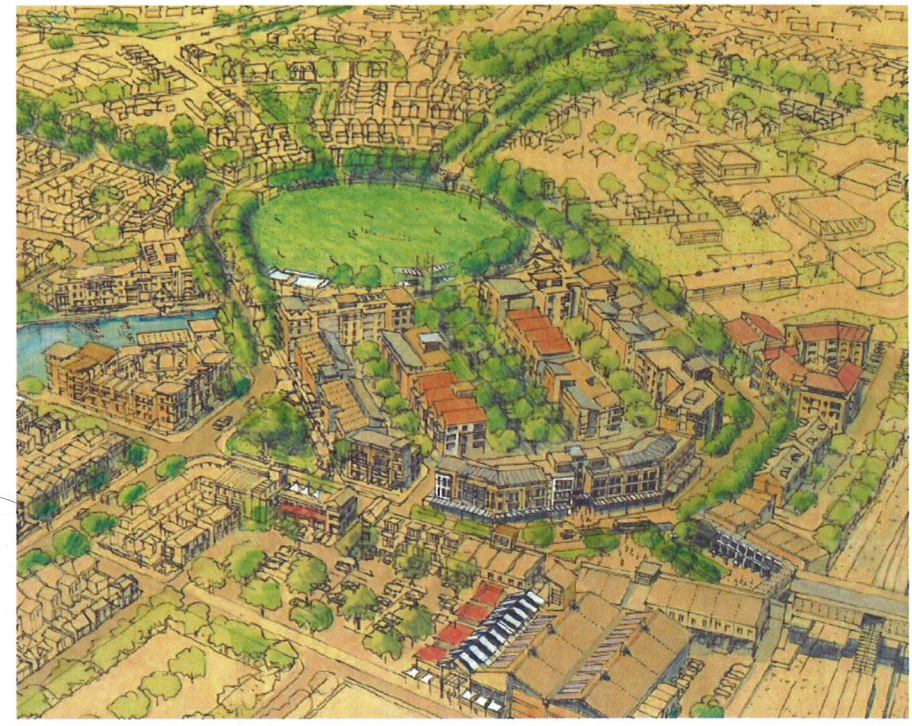
NSW GOVERNMENT | Planning & Environment

STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT: Stage 3A of the North Penrith Development Site (SSD 5348)



Secretary's Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

May 2014

ABBREVIATIONS

Applicant	UrbanGrowth NSW
CIV	Capital Investment Value
Secretary	Secretary of the Department of Planning and Environment, or his delegate/nominee
EIS	Environmental Impact Statement
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
The department	Department of Planning and Environment
PAC	Planning Assessment Commission
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Perspective of North Penrith Development Site - Design Guidelines 2013

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by UrbanGrowth NSW (the applicant), seeking approval for subdivision, public domain and infrastructure works in Stage 3A of the North Penrith Development Site (NPDS). Stage 3A represents the final phase of the NPDS.

The proposal is classified SSD because the NPDS is identified on the State Significant Development Sites Map in State Environmental Planning Policy (State and Regional Development) 2011.

The Department of Planning and Environment (the department) publicly exhibited the application from 19 September 2013 until 4 November 2013. Eight submissions were received from public authorities and one public submission was received. The main issues raised were in relation to the future detailed design and layout of the site and potential traffic impacts.

The department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the Environmental Planning and Assessment Act 1979 (the Act) and ecologically sustainable development. The department has also taken into consideration the issues raised in the submissions.

The proposed development establishes the infrastructure and urban framework for the future delivery of public open space, medium density housing, commercial and retail uses in the NPDS. The department is satisfied that the proposal is consistent with the approved concept plan applying to the NPDS.

The department therefore considers the project to be in the public interest and recommends that the application be approved, subject to conditions.

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

1.1 THE SITE

The North Penrith Development Site (NPDS) (formerly the North Penrith Defence Site) is located north of the Great Western Highway, east of the Nepean River and directly adjacent to the Penrith Railway Station which is immediately to the north of the Penrith Central Business District (CBD) (see **Figure 1**). It comprises a total area of 40.6 ha. The site is located in the Penrith local government area.

Stage 3A, the subject of this application, is located in the southern portion of the NPDS and is legally described as Lot 1196 DP 1171491 (refer to **Figure 1**). Stage 3A is bounded by the Western Railway Line and Penrith CBD to the south; the Penrith Training Depot occupied by the Department of Defence to the east; Penrith City Council's (council) commuter car park to the west; and the future Stage 3B (commercial development) to the northwest and Stage 1 residential subdivision to the northeast.

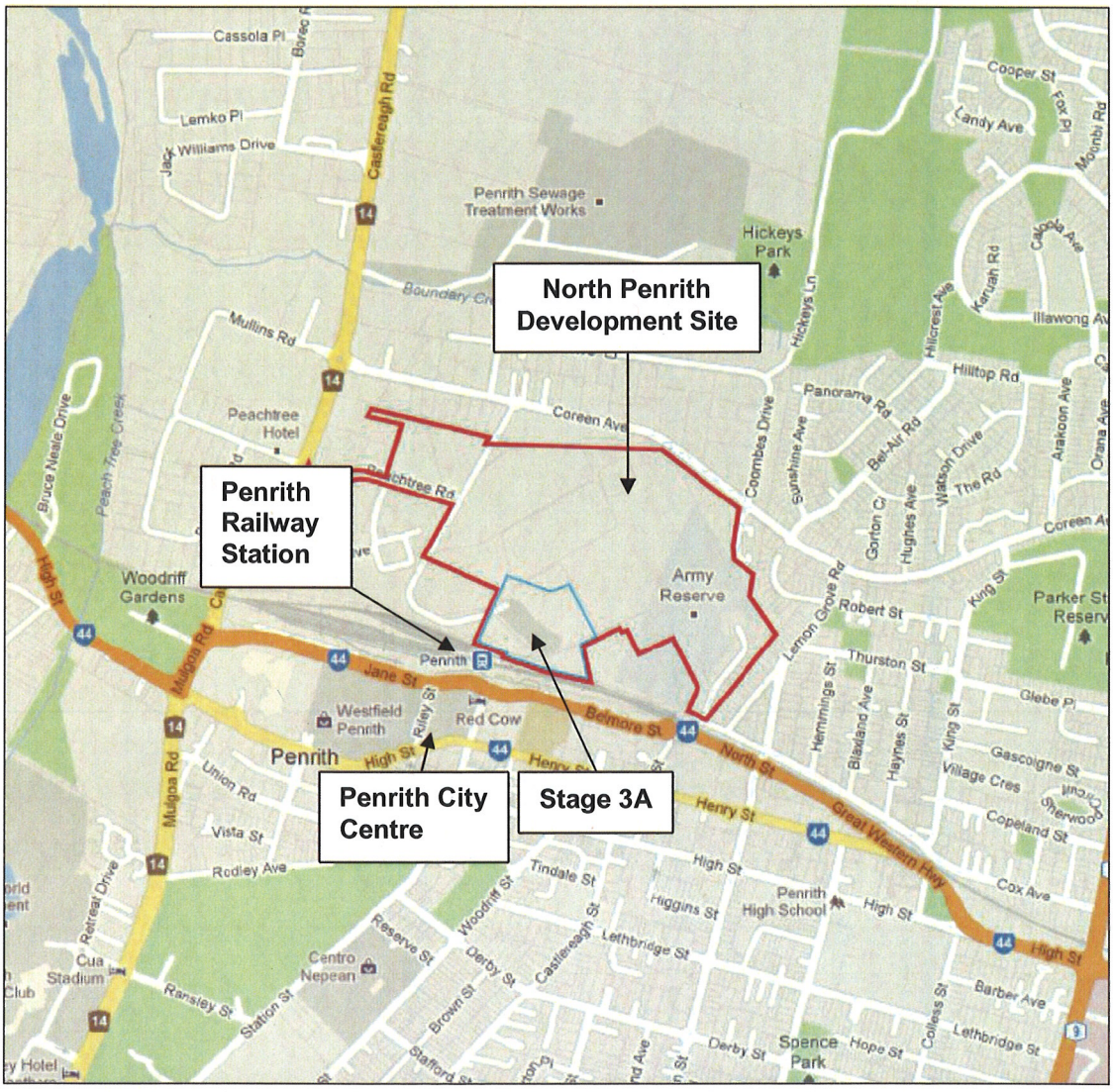


Figure 1: *Project Location* – (source: EIS)

1.2 RELATED APPLICATIONS

1.2.1 North Penrith Concept Plan and Stage 1 Project Application

On 9 November 2011, a concept plan (MP 10_0075) for the NPDS was approved by the then Minister for Planning and Infrastructure under Part 3A of the Environmental Planning and Assessment Act (EP&A Act). The concept plan approval provides for a transit orientated mixed use development comprising 900-1,000 dwellings, employment generating uses, open space and associated infrastructure and facilities (refer to **Figure 2**). The principle guiding document for the future development of the NPDS is the North Penrith Design Guidelines 2013 (Design Guidelines) which were approved as part of the concept plan. A project application for Stage 1 (MP10_0078) was approved concurrently with the concept plan for the first phase of the development creating 97 residential lots. The Stage 1 works have been completed including vehicular access to Stage 3A.

