



Planning &
Infrastructure

***North Penrith
Concept Plan and Stage 1 Project Application
Proposed by Landcom
MP 10_0075 and MP 10_0078***

Director-General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979
October 2011



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EXECUTIVE SUMMARY

This is an assessment report recommending approval of a Transitional Part 3A Concept Plan and Stage 1A project application proposed by Landcom for a mixed use, residential development in North Penrith. Schedule 6A of the *Environmental Planning and Assessment Act, 1979* ("the Act"), includes transitional provisions that enable Part 3A projects that have progressed to a suitable stage (which includes this project) to continue to be assessed under Part 3A. Landcom is also seeking a State Significant Site listing for the lands to which the Concept Plan applies in order to facilitate a rezoning of the site.

The Site

The 40 hectare North Penrith site is centrally located, directly adjacent to Penrith Railway Station and immediately to the north of the city centre. It is a strategic site, located within the Penrith Regional centre as identified in the Metropolitan Plan 2036 and North West Draft Subregional Strategy.

The North Penrith site is identified in the Metropolitan Plan 2036 as being a potential site to accommodate employment growth and housing. A future direction stated in the Metropolitan Plan is "to develop the highly accessible North Penrith defence site to provide opportunities for long term employment growth as well as higher density housing".

The Proposal

The proposed concept provides for up to 1,000 residential dwellings, a commercial centre providing 4,500m² of retail space and 10,625m² of commercial floor space, 7,000m² light industrial floor space, and 7 ha of open space. It proposes a range of housing styles, retail and community facilities and ancillary infrastructure. The estimated project cost of the development is approximately \$423 million.

The Stage 1 project application requests approval for site preparation works, subdivision to create 120 lots and the construction of roads and supporting infrastructure.

The Key Issues

The proposal was exhibited for a period of 55 days from 15 December 2010 to 7 February 2011. The State Significant Site study was exhibited at the same time. During the exhibition period, the Department received a total of 11 submissions from the public and 9 submissions from public authorities. On 20 April 2011 the applicant amended the application via the Preferred Project Report to address issues raised by the Department and submissions. Supplementary information was supplied by Landcom during the Departments assessment. Key issues raised in submissions include the following:

Employment generation and residential density

The consistency of the proposal with the Metropolitan Plan objectives to provide opportunities for long term employment growth and higher density housing was raised as an issue by Government agencies and in public submissions.

The Concept Plan works towards achieving the Metropolitan Plan objectives for the site by enhancing employment growth and providing higher density residential development around the train station. The proposed zoning and height controls in the SEPP amendment could facilitate a higher level of development on the site than proposed in the Concept Plan, should this become viable in the future.

Compatibility with the land uses in the Penrith City Centre

The Penrith Business Alliance submitted that potential for employment generation on the site should be maximised to make a greater contribution to regional growth targets. While Penrith City Council supports further employment generation on the site, they raised concerns that the proposed commercial development within the site should not compete with and impact on the viability of the existing city centre.

Some commercial development of the site is required to achieve long term employment growth envisioned for the site in the Metropolitan Plan. The quantum of commercial floor space proposed will only increase the available supply in Penrith by 3% is not considered to have a significant impact on the city centre. In addition, the estimated 1,800 new residents could provide an additional customer and workforce base for both the site and Penrith city centre.

Retention of the heritage values of the site

Three items of European Heritage significance are located on the site, including - Thornton Hall, the oval and the former speedway. The proposal includes the retention the oval and Thornton Hall and the speedway is interpreted in the proposed road layout. There is one known Aboriginal item in the north eastern portion of the site. This item will be retained within open space at the rear of a integrated housing lot in close proximity to trees to be retained.

Locating residential areas close to existing industrial land uses

The potential land uses conflicts that may arise from locating residential areas near to the existing industrial lands uses and the impact on potential for these industries to expand was raised as an issue. It is noted that this site has been identified for residential development in the Draft Subregional Strategy and Council's planning documents for some time and expansion of the industrial land uses would be assessed within this context. The proposal includes measures to reduce land use impacts including set back requirements, noise attenuation measures and the location of an internal road between these land uses.

Contribution for district open space and facilities

Penrith City Council requested that Section 94 contributions be required under the Penrith District Open Space and Facilities Plan. It is considered that the passive recreation facilities proposed in the concept plan provide a more local function and are intended to be used mostly by the residents of North Penrith. The Department therefore recommends the proponent make a contribution of approximately \$1.87 million to regional open space facilities such as sporting fields which are not provided for in the development.

Ongoing maintenance costs of open space areas to be dedicated as public

The dedication of all open space areas to Penrith City Council has been generally accepted by Council. Concerns were raised regarding the maintenance requirements. As a result a revised maintenance schedule has been developed which confirms the proponent will undertake construction and embellishment of the public open space areas and subsequently maintain open space areas for a period of 36 months after dedication to Council. Council has advised that the revised maintenance schedule and revised costings are acceptable.

Provision of safe access and capacity of the road network

An assessment of the capacity of the road network has been undertaken in consultation with Council and the RTA. The proponent has committed to work with the RTA to upgrade the intersection of Coreen Ave, Richmond Road and Parker Street to the north east of the site which is almost reached capacity.

Contamination

As part of decommissioning of the former army base located on the site, the site was remediated to allow for future redevelopment. The Department of Defence commissioned a Site Auditor who certified that the site was suitable for residential use. The Concept Plan provides protocols for the management of site incorporating the recommendations of former site audit statements and includes an unexpected finds protocol. It is therefore considered that the proposal is satisfactory with regard to SEPP 55 and subject to the recommended conditions, should any contamination be discovered, the site can be remediated for residential uses.

Appropriate drainage infrastructure

The majority of the site will drain towards a central canal then to a constructed wetland. NSW Office of Water and Council raised concerns regarding the impact on Boundary Creek resulting from discharge from the site and the impact on groundwater. The proponent has confirmed that there will be no change to the rate of discharge to Boundary Creek and there will be no impact on groundwater.

Assessment

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the proponents' Preferred Project Report, the Statement of Commitments and the Department's recommendations. The Concept Plan, with recommended modifications, is supported because it supports the targets and objectives of the Metropolitan Plan. It is located with the identified urban footprint and contributes to the growth and dwelling targets for the subregion.

The proposal adequately addresses the Director-General Requirement's for the project. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

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1 BACKGROUND

1.1 Site Description

The site is a 40.7 hectare area, located directly adjacent to the Penrith Railway Station and immediately to the north of the Penrith city centre. It is within the Penrith City Local Government Area and the North West subregion. Figures 1 and 2 below show the location of the site and the surrounding region.

