



## RESPONSE TO AGENCY SUBMISSIONS

Issues Raised	Response
<b>Department of Planning and Infrastructure</b>	
<ul style="list-style-type: none"> <li>▪ In accordance with the commitments given in the North Penrith Development Concept Plan MP 10_0075 (the concept plan), the project application applicable to Thornton Park is to implement the design, layout and landscape values of the site. This information has not been detailed in the Stage 2A Application.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposed design and layout for Thornton Park as proposed by the Stage 2A Development Application (DA) is entirely consistent with the approved Concept Plan and Statement of Commitments. This is demonstrated at Section 4.5 (Landscaping and Public Domain), Section 6.2 (Consistency with Concept Plan), Section 6.3 (Urban Design Concept and Subdivision) and Appendix C of the EIS, which collectively provide a detailed assessment of Stage 2A's consistency with the approved Concept Plan's landscape and public open space framework.</li> <li>▪ More specifically, the Stage 2A DA proposes the construction of Thornton Park; a 0.6317 ha of open space proposed to be dedicated to Penrith City Council, as illustrated in Figure 7 of the EIS. The proposed location, design and layout is consistent with the parameters established by the Landscape Concept approved as part of the Concept Plan.</li> <li>▪ The extent and nature of open space works proposed by the Stage 2A DA is also consistent with the approved landscaping-related Statement of Commitments as follows:                         <ul style="list-style-type: none"> <li>▪ Concept Plan Commitment No. 11 - The Stage 2A DA seeks consent to construct and embellish Thornton Park, consistent with the Open Space Concept Plan Master Plan that comprised Appendix X of the approved Concept Plan;</li> <li>▪ Concept Plan Commitment No. 18 - Public art elements have been incorporated into the design of Thornton Park as demonstrated by the interpretation of the Speedway Circuit and installation of new red/light interpretative art walls which recognise the site's European and indigenous heritage values; and</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>▪ Concept Plan Commitment No. 19 - A street and place naming strategy</li> </ul>

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	<p>accompanied the approved Concept Plan (Figure 45), and continues to be refined by Landcom in collaboration with the Geographical Names Board.</p> <ul style="list-style-type: none"> <li>▪ In addition, the Stage 2A landscaping works satisfy the heritage related Statement of Commitments as follows:               <ul style="list-style-type: none"> <li>▪ Concept Plan Commitment No. 12 - The EIS prepared for the Stage 2A DA contained a Statement of Heritage Impact and Interpretation Strategy, which concluded that the proposed landscaping works would be consistent with the approved Concept Plan (including the Statement of Commitments);</li> <li>▪ Concept Plan Commitment No. 13 - A photographic archival recording of the North Penrith site was completed in February 2012.</li> <li>▪ Concept Plan Commitment No. 14 - An Interpretation Strategy which endorsed Landcom's proposed landscaping approach was provided as Appendix K of the EIS as per this Commitment.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Further information concerning the protection of the aboriginal heritage items within area OS2 and C3 during construction should be provided. Further explanation of how recommendation 2 of the Aboriginal Heritage Management Plan has been addressed as part of this proposal is required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There are no identified aboriginal heritage items within OS2 (Thornton Park). The only identified aboriginal heritage item is #45-2-2491 within the C3 lot.</li> <li>▪ A further report addressing the management of item #45-2-2491 is attached (<b>Appendix G</b>). This details a range of measures to be implemented during construction to ensure the protection of item #45-2-2491.</li> </ul>

