APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure website as follows.

1. Applicant's Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5243

2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5243

3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5243

4. North Penrith Concept Plan
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3915

5. Director-General's Environmental Assessment Requirements
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5243

APPENDIX B - CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011.

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

SEPP	Precis of Criteria	Complies	Department Comment / Assessment
PART 1 Cl 3. Aims	a) Identify development as State Significant development, b) Identify development as State significant infrastructure, c) confer functions on joint regional planning panels to determine DA	YES	The North Penrith Development site is identified as State Significant Development in Schedule 2 Cl 11.
Cl 4 Definitions			Noted
Cl 5. Maps	Referred to in named map	YES	North Penrith Development Site is in a map named in Schedule 2 Cl 11
Cl 6. Applies	In NSW	YES	Site located in NSW
Cl 7 Other EPIs	Inconsistencies		Noted
PART 2 Cl 8 SSD	Criteria to declare land SSD	N/A	Declared SSD in March 2012
Cl 9 - 13 Exclusions, subdivision certificates, DCPs, staged development, call-in powers.			Noted
PART 3 - SSI	State Significant Infrastructure – Sch 3	N/A	
PART 4 – Regional Development	See Sch 4A	N/A	
PART 5 - Miscellaneous	Transitional Provisions	N/A	

STATE ENVIRONMENT PLANNING POLICY (INFRASTRUCTURE) 2007

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

ISEPP 2007	Precis of Criteria	Complies	Department Comment / Assessment
PART 1 Cl 2 Aims	Facilitate infrastructure delivery in NSW by : a) improving regulatory certainty through consistency; b) flexibility in location of infrastructure and services; c) use of surplus government land ; d) identify environmental assessment category; e) identify matters to be considered; f) consultation with public authorities.	YES	Stage 2A provides for development of government owned land, enhances flexibility in the provision of infrastructure and services. The assessment has been undertaken in consultation with the relevant public authorities.
Cl 4 Applies	In NSW	YES	Sites located in NSW
Cl 5 - 12 Interpretation, EPIs, laws, amendments, savings, review.	general		Noted
PART 2 Cl 13 -16 Consultation with Council & public authorities	Impact on Council related infrastructure, local heritage and flood liable land. Response from relevant public authorities.	YES	Council and other relevant public authorities have been consulted in regard to infrastructure and the stage 2A site constraints. Consideration has been given to response received.
Cl 17 Exceptions	For Cl 13-16		Noted
Cl 18 Additional Uses of State land	Does not apply if land subject to an LEP	N/A	The land is subject to Penrith City Centre LEP and is partially zoned for conservation.
Cl 19 Site Compatibility Certificate		N/A	The land is subject to Penrith City Centre LEP
Cl 20 – 20C Exempt and Complying Development		N/A	The application for Stage 2A development can be carried out with consent and is subject to assessment.
PART 3 Development Controls			Noted
Schedule 3	Traffic generating	YES	This schedule applies due to the

Traffic	development referred to the RTA		size and yields of the proposal. The proposal has been referred to the RTA (now RMS) and conditions have been provided.

STATE ENVIRONMENTAL PLANNING POLICY NO 19 – BUSHLAND IN URBAN AREAS

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

SEPP No 19 –	Precis of Criteria	Complies	Department Comment / Assessment
Cl 2(1) Aims	Protect and preserve bushland referred to in Sch 1	YES	This SEPP applies as Penrith is listed in Sch 1 and the CPW is considered of value as defined under 1(a)(b)(c).
Cl 2(2) Specific Aims	Protect, maintain and manage a range of flora and fauna, habitats, landforms, relics etc.	YES	The CPW is an endangered flora species and it is proposed to retain and enhance this community.
Cl 3 Application	Areas specified in Sch 1	YES	Penrith is identified in Sch 1. This policy therefore applies.
Cl 4 Interpretation			Noted
Cl 5 Other EPIs	Inconsistencies		Noted
Cl 6 (1) Consent to disturb bushland zoned or reserved for public open space	Requires Council consent	YES	There will be some tree removal in the CPW bushland / public open space zone (RE1) to provide pathways and open views to and from Thornton Hall. Council has not raised any objection.
Cl 6 (2) (b) Circumstances in which bushland may be disturbed.	Recreational use of the bushland in accordance with Plan of Management.	YES	The bushland area containing the CPW is zoned for recreational use and a plan of management has been prepared as required by Cl 8.
Cl 6 (4) Constraints on Consent referred to in subclause (1)	Assess need to protect and preserve the bushland and the public interest. Disturbance is minimal and will be reinstated where possible.	YES	An assessment of the CPW bushland has been carried out having regard to the aims of this Policy. The removal of nine trees is in the public interest to enhance views and facilities. The CPW is to be generally retained and enhanced.
Cl 7 Public Authorities	Applies to public open space purposes and the aims of the policy to be considered.	YES	The lot is zoned as public recreation and the aims of the Policy have been considered in approving removal of nine (9) trees in the CPW bushland.
Cl 8 Plan of Management	Plan of Management was required and provided.	YES	A Plan of Management has been required for the CPW Bushland / public open space area of the site. The Plan of Management will be publically available on the