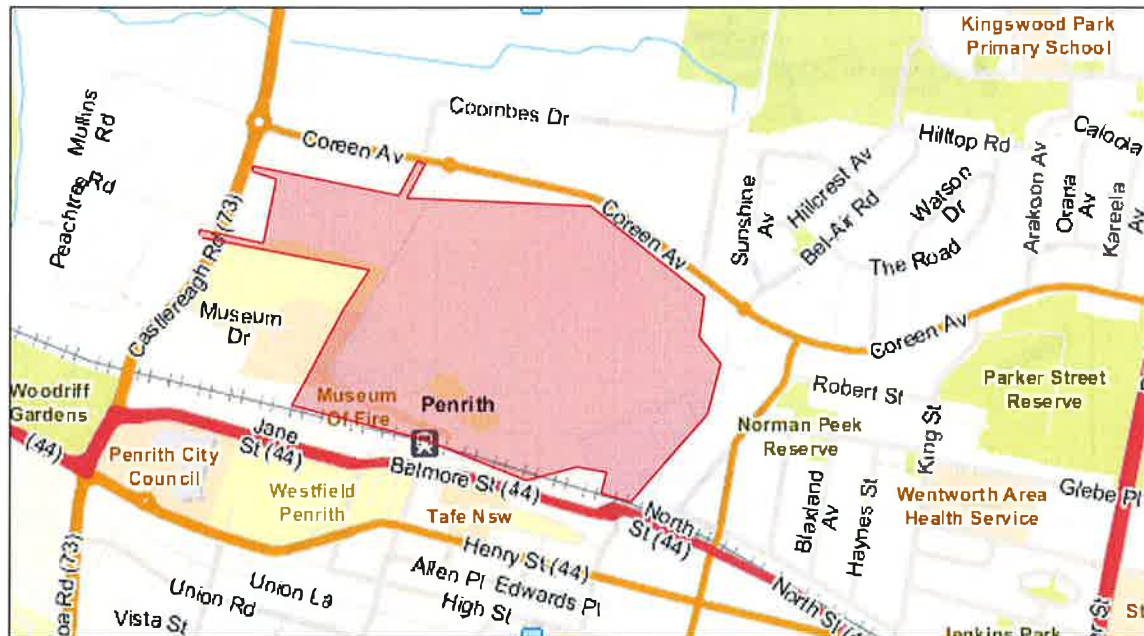


Figure 1: Location Plan

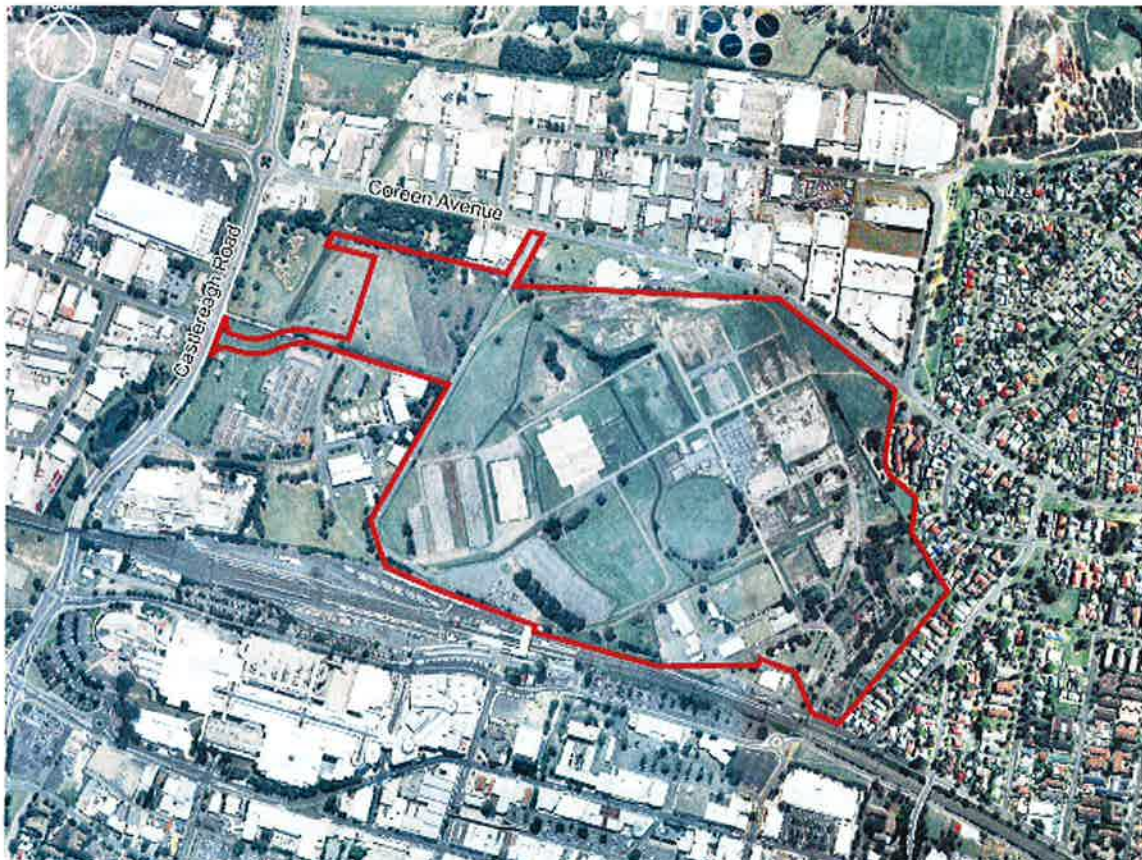


Figure 2: Aerial Photograph

The site was previously Department of Defence land that housed an Army Base until 1994. The majority of structures present during base's operation have been demolished. As a result of this past use the site remains relatively flat. It is now owned by Landcom the proponent.

The legal property description of the site is Lots 1-6 DP 1020994, Lots 3-4 DP1017480, Part Lot 1 in DP1017480, Lot 1 DP 33753, Lot 1 DP 532379. The lot boundaries are shown in Figure 3 below.