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Issues Raised	Response
	<ul style="list-style-type: none"> <li>A report assessing the aboriginal heritage values associated with Thornton Hall and Combewood (note Combewood is not directly relevant to Stage 2A) has been prepared in support of the DA submitted to DPI for Stages 2B and 2C of the North Penrith Development (under separate cover). That Report concludes that: <i>“Aboriginal archaeological assessment of the historic properties has not identified any significant Aboriginal heritage associations. It was concluded that the commitment for further investigation of Combewood and Thornton Hall has been met and no further assessment of these areas is required.”</i></li> </ul>
<ul style="list-style-type: none"> <li>In accordance with the commitments given in the concept plan; a Bushland Plan of Management for the Cumberland Plain Woodland within area 082 (Thornton Park) was to be prepared. The plan was to include a suggested planting palette that preferences local plantings and seed banks over other resources in the Penrith LGS or broader Western Sydney.</li> </ul>	<ul style="list-style-type: none"> <li>A Bushland Plan of Management is attached at <b>Appendix F</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Given that Stage 2A directly relates to the Cumberland Plain Woodland on the site, the preparation of a Bushland Plan of Management is appropriate. Please address the recommendations made by Ecological Australia in their letter of 25 June 2102, provided within the EIS.</li> </ul>	<ul style="list-style-type: none"> <li>A Bushland Plan of Management is attached at <b>Appendix F</b>.</li> </ul>
<ul style="list-style-type: none"> <li>In relation to area C3 further information is required as to how the biodiversity value of this area are to be protected during works. The Department is not in favour of fill being placed in areas identified as EEC.</li> </ul>	<ul style="list-style-type: none"> <li>Fill has been removed from the sections of retained vegetation within the C3 lot. Revised engineering plans are attached at <b>Appendix B</b>.</li> </ul>

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Issues Raised	Response
<ul style="list-style-type: none"> <li>▪ In accordance with the commitments given in the Concept Plan, a mix of properties are to be available for sale and/or rent which include a proportion that are affordable for households with very low, low and moderate income bands. The Environmental Impact Statement suggests that this is not applicable to Stage 2A. Therefore clarification is sought as to how and when this commitment will be fulfilled.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The provision of moderate income / affordable housing will be delivered in a variety of manners, including:                             <ul style="list-style-type: none"> <li>- Provision of ancillary / studio dwellings that offer a more affordable housing type</li> <li>- Sale of housing and apartments lots to designated affordable / community housing providers.</li> </ul> </li> <li>▪ Landcom has recently sought interest from affordable / community housing providers and is currently in discussion with a number of organisations about delivering affordable and/or community housing on the site.</li> <li>▪ The Stage 2A contains larger lots and also does not provide opportunities for the incorporation of ancillary dwellings, and in this regard Stage 2A is not an ideal location for the provision of moderate income / affordable housing.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The submitted Construction Environmental Management Plan refers to Stage 1 and therefore does not address the specific issues arising from Stage 2A such as protection of bushland and heritage values.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A revised CEMP specific to Stage 2A is attached (<b>Appendix I</b>). Consistent with the approach adopted for Stage 1, this CEMP is preliminary and will be further expanded by the appointed contractor for the Stage 2A works.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The cross referencing throughout the document is inconsistent. In particular, references made in Section 5.0 Director-General's Environmental Assessment Requirements and 6.2 Consistency with the Concept Plan are incorrect.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted.</li> </ul>

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<ul style="list-style-type: none"> <li>▪ There appears to be a discrepancy in relation to the proposed lot distribution. In particular, the following distribution is to be confirmed:                             <ul style="list-style-type: none"> <li>▪ 27 residential lots, as labelled on 'the submitted plan and including proposed lots 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027.</li> <li>▪ 3 integrated housing lots, as labelled on the submitted plan and including proposed lots 2029, 2030, 2031.</li> <li>▪ 1 super lot for apartments, as labelled on the submitted plan and including proposed lot 2032. It appears that the area of this allotment is incorrect in Table 2 of the Environmental Impact Statement.</li> <li>▪ 1 heritage lot, as labelled on the submitted plan and including proposed lot 2028.</li> <li>▪ 1 open space lot, as labelled on the submitted plan and including proposed lot 2033.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Stage 2A seeks consent for the following lot distribution as shown on the Draft Plan of Subdivision prepared by Craig and Rhodes which was provided at Appendix A of the EIS:                             <ul style="list-style-type: none"> <li>▪ 31 residential lots (Proposed Lot Nos. 2001 - 2031);</li> <li>▪ 1 integrated housing site with a proposed yield of 4 dwellings (Proposed Lot No. 2033);</li> <li>▪ 1 super lot for apartments (Proposed Lot No. 2034);</li> <li>▪ 1 heritage lot (Thornton Hall and curtilage) (Proposed Lot No. 2032);</li> <li>▪ 1 open space lot (Thornton Park) (Proposed Lot No. 2035); and</li> <li>▪ Road reserve (Mountain View Crescent).</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ The Environmental Impact Statement refers to a reduction in the number of lots provided as part of Stage 2A. It is suggested that there are five less lots in Stage 2A in comparison to what was approved, with the Concept Plan. Clarification is required on where this reduction has occurred.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The approved Concept Plan only approves a maximum number of <i>dwellings</i> for the entire North Penrith site (900-1,000) and does not approve a minimum or maximum <i>lot yield</i>. The Indicative Subdivision Plan that forms part of the approved Concept Plan approval provides an illustrative (but not definitive) urban layout for guidance purposes only.</li> <li>▪ The Design Guidelines approved as part of the Concept Plan identify dwelling targets for each of the development blocks within the North Penrith site (Section 3.1 of the Design Guidelines). Landcom identified the dwelling targets to ensure that the minimum residential density approved by the Concept Plan would be achieved in recognition of its proximity to public transport and the Penrith City Centre.</li> </ul>