			Department of Planning and Infrastructure website.
Cl 9 Land Adjoining Bushland or Public Open Space	Constraints on public authority	YES	Consideration has been given to the need to retain the bushland and also to the effect of the adjoining proposed development on the bushland. Proposals to cut and fill on adjoining land have been withdrawn.
Cl 10 Preparation of LEP	Consider aims of policy and retaining bushland	YES	An LEP has been prepared and the area of CPW has been zoned for public open space (RE1). The CPW is to be retained and enhanced as required by the aims of the Policy.
Schedule 1	Areas to which policy applies	Yes	Penrith is identified.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

SEPP No 55	Precis of Criteria	Complies	Department Comment / Assessment
Cl 2 Objects	(1) provide a statewide planning approach	YES	Applies in NSW
	(2) reduce risk to health and environment by specifying: a) when consent is required for remediation work; b) consideration in rezoning land and in determining development; c) requiring remediation meet certain standards and notification.	YES	Contamination has been considered under the provisions of this SEPP for both recent rezoning of the North Penrith Development site and this development application.
Cl 3, 4, 5 Notes, Definitions and Applicable Land	Whole state	YES	Site in NSW
Cl 6 Consideration of contamination and remediation in zoning	In preparing an LEP contamination, suitability of the land for the proposed purpose and/or remediation are to be considered	YES	Remediation was undertaken during decommissioning of the site. Site contamination considered in the Site Audit Report and Site Audit Statements. North Penrith site certified suitable for residential use. The North Penrith site was rezoned on 25 November 2011.
Cl 7 Consideration in Development Application	(1) must not consent unless: a) considered contamination; b) suitability of site for proposed purpose; c) satisfied that land is/will be remediated for its purpose. 2) Consider a report of preliminary investigation 3) Applicant to carry out investigation and provide report	YES	Investigations have been undertaken and a report has been provided. The statement of commitments which accompanied the concept plan, specifies on-going investigations, monitoring and management for each stage of the North Penrith site. An assessment report by the Site Auditor for Stage 2A, certifies the site is suitable for the intended land uses with the provision that ongoing assessment be undertaken during this construction phases. The Site

	4) The Land is for residential and recreational purposes		Auditor is to be retained for ongoing site assessment.
Cl 8 – 18 Contamination	Levels of and procedures for remediation	N/A	The site has been certified by the auditor as suitable for the intended land uses and testing is to be ongoing throughout this stage of development.
Cl 19 Relationship to other EPIs			Noted
Cl 19A Barangaroo and Part 3A		N/A	
Cl 20 & 21 Transitional and special provisions			Noted

PENRITH CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2008

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

Clause	Precis of Criteria	Complies	Department Comment / Assessment
Cl 2 Aims	Strengthen role as regional city promoting employment, residential, recreational development and opportunities in the city centre. Encourage development that contributes to alternative and sustainable access to city centre. Enhance public transport, walking and cycling. Facilitate building, urban and public domain design quality. Ensure social, economic and environmental outcomes. Enhance environmentally sensitive areas and heritage of city centre.	YES	The North Penrith Development Site will enhance and diversify the Penrith city centre area. Residential, recreational and employment opportunities will be provided in a transit orientated development. Social needs and sustainability are being considered and addressed. Heritage and environmental constraints have been identified and are being protected and enhanced.
Cl 3-15	Clauses 3, 4, 9, 11-13 do not apply to the North Penrith Site (see Cl 45 (2))		Noted
Cl 16 Subdivision	Subdivision only with consent and the listed exceptions	YES	This proposal includes subdivision and consent is sought.
Cl 17 Zoning	Zone RE1 Public Recreation	YES	Works including demolition, earthworks, community facilities, recreational areas and facilities are permitted.
Cl 18-20	Exempt & Complying Dev. & Environmentally sensitive areas		Noted
Cl 21 - 31 Development standards	Cl 21-29 do not apply to the North Penrith Site (see Cl 45(2)).	N/A	
Cl 32 Exceptions to development	Contraventions of standards may be granted within the		Noted