1.2.2 North Penrith Concept Plan Modifications 1 and 2

On 23 January 2013, an application to modify the concept plan (MOD 1) was approved under delegation by the then Executive Director, Urban Renewal and Major Sites resulting in changes to the Section 94 contributions, the location of vehicular access to some allotments and the requirements in the Design Guidelines. On 11 January 2013, a second application to amend the concept plan (MOD 2) was approved under delegation by the then Director, Metropolitan Regional Projects North resulting in changes to the layout of Stage 2D, the Design Guidelines and the remaining stages of the development.

1.2.3 State Significant Development Applications

The site was subsequently identified as State Significant Development (SSD) in Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011), and all following stages of development have been submitted to the department for assessment under the provisions of that SEPP. On 16 January 2013, a development application (DA) for Stage 2A (SSD 5243) was approved under delegation by the then Executive Director, Major Project Assessments for early works and is currently under construction. On 28 June 2013 DAs for Stages 2B/2C (SSD 5346), Stage 2D (SSD 5347) and Stage 3B (SSD 5349) were approved under delegation by the Executive Director, Development Assessment Systems and Approvals for earthworks, road construction, landscaping in the public domain and subdivision (refer to **Figure 3**).



Figure 2: *North Penrith Concept Plan - Indicative Masterplan (source: EIS)*

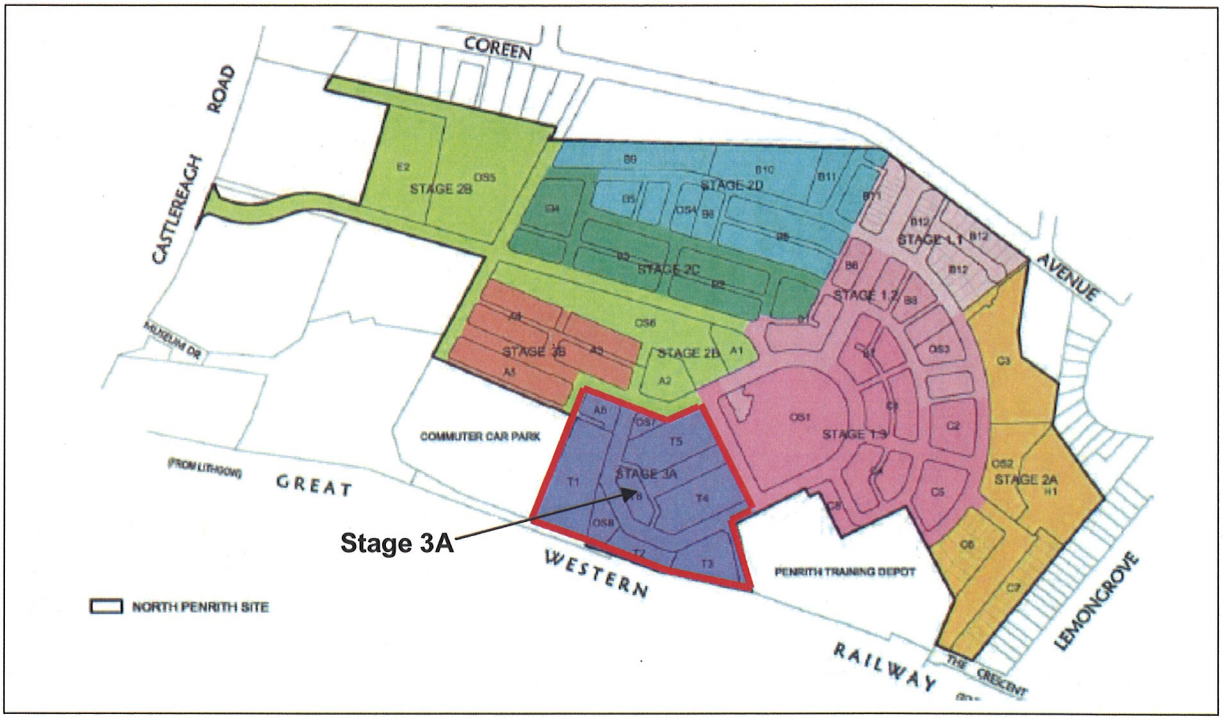


Figure 3: *NPDS Revised Staging Plan (approved in MOD 2 - Concept Plan) (source: EIS)*

1.3 THE PROPOSAL

The originally lodged proposal involved subdivision of Stage 3A to create seven super lots for future dwellings, retail, commercial uses, a bus corridor and also public domain and infrastructure works.

The proposal was amended to include a central parking street and six additional super lots for future residential, commercial and retail uses and public space (McHenry Place) in response to ongoing detailed design requirements (refer to **Figure 4**). After further consultation with council, the applicant has now deleted the originally proposed kiosk in the Station Plaza. The proposal now seeks approval for subdivision of the site into 13 super lots and the following public domain and infrastructure works:

Roadworks

- Construction of Lord Sheffield Circuit and a central parking street and connections to existing or approved road intersections;
- erection of road signage; and
- upgrade works at the intersection of Coreen Avenue and Coombes Drive.

Infrastructure and utilities

- Construction of drainage and stormwater management infrastructure within the road reserve and the provision of utilities servicing infrastructure.

Public domain

- Construction of McHenry Place and Station Plaza including a shade canopy, stone paving, public art and street furniture; and
- associated landscaping and street tree planting within the road reserves.

The Landscape Concept Master Plan incorporates McHenry Place and the central parking street along with street tree planting for the remainder of the site (refer to **Figure 5**). The public domain elements will be constructed and maintained for a period of 3 years, prior to

being dedicated to council. The future road and central parking street will also be dedicated to council upon completion.