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	<ul style="list-style-type: none"> <li>In this context, the EIS's indication that the Stage 2A DA yields five lots less than that approved under the Concept Plan arises specifically as a result of the TMAP modelling, which adopted assumed maximum dwelling yields for the various stages to model the upper yield (ie 1000 dwellings in total). Given that the overall lot yield has not been compromised there is no significant issues raised.</li> </ul>
<b>Penrith City Council</b>	
<ul style="list-style-type: none"> <li>The footway in Mountainview Crescent West has a reverse cross-fall to the allotments. This is not desirable as it may cause nuisance stormwater to flow into allotments. The footway shall have a fall to the roadway.</li> <li>Consideration shall be given to extending the footpath in Mountainview Crescent around and beyond the existing Hoop Pine tree to be retained.</li> <li>Continuation of the footpath from the northern side of The Crescent to Lemongrove Road is desirable to link footpaths.</li> </ul>	<ul style="list-style-type: none"> <li>These details have been amended and incorporated into the revised engineering drawings attached at <b>Appendix B</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Council's Heritage Adviser concurs with the Jo McDonald Cultural Management recommendations for the site contained in the Aboriginal Heritage Management Plan dated 28 October 2010, in particular that:                             <ul style="list-style-type: none"> <li>a. Landcom consider the views of the Aboriginal community when determining the management regime and interpretation of site #45-5-2491.</li> <li>b. Landcom assess the Aboriginal heritage values associated with Thornton Hall and its setting and Combewood.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Noted. Refer to the attached reports which further address aboriginal heritage matters at <b>Appendix G</b>.</li> </ul>
<ul style="list-style-type: none"> <li>The Traffic, Transport and Access Review indicates that the road alignment and new intersection of Mountain View Crescent and Road 1 have been checked and found to be suitable for the turning space requirements of 12.5m long trucks (i.e. garbage trucks). The path of travel throughout Mountain View Crescent must be suitable for heavy rigid vehicles as per AS 2890.2-2002.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and agreed.</li> <li>The Construction Certificate documentation, when finalised and submitted to Penrith City Council as the Certifying Authority, will verify that the road alignment and new intersection, will accommodate the turning space requirements of 12.5m long trucks as AS 2890.2-2002, as relevant.</li> </ul>

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<ul style="list-style-type: none"><li>It is also stated in the Traffic, Transport and Access Review that the U-turn facilities at either end of Mountain View Crescent are only suitable for vehicles up to 8.8m long and not 12.5m long trucks. Garbage truck drivers will perform services by taking the easiest and most direct route. Garbage truck drivers are likely to attempt a U-turn to access the properties on the other side of the street after the first side is complete. It needs to be confirmed that the U-turn will be suitable for 9.8m heavy rigid vehicles such as Council's garbage trucks.</li></ul>	<ul style="list-style-type: none"><li>The geometry of the U-turn has been slightly modified to accommodate a 9.8m heavy rigid vehicles. This is incorporated into the revised engineering drawings that are attached at <b>Appendix B</b>.</li></ul>
<ul style="list-style-type: none"><li>Garbage trucks will not be able to access bins presented in Road 1 for Lots 2026 and 2027. Bins will need to be presented in Mountain View Crescent. Sufficient space will need to be provided for 6 bins for these two allotments (0.9m per bin).</li></ul>	<ul style="list-style-type: none"><li>Noted. A designated area for bins is shown on the revised engineering plans attached at <b>Appendix B</b>.</li></ul>
<ul style="list-style-type: none"><li>Sufficient space will need to be provided for 12 bins for Lot 2029 taking into consideration space that will be taken by the driveway and street plantings.</li></ul>	<ul style="list-style-type: none"><li>Noted. A designated area for bins is shown on the revised engineering plans attached at <b>Appendix B</b>.</li></ul>
<ul style="list-style-type: none"><li>Consideration needs to be given to the type and location of street plantings and the potential damage that may be caused to these plantings from garbage trucks passing along the road and the bin lifting arms that will arc up to 4.7m in height.</li></ul>	<ul style="list-style-type: none"><li>Noted.</li></ul>