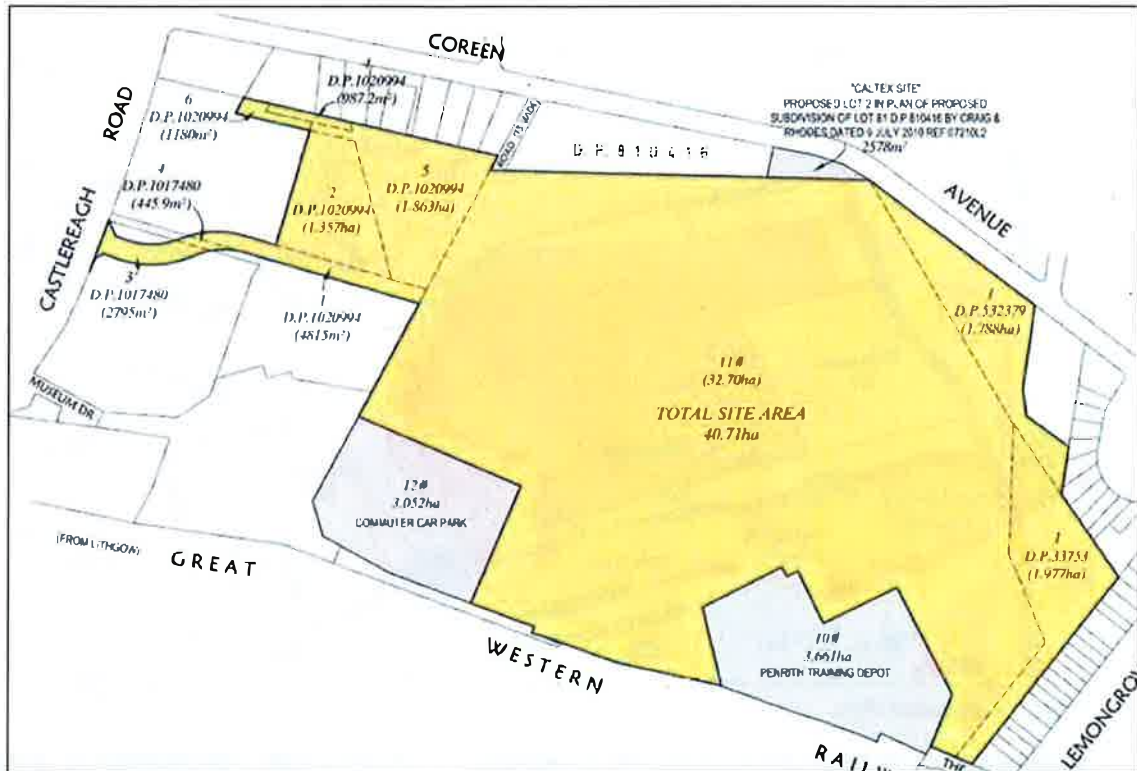


Figure 3: Site Plan

1.2 Surrounding Land Use

Penrith Railway Station

The site directly adjoins the Penrith Railway station to the south. A flight of steps and pedestrian bridge provide access to the railway station from the site. Regular train services run from the station to Western and Central Sydney.

Penrith City Centre

On the other side of the Penrith Railway Station is the Penrith city centre. The pedestrian bridge at the train station provides access from the site, over the station, to the city centre. The Westfield shopping centre is within 100m walking distance of the station and forms the commercial core of the city centre.

Surrounding industrial land uses

Immediately to the west of the site is the Museum of Fire, an area covered with grass and industrial, commercial and retail uses to the west of Castlereagh Road.

Directly to the north of the site, on the other side of Coreen Ave, is an industrial area that accommodates a range of uses including automotive repair workshops and building supplies warehousing/retail outlets. A fuel storage depot is located between the northern boundary of the site and Coreen Avenue.

Lemongrove Road Conservation Area

Directly to the east of the site is the Lemongrove Road conservation area. The conservation area is identified in the Penrith Heritage LEP and is characterised by single, one to two storey dwellings with some townhouse developments along the northern section of Robert Street. Several small businesses have set up along Lemongrove Road.

Penrith Training Depot

The Penrith Training Depot operated by the Department of Defence, adjoins the site to the east. It accommodates single storey industrial style buildings that accommodate army supplies and equipment.

Commuter car park

Directly southwest of the site is a portion of land allocated for a new commuter car parking area. This development is the subject of a separate approval and construction will managed by Council. The car parking area is a multi-storey car park that will accommodate approximately 1,000 vehicles.

1.3 Strategic Context

Penrith is identified in the Metropolitan Plan for Sydney 2036 as a developing Regional City. The Metropolitan Plan notes Penrith's development into a Regional City is a long-term proposition; its city centre currently provides 20,000 jobs, with 31,000 targeted by 2036.

The North Penrith site is identified as being a potential site to accommodate employment growth. A future direction stated in the Metropolitan Plan is "to develop the highly accessible North Penrith defence site to provide opportunities for long term employment growth as well as higher density housing".

The Draft North West Subregional Strategy reinforces this position identifying North Penrith as an accessible site, close to the city centre and train station, with significant redevelopment potential. The draft Subregional Strategy states the site "should be carefully planned to attract new forms of development to the city centre, while complementing and reinforcing the existing city centre".

The following Figure 4 is the plan of the Penrith regional city given in the draft Subregional Strategy. The North Penrith site is included as part of the area shaded commercial development within the city centre.

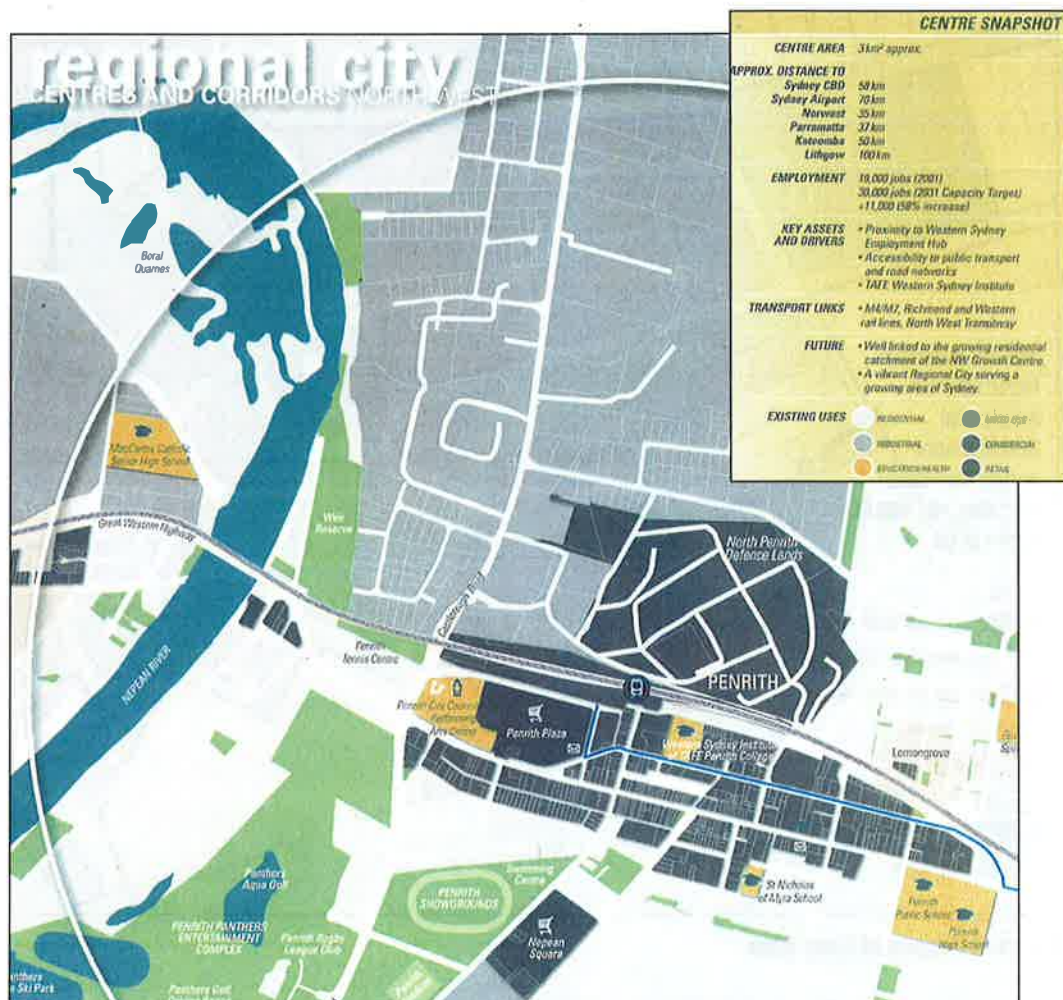


Figure 4: Penrith Regional City as shown in the North West Subregional Strategy

2 PROPOSED DEVELOPMENT

2.1 The Concept Plan

Approval is sought for a Concept Plan comprising of the following land uses:

- 1,000 residential dwellings; comprising a minimum of:
 - 100 seniors living/aged care dwellings;
 - 44 affordable/social housing dwellings; and
 - 44 adaptable dwellings.
- A new village centre comprising of:
 - 10,625m² of commercial floor space;
 - 4,500m² of retail floor space (of which 2,000m² is a supermarket and 2,500m² is general retail);
- 7,000m² of light industrial floor space;
- 7.2 ha open space and drainage; and
- A heritage area including the Thornton Hall and surrounds.

An overview of the proposed land uses is provided in Figure 5 below.



Figure 5: Proposed Land uses

2.2 Stage 1A Project Application

The Stage 1 Project Application was applied for and exhibited at the same time as the Concept Plan and SEPP amendment (see Section 2.3). This assessment report also assesses the Stage 1A proposal. The Stage 1 area is shown in the staging plan (Figure 6) below.

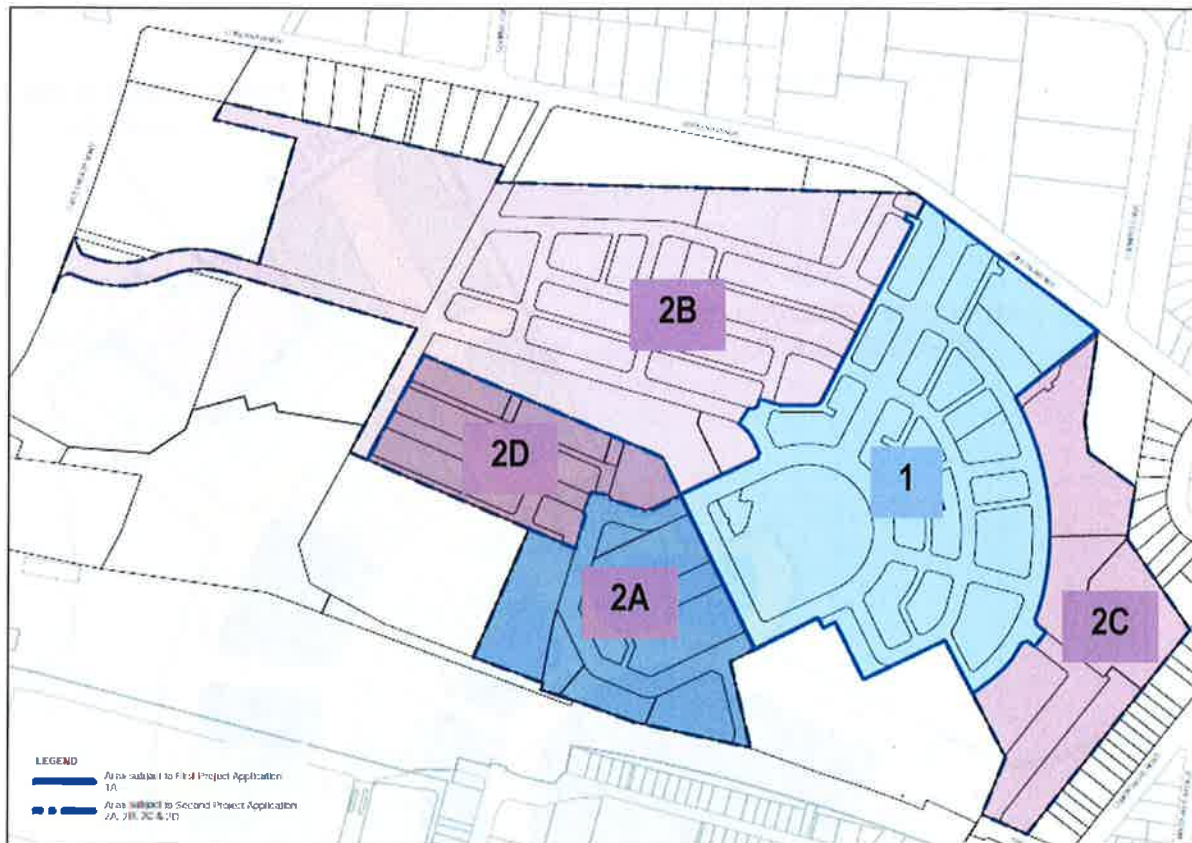


Figure 6: Stages of Development

The Stage 1 project application seeks approval for subdivision to create 120 lots comprising of the following (refer to following Figure 7):

- 97 future residential lots
- 1 village centre lot
- 16 super lots
- 2 open space lots
- 1 community facility lot
- 1 sewer pumping station lot
- 2 residue lots

The Stage 1 project application also seeks approval for the following works, some of which will be undertaken outside the Stage 1 subdivision boundary:

- site establishment and perimeter security measures;
- establishment of environmental and safety controls and traffic control measures;
- preparatory works, including small building demolition, trees/shrub removal;
- topsoil stripping and stockpiling for later reuse and the disposal of unsuitable material;
- topsoil material, and taking up and stockpiling existing concrete and asphalt;

- hardstands and roads for later reuse in other stages of the construction works;
- bulk earthworks – cut and fill, including the importation of material to raise levels;
- sections of the retaining wall next to the Penrith Training Depot;
- roads and road intersections; and
- construction of a sales office, which in the future could be converted into a community facility.