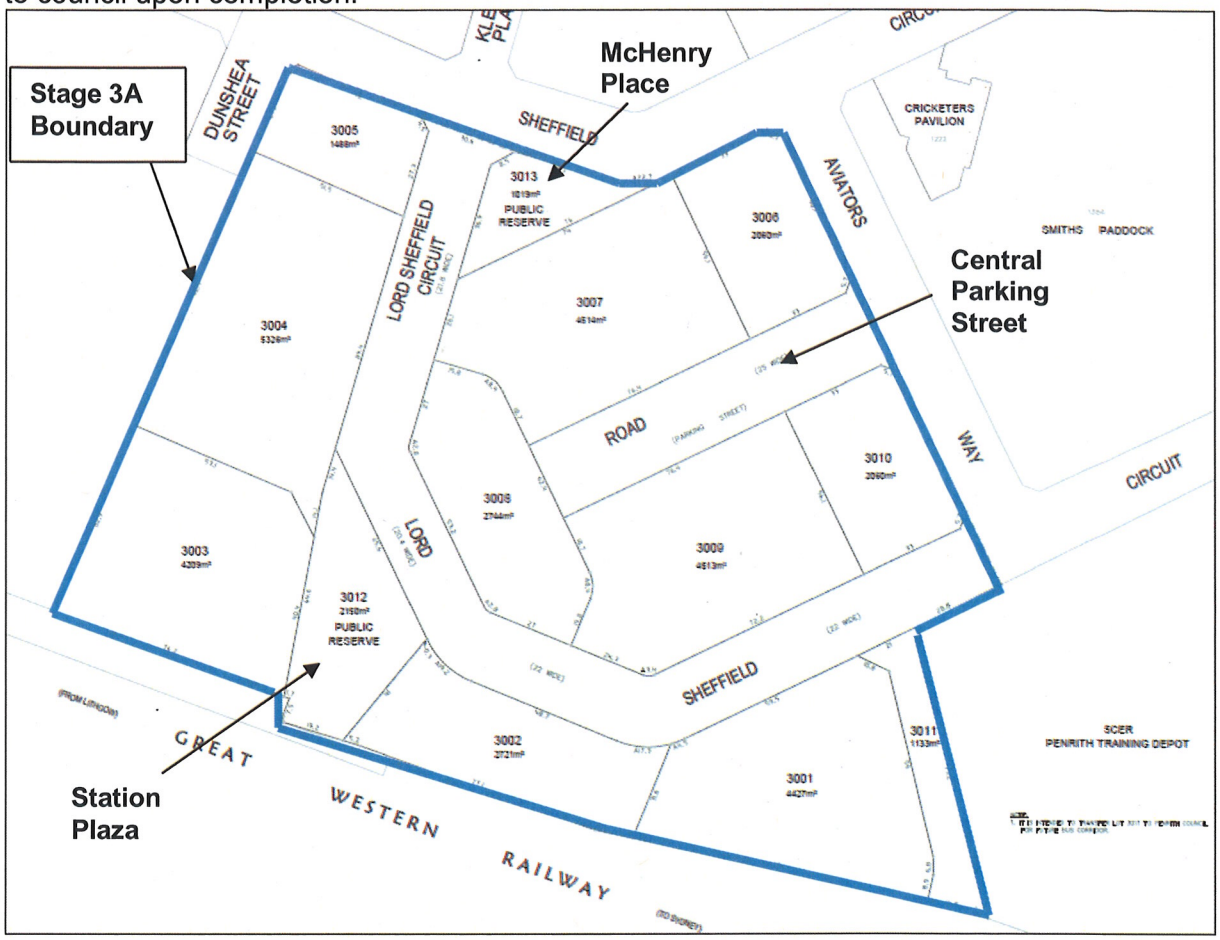


Figure 4 – *Proposed subdivision layout for Stage 3A*

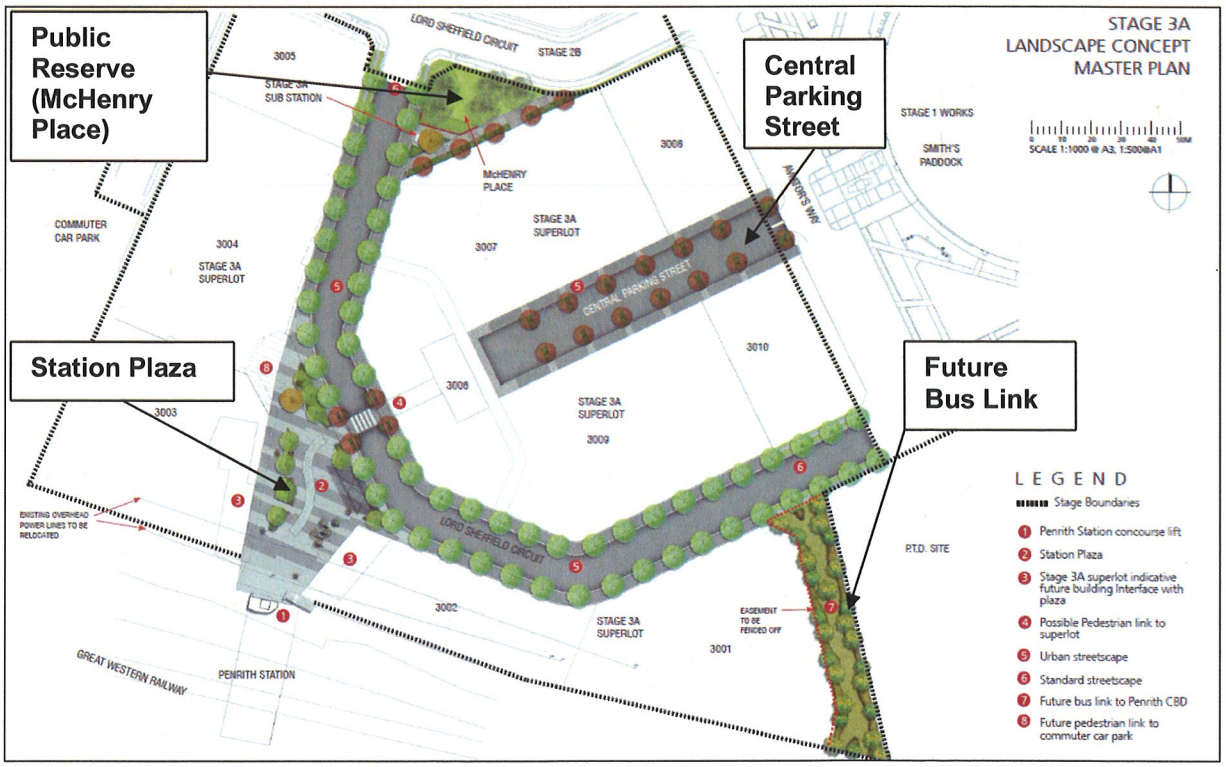


Figure 5: *Amended landscape plan showing the public domain elements for Stage 3A*

2. STATUTORY AND STRATEGIC CONTEXT

2.1. SEPP (State and Regional Development) 2011

The NPDS is identified in Schedule 2 clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 and identified on the State Significant Development Sites Map. Development that is identified in Schedule 2 is State Significant Development (SSD). The Minister for Planning is therefore the consent authority.

2.2. Delegated Authority

On 27 February 2013, the then Minister for Planning and Infrastructure delegated responsibility for the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals. The proposal complies with the terms of that delegation as council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions were received.

2.3. Permissibility and Zoning

The subject site is zoned B2 Local Centre under Penrith City Centre Local Environmental Plan 2008 (PLEP 2008) and the proposed development is permissible in the zone.

2.4. Consistency with the Concept Plan

The approved concept plan (MP10_0075) provides the guiding principles which are to be applied to the development of the NPDS. The concept plan approval included the staging and subdivision plans for the site, design guidelines and the statement of commitments. The proposal has been assessed against the requirements as detailed within the concept plan and is considered consistent with the approved concept plan (refer to **Section 4.2.1** and **Appendix D**).

2.5. Environmental Planning Instruments

The department's consideration of relevant EPIs (including SEPPs) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the EPIs.

2.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 of the Act. The proposal would promote the orderly development of the existing hospital site and deliver additional health facilities for the region and therefore complies with the objects of the Act.

2.7. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment* Administration *Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. Ecological sustainability was considered in the concept plan (see the Director-General's Environmental Assessment Report for the North Penrith Concept Plan, Section 5.29). The proposal is consistent with ESD principles and in accordance with the requirements of Schedule 2 of the Regulation.

2.8. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.9. Strategic Context

The strategic justification for the NPDS is established in the approved concept plan. The key planning strategies including the *Metropolitan Plan for Sydney 2036* and *Draft Metropolitan Strategy for Sydney 2031* identify Penrith as suitable for employment growth and higher density housing close to appropriate infrastructure and the city centre. The NPDS is identified as suitable for redevelopment in the *draft Northwest Subregional Strategy*. The proposed subdivision and infrastructure works will provide the framework for the delivery of a village centre with a mix of residential, commercial and retail uses adjacent to the Penrith Railway Station. The proposal is therefore consistent with the relevant State and regional planning strategies.

2.10. Environmental Assessment Requirements

The EIS is compliant with the Environmental Assessment Requirements and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication, in accordance with the Regulation. The department publicly exhibited it:

- on the department website from 19 September 2013 until 4 November 2013; and
- at the department's Bridge Street Sydney Information Centre and Penrith City Council Civic Centre and library from 19 September 2013 until 4 November 2013.

The department notified adjoining landholders and relevant State and local government authorities in writing. There were eight submissions received from public authorities and one submission received from the general public during the public exhibition period. A summary of the comments/issues raised in all the submissions is provided in the following section.