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Office of Environment and Heritage	
<ul style="list-style-type: none"> <li>The Aboriginal Heritage Management Plan (Jo McDonald Heritage Management, 28 October 2012) is for Site AHIMS #45-5-2491 and does not seem to extend to the whole of the development area. Previous comments from OEH recommended that an assessment of the whole of the development are be undertaken prior to determination of the proposal, in order to ensure the best management of Aboriginal cultural heritage values within the development area. OEH supports the management recommendations for AHIMS #45-5-2491, but cannot comment about the whole of the development area, as this information has not been provided. OEH recommends that if an archaeological assessment has been undertaken for the whole of the development area, this be provided and if this has not been taken place, that the assessment be undertaken as soon as practicable.</li> </ul>	<ul style="list-style-type: none"> <li>The potential for Aboriginal heritage across the entire North Penrith site was assessed during the Concept Plan. No Aboriginal heritage matters outside of the known Site #45-5-2491 were identified given the high level of disturbance that has occurred across the sit, with the exception of a recommendation to further investigate the potential Aboriginal heritage values associated with Thornton Hall and Combewood.</li> <li>The Concept Plan approval contains further actions regarding the management of Site #45-5-2491 and investigation of the potential Aboriginal heritage values associated with Thornton Hall and Combewood. The approved Concept Plan did not require any further Aboriginal heritage assessment of the North Penrith site</li> <li>Further reports addressing the management of Site #45-5-2491 and the Aboriginal heritage values associated with Thornton Hall and Combewood are attached at <b>Appendix G</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Aboriginal Community Consultation has been undertaken for this project. The Director General's Requirements required that consultation was undertaken according to OEH's 2010 Aboriginal Cultural Heritage Consultation Requirements For Proponents. Previous comments from OEH stated that information had not been provided as to the date of advertisement, copies of all correspondence received in relation to Aboriginal community consultation and responses received from the Aboriginal community regarding the proposed management of AHIMS #45-5-2491. The date of advertisement has now been provided, however, information regarding all correspondence received in relation to Aboriginal community consultation and responses received from the Aboriginal community regarding the proposed management of AHIMS #45-5-2491 have not. Further, the provided report, dated 28 October 2010, states that responses from the Aboriginal community were expected by 28 September 2010 and would be included in the report. This has not happened. OEH recommends that the report be revised to include this information.</li> </ul>	<ul style="list-style-type: none"> <li>The details and results of Landcom's consultation with the indigenous community was documented in the Preferred Project Report (JBA Planning, April 2011) prepared for the now approved Concept Plan.</li> <li>As outlined in the Preferred Project Report, as advertisement regarding the proposed consultation period with the indigenous community was published in the Penrith Star, and was reproduced on page 16 of the Indigenous Heritage Assessment prepared by Jo McDonald (Appendices T and U of the exhibited EAR). The published advertisement was also circulated to a range of recognised stakeholders on 6 July 2010.</li> <li>The Preferred Project Report contained a revised Indigenous Heritage Assessment Report (reproduced at <b>Appendix G</b>) of Landcom's Response to Submissions Report for the Stage 2A works, which included copies of responses received from consulted groups.</li> <li>Landcom has taken the opportunity to forward OEH a copy of the Indigenous Heritage Assessment Report under separate cover. That Report</li> </ul>