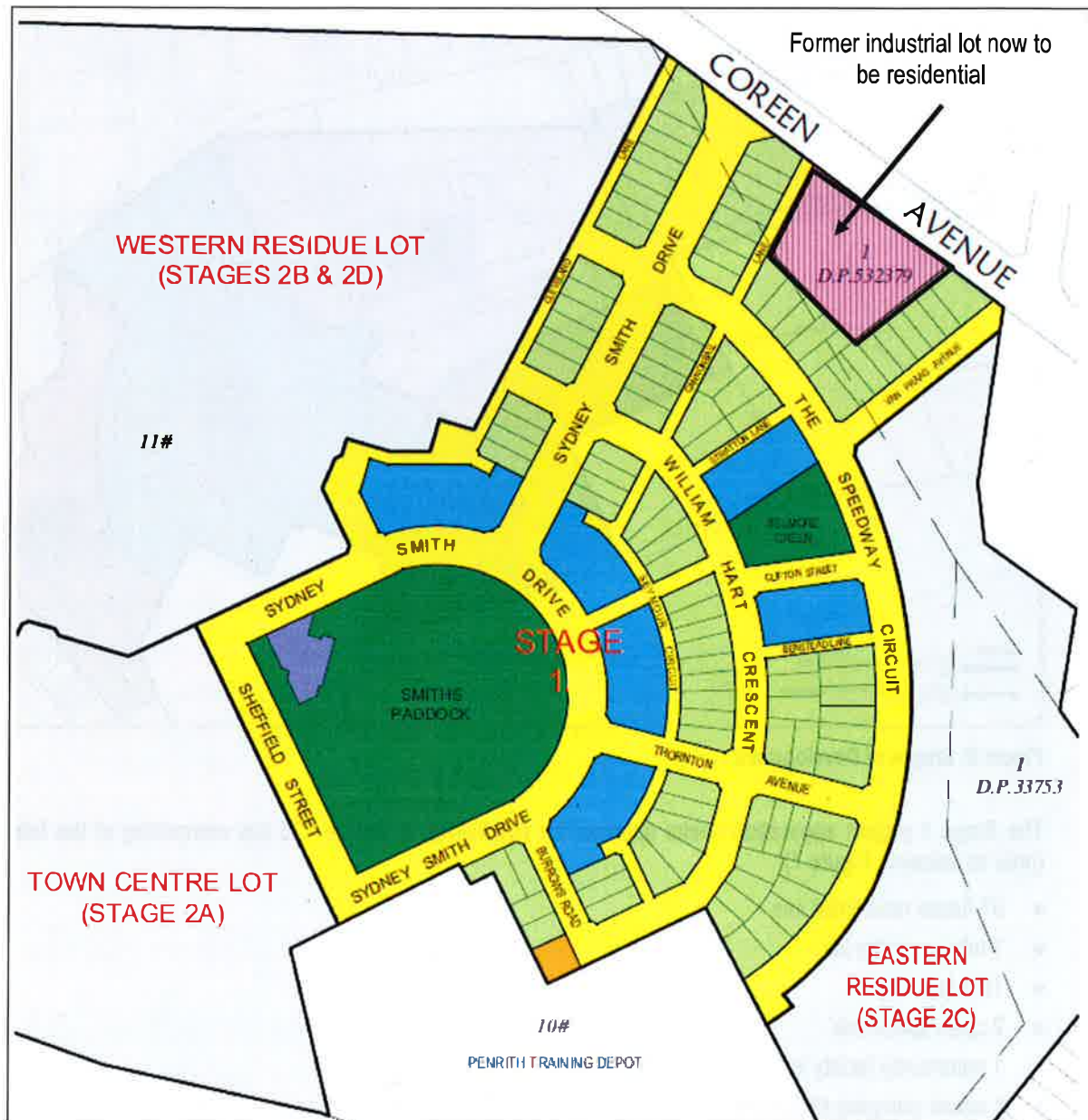


Figure 7: Subdivision of Stage 1

2.3 SEPP Amendment

A draft SEPP to rezone the site has been prepared and is the subject of a separate submission to the Minister. The draft SEPP proposes to rezone the site to enable the development proposed under the Concept Plan.

3 STATUTORY CONTEXT

3.1 NSW Environmental Planning and Assessment Act 1979

On 22 April 2011 the Deputy Director General of the Department of Planning, as delegate of the Minister of Planning, determined that the development was a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) and authorised the submission of a Concept Plan.

The proposal was deemed to be a Major Project as it consists of residential and commercial development with a Capital Investment Value (CIV) of more than \$100 million and, in the opinion of the Deputy Director General, achieves State or regional planning objectives pursuant to Clause 13, Schedule 1 of the State Environmental Planning Policy (Major Development) 2005 (MD SEPP).

Schedule 6A of the Environmental Planning and Assessment Act, 1979 ("the Act"), includes transitional provisions that enable Part 3A projects that have progressed to a suitable stage (which includes this project) to continue to be assessed under Part 3A.

3.2 Penrith City Local Environmental Plans

The site is currently zoned under the following Penrith Local Environmental Plan's (LEP):

- Penrith Local Environmental Plan 1998 (Urban Land) (LEP 1998);
- Penrith Local Environmental Plan 2010 (LEP 2010);
- City of Penrith Planning Scheme Ordinance 1960 (PPSO); and
- Penrith Local Environmental Plan (Environmental Heritage) 1991.

Collectively the LEP's zone the site Special Uses (Army Stores Area) Industrial, Residential, Mixed Uses and proposed Recreation purposes, as shown in Figure 9 below and the following Table 1.