3.2. Public Authority Submissions

A summary of the comments/key issues raised by public authorities is provided below.

Penrith City Council

- The proposal needs to demonstrate the design of the Station Plaza could be adapted to accommodate a north-south connection associated with the future upgrade of Penrith Railway Station;
- improvement works including lighting under the stairway and provision of train service information boards should be undertaken in the interim period prior to the upgrade of Penrith Railway Station;
- temporary hoardings shall be provided to frame the edge of the plaza;
- the detailed design should make provision for bicycle parking, equitable access, adequate pedestrian thresholds, lighting for security, graffiti resistant finishes, street furniture and information signage;
- the development should be undertaken in accordance with Water Cycle Management actions approved in earlier stages;

- future applications will need to consider noise impacts and waste management arrangements;
- the new lot configuration, whilst generally in accordance with the concept plan, creates lots in the village centre at a size and configuration which could limit future development potential in the absence of approved development designs;
- a consistent glass colour should be used in the station plaza shade canopy; and
- prior to issue of a construction certificate detailed design plans and maintenance plans for Station Plaza and McHenry Place are to be approved by council.

Transport for NSW (including Railcorp)

- Roads should be designed to accommodate overall bus manoeuvrability, bi-directional movement and swept paths for buses up to 14.5m in length to avoid centre line crossing in accordance with relevant standards;
- an additional bus stop should be located on the north-eastern side of the roadway opposite Penrith Station to accommodate buses that are approaching the Station from the north and west;
- the proposed landscaping in the vicinity of bus stops should be reviewed to ensure visibility for buses is not obstructed;
- a condition should be imposed requiring all easements burdening the land being endorsed by Railcorp's Land Information Unit prior to registration; and
- a condition should be imposed requiring future works such as the high mast luminaire poles, future colonnade and paving comply with the relevant electrical easement standards with respect to clearance requirements and safe work methods.

Roads and Maritime Services

RMS raised no concerns with the proposal and recommended the imposition of conditions in relation to signposting, public utilities, car park and road design.

NSW Department of Trade and Investment

The Minerals and Resources Branch raised no issues with the proposal.

Department of Primary industries

NSW Office of Water provided comments in relation to the requirements for construction excavation and dewatering activities. NOW also highlighted the potential for contamination from the nearby Mobil fuel storage site, and requested that contamination is managed in accordance with Environmental Protection Authority (EPA) requirements.

Fisheries NSW raised no issues with the proposal.

Department of Defence

- Crime prevention measures should be incorporated in the design to minimise opportunities for criminal activity due to urban encroachment and potential trespass and vandalism of defence property and assets; and
- management measures should be adopted at the subdivision stage and noise attenuation measures included in the future built form to minimise the a risk that future residents will make noise complaints in relation to the activities undertaken on the adjoining defence site.

Sydney Water

Sydney water raised no concerns with the proposal and advised there is adequate capacity in the existing water supply system to service the proposed development.

NSW Environment Protection Authority (EPA)

- The consent should include a condition requiring noise mitigation measures at the detailed design stage including validation prior to issue of an occupation certificate;
- the impacts from traffic noise should be assessed to determine whether noise mitigation measures are required to satisfy the *NSW Road Noise Policy (DECCW 2011)*;
- the consent should include a condition requiring the implementation of a program to monitor the performance of the treatment train and validate the water quality objectives;
- a partnering arrangement should be entered into with council to assist in transitional arrangements for the handover of stormwater and drainage assets;
- further information should be provided in relation to the sewage reticulation scheme and the impact from additional load on the environmental performance of the system;
- further information should be provided in relation to the methods that will be used to minimise dust migration during excavation to neighbouring areas;
- the applicant should consult the *NSW EPA's Better Practice Guidelines for Waste Management and Recycling in Commercial Facilities (Dec 2012);*
- clarification should be provided regarding the potential for groundwater contamination; and
- the consent should include a condition which refers to the recommendations in the contamination report relating to ongoing site auditor involvement, unexploded ordinance protocols and assessment of hardstand areas and coal/ash material.

The key comments raised by agencies have been addressed in **Section 4.2** of this report and/or by a recommended condition on the consent.

3.3. Public Submission

Concern was raised in relation to the construction of a new intersection at Coreen Avenue and the eastern end of Coombes Drive, and the increase in traffic and heavy vehicles resulting in noise impacts on nearby residents. These issues have been addressed in **Section 4.2.1** and **4.2.3**.

3.4. Applicant's Response to Submissions

The applicant has provided a response to the comments raised in the submissions. The relevant comments have been discussed in **Section 4.2**.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C that apply to State significant development, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in Section 4 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the applicant to consider these matters and those required to be considered in the DGRs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP& A Regulation.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - see Appendix B
(a)(ii) any proposed instrument	Not Applicable
(a)(iii) any development control plan	The primary controls applying to the proposal are contained in the concept plan which includes the Design Guidelines and Statement of Commitments and Penrith City LEP 2008 (refer to Appendix B).

	Stage 3A has been assessed against the provisions and further assessment requirements of the concept plan and is considered consistent with those requirements.
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSD's and schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Impacts have been considered and where necessary, measures taken to ensure they are within acceptable projected range. Conditions of consent have been recommended to negate any residual impacts. The department is satisfied the impacts are acceptable - refer to **Section 4.2** and **Appendix D**.
(c) the suitability of the site for the development	Stage 3A is suitable as the future commercial hub for the NPDS given its proximity to the Penrith Railway Station and the Penrith CBD.
(d) any submissions	Refer to Sections 3.2 and 3.3
(e) the public interest	Refer to Section 4.2.4
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

4.2. Key Issues

The department has considered the EIS, the issues raised in the submissions and the applicant's response to these issues in its assessment of the development. The department considers the key issues to be consistency with the approved concept plan and traffic impacts. These issues are addressed in the following sections.

4.2.1. Consistency with the approved concept plan

Subdivision Layout

The North Penrith Design Guidelines are an integral part of the approved concept plan and underpin the layout, land use and future subdivision of the NPDS. During the design development process for the individual stages of the development, modifications have been made to the Design Guidelines including the staging and layout of the approved proposal.

The approved concept plan creates six development sites (T1-T6) for residential, commercial and retail land uses and two future open space areas being McHenry Place (OS7) and the Station Plaza (OS8) for Stage 3A (refer to **Figure 6**). The originally lodged subdivision layout proposed the creation of seven super lots for future residential apartments, retail and commercial uses and one of the open space areas (Station Plaza) in the location and configuration approved under the concept plan and the approved Design Guidelines. The proposed subdivision layout was subsequently amended in the applicant's Response to Submissions (RtS) document by incorporating five additional super lots for future residential apartments, commercial and retail uses and a central parking street and including McHenry Place (refer to **Figure 7**).