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	includes copies of all responses received from the indigenous community.
<ul style="list-style-type: none"> <li>▪ The Concept Plan for North Penrith Mixed Use Development proposed protecting remnant Cumberland Plain Woodland (CPW) in the following ways:             <ul style="list-style-type: none"> <li>▪ <b>Block C3</b> <ul style="list-style-type: none"> <li>▪ via a Section 88b instrument</li> </ul> </li> <li>▪ <b>OS2</b> <ul style="list-style-type: none"> <li>▪ retention of existing CPW;</li> <li>▪ rehabilitation and bush regeneration of CPW understory;</li> <li>▪ supplementary CPW tree planting; and</li> <li>▪ a Bushland Plan of Management.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted and agreed.</li>   <li>▪ Noted and agreed.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Appendix L Biodiversity Assessment Report by Eco Logical consultants contains recommendations for works "to achieve consistency with the Flora and Fauna Assessment" that have not been met by the proposed mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>▪ These recommendations have now been satisfied.</li> <li>▪ A section 88B instrument will be prepared to protect the retained vegetation and Aboriginal heritage site within the C3 lot as part of the Construction Certificate, in accordance with the recommendation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ This includes that "The placement of fill not occur within Section 86B instrument areas for Cumberland Plain Woodland, subject to any engineering or overland flow issues Department of Planning and Infrastructure may have in this part of the site".</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposed fill has been removed from these areas. Refer to revised engineering drawings at <b>Appendix B</b>.</li> </ul>
<ul style="list-style-type: none"> <li>▪ OEH is concerned that the Site Regrading Plans (sheets 01 and 02) show fill and regrading for areas in both Block C3 and OS2 that are expected to have consequent impacts on CPW. Some of these areas are mapped as requiring consultation on Aboriginal and ecological issues. Other infill areas will also impact CPW and remnant trees in the southern part of C3 and in OS2 but have not been flagged as requiring consultation. For example the infill area is shown cutting across much of the CPW in OS2 that was indicated would be retained.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The fill proposed within the retained vegetation areas of C3 and within OS2 (Thornton Park) has been removed. Refer to revised engineering drawings at <b>Appendix B</b>.</li> </ul>

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<ul style="list-style-type: none"> <li>Proposed mitigation measures are that "during the detailed design process and preparation of construction drawings, Landcom will consult with Penrith City Council and the Office of Environment and Heritage in relation to the quantum and extent of fill within the Thornton Park lot to ensure the ecological values of the Cumberland Plain Woodland are protected". OEH does not consider this to be an adequate response.</li> </ul>	<ul style="list-style-type: none"> <li>No longer relevant as the fill has now been removed. Refer to revised engineering drawings at <b>Appendix B</b>.</li> </ul>
<ul style="list-style-type: none"> <li>The Statement of Commitments make reference to meeting the requirement for a Bushland Plan of Management via Appendix M (note this is incorrectly referenced, this should be Appendix L) and Section 6.6. This document does not contain a Plan of Management or Bushland Plan of Management but in fact makes a recommendation that one be prepared.</li> </ul>	<ul style="list-style-type: none"> <li>A Bushland Plan of Management is attached at <b>Appendix F</b>.</li> </ul>
<ul style="list-style-type: none"> <li>The areas of CPW in C3 and OS2 should be protected as per the commitments made at Concept Plan stage. There should be no regrading or fill works within at least a 3 metre radius of trees and shrubs that were identified in Figures 11 and 12 of the Flora and Fauna Assessment prepared by Lucas McKinnon for the Concept Plan as being either CPW "Existing Trees to be retained" and "shaded Cumberland Plain Woodland with the C3 will be protected via section 88b instrument" respectively.</li> </ul>	<ul style="list-style-type: none"> <li>The fill proposed within the retained vegetation areas of C3 and within OS2 (Thornton Park) has been removed. Refer to revised engineering drawings at <b>Appendix B</b>.</li> </ul>
<ul style="list-style-type: none"> <li>If the CPW vegetation cannot be protected as was committed to in the Concept Plan, an offset package should be developed in accordance with the OEH Principles for the use of biodiversity offsets in NSW (see <a href="http://www.environment.nsw.gov.au/biocertification/offsets.htm">http://www.environment.nsw.gov.au/biocertification/offsets.htm</a>) to compensate for the losses.</li> </ul>	<ul style="list-style-type: none"> <li>Not relevant – the areas of CPW vegetation identified for retention are being retained.</li> </ul>
<ul style="list-style-type: none"> <li>Should Stage 2A be approved that the conditions of approval specifically require a Plan of Management to be prepared for the CPW within OS2 (Thornton Park). This document should be forward to OEH for comment prior to finalising.</li> </ul>	<ul style="list-style-type: none"> <li>A Bushland Plan of Management is attached at <b>Appendix F</b>.</li> </ul>