standards	constraints listed. Written request with justification must be considered and DG concurrence obtained.		
Part 5 Cl 33-37 Miscellaneous provisions			Noted
Cl 38 Proximity to Rail Corridor	To ensure residential development is not adversely affected by noise/vibration.	YES	Railcorp has been consulted and conditions and commitments in this regard apply to this development.
Cl 39 Preservation of vegetation	Conditions and constraints to the removal of trees and vegetation	YES	Trees will be removed as part of this proposal. It is part of a larger Concept Plan which has been considered by Council and other agencies in association with the broader outcomes. Many trees will be retained including in the CWP.
Cl 40 Heritage Conservation	Cl 40 does not apply to the North Penrith site (see Cl 45(2))	N/A	
Cl 41 - 43			Noted
PART 6 Local provisions			Noted
PART 7 Cl 45 (1)	NORTH PENRITH SITE Mapped land	YES	The map identifies the subject site at North Penrith. Stage 2A of the site is mapped as zones : o R1 – General Residential; o RE1 Public Recreation and o R2 Low Density Residential.
Cl 45 (2) Other provisions which apply to the North Penrith Site	The Plan applies except: Cl 11-13 identify land use zones and objectives Cl 21-29 provide the development standards. Cl 40 refers to heritage conservation and archaeological sites.	YES	The zoning tables relate to the Stage 2A infrastructure, landscaping and subdivision proposal. Noted
Cl 46 Interpretation			Noted
Cl 46 -48 EPIs	Interpretion, EPIs which cease to apply to the land, covenants etc		Noted
Cl 49 Land use Zones		YES	Stage 2A includes the subdivision of the land. The proposal complies with the zoning map – zones R1, R2, RE1.
Cl 50 Objectives of	**Zone R1:** Provide a variety of	YES	Residential accommodation complies with objectives of Zone R1;

the zones	housing types and density, facilities and services for community needs; **Zone R2:** Provide housing within low density residential environment; **Zone RE1:** Land for public open space or recreational purposes; Provide recreational settings; Protect and enhance natural environments.		Thornton Hall is within the R2 zone. Thornton Park is zoned RE1 which will protect and enhance the CPW and provide a recreational setting.
Cl 51-53 Miscellaneous	Height of buildings, development near boundaries and roof forms	N/A	Stage 2A is for earthworks and provision of utilities only.
Cl 54 Heritage Conservation	Objectives: To conserve the environmental heritage, heritage items, settings and views. Consent required for: Works to or near a heritage item and subdivision of land on which a heritage item is located. Consider: Effect of development on heritage significance of the item. Assessment. May require a management and/or conservation plan. Conservation. No adverse impact on heritage item or setting permitted.	YES	Thornton Hall and curtilage are within Stage 2A and are to be provided protection by the creation of a distinct allotment. Lemongrove Conservation area borders the eastern boundary of the site. Thornton Park will also be a distinct allotment providing protection for the setting and views associated with Thornton Hall. No works are to be undertaken to Thornton Hall under this Stage 2A proposal. The effect of development has been considered as well as the statement of heritage impact and Aboriginal Heritage Management Plan. The conclusion of the statement is that the Hall will be enhanced, Allotments along Lemongrove Rd will not be impacted. The Aboriginal community to be consulted and a s.88B instrument to protect both the CPW and the area of site where the Aboriginal items were located.
Cl 55 Earthworks	Earthworks are not to have a detrimental impact on environmental, cultural or heritage features or neighbouring uses. Consider:	YES	The earthworks, drainage, soil, fill and future development have all been considered. The likelihood of disturbing relics both European and Aboriginal have been considered and recommendations in Heritage Management Plans are to be

	Disruption, drainage, quality of fill, effect on existing amenity, source of fill, relics, impacts on water and environment to be considered.		implemented. Potential impacts to the critically endangered CPW required modification of the fill proposal.
Cl 56 Savings provision		N/A	

APPENDIX C – CONSIDERATION OF CONCEPT PLAN/DESIGN GUIDELINES AND STATEMENT OF COMMITMENTS

CONSIDERATION OF CONCEPT PLAN DESIGN GUIDELINES

As it applies to issues which must be addressed in the EIS for Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