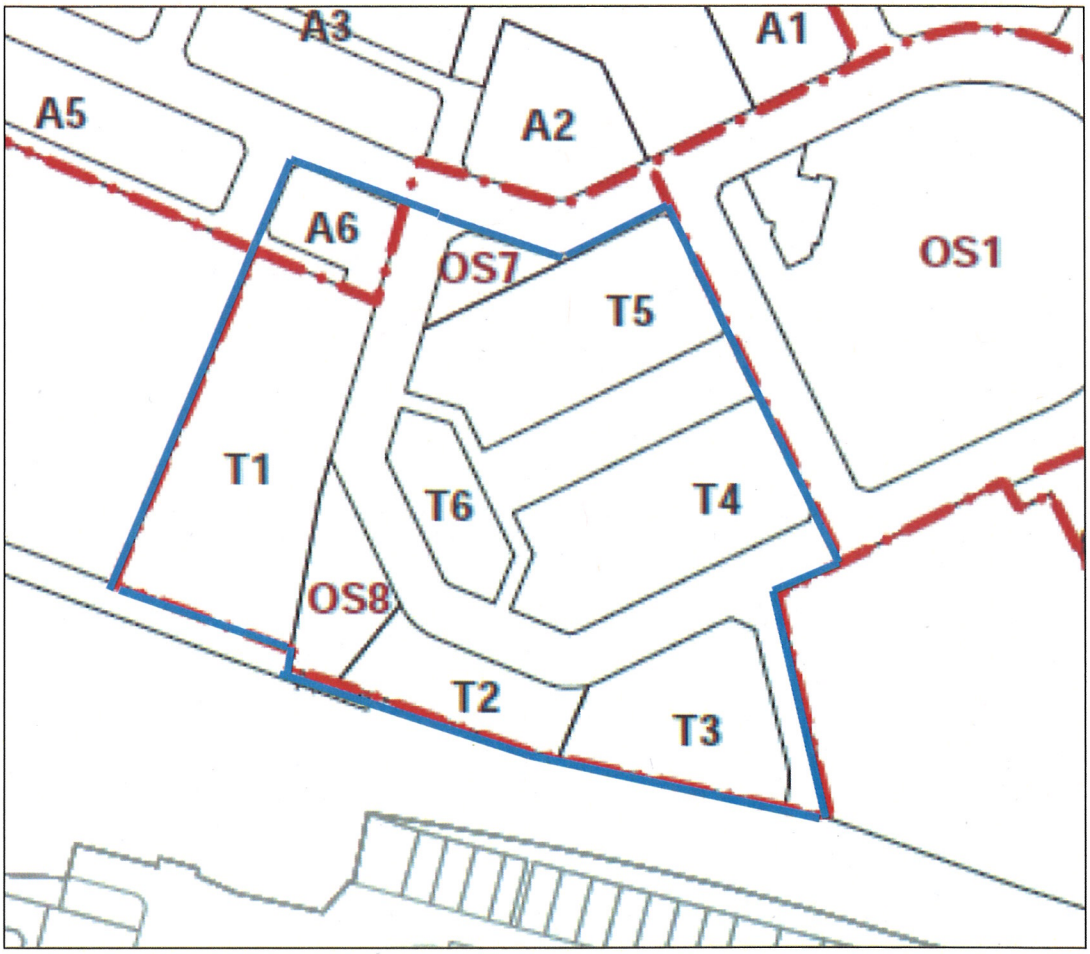


Figure 6 - *The approved subdivision layout for Stage 3A (Approved MOD 2 - Concept Plan)*

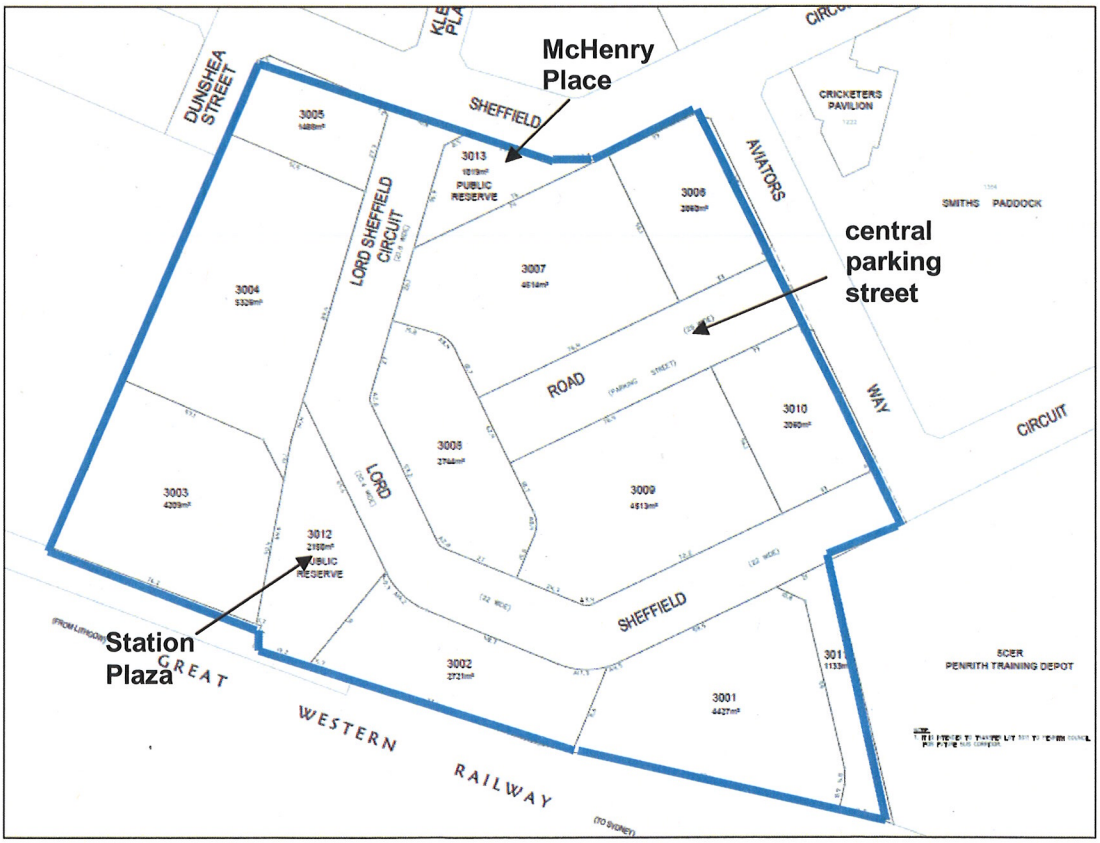


Figure 7 - *The proposed subdivision layout for Stage 3A*

The proposed central parking street and McHenry Place are elements consistent with the approved concept plan. The five additional super lots are new allotments identified as a result of greater certainty in the layout and design of future residential, commercial and retail uses to be located in Stage 3A. The department considers the additional super lots to be within the location and configuration of the approved concept plan and generally consistent with the preferred uses identified in the Design Guidelines. The subdivision and layout proposed in Stage 3A is therefore considered to be acceptable.

Council contends the new lot configuration, whilst generally in accordance with the concept plan, creates lots in the village centre at a size and configuration that may limit the future development potential of the sites in the absence of approved development designs. The subdivision layout provides allotments ranging between 1,488 sqm and 5,326 sqm configured in response to the road network. The department considers the subject allotments could be consolidated to accommodate future development and therefore does not accept that the development potential of these sites is limited in the proposed subdivision layout.

Road Network and Layout

The approved concept plan establishes a road hierarchy and sets out the location, road typologies, public transport routes, pedestrian and cycle pathways for the NPDS. Under Stage 3A, Lord Sheffield Circuit is envisaged as a main boulevard and connects public transport through the NPDS and provides access to all proposed lots in Stage 3A. Pedestrian and bicycle paths connect commuters to and from the railway station and through to the Penrith CBD. The road network is therefore consistent with the approved concept plan.

The central parking street establishes the preferred public parking area for the village centre and is capable of accommodating approximately 54 car spaces. The proposed 25 m road reserve differs from the typical cross section approved as part of the concept plan in terms of the configuration of parking spaces. The proposed parking layout would provide two aisles of 90 degree parking (the concept plan approved one aisle of 90 degree spaces) resulting in a more efficient layout. The revised central parking street has been reviewed by council and no objection has been raised in relation to its design and layout. To ensure vehicles can safely and conveniently manoeuvre in and out of the central parking street, the department recommends a condition of approval requiring the detailed design of the road be subject of an independent road safety audit and that it be approved by council prior to commencement of works. The provision of stopping zones, bus stops and taxi ranks, off-street loading activities and short stay parking is consistent with the objectives established in the approved concept plan. The department accepts the proposed central parking street is consistent with concept plan.

An upgrade to the existing roundabout at Coreen Avenue and Combewood Avenue, adjoining the northern boundary outside the NPDS, was identified in the Transport Management Accessibility Plan (TMAP) undertaken for the entire NPDS and approved under the concept plan. However, the upgrade requires the acquisition of private land and as such cannot be delivered. The applicant has agreed with council to upgrade the intersection at Coreen Avenue and the eastern end of Coombes Drive in lieu of the Coreen Avenue and Combewood Avenue roundabout upgrade. The proposed intersection works adjoin the northern boundary outside the NPDS, and therefore are not within the boundary of the *State Significant Developments Sites Map – North Penrith* in Schedule 2 of the SRD SEPP 2011 however, clause 8 of the SEPP allows these works to be included as part of the SSD application. The department is satisfied that the upgrade will make the intersection safer for existing industrial traffic using Coombes Drive.