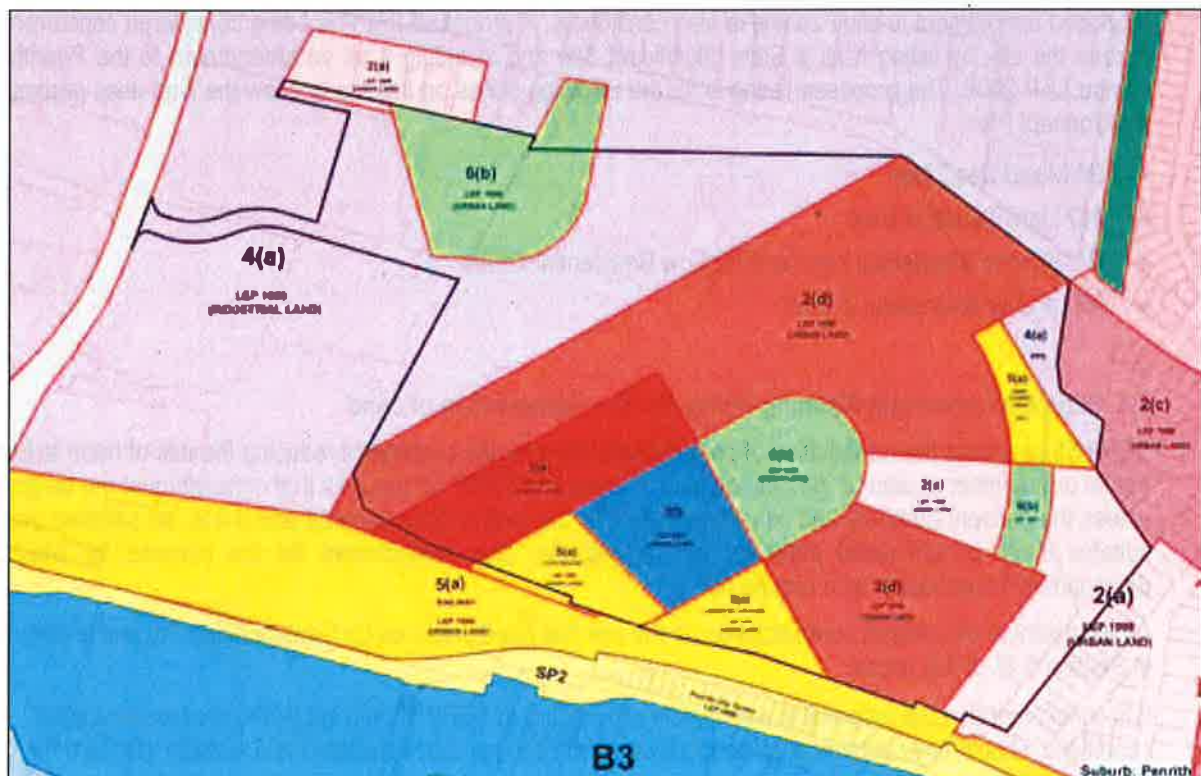


Figure 8: Zoning under relevant Penrith Local Environment Plan

Table 1: Zoning of the site in Penrith LEP's

| Penrith LEP | Zoning |
|---------------------|--|
| Urban Land LEP 1998 | <ul style="list-style-type: none"> • Zone 2 (a) Residential (Urban and Landscape Protection) • Zone 2 (c) Residential (Low – Medium Density) • Zone 2 (d) Residential (Medium Density); • Zone 2 (e) Residential (Medium – High Density); • Zone 5 (a) Car Park; • Zone 5 (a) Parking; • Zone 5 (a) Civic Square; and • Zone No. 6(b) Proposed Public Recreation and Community Uses. |
| Penrith LEP 2010 | <ul style="list-style-type: none"> • Zone IN1 General Industrial; and • Zone IN2 Light Industrial. |
| PPSO 1960 | <ul style="list-style-type: none"> • General Industrial 4(a); and • Special Uses 5(a) (Army Stores Area). |

3.3 Permissibility

The proposed commercial and residential uses are prohibited within the existing zoning applying to the site. Subject to Clause 8N and 8O of the Environmental Planning and Assessment Regulation 2000, the Minister can approve a Concept Plan and Project Application for development that is prohibited by a Council LEP.

In accordance with Section 72I and 72J of the Act, an application for a prohibited activity can be made where a proposed amendment to sites zoning is also considered. A proposed SEPP is being considered concurrently to rezone the site by listing it as a State Significant Site and including it as an amendment to the Penrith City Centre LEP 2008. The proposed listing is for the following zones on the site to allow the land uses proposed in the Concept Plan.

- B4 Mixed Use Zone
- IN2 Light industrial zone
- R1 General Residential zone and R2 Low Residential Zones
- RE1 Public Recreation Zoned

3.4 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 requires that consent must not be granted unless the consent authority has considered whether the land is contaminated and if it is, be satisfied that it is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

An assessment of potential contamination on the site has been prepared by Geotechnique Pty and is discussed in Section 5.27 of this report.

It is considered that the proposal is satisfactory with regard to SEPP 55 and subject to the recommended conditions, should any contamination be discovered, the site can be remediated to a suitable standard for residential uses.

3.5 State Environmental Planning Policy (Infrastructure) 2007

The main objectives of the SEPP Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.

Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA). The Roads and Traffic Authority (RTA) have been consulted accordingly and issues raised have been included in the assessment of the Concept Plan and Stage 1 Project Application.

3.6 Threatened Species Conservation Act 1995 & Environmental Protection and Biodiversity Conservation Act 1999

The site contains Cumberland Plain Woodland which is a Critically Endangered Ecological Community under the Threatened Species Conservation Act 1995 (TSC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). An assessment of the potential impact is provided in Section 5.2.

The ecological assessment submitted with the application concluded that approval was not required under the EPBC Act.

3.7 Native Vegetation Act 2003

The Native Vegetation Act 2003 requires approvals for works to clear native vegetation. Section 5 of the Act provides that the Act does not apply to land described in Part 3 of Schedule 1 which includes land within a zone designated "residential" under an Environmental Planning Instrument. As the proposed amendment to the SEPP (Major Projects) will rezone the majority of the site for residential purposes it is likely that no further approvals will be required.

3.8 Water Management Act 2000

Approvals are required under the Water Management Act 2000 for certain activities that will be undertaken on the site. Under 75U of the Act, where a Concept Plan has been approved these activities still require separate approval under the Water Management Act 2000 but the "Integrated Development" procedures under Part 4 would not apply to the corresponding Development Application.

4 CONSULTATION AND ISSUES RAISED

4.1 Director-General's Environmental Assessment Requirements

The Director General's Environmental Assessment Requirements (DGRs) were issued in May 2010. In the course of preparing the DGRs, the Department consulted with the Roads and Traffic Authority (RTA), the Office of (previously DECCW), the NSW Office of Water (NOW) and Penrith City Council.

The DGRs also required the proponent to consult with all of the above as well as, the NSW Department of Primary Industries, NSW Ministry of Transport, additional NSW Emergency Service agencies (the NSW Police Department, the Ambulance Service of NSW, the State Emergency Service), and all utility providers.

4.2 Public Exhibition and Notification

The proposal was exhibited for a period of 55 days from 15 December 2010 to 7 February 2011. The State Significant Site study was exhibited at the same time.

The EA was made available to the public at a number of sites including:

- Department of Planning Information Centre, 23-33 Bridge Street, Sydney 2001.
- Department of Planning -Sydney West Region Office, Level 3, 3 Marist Place, Parramatta 2150
- Penrith City Council Civic Centre and Penrith City Library, 601 High Street, Penrith 2750
- St Marys Council Office and St Marys Library, 207-209 Queen St., St Marys 2760

The Preferred Project Report was lodged on 20 April 2011 and was placed on the Department's website in accordance with the Department's policy.

4.3 Submissions

During the exhibition period, the Department received a total of 11 submissions from the public and 9 submissions from public authorities. Key issues raised in submissions include the following:

- Employment generation and residential density

Consistency of the proposal with the Metropolitan Plan objectives to provide opportunities for long term employment growth and higher density housing was raised as an issue by Government agencies and in public submissions.

- Compatibility with the land uses in the Penrith City Centre

The Penrith Business Alliance submitted that potential for employment generation on the site should be maximised to make a greater contribution to regional growth targets. While Penrith City Council supports further employment generation on the site, they raised concerns that the proposed commercial development within the site should not compete with and impact on the viability of the existing city centre.

- Retention of the heritage values of the site

Three items of European Heritage significance are located on the site, including; Thornton Hall the oval and the former speedway. The retention of these items was raised as important in government agency submissions and public submissions.

- Locating residential areas close to existing industrial land uses

The potential land uses conflicts that may arise from locating residential areas near to the existing industrial lands uses to the west of the site and the impact on potential for these industries to expand was raised as an issue.

- Ongoing maintenance costs of open space areas to be dedicated as public

The dedication of all open space areas to Penrith City Council has been generally accepted by Council. Concerns were raised regarding the maintenance requirements.

- Contribution for district open space and facilities

Penrith City Council requested that Section 94 contributions are required under the Penrith District Open Space Facilities Plan.