No	Precis of Key Issue Relevant to Stage 2A	Complies	Department comment/assessment
1.0 Introduction			
Land to which Plan applies		YES	Plan applies to the former North Penrith Defence site as shown on the map.
2.0 Concept Plan			
2.2 Outcomes	- Transit oriented development creating direct routes to rail. - Mix of land uses with safe pedestrian network. - Diverse range of 900-100 dwellings with open space, canals, outdoor recreational facilities. - Generate local jobs and cater for daily needs and services in close proximity to transport. - Retain key trees and manage flood issues. - Protect and enhance cultural and environmental heritage.	YES	The stage under consideration is for earthworks, subdivision and supply of utilities and services. Pedestrian and cycle networks are provided. Heritage and retention and enhancement of flora are relevant to this stage of the proposal. The CPW trees are to be retained and enhance. A Bushland Plan of Management provides details of the management of this area of the site.
3.0 Residential Development			
3.1 Housing Density	Overall target of 900-1000 dwellings. Tradeable between sub-precincts.	YES	This stage creates allotments which will support the housing yield.
3.2 Subdivision - Objectives	A range of densities, lot sizes and dwelling types in a coordinated manner; provide high level amenity.	YES	The constraints of the Stage 2A area is such that the residential development is relatively uniform. This will however ultimately be an integral part of the diversity of dwellings on offer.
- Controls	(1) All Torrens title allotments within the constraints provided to be accompanied by plans. (2) N/A (3) N/A (4) Development in R1 zone (except residential flat bldgs): lot depth to be 25m to 30m;	YES	This application includes a proposal to subdivide the allotments. Detailed plans have not been provided however building envelope plans have been supplied. The works proposed are generally early stage, broad scale earth

	Min. width is 4.5m (attached/semi detached dwellings) and 8m for dwelling houses. NB: (4) permitted for integrated housing provided good amenity achieved. (5) Residential allotments rectangular with orientation for siting of dwellings and private open space to obtain winter solar access. Avoid battleaxe lots.		and services works. Detailed dwelling plans, which must comply with the guidelines, will be generated at a later stage. Residential lots in zone R1 comply with the dimensions required by (4).
3.3 Building Envelopes - Objectives	Efficient land use, attractive streetscapes, respect curtilage and views to Thornton Hall, manage impacts on adjoining properties, achieve design outcomes.	YES	There is no built works proposed in this application. Views through Thornton Park are to be provided in stage 2A and the subdivision will ensure protection of the curtilage of Thornton Hall.
- Controls	(1) – (7) A range of controls which will apply to the built environment. (8) An exception to the front setback dimensions provided for residential dwellings is the western side of Thornton Hall carriageway. This is to accommodate tree retention and access driveway. (9) An except to the rear setback dimensions to Lemongrove Road and Block C3 requires a 4m rear setback.	N/A	This application does not include construction of dwellings.
3.4 – 3.10 Design of the built forms	Prescriptive controls for location, constraints and finishes of built forms.	N/A	
3.11 Residential Flat Buildings	(1) Max. building height provides an exception for block C3 of 3 storeys, max. site coverage of 50%, min. deep soil zone 15% and Min communal open space of 20%. (2) Block C3 Trees at Fig 16 retained; no disturbance of area around trees; site not to be re-subdivided and trees retained in common property; boundary fencing with open space OS2 to be transparent high quality materials.	YES	The trees on C3 are to be retained in this proposal and the proposed pattern of subdivision is shown at Figures 3 and 4 (block C3 is the northern most lot of Stage 2A). The boundary fence between Thornton Park and block C3 will be addressed at a later stage in conjunction with construction works.
3.12 - Ancillary Dwellings		N/A	

4.0 The Village Centre		N/A	
5.0 Thornton Hall			
5.1 Built Form - Objectives	(1) Conserve heritage significance and its setting (2) On going appropriate use (3) Remove inappropriate alts and adds	YES	The proposed subdivision will ensure conservation of Thornton Hall and its curtilage. No construction works to be undertaken to Thornton Hall under this application.
- Controls	(1) Alts and Adds to the Hall (2) curtilage around Hall to be retained; provide view corridor but generally retain trees; (3) access to reflect original access; retain the historic hoop pine as the driveway entry marker at the Crescent. (4) landscaping to enhance setting and reinforce view corridor; (5) existing trees along entry road into Thornton Hall to be retained and protected. (6) fencing to be unobtrusive, preferably timber or hedge. (7) Rear setback controls for lots backing onto Lemongrove Road 4m at ground level.	YES	Curtilage is to be maintained when the site is subdivided. Some thinning of trees on Thornton Park will provide a view corridor. Original alignment of access to Thornton Hall being retained and hoop pine also being retained. The landscape design will enhance the setting of Thornton Hall and reinforce view corridor. Existing trees will not be retained as discussed in section 4.2.3 of the DGs Report above. New planting is to be undertaken.
6.0 Industrial Development		N/A	

CONSIDERATION OF CONCEPT PLAN STATEMENT OF COMMITMENTS

As it applies to Stage 2A (landscaping, infrastructure and subdivision development) of Concept Plan MP10_0075