The public submission queries how the proposed intersection upgrade will assist semi-trailers accessing the site. The applicant has advised that semi-trailers will access the NPDS via the roundabout at Coreen Avenue and Sydney Smith Drive which was constructed as

part of the Stage 1 works. The department accepts that the changes will assist semi trailers accessing the site.

Landscape and Public Domain

The public domain elements contained in Stage 3A (to be dedicated to council) include a new Station Plaza adjoining Penrith Railway Station and a public reserve (McHenry Place) adjoining the northern site boundary (refer to **Figures 8** and **9**).

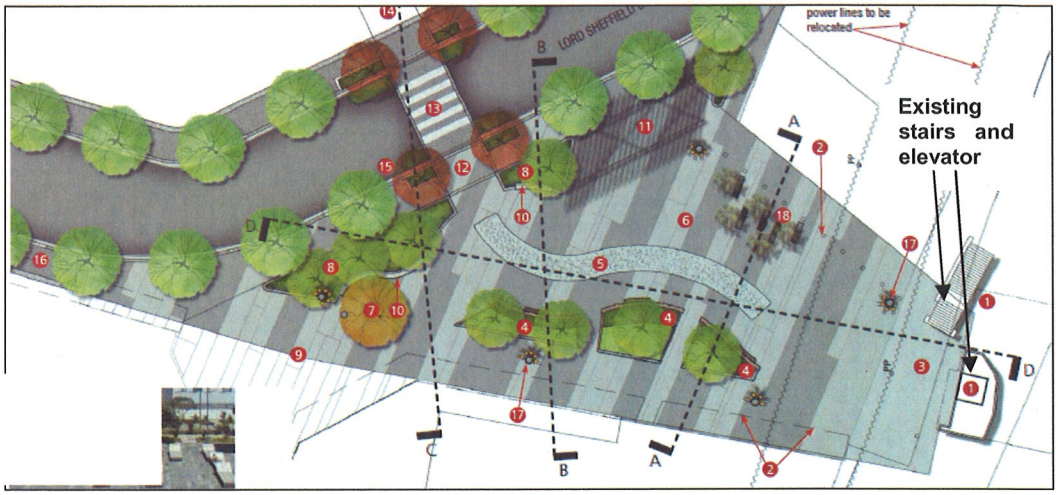


Figure 8 - *Proposed Station Plaza*

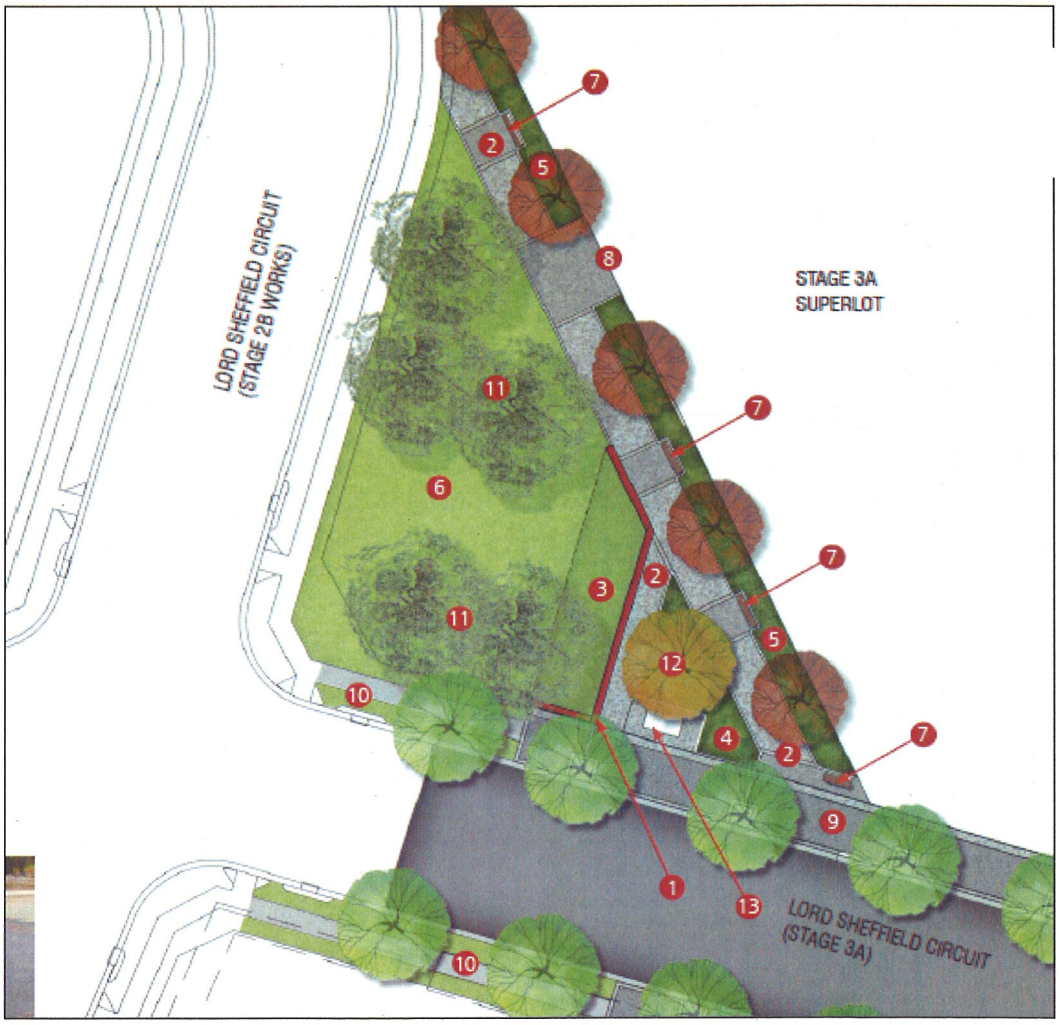


Figure 9 - *Proposed public reserve (McHenry Place)*

The existing pedestrian access to Penrith Railway Station is via an elevator and staircase adjacent to the proposed Station Plaza. Council has advised that discussions are currently ongoing with Transport for NSW in relation to the future upgrade of Penrith Railway Station. The applicant has also advised that there are no publicly available plans in relation to future upgrade works of Penrith Railway Station. Council has requested the design of the new Station Plaza to be capable of accommodating a future north-south connection across the Penrith Railway Station precinct. The Station Plaza includes an open transition zone adjacent to the railway station. The department therefore considers the proposed open design would facilitate a future north-south connection with Penrith Railway Station.

Council has also recommended a number of improvements including lighting under the existing stairway and information signage. The department agrees with the applicant that future lighting under the stairway (within the rail corridor) is the responsibility of TfNSW.

Council has also requested the provision of bicycle facilities within the Station Plaza. The applicant is of the view that bicycle parking facilities would have an adverse visual impact within the Station Plaza space. The department notes that existing bicycle parking and storage facilities are available in the adjacent commuter car park located approximately 50m to the west of the proposed Station Plaza. The department therefore accepts that no bicycle parking facilities should be required as part of this application. The originally proposed kiosk located in the Station Plaza was no longer considered to be viable and has been deleted from the proposal. The shade canopy is retained for sun protection and subject to some minor design refinements. The department considers the changes to the Station Plaza to be acceptable.

The proposed public reserve (McHenry Place) is an open grassed area with an area of 1,019 sqm suitable for passive recreation (refer to **Figure 9**). The department is satisfied the landscape concept for McHenry Place is consistent with the concept plan approval.

4.2.2. Traffic Impacts

The approved TMAP outlines a strategy for managing traffic and transportation at NPDS through the progressive implementation of local and regional road and intersection upgrades, public transport initiatives, and pedestrian and cycling initiatives. The application was accompanied by a Traffic Impact Assessment to quantify the potential traffic impacts and assess the cumulative impact of the NPDS. The TMAP assessed a total yield ranging between 900 and 1,000 residential dwellings. Traffic generation and potential impact were assessed based on the upper limit. The current applications for NPDS are for subdivision to create residential lots and superlots (containing a mixture of residential, retail, commercial and industrial land use), as well as the road and other infrastructure required to support them. The revised residential development yield for Stage 3A has increased by 56 apartments and has had a 100 unit seniors living/aged care facility added (moved from Stage 1). However, the increase in apartments in Stage 3A is offset by a net reduction of 79 dwellings in other stages. Overall, there is a net decrease of 23 dwellings. The number of dwellings proposed for the NPDS is slightly under the 1,000 number assessed in the TMAP. The proposed reduction in residential development yield of 23 dwellings compared to the concept plan is within the development range originally proposed and under the maximum assessed in the TMAP. The number of dwellings proposed for the entire site is slightly less than the 1,000 number assessed in the TMAP. The department accepts that the reduction would result in less traffic generation and shorter queue lengths and reduced waiting times at surrounding key intersections. The traffic impacts associated with Stage 3A are therefore acceptable.