- Provision of safe access and capacity of the local road network

Council and the RTA requested consideration is given to the safe access arrangements for the site and the capacity of the adjoining road network.

- Appropriate drainage infrastructure

The majority of the site will drain towards a central canal then to a constructed wetland. NSW Office of Water and Council raised concerns regarding the impact on Boundary Creek resulting from discharge from the site and the impact on groundwater.

An assessment of these key issues has been undertaken in **Section 5** of this report. The proponent's response to submissions in the PPR is in **Appendix B**. A summary of all submissions received can be found in **Appendix C**.

The Department is satisfied that adequate public consultation for the proposal has been undertaken in accordance with the legislation.

5 ASSESSMENT

5.1 Legislative Requirements of the Director-General's Report

Section 75(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to address a number of requirements in the Director General Report. These matters and the Department's response are set out in Table 1 below.

Table 3: Department's response to legislative assessment requirements

| Section 75(2) criteria | Response |
|--|--|
| Copy of the proponent's environmental assessment and any preferred project report | The Proponent's EA and Preferred Project Report have been assessed by this report and a copy is attached in Appendix B . |
| Any advice provided by public authorities on the project | All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix C of this report. Copies of all submissions from public authorities are also attached. |
| Copy of any report of the Planning Assessment Commission in respect of the project | No assessment relevant to this project application by the PAC has yet been undertaken. |
| Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project | Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed in Section 3 of this report. |
| Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division | An assessment of the development relative to all environmental planning instruments is provided in Section 3 of this report. |
| Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate. | The environmental assessment of the project application is this report in its entirety. |
| A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project. | The proponent's EA addressed the Director-General's Environmental Assessment Requirements and is considered to have satisfied those requirements as addressed in this report. |
| Clause 8B criteria | Response |
| An assessment of the environmental impact of the project | An assessment of the environmental impact of the proposal is discussed in Section 5 of this report. |
| Any aspect of the public interest that the Director-General considers relevant to the project | An assessment of matters of public interest are discussed in Section 5 of this report. |
| The suitability of the site for the project | This report assesses the suitability of the site for the project in discussion of the key issues in Section 5 of this report |
| Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions. | A summary of the issues raised in the submissions is provided in section 5 and Appendix C of this report. |

5.2 Employment Generation

The commercial, retail and light industrial land uses proposed by Landcom are estimated to provide approximately 770 new jobs. This proposal, along with potential for employment growth in the existing city centre (estimated at up to 15,000 jobs), will make a contribution to the Metropolitan Plan target of 11,000 new jobs in Penrith by 2036.

The Penrith Business Alliance raised concerns that potential for employment generation on the site should be maximised to make a greater contribution to regional growth targets.

It is acknowledged that the proposed mix of land uses represents the lower end of the site's capacity for commercial development. However, it is considered that a balance is required between providing for employment generation in the longer term, current market conditions, and availability of other sites for this type of development in the city centre. The Metropolitan Plan also aims "to develop the highly accessible North Penrith defence site to provide opportunities for long term employment growth as well as higher density housing".

The site could accommodate an increase in commercial land use if feasible in the future. The proposed SEPP will rezone the village centre B2 Local Centre with no cap on retail floor space and a 30 metre height limit. This allows for a range of commercial and retail land uses (including high technology industries and information and education facilities) which provide significant potential for employment generation. In addition, the indicative subdivision layout for the village centre has been amended to remove smaller lots allowing for large floor plate commercial land uses if potential tenants can be found for the site.

To ensure future opportunities are provided within the Village Centre, the Department recommends the Design Guidelines are amended to promote higher densities and a mix of uses that achieve high levels of activity and pedestrian movement and are appropriate within 400m within a railway station.

5.3 Impact on the Penrith City Centre

Penrith City Council and local property owners raised concerns that the proposed commercial development within the North Penrith site should not compete with and impact on the viability of the existing city centre.

There is existing capacity within the city centre to provide new commercial office space opportunities. Council have advised that existing planning instruments provide potential for up to an additional 444,000m² commercial floor space in the city centre which could generate up to 15,000 jobs.

The commercial floor space proposed on the site (10,625m² of commercial office floor space and 4,500m² of retail floor space) would only be a 3% increase in commercial floor space available in Penrith. Furthermore, the proposed development could act as a stimulus for development and commercial investment in Penrith. The estimated 1,800 new residents and 770 jobs from the North Penrith development could provide an additional customer and workforce base for both the site and Penrith city centre.

5.4 Residential Density

The proposal provides for up to 1,000 new dwellings. This will contribute to the Metropolitan target of 25,000 additional dwellings in Penrith by 2036. However, it is less than the 1,200 dwellings envisioned for the site in the Draft Subregional Strategy.

Penrith City Council is supportive of the number of dwellings proposed but requested that density of residential dwellings be increased in the form of residential flat buildings in locations close to the station and village centre. As a result the maximum height was increased to 30m within the Village Centre to encourage higher built form outcomes and accordingly residential densities. The location of potential apartment site is shown in Figure 9 below.

The Department supports the location of residential flat buildings in areas located within the vicinity of the Village centre and where possible in other locations on the site as shown in Figure 9. It is recommended that the proposed Design Guidelines be amended to encourage residential flat buildings and higher density densities within 400m within a railway station, in particular in the "opportunity site" (refer to Figure 9) immediately north of the commuter car park.

