response to Submissions Report Landcom has consulted with a number of authorities which provided submissions to clarify key issues, including the NSW Office of Environment and Heritage and Penrith City Council.

Any outstanding issues requiring further analysis were investigated by the following consultants:

- Eco Logical Australia: ecological and preparation of the Bushland Plan of Management;
- Kelleher Nightingale Pty Ltd: indigenous archaeological issues; and
- Browns Consulting: engineering including subdivision and earthworks.

This Response to Submissions Report should be read in conjunction with the EIS dated July 2012 that forms part of the Development Application.

1.0 REVISIONS TO SCOPE OF WORKS AND DEVELOPMENT DESCRIPTION

The further analysis undertaken by Landcom and its consultant team has resulted identified the opportunity to refine the proposed scope of works, including:

- conversion of the previously proposed two integrated corner sites (Proposed Lot Nos.2030 and 2031) into individual lots (Proposed Lot Nos (2007, 2008, 2016 and 2017) and consequential renumbering of all lots on the Draft Plan of Subdivision prepared by Craig and Rhodes as shown at **Appendix A**; and
- deletion of the previously proposed filling of the Stage 2A site amongst Cumberland Plain Woodland trees and within Thornton Park - refer to revised Engineering and Landscaping Plans prepared by Browns Consulting and PLACE Design at **Appendices B and C** respectively .

In addition, a review of the exhibited documentation identified that the exhibited tree removal plan inadvertently identified a number of trees that were shown as existing and to be retained, which had formed part of the approved of the Stage 1 works and have been removed in accordance with that approval. Accordingly, a revised survey plan is attached illustrating the true existing situation at **Appendix B**. On this basis, Landcom now seeks consent for the development as indicated in the Subdivision, Engineering, and Landscaping Plans at **Appendices A, B and C**, as follows:

- Subdivision to create various lots including:
 - 31 residential lots (Proposed Lot Nos. 2001 - 2031);
 - 1 integrated housing site with a proposed yield of 4 dwellings (Proposed Lot No. 2033);
 - 1 super lot for apartments (Proposed Lot No. 2034);
 - 1 heritage lot (Thornton Hall and curtilage) (Proposed Lot No. 2032);
 - 1 open space lot (Thornton Park) (Proposed Lot No. 2035); and
 - Road reserve (Mountain View Crescent);
- Site establishment and perimeter security measures;
- Establishment of environmental and safety controls and traffic control measures;
- Preparatory works, including trees / shrub removal, topsoil stripping and stockpiling for later reuse and the disposal of unsuitable topsoil material, and taking up and stockpiling existing concrete and asphalt hardstands and roads for later reuse in other stage of the construction works;
- Bulk earthworks – cut and fill, including importation of material to raise levels;
- Construction of roads and road intersections, and connections to existing or approved road intersections;
- Drainage and stormwater management infrastructure;
- Utilities servicing infrastructure - electrical, sewerage, telecommunications, potable water and gas;
- Lots formation;
- Retaining walls;
- Construction of Thornton Park and associated landscaping, consistent with the approved Thornton Park Indicative Landscape Plan;
- Erection of informative signage at different road entries to the wider site; and
- Site de-establishment and handover.

The revised scope of works results in three additional residential lots when compared to the exhibited proposal. The increase in residential lots is not considered a significant amendment as:

- the proposed subdivision pattern has not changed and the three additional lots are contained within the Concept Plan approved footprint, as well as the exhibited Development Application footprint;
- the additional lots are to be undertaken on land designated for urban purposes; and
- does not result in south facing lots.

2.0 KEY ISSUES AND PROPONENT'S RESPONSE

The following section provides a detailed response to the key issues raised by the submissions. **Appendix D** provides a response to all the issues raised during the public exhibition period.

2.1 Ecological Values

In response to the issues raised by the Department of Planning and Infrastructure and the Office of Environment and Heritage, Eco Logical Australia has prepared:

- a response letter to issues raised regarding the proposed filling and regrading works on OS2 and C3 lands (**Appendix E**); and
- a Bushland Plan of Management (**Appendix F**).

These documents collectively provide a detailed response to each of the issues raised in the submissions and are summarised below.

Filling within Cumberland Plain Woodland Areas

Eco Logical undertook a site assessment of the area proposed for the shallow swale that will run north-south through the C3 lands and around the base of the hill in the OS2 lands. The Development Application as exhibited had proposed filling of the swale in order to prevent water accumulation during rain fall. Eco Logical found during its site inspection that there is significant native vegetation regrowth in the C3 and the OS2 lands and has therefore recommended that these areas not be filled or regraded. Landcom has adopted Eco Logical's recommendations and accordingly the swale will not be filled in association with the proposed development works as shown on the revised plans at **Appendix B**.

Bushland Plan of Management

A Bushland Plan of Management (BPOM) has been prepared by Eco Logical to satisfy the approved Concept Plan's Statement of Commitments. The BPOM provides guidance for the direct management of the CPW and specifically aims to:

- protect remnant CPW within the subject site;
- undertake bush regeneration works to improve the condition of the CPW within the subject site, including revegetation and weed control, through establishment phase;
- control noxious and environmental weeds within the subject site;
- identify the costs associated with the implementation of this BPOM; and
- provide advice on management of the site during the maintenance phase.

The BPOM requires all vegetation management works to be undertaken by suitably qualified and experience bush regeneration contractors. The BPOM satisfies the Statement of Commitments and identifies the rehabilitation and revegetation of the bushland areas to be retained as part of Stage 2A.

2.2 Indigenous Archaeology

In response to comments made by the Department of Planning and Infrastructure and the Office of Environment and Heritage in relation to the potential impacts of the bulk earthworks on the known indigenous heritage site, Kelleher Nightingale Pty Ltd has prepared an Aboriginal Heritage Management Report (refer **Appendix G**). The Report notes that previous studies and assessments concluded the indigenous heritage site had low to moderate archaeological value. Accordingly, it

was concluded that further excavation and investigation was not warranted prior to development. However, whilst the indigenous heritage site was not considered worthy of conservation on archaeological grounds, it was noted that both ecological and cultural heritage values should be retained where possible. Kelleher Nightingale's Report outlines the management outcomes and actions as well as an interpretation of the site to recognise the indigenous heritage values, which have been incorporated into the revised Mitigation Measures - refer Section 2.0 and **Appendix H**.

3.0 OTHER MATTERS

All issues raised in Penrith City Council's submission as well as those made by agencies and members of the public have been considered and addressed in detail at **Appendix D**.

4.0 FINAL MITIGATION MEASURES

The Final Mitigation Measures made by Landcom to manage and minimise potential impacts arising from the proposal are provided at **Appendix H**. These measures have been refined after input from the consultant team to address relevant matters raised during the exhibition of the Development Application, and replace the draft measures included with the exhibited EIS.

5.0 CONCLUSION

In terms of the issues raised during the public exhibition process, this Report in conjunction with the EIS has demonstrated that Landcom's Development Application for Stage 2A of the North Penrith Development will have minimal adverse environmental effects. The benefits of the proposed development and the absence of any adverse environmental impacts confirm that this Development Application is worthy of approval.

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9409 4957 or sballango@jbaplanning.com.au.

Yours faithfully



Stephanie Ballango
Associate

cc: Michael Williams, Landcom