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<ul style="list-style-type: none"> <li>▪ As previously recommended the plan should include aims, timeframes, description of methods, monitoring requirements, key accountabilities and key milestones. The aims should include to protect and restore CPW vegetation in accordance with best practice guidelines (such as the DECCW 'Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland' (available at <a href="http://www.environment.nsw.gov.au/resources/nature/RecoveringCumberlandPlain">http://www.environment.nsw.gov.au/resources/nature/RecoveringCumberlandPlain</a></li> </ul>	<ul style="list-style-type: none"> <li>▪ A Bushland Plan of Management is attached at <b>Appendix F</b>.</li> </ul>
<b>NSW Office of Water</b>	
<ul style="list-style-type: none"> <li>▪ Section 6.8.2 of the Environmental Impact Statement (EIS) notes the Stage 2A site is suitable for the proposed residential and open space land uses subject to "further assessment of any groundwater extracted during construction works" (page 47). The Office of Water considers there is a need to determine if the works/excavations associated with Stage 2A will intercept or use groundwater prior to any intended approval. Based on the information provided in the EIS it is not clear if Stage 2A proposes to extract or use groundwater. For example:             <ul style="list-style-type: none"> <li>▪ Section 6.10.1 of the EIS notes geotechnical constraints to the development are in relation to piling to depths below 5m which is likely to encounter groundwater (page 48).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Landcom confirms that there is no intention to intercept or use groundwater during either the construction or operation of the proposed Stage 2A development. The EIS had simply sought to recognise that in the very unlikely event that groundwater was unexpectedly intercepted, Landcom understood that it would be required to obtain an approval under the Water Management Act, 2000.</li> <li>▪ Further design undertaken since exhibition of the EIS has now confirmed that drilling and piling will not encounter groundwater. This will be confirmed by the Construction Certificate documentation, when finalised and submitted to the Private Certifying Authority, prior to commencement of works.</li> </ul>

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<ul style="list-style-type: none"> <li>▪ The Geotechnical Report (Appendix O) indicates “drilling for piling construction below depths of about 5 to 8 m may encounter groundwater” (page 2) but notes “the development has no requirement for extraction of groundwater” (page 6).</li> <li>▪ Section 4 of Appendix N also notes “it is understood that there are no current plans for groundwater extraction from Stage 2A but indicates that “if groundwater is to be extracted for use in the future, further assessment of the water quality is required to verify that the groundwater is suitable for the purposes being considered” . This statement implies groundwater could potentially be extracted for use in the future while Section 5 notes “site works for Stage 2A are not expected to encounter any groundwater”.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ If groundwater is proposed to be extracted for use, the applicant needs to be advised that water would need to be traded within the groundwater source in accordance with the Water Sharing Plan and the trading rules for the Hawkesbury Alluvium Groundwater Source.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not relevant, as outlined above.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Depending on the volumes encountered and the duration of pumping, a licence may be required under Part 5 of the Water Act 1912 in relation to construction excavation and dewatering activities. The Office of Water can advise on the need for a water licence once information is available on the expected groundwater inflows. The applicant should contact the Office of Water licensing officer at the Parramatta Office (telephone: 02 8838 7531) in relation to this issue.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted, however as outlined above, groundwater is not proposed to be extracted and therefore there is no need for Landcom to obtain a water licence under the Water Act, 1912.</li> </ul>
<b>EPA</b>	
<ul style="list-style-type: none"> <li>▪ The Noise and Vibration Impact Assessment (Appendix P) indicates that the predicted construction noise levels are within the levels outlined in the Interim Construction Noise Guideline (OECCW; 2009). The EIS states that noise and vibration during the construction phase will be managed through the Construction Environmental Management Plan (CEMP).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted.</li> </ul>