Transport for NSW (TfNSW) has raised concerns in relation to the intersection widths and layout and their ability to accommodate bus manoeuvrability and swept paths for 14.5m long vehicles. TfNSW has also requested an additional bus stop opposite Penrith Station. The applicant has advised that the public transport and bus routes were approved under the

concept plan following consultation with the then Roads and Traffic Authority. The department is satisfied that the public transport routes and connections have been adequately addressed in the approved concept plan. To ensure buses can safely access Lord Sheffield Circuit, the department recommends a condition of approval requiring the final detailed design be capable of accommodating 14.5m long buses in accordance with the requirements of TfNSW.

4.2.3. Other Issues

Water Cycle Management

The Water Cycle Management Strategy submitted with the application outlines the collective stormwater works for Stages 2B, 2C, 2D, 3A and 3B. The stormwater system is a piped network and water quality is addressed through a treatment train involving gross pollutant traps, bio-retention systems, ponds and wetlands. The NSW Environment Protection Authority (EPA) recommends ongoing monitoring of the treatment train to ensure it meets water quality objectives. The department notes the water cycle strategy includes best practice management measures and an appropriate monitoring program for the long term operation of the stormwater system. The EPA also stated that there is no information provided on whether the existing sewerage scheme can cater for any additional new load. The overall infrastructure servicing strategy for NPDS was undertaken as part of the approved concept plan and a sewer pumping station has been constructed as part of the approved Stage 1 application. Sydney Water has not raised any concern in relation to impacts on the existing sewage scheme. The department is therefore satisfied that the internal sewage network would not adversely impact the environmental performance of the existing sewerage system.

Flooding

The NPDS is located on flood affected land. The concept plan included an assessment in regard to the impact on flooding for the NPDS. The concept plan approval included strategies to ameliorate flood impacts up to the 1 in 100 year ARI event by establishing minimum finished ground levels for roads and habitable floors of buildings plus an additional 500mm freeboard. A Water Cycle Management Strategy submitted with the application indicates the Stage 3A site would be raised above the 1 in 100 year flood level to minimise the flood impacts. The department is satisfied the potential flood risk has been adequately addressed for Stage 3A as part of the approved concept plan.

Contamination

A Site Audit Statement for the entire NPDS including the areas of Stages 2B, 2C, 2D, 3A and 3B certifies the site is suitable for the intended land use. This application for Stage 3A is accompanied by a contamination assessment which reviews the Site Audit Reports and Site Audit Statement for the entire NPDS. The approved concept plan also included a number of commitments relating to the on-going investigation, monitoring and management of contamination through the various stages of the NPDS. The department is satisfied that appropriate investigations have been undertaken during the concept plan assessment and that contamination issues have been adequately addressed for Stage 3A.

The EPA has also requested clarification in relation to the potential for groundwater contamination. NSW Office of Water (NOW) has advised that if groundwater is likely to be intercepted or extracted, an authorisation may be required in relation to construction excavation and dewatering activities. The applicant has advised that drilling and piling would not encounter the groundwater table which is approximately 6-7 metres below the ground level. The applicant is also aware that in the event groundwater is unexpectedly encountered a licence may be required under Water Management Act, 2000. NOW also makes reference to the recommendation for further testing of groundwater in the contamination assessment submitted with the application. The department notes the contamination assessment relates to multiple stages (not just Stage 3A) and the subject recommendation does not relate to

Stage 3A. The department is satisfied that contamination issues have been adequately addressed for the Stage 3A.

Air Quality
The application included a Construction Air Quality Plan to address potential impacts on air quality during construction. The EPA requested further information in relation to dust suppression during high wind. The department considers that the management of potential dust migration during the construction phase can be addressed in the Construction Environmental Management Plan.

Noise
The EPA recommends conditions requiring noise mitigation measures at the detailed design stage and subsequent validation prior to occupation of buildings in accordance with the *Infrastructure SEPP* requirements and *Development Near Rail Corridors and Busy Roads Interim Guidelines*. The department agrees that any noise mitigation measures can be addressed at the detailed design stage for future buildings on the site. The EPA has also stated that the application does not include an assessment of any potential noise impacts associated with road traffic noise and impacts from road traffic noise need to be assessed in accordance with *NSW Road Noise Policy (DECCW 2011)*. The department notes the approved concept plan was accompanied by a noise and vibration assessment which considered potential road traffic noise impacts in accordance with relevant State government policies.

A Rail Noise and Vibration assessment submitted with this Stage 3A application concludes that appropriate controls can be incorporated into the future building design to achieve satisfactory internal noise levels consistent with relevant noise standards. The department is satisfied that potential impacts from road noise can be dealt with during the detailed design of future buildings on the site.

Concern was also raised in the public submission in relation to potential adverse traffic noise impacts to nearby residents due to an increase in traffic. The department notes that the development of Stage 3A is generally consistent with the scale of development approved in the concept plan. The department is satisfied that there will be no significant additional noise impacts from traffic to the surrounding area beyond that already considered as part of the concept plan approval.

The Department of Defence (Defence) raised concern in relation to the defence facility at the eastern boundary of Stage 3A and the potential noise impacts to future residents resulting in complaints which may affect their current activities. The department is satisfied that potential noise impacts can be addressed during the detailed design and layout of future buildings on the site. Concern is also raised in relation to potential trespass and vandalism of defence property and assets. In light of these concerns Defence has recommended crime prevention measures be incorporated in the design of the proposed development. The department is satisfied that crime prevention measures can also be addressed at the detailed design stage.

4.2.4. Public interest

The proposal would provide benefits for the region by facilitating the urban framework which would provide:

- employment generating uses and more job opportunities;
- medium density housing and a range of housing types available at NPDS;
- public open space suitable for passive recreation;
- a connected network of streets with good linkages to public transport; and
- a new Station Plaza embellished with landscaping, street furniture and public art to service the local community.

The department therefore considers the proposal to be in the public interest.

CONCLUSION AND RECOMMENDATION

5.1. Conclusion

The proposed development establishes the infrastructure and urban framework for the future delivery of public open space, medium density housing, commercial and retail uses in the final stage of the NPDS. The proposed subdivision layout facilitates a village centre that forms an extension to the Penrith CBD and provides a well connected and accessible road network with good linkages to the transport network. The department is satisfied that the proposal is consistent with the urban design principles established in the approved concept plan and the revised staging strategy. Accordingly, the department recommends that the application be approved, subject to conditions.

5.2. Recommendation

In accordance with Section 89E of the Environmental Planning and Assessment Act, 1979, it is recommended that the Executive Director, Development Assessment Systems and Approvals:

(a) **consider** the findings and recommendations of this report;
(b) **approve** the State significant development application, as outlined in the Environmental Impact Statement titled *Subdivision, Civil and Infrastructure Works and Construction of a Kiosk (Stage 3A SSD 5348)*, dated August 2013 and the amendments in the *Response to Submissions* document dated 3 March 2014, and subject to conditions of approval set out in the attached instrument at **TAG A**, under section 89E of the Environmental Planning and Assessment Act 1979; and
(c) **sign** the attached development consent at **TAG A.**

Prepared by:

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Approved by:

7/5/14

A/Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the department website as follows.

1. Environmental Assessment
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5348

2. Submissions
   http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=5348.

3. Applicant's Response to Submissions
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5348.

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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

SEPP	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

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 3A 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.