Subject	No	Applicable Commitment	Responsibility/ Timing	Department Comment
Local Infrastructure Contributions	1	Landcom will provide local infrastructure contributions in accordance with Table 7 at Section 6.13 of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010, and as amended by Table 7 at Section 4.8.2 of the Preferred Project Report prepared by JBA Planning dated April 2011 (subject to SoC No. 2 below)	To be demonstrated by the proponent at the time of any relevant detailed application.	Stage 2A includes subdivision and a condition has been included in regard to contributions. Contributions payments and time of payment remains under consideration in MOD 1.
	2	Landcom will continue to work with the RTA to define the exact scope and cost of works for the intersections nominated in Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011. Notwithstanding this, the proportion of proposed works/upgrades required to be paid by Landcom and the timing by which Landcom must deliver the works shall be provided consistent with the percentages and timing identified in Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011.	Ongoing and to be demonstrated by the proponent at the time of any relevant detailed application.	Road and Maritime Services (RMS) have been consulted during Stage 2A notification. The applicant continues to work with RMS.
Housing/Built Form	3	Landcom will promote housing diversity in Penrith by including a wide mix of dwelling types and sizes for a range of household types within the development	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	4	Landcom will produce a mix of properties for sale and/or rent that include a proportion that are affordable for households within the very low, low, and moderate income bands (based on Affordable Housing SEPP definitions).	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	5	Future applications shall consider the Development Control Plan included at **Appendix D** of the	To be demonstrated by the proponent at	Considered

		Preferred Project Report prepared by JBA Planning dated April 2011, as relevant.	the time of any Relevant detailed application.	
	6	Landcom will convene a Design Review Panel comprising Landcom, Penrith City Council and the project architect.	Ongoing following construction.	N/A
Employment Generation	7	Development on the site will include uses that generate at least 783 full time jobs.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	8	Landcom and Penrith City Council are to enter into a Memorandum of Understanding (MOU) to jointly explore higher order employment outcomes that compliment and do not compete with the Penrith CBD. Consideration of such a use must consider what potential impacts may be generated by this type of development including (but not limited to) matters regarding traffic, service infrastructure, stormwater, flooding (including evacuation), heritage and social and economic impacts. Where unsustainable, detrimental or significant impacts are associated with taking forward the proposal then Council and Landcom may agree not proceed with the search to secure a tenant, or the scope of what may be feasible will be re-scoped.	Prior to submission of any relevant development application for built form development for the key mixed use sites. Impacts associated with this 'additional' development above the quantified amounts of floorspace specified in the Concept Plan are to be investigated and determined prior to searching for a use.	N/A
Social and Recreational Facilities	9	Landcom will provide a community pavilion in accordance with the plans attached at **Appendix A, B** and **C** of the Preferred Project Report prepared by JBA Planning dated April 2011.	Landcom will own and manage the community pavilion for a period of 5 years before executing **Commitment No. 7** below.	N/A
	10	Landcom will convert the community pavilion into a publicly accessible community centre in accordance with the plans attached at **Appendix C** of the Preferred Project Report prepared by JBA Planning dated April 2011 and dedicate it to Penrith City Council.	Upon occupancy of 400 dwellings or at a time mutually agreed by both Landcom and Penrith City Council.	N/A
	11	Landcom will construct and	To be	Open Space

		embellish the land zoned public recreation on the Open Space Concept Plan Master Plan in accordance with the plans at **Appendix X** of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 prior to dedicating it to Council.	demonstrated by the proponent at the time of any relevant detailed application.	area is to be constructed as appropriate in Stage 2A.
Heritage	12	The Concept Plan identifies the heritage values of Thornton Hall. The Future Project Application will implement the design, layout and landscape values which recognise the identified heritage values of the site.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	13	An archival recording of the place will be undertaken prior to work commencing.	To be demonstrated by the proponent prior to commencement of works.	Undertaken
	14	An Interpretation Strategy prepared in conjunction with a Public Art Strategy will be submitted in conjunction with subsequent Project Applications to ensure that opportunities to recognise the site's heritage values through landscaping and public art are fully realised.	To be demonstrated by the proponent prior to commencement of works.	Interpretative Public Art to be included within Thornton Park
Non Indigenous Archaeology	15	Prior to commencing works within the vicinity of Thornton Hall (i.e. the area denoted as H1 on the Indicative Subdivision Plan map) and Coombewood (i.e. the area shown as OS5 on the Indicative Subdivision Plan map), Landcom will investigate and record any European archaeological remains within the areas utilising current best practice methodologies.	To be demonstrated by the proponent prior to commencement of works.	There are no works to Thornton Hall or Coombewood in this application
Indigenous	16	Prior to commencing works within the vicinity of Thornton Hall (ie: the area denoted as H1 on the Indicative Subdivision Plan map) and Coombewood (ie: the area shown as OS5 on the Indicative Subdivision Plan map), Landcom will investigate and record any indigenous archaeological remains within the areas utilising current best practice methodologies.	To be demonstrated by the Proponent prior to commencement	There are no works to Thornton Hall or Coombewood in this application