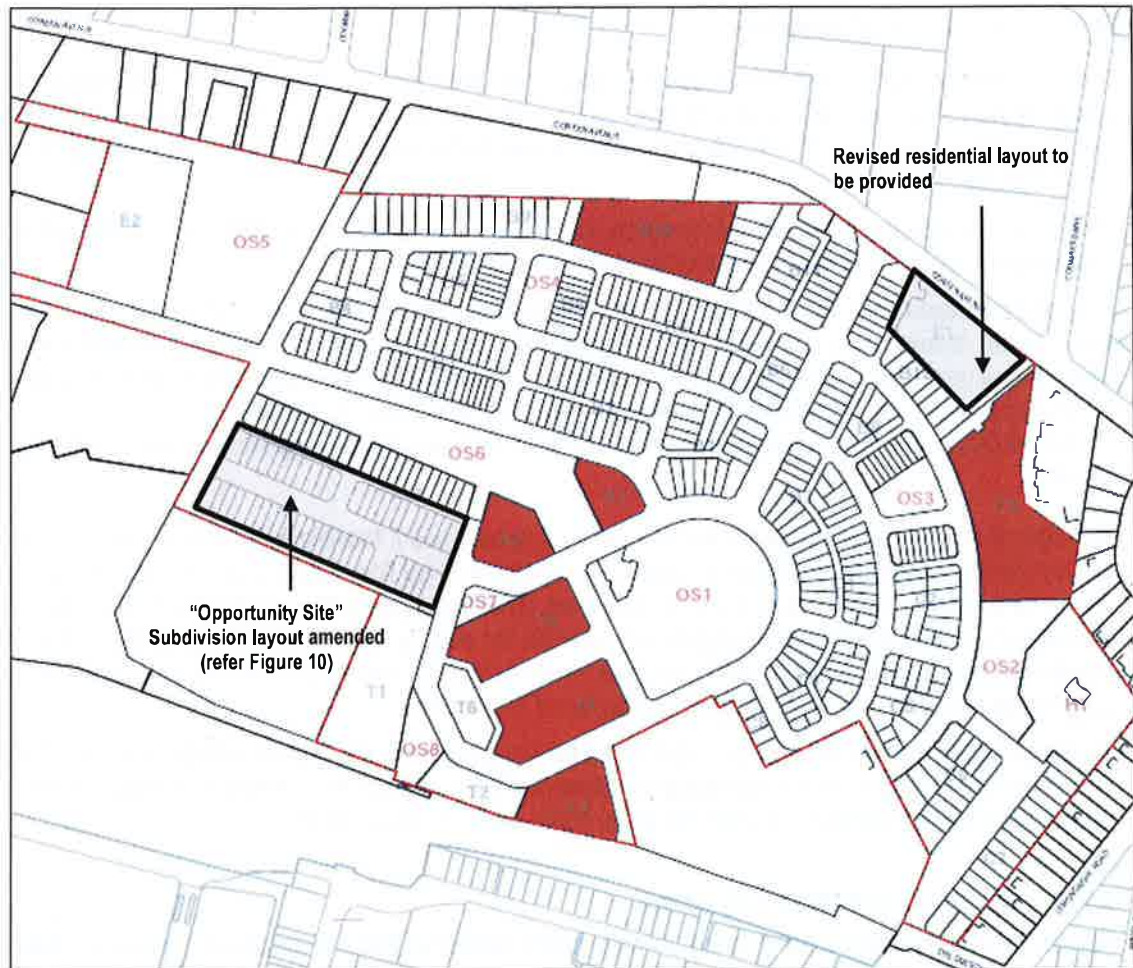


Figure 9: Proposed Apartment Sites (shown in brown)

5.5 Indicative Subdivision Layout

The Concept Plan includes an indicative subdivision layout for the proposal. This is shown in Figure 10 below. The proposed layout is considered to effectively incorporate the design requirements for internal roads and services as outlined in the following sections of this report.

As noted above in Section 5.2, the indicative subdivision layout has been amended to remove smaller lots proposed in the village centre area adjoining the commuter car park (shown as blocks A5, A3, and A4 on Figure 10). This is to encourage higher density uses, such as residential flat buildings and/or commercial/retail uses which would provide activity within close proximity to the railway station.

Residential lots adjoining Coreen Avenue

An area of the site, adjoining Coreen Ave (referred to as block E1 on Figure 9 above and B12 in the following Figure 10), was initially proposed industrial land but will now be residential land to reduce the land use impacts of locating a light industrial lot directly adjoining onto a residential area (refer to Section 5.9) The proponent has supplied a revised subdivision plan for this area to allow for residential development (refer Figure 10).

Council raised concerns that the revised subdivision layout, allowing single dwellings with large rear fences fronting Coreen Avenue, will have a negative impact on the streetscape. The proposed fencing and landscaping along this boundary does not form part of this approval. It is recommended that the fence and landscaping detail be submitted to Council for approval prior to the release of the construction certificate for Stage 1.

Detailed subdivision plans, will be required with each subdivision application. Detailed subdivision plan for the stage 1 area have been provided which are consistent with the indicative subdivision layout.

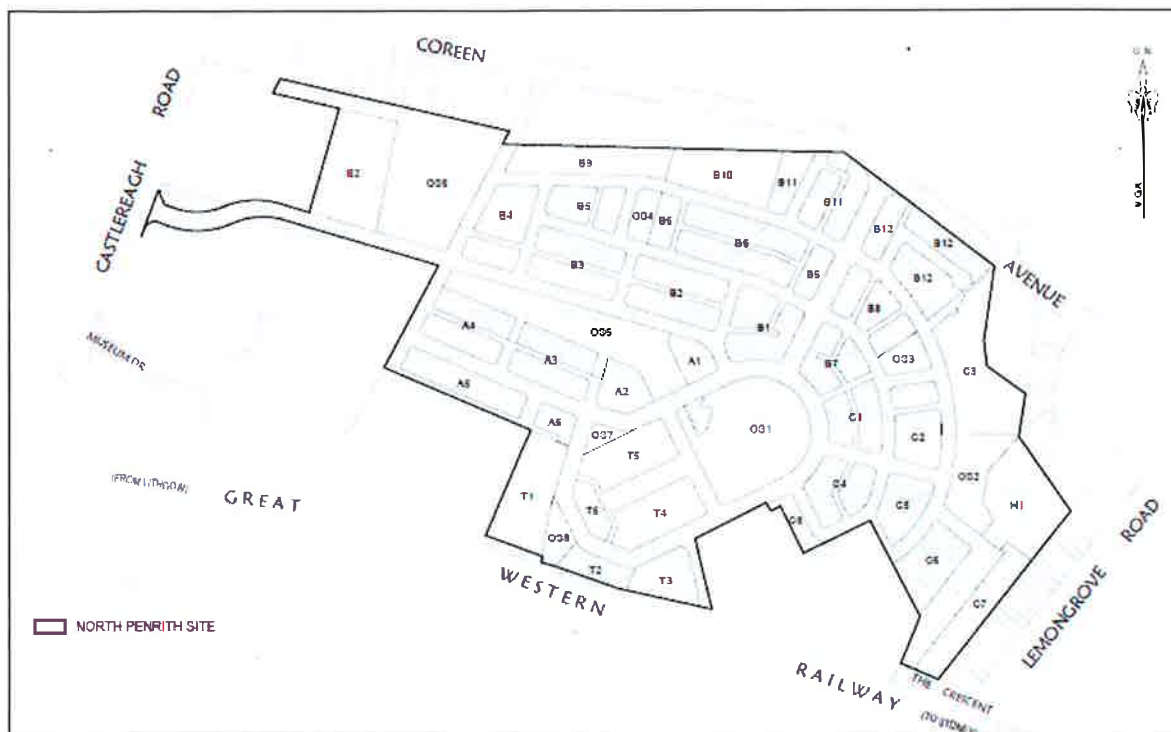


Figure 10: Indicative subdivision layout

5.6 Minimum lot sizes

Minimum lot sizes are proposed for the site as shown in the following Figure 11. The proposal includes the introduction of minimum lot size of 120m² in high density residential areas. This is smaller than permitted elsewhere in the LGA but is considered appropriate to provide opportunities to provide higher residential densities on this site.

Minimum lot sizes do not apply to those sites that are to be strata subdivided for the purposes of secondary dwellings or apartments (for example studio lofts). Smaller lot sizes are permitted for self contained dwellings built over a garage that are strata subdivided so that they may be occupied separately to the principle dwelling.