ISEPP 2007	Precis of Criteria	Complies	Department Comment / Assessment
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 3A site constraints.
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 zoned B2 Local Centre.
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 3A development can be carried out with consent and is subject to assessment.
PART 3 Development Controls			Noted
Schedule 3 Traffic	Traffic generating development referred to the RTA	YES	The proposal has been referred to the RTA (now RMS) and conditions have been provided.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

SEPP No 55	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 the rezoning of the North Penrith Development site.
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.

SEPP No 55	Criteria	Complies	Department Comment / Assessment
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 4) The Land is for residential and recreational purposes	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 3A certifies the site is suitable for the intended residential and commercial land uses.
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
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

Clause	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.

Clause	Criteria	Complies	Department Comment / Assessment
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 B2 Local Centre	YES	Residential and commercial land uses 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 standards	Contraventions of standards may be granted within the constraints listed. Written request with justification must be considered and DG concurrence obtained.		Noted
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 in this regard apply to this development.
Cl 39 Preservation of vegetation	Conditions and constraints to the removal of trees and vegetation	YES	The site is largely devoid of existing vegetation except for some isolated stands of trees. Site regrading and tree removal for Stage 3A has been approved in the Stage 2B and 2C applications.
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 3A of the site is mapped as zone B2 Local Centre.
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 3A subdivision and infrastructure proposal. Noted
Cl 46 - Interpr.			Noted
Cl 46 -48 EPIs	Interpretion, EPIs which cease to apply to the land, covenants etc		Noted

Clause	Criteria	Complies	Department Comment / Assessment
Cl 49 Land use Zones		YES	The proposal complies with the zoning map – zone B2.
Cl 50 Objectives of the zones	Zone B2: Provide a range of retail, business, entertainment and community uses that serve the needs of people that live in the area, work in and visit the local area and provide employment opportunities and maximise public transport usage.	YES	The proposal will facilitate the future range of residential and commercial uses on the site.
Cl 51-53 Miscellaneous	Height of buildings, development near boundaries and roof forms	N/A	The application is for subdivision and infrastructure and future buildings will be subject to separate applications.
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.	N/A	
Cl 55 Earthworks	Earthworks are not to have a detrimental impact on environmental, cultural or heritage features or neighbouring uses. Consider: Disruption, drainage, quality of fill, effect on existing amenity, source of fill, relics, impacts on water and environment to be considered.	N/A	The bulk earthworks approved in the Stage 2B/2C application included Stage 3A.
Cl 56 Savings provision		N/A	

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

North Penrith Design Guidelines			
No	**Summary of Key Issue Relevant to Stage 3A**	**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 proposed subdivision and infrastructure will facilitate the development of the future village centre.
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	Stage 3A would facilitate future medium density housing close to the railway Station.
- Controls	The controls relate to subdivision for individual residential allotments in terms of site area, density, setbacks orientation and amenity.	N/A	This application is for super lot subdivision of Stage 3A for future medium density housing which will be subject to separate application.

Statement of Commitments				
Subject	**No**	**Applicable Commitment**	**Responsibility/ Timing**	**Department Comment**
Local Infrastructure Contributions	1	UrbanGrowth NSW will provide local infrastructure contributions in accordance with Table 7 at Section 6.13 of the Concept Plan Environmental Assessment Report prepared by JBA dated October 2010, and as amended by Table 7 at Section 4.8.2 of the PPR prepared by JBA dated Apr, 2011 (subject to SoC No. 2 below)	To be demonstrated by the proponent at the time of any relevant detailed application.	Stage 3A includes subdivision and a condition has been included in regard to contributions.
	2	UrbanGrowth NSW will continue to	-	N/A

		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.		
Housing/Built Form	3	UrbanGrowth NSW 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.	The proposed subdivision will facilitate higher density residential uses such as shop top housing and residential flat buildings which will contribute to the range of housing accommodation provided across the entire North Penrith Development Site.
	4	UrbanGrowth NSW 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 Preferred Project Report prepared by JBA Planning dated April 2011, as relevant.	To be demonstrated by the proponent at the time of any Relevant detailed application.	Considered
	6	UrbanGrowth NSW will convene a Design Review Panel comprising UrbanGrowth NSW, 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	UrbanGrowth NSW 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	Prior to submission of any relevant development application for built form development for the key mixed use sites. Impacts	N/A

		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.	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.	
Social and Recreational Facilities	9	UrbanGrowth NSW 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	UrbanGrowth NSW 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 UrbanGrowth NSW and Penrith City Council.	N/A
	11	UrbanGrowth NSW will construct and 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.	To be demonstrated by the proponent at the time of any relevant detailed application.	Open Space will be constructed in accordance with the approved Concept Plan.
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.	N/a
	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 the Station Plaza

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), UrbanGrowth NSW 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.	N/A
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	N/A
	17	UrbanGrowth NSW 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	UrbanGrowth NSW 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 Station Plaza
	19	UrbanGrowth NSW 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 UrbanGrowth NSW to consult with Council.
	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 requires comprehensive CEMP to be provided prior to the commencement of works
	21	UrbanGrowth NSW 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 3A 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	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A

		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.		
Traffic and Access	23	UrbanGrowth NSW will undertake road 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 UrbanGrowth NSW.	Ongoing and then to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.	This Stage 3A application includes upgrade works to the intersection of Coombes Drive and Coreen Avenue.
	24	In addition to the above, UrbanGrowth NSW 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 • UrbanGrowth NSW 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.	The new Station Plaza will provide a direct an safe route for pedestrians and cyclists to the railway station and Penrith CBD.
	25	UrbanGrowth NSW 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 and plan checking fees where relevant during these consultations.	To be demonstrated by the proponent prior to commencement of works.	RMS was consulted during the notification process.

	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. UrbanGrowth NSW 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.	Subject to future detailed development applications.
	28	UrbanGrowth NSW, 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	UrbanGrowth NSW 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.	N/A.
	30	UrbanGrowth NSW 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.	N/A
Drainage and Stormwater	31	Stormwater Infrastructure for the 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.	To be demonstrated by the proponent at the time of any relevant detailed application.	Stormwater Management plans have been provided which are consistent with the parameters of the conceptual stormwater drainage approved under the Concept Plan.

	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.	The collective Stage 3A and Stages 2B and 2C stormwater works will contribute to achieving the established environmental objectives for stormwater management and site discharge.
	33	WSUD features will be maintained in accordance with *Managing Urban Stormwater: Treatment Techniques* (1997), published by the Environment Protection Agency (EPA).	Ongoing following construction.	The WSUD features are consistent with the approved concept plan.
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.	The Water Cycle Management Strategy submitted with the application includes measures to minimise flood risk including land filling.
	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 will be in accordance with the requirements identified in the flood assessment.
	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
	37	UrbanGrowth 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.	A condition has been imposed in relation to the retention of the Site Auditor for Stage 3A.
	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	To be demonstrated by the proponent at the time of any relevant detailed application.	Included in the CEMP

		responsibility of the Principal Contractor.		
	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
Contamination	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.	Included in the CEMP
	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 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.	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A
	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.	Refer to Section 4.2.3 of the report.
	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.	Refer to Section 4.2.3 of the report.
	45	The crushed concrete and asphalt will be assessed according to *The Recovered Aggregate Exemption 2010* under the "Protection of the Environment Operation (Waste)	To be demonstrated by the proponent at the time of any relevant detailed application.	N/A

		Regulations 2005", prior to re-use,		
	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 as a condition on the consent.
	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
	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.	To be demonstrated by the proponent at the time of any relevant detailed application.	Included as a

Railway Corridor Matters		• 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		condition on the consent.
	54	Any proposed fencing or landscaping within 20m of the rail corridor will be supported by RailCorp endorsement.	To be demonstrated by the proponent at 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 3A 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.	N/A
	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 Oct, 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.	The proposal for Stage 3A is consistent with the recommendation in the noise and vibration report.
Subdivision	59	UrbanGrowth 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	UrbanGrowth 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 C GLOSSARY

Delegated Authority
On 27 February 2013, the then Minister for Planning and Infrastructure delegated his functions under section 89E of the *Environmental Planning and Assessment Act 1979* to Executive Director, Development Assessment Systems and Approvals to determine applications where:
(a) the relevant council has not made an objection, and
(b) a political disclosure statement has not been made, and
(c) there are less than 25 public submissions in the nature of objections.

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 s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C 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.