	17	Landcom will consider the views of the Aboriginal community when determining the management regime and interpretation of the mapped and identified indigenous artefact identified as No. 45-5-2491.	To be demonstrated by the proponent at the time of any relevant detailed application.	Considered during the consultation period of the Concept Plan
Landscaping, Public Domain and Public Art	18	Landcom commits to implementing public art throughout the site in the locations illustrated on the Opportunities Plan and generally in accordance with the Public Art Strategy attached at **Appendix Z** of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.	Public Art to be implemented in Thornton Park
	19	Landcom will prepare a street and place naming strategy for future open space and streets throughout the site.	To be demonstrated by the proponent prior to commencement of works.	A condition requires Landcom to consult with Council.
Traffic and Access	20	A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific construction traffic management plan.	To be demonstrated by the proponent prior to commencement of works.	A condition and mitigation measure require comprehensive CEMP to be provided prior to the commencement of works
	21	Landcom will carry out the road works identified in Road Hierarchy Plan and dedicate those works on a stage by stage basis to Penrith City Council.	To be demonstrated by the proponent at the time of any relevant detailed application.	Road works will be undertaken during Stage 2A and dedicated at an agreed time.
	22	The widened kerbside lanes along the public transport (ie: bus) corridor to Coreen Avenue, and the Station Square (OS8) adjacent to the station and the land reserved for the bus underpass of the Western Railway Line are considered to be works in kind as they are in excess of the bus requirements for this project and are included to benefit the transport needs of other developments and the broader community.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	23	Landcom will undertake road	Ongoing and then	N/A

		works and upgrades to the following intersections: • Parker St/Oxford St/Coreen Ave/Richmond Road; • Coreen Avenue/Coombes Drive (eastern intersection); • Coreen Avenue/new site entrance road (Sydney Smith Drive); • Coreen Avenue & commuter car park road (Daniel Woodriff Drive); • Castlereagh • Road/Coreen Avenue; • Castlereagh Road/Peachtree Road. Refer to SoC No. 2 for details of the cost of works, timing and proportion of funds required to be contributed to the nominated works/upgrades by Landcom.	to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.	
	24	In addition to the above, Landcom will provide the following transport related works in kind: • The widened kerbside lanes along the public transport corridor to Coreen Avenue, and the interchange facilities in the plaza adjacent to the station to promote the use of transit for travel; • Land reserved for a bus underpass of the Western Rail Line to promote the future development of the CBD bus network; • Direct and safe cycle and pedestrian routes from Coreen Avenue to Penrith Station (northern side); • A wide plaza and good pedestrian access from Penrith Station to the new commuter car park; and • Landcom will provide an upgraded access road to the commuter car park.	To be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.	A cycle and pedestrian route follows the northern boundary of the Stage 2A development leading to Penrith station.
	25	Landcom will consult with the RTA in the design and construction of RTA owned and managed road works and upgrades and where necessary enter into a works authorisation deed. Landcom will pay the applicable administration	To be demonstrated by the proponent prior to commencement of works.	RMS was consulted during the notification process. Landcom remains in

		and plan checking fees where relevant during these consultations.		discussions with RMS
	26	The estimated cost of the proposed road network upgrades, the apportionment to the North Penrith project on the basis of traffic growth contribution, and the proposed timings are shown in Table 3.3 of the document titled *Testing of RTA and Penrith Council Requested Intersection Changes and Parking Strategy* prepared by Parsons Brinckerhoff and dated 22 March 2011 at **Appendix G** of the Preferred Project Report prepared by JBA Planning dated April 2011. Landcom commits to continuing to work with the RTA to confirm the final scope and costs of the nominated works identified in that Table.	Ongoing and to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.	N/A
	27	Commercial premises will provide cyclist end-of-trip facilities in accordance with the *Planning Guidelines for Walking and Cycling* (NSW Planning, December 2004).	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	28	Landcom, through conditions on its future sales and tenancy agreements, will produce Transport Access Guides for new residents and require commercial tenants to produce a Workplace Travel Plans for their employees and clients.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
Ecological Values	29	Landcom will prepare a Bushland Plan of Management for the Cumberland Plain Woodland within OS2 (Thornton Park). This Plan will include a suggested planting palette that preferences local plantings and seed banks over other resources in the Penrith LGA or broader Western Sydney.	To be demonstrated by the proponent prior to commencement of relevant works.	A BPoM has been provided during the assessment of this Stage 2A application.
	30	Landcom will create a positive covenant over the trees within Block C3 to protect: • The Cumberland Plain Woodland; and • indigenous archaeological values.	To be demonstrated by the proponent at the time the subdivision linen plan is submitted.	Conditions apply requiring a s88B covenant prior to the issue of the subdivision certificate
	31	Stormwater Infrastructure for the	To be	Stormwater