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<ul style="list-style-type: none"> <li>▪ The EPA recommends the proponent prepare and implement a specific Construction Noise and Vibration and Management Plan (CNVMP) as part of the CEMP that includes all feasible and reasonable noise mitigation measures outlined in EIS noise assessment recommendations and in accordance with the ICNG. The CNVMP should include but not be limited to:             <ul style="list-style-type: none"> <li>▪ Identification of all potentially affected sensitive receivers;</li> <li>▪ Notification procedures for potentially affected residents of the nature, times and duration of the works;</li> <li>▪ Identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;</li> <li>▪ Assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Impact Statement;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ A Stage 2A CEMP has been prepared and is provided at <b>Appendix I</b>. The appointed contractor will be required to prepare a detailed Construction Environmental Management Plan (CEMP) prior to commencement of works. The CEMP will identify the noise sources and mitigation measures outlined in the EIS and the supporting Noise and Vibration Impact Assessment (Appendix P), to ensure that development does not result in any adverse noise or vibration impacts.</li> <li>▪ Landcom has revised the noise and vibration related Mitigation Measures to incorporate the EPA's suggested list of matters to be addressed (<b>Appendix H</b>).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers; and</li> <li>▪ Measures to monitor noise performance and respond to complaints.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ The EPA recommends that any high noise impact activities, or works with tonal, intermittent or otherwise annoying characteristics are only undertaken during standard construction hours and in continuous block of no more than 3 hours, with at least 1 hour respite between each block of work generating high noise impact where the location of the work is likely to impact on the same receivers.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted and agreed. The Construction Environmental Management Plan (CEMP) provided at <b>Appendix I</b> will inform the detailed CEMP to be prepared for the works can limit the carrying out of high noise impact activities, or works with tonal, intermittent or otherwise annoying characteristics, to standard construction hours.</li> </ul>

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<ul style="list-style-type: none"> <li>▪ The CEMP should include a specific Air Quality and Dust Assessment and Management Plan and include the following:             <ul style="list-style-type: none"> <li>▪ Identification of sources (including stockpiles and open worked areas) and qualification of airborne pollutants (including dust and exhaust emissions);</li> <li>▪ Identification of nearest sensitive receivers; and</li> <li>▪ Mitigation measures to minimise impacts.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ As outlined in Section 6.14 of the EIS, a Construction Environmental Management Plan (CEMP) will be prepared prior to commencement of works, which will include measures to manage the air quality and dust (amongst other things). The CEMP can and will address the matters identified by the EPA, as reinforced by the amended Mitigation Measures.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The EIS indicates that erosion and sediment will be managed through the draft soil and water management plan (SWMP) contained in the CEMP.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Noted.</li> </ul>
<ul style="list-style-type: none"> <li>▪ As a condition of approval the EPA recommends that the SWMP is prepared in accordance with Landcom's "Managing Urban Stormwater-Soil and Construction", March 2004 (the Blue Book) and in addition to the site specific erosion and sediment management measures and plans outlined in Appendix B, drawings 701, 702, and 703.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landcom will implement the site specific erosion and sediment management measures and plans outlined in Appendix B, drawings 701, 702, and 703 of the EIS.</li> <li>▪ Landcom has revised its Mitigation Measures to reaffirm that the works will be undertaken in accordance with "Managing Urban Stormwater-Soil and Construction", March 2004 (the Blue Book) - refer to <b>Appendix H</b>.</li> </ul>
<b>Transport for NSW</b>	
<ul style="list-style-type: none"> <li>▪ Not issues of major concern for Transport for NSW.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landcom notes Transport for NSW's submission.</li> </ul>
<b>Railcorp</b>	
<ul style="list-style-type: none"> <li>▪ RailCorp is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise the structural safety of buildings, and thus should be addressed early in the development process.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Section 6.11 and the Noise and Vibration Assessment (Appendix P) of the EIS addressed the potential noise and vibration impacts of the adjacent rail corridor on the proposed Stage 2A development in accordance with the findings of the approved Concept Plan and with specific reference to the scope of the current DA. The EIS concluded that the siting of residential lots is acceptable subject to the future built form incorporating mitigation measures to combat the potential noise and vibration impacts of the railway corridor. The EIS also concluded that safe working distances can be achieved in accordance with the applicable standards to minimise potential vibration impacts.</li> </ul>

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<ul style="list-style-type: none"> <li>The Department of Planning has released the document titled "Development Near Rail Corridors and Busy Roads– Interim Guidelines". The document is available on the Department of Planning's website.</li> </ul>	<ul style="list-style-type: none"> <li>The EIS was prepared in accordance with, and considered, the Development Near Rail Corridors and Busy Roads– Interim Guidelines as set out in Section 6.11 of the EIS.</li> </ul>
<ul style="list-style-type: none"> <li>Council is therefore requested to impose the condition of consent:  <i>An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads– Interim Guidelines".</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed. Landcom has revised its Mitigation Measures to incorporate the recommended condition - refer to <b>Appendix H</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Stray currents as a result of rail operations may impact on the structure of the development. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipework and earthing rods) accelerating corrosion of metals and leading to concrete cancer. Therefore, the Applicant should consider this possible impact, and engage an expert consultant when designing its buildings. It is requested that Council include the following condition of consent:  <i>Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed. Landcom has revised its Mitigation Measures to incorporate the recommended condition - refer to <b>Appendix H</b>.</li> </ul>
<ul style="list-style-type: none"> <li>A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and agreed. Landcom has revised its Mitigation Measures to ensure the Electrolysis Risk Report is forwarded to the Principal Certifying Authority with the Construction Certificate (<b>Appendix H</b>).</li> </ul>