		Concept Plan will be provided in accordance with the Stormwater Management Strategy and Stormwater Management Report Worley Parsons at **Appendix N** of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	demonstrated by the proponent at the time of any relevant detailed application.	Management plans have been provided to the satisfaction of Council
Drainage and Stormwater	32	The targets for annual post development loads are: • 85% for Total Suspended Solid (TSS); • 65% for Total Phosphorus (TP); • 45% for Total Nitrogen (TN); and • 90% for Gross Pollutants (GP).	To be demonstrated by the proponent at the time of any relevant detailed application.	Stormwater Management plans have been provided to the satisfaction of Council
	33	WSUD features will be maintained in accordance with *ManagingUrban Stormwater: Treatment Techniques* (1997), published by the Environment Protection Agency (EPA).	Ongoing following construction.	Primary treatment is not within the Stage 2A area
Flooding	34	Development on the site will be in accordance with the objectives of the NSW Government's *Flood Prone Land Policy* and the *Flood Plan Development Manual 2005* published by the then Department of Infrastructure, Planning and Natural Resources (DIPNR) and will integrate with the State Emergency Service's regional evacuation strategy.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	35	The final ground surfaces will be at or above the regional 100 year ARI flood level of RL 25.4m (AHD)	To be demonstrated by the proponent at the time of any relevant detailed application.	Ground surface levels of the site are at their highest for the area of Stage 2A
	36	The minimum habitable floor level for the site will be RL 25.9 AHD, being a 0.5m freeboard above the 1 in 100 year annual recurrence interval (ARI) flood event (in accordance with the Regional Flooding Assessment by Worley Parsons at **Appendix O** of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A

Contamination	37	Landcom will continue to work with a Site Auditor in recognition that there may be a requirement for further assessments, particularly relating to the importation of fill and the possibility of unexpected finds. Site Audit Statements will be prepared for individual Project Applications.	To be demonstrated by the proponent at the time of any relevant detailed application.	Conditions have been applied outlining the constraints required for any fill.
	38	The Construction Environmental Management Plan (CEMP) is to include a site-specific Unexploded Ordnance Protocol (UOP). The UOP is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent at the time of any relevant detailed application.	Included in the CEMP
	39	The CEMP is to include a site-specific Unexpected Finds Protocol (UFP). The UFP is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent at the time of any relevant detailed application.	Included in the CEMP
	40	After removal of the existing concrete slabs, a suitably qualified environmental engineer/scientist will inspect the exposed ground for indicators of contamination. Sampling and testing might be required.	To be demonstrated by the proponent at the time of any relevant detailed application.	Demolition is to be undertaken in Stage 2A.
	41	Remediation and validation pursuant to an unexpected find or contamination found after removal of concrete slab. If remediation is required, a specific Remediation Action Plan (RAP) will be prepared. The remediation works will be carried out in accordance with the RAP. Validation of the remediated area by the environmental engineer/scientist will be carried out after completion of remediation works.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	42	Any identified ash/coal materials will be tested to confirm the contamination status. The ash/coal materials with concentrations of analytes within the assessment criteria can be re-used on-site. To mitigate the potential for site occupiers to have aesthetic-based concerns and/ or	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A

		because the materials may be unsuitable as a planting medium, ash/coal materials will not be placed near-surface in any location in the site.		
	43	In the event groundwater extraction is envisaged for any purpose, then further groundwater assessment will be undertaken to verify the suitability of the groundwater for the specific use.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	44	Further sampling, testing and assessment of the groundwater inside the northern site boundary, which is in the vicinity of the Mobil fuel storage and distribution depot, will be undertaken to confirm that the site is not impacted by any contamination inflow from the Mobil depot. The further assessment will be undertaken prior to lodgement of the Project Application for that part of the site.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	45	The crushed concrete and asphalt will be assessed according to *The Recovered Aggregate Exemption 2010* under the "Protection of the Environment Operation (Waste) Regulations 2005", prior to re-use,	To be demonstrated by the proponent at the time of any relevant detailed application.	Demolition is to be undertaken in Stage 2A
	46	With reference to a comment by the Site Auditor in the Site Audit Statement, the design specification and construction approach for the refurbishment of Thornton Hall is to recognise the potential presence of lead paint attention. The CEMP is to describe the measures to be taken when carrying out work in and around Thornton Hall to safeguard construction workers and the environment.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	47	The Virgin Excavated Natural Material (VENM) classification will be reassessed in the event of the following observations during construction activities: • foreign matter being found mixed with the soil; • soil staining and discoloration being identified within the stockpile; • odours emanating from the stockpile.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A

	48	With reference to a comment by the Site Auditor in the Site Audit Statement, the soil in the stockpile should not be used on the surface of residential areas.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
Geotechnical and Groundwater	49	A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific Soil and Water Salinity Management Plan. The Soil and Water Salinity Management Plan is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent at the time of any relevant detailed application.	Included in the CEMP for Stage 2A
	50	Further targeted investigations will be required to confirm the detailed design, including ascertaining the suitability of soils for reuse on the site.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	51	The CEMP is to include measures to ensure imported fill is suitable for the intended use on site.	To be demonstrated by the proponent at the time of any relevant detailed application.	Included in the CEMP for Stage 2A
Railway Corridor Matters	55 sic	Development requiring excavation or other ground penetration of greater than 2m and within 25m of the rail corridor will be required to be supported by: A Geotechnical and Structural Report, and Excavation and Construction methodology that meets RailCorp's requirements. • Detailed cross section drawings showing ground surface, • rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. • A services search confirming the existence and location of any rail services/utilities; • Drainage diagrams that confirm discharge will be directed away from the railway corridor; and • Any electrolysis risk	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	54	Any proposed fencing or landscaping within 20m of the rail corridor will be supported by	To be demonstrated by the proponent at	N/A

		RailCorp endorsement.	the time of any Relevant detailed application	
Civil Works	55	During the detailed design process road grades shall be designed to minimise the amount of fill required at the site, where possible, to assist in providing a more sustainable outcome and also reduce the extent of retaining walls required at the property boundaries.	To be demonstrated by the proponent at the time of any relevant detailed application.	Roads are to be constructed in Stage 2A application. Council have reviewed the proposal and is satisfied.
	56	Additional geotechnical investigations are required to confirm the extent of excavated cut volumes that can be placed as engineering fill within the site.	To be demonstrated by the proponent at the time of any relevant detailed application.	Revised plans have been submitted satisfying the agencies and Council.
	57	Testing of the existing asphalt and concrete slabs should be undertaken to determine their respective suitability for re-use in the road profile of the internal road network.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
Noise and Vibration	58	Future development shall be generally consistent with the findings and the recommendations of the Noise and Vibration assessment at **Appendix DD** of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.	Noise and Vibration is included within the CEMP
Subdivision	59	Landcom will appoint Penrith City Council as the authority to issue Subdivision Certificates for future stages of the project.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
Utilities and Infrastructure	60	Landcom will obtain the relevant approvals and licenses from relevant utility and service providers (including Sydney Water Corporation) that are required to undertake the development. In particular, Landcom will obtain a Section 73 Certificate(s) and engage a Water Servicing Coordinator as required and relevant.	To be demonstrated by the proponent at the time of any relevant detailed application.	Conditions have been applied requiring the relevant approvals and licenses.

APPENDIX D - APPLICANT'S REVISED RESPONSE TO SUBMISSIONS (SEE MITIGATING MEASURES AT APPENDIX H)

Accredited Assessment under the EPBC Act.
If the project involves a "controlled action" under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process

Where a controlled action is involved the department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process.

Delegated Authority

The Minister for Planning and Infrastructure Instrument of Delegation pursuant to section 23 of the Environmental Planning and Assessment Act 1979.dated 14 September 2011.

Schedule 1 Item 31 delegated determination of State Significant development under clause 8J(7) of the Regulations to the Executive Director, Major Projects Assessment.

Ecologically Sustainable Development can be achieved through the implementation of:

(a) the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
- *(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- *(ii) an assessment of the risk-weighted consequences of various options,*

(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
- *(i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
- *(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
- *(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

(a) to encourage:
- *(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

(ii) the promotion and co-ordination of the orderly and economic use and development of land,
(iii) the protection, provision and co-ordination of communication and utility services,
(iv) the provision of land for public purposes,
(v) the provision and co-ordination of community services and facilities, and
(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
(vii) ecologically sustainable development, and
(viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Relevant Environmental Planning Instruments.
These are EPIs that are required to be taken into consideration in the assessment of the project under S79C. A detailed evaluation of each is provided at Appendix B.

S79C Evaluation

(1) ***Matters for consideration—general***

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:
(i) any environmental planning instrument, and
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
(iii) any development control plan, and
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
(c) the suitability of the site for the development,
(d) any submissions made in accordance with this Act or the regulations,
(e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

(a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995), or*
(b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995