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<ul style="list-style-type: none"> <li>Finally, it is asked that the Department of Planning &amp; Infrastructure forward to RailCorp a copy of the final development consent to enable RailCorp to monitor the Applicant's compliance with rail related conditions of consent.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Sydney Water</b>	
<ul style="list-style-type: none"> <li>To service the proposed subdivision an extension of the 150mm water main located on The Crescent is required.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed subdivision drains to two wastewater catchments. The southern portion of the subdivision will require an extension from the existing 150mm wastewater main traversing the south eastern corner of the site.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>The northern portion of the development will require extensions from the wastewater mains constructed in Stage 1. These reticulation mains drain to the proposed Wastewater Pumping Station 1180, which the developer will construct under a Commercial Agreement prior to servicing of the subdivision. The proposed wastewater infrastructure for this development will be sized &amp; configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02- 2002).</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. The Mitigation Measures at <b>Appendix H</b> has been amended to specifically commit Landcom to obtaining a Section 73 Certificate from Sydney Water. The proposed design of the required reticulation works, upgrades and performance specifications will be documented for the approval of SWC.</li> </ul>
<ul style="list-style-type: none"> <li>The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).</li> </ul>	<ul style="list-style-type: none"> <li>Landcom will work closely with Sydney Water during the design development stage and throughout the Section 73 process.</li> <li>The Mitigation Measures have been amended to confirm Landcom's commitment to working closely with Sydney Water - refer to <b>Appendix H</b>.</li> </ul>

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<ul style="list-style-type: none"> <li>Sydney Water requests the Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is <a href="mailto:urbangrowthesydneywater.com.au">urbangrowthesydneywater.com.au</a>. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Section 62 consultations under the Environmental Planning and Assessment Act 1979 consultations where Sydney Water is an adjoining land owner to a proposed development consultations and referrals required under any Environmental Planning Instrument, draft LEPs, SEPPs or other planning controls, such as DCPs any proposed development or rezoning that will be impacted by the operation of a Sydney Water Wastewater Treatment Plant any proposed planning reforms or other general planning or development inquiries</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Roads and Maritime Services</b>	
<ul style="list-style-type: none"> <li>All works/ regulatory signposting associated with the proposed development are to be at no cost to RMS</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This matter can be dealt with through the Department's standard conditions of consent.</li> </ul>
<ul style="list-style-type: none"> <li>The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work as required by various public utility authorities and/or their agents</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This matter can be dealt with through the Department's standard conditions of consent.</li> </ul>
<ul style="list-style-type: none"> <li>A Construction Traffic Management Plan detailing construction vehicle routes number of trucks, hours of operation, access arrangements and traffic control should be submitted to Department or Council prior to issue of Construction Certificate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The Statement of Commitments obligates the appointed contractor to prepare a final Construction Management Plan prior to commencement of works. This approach can be formalised through the Department's standard conditions of consent.</li> </ul>

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<ul style="list-style-type: none"><li>▪ The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with S 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.</li></ul>	<ul style="list-style-type: none"><li>▪ Noted. This matter can be dealt with through the Department's standard conditions of consent.</li></ul>
<ul style="list-style-type: none"><li>▪ The swept path of the longest vehicle(including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regards, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.</li></ul>	<ul style="list-style-type: none"><li>▪ Noted. This matter can be dealt with through the Department's standard conditions of consent.</li></ul>
<ul style="list-style-type: none"><li>▪ All access roads and internal roads of the proposed subdivision are to be designed in accordance with AUSTRROADS, the relevant Australian Standards and RMS Supplements.</li></ul>	<ul style="list-style-type: none"><li>▪ Noted. This matter can be dealt with through the Department's standard conditions of consent.</li></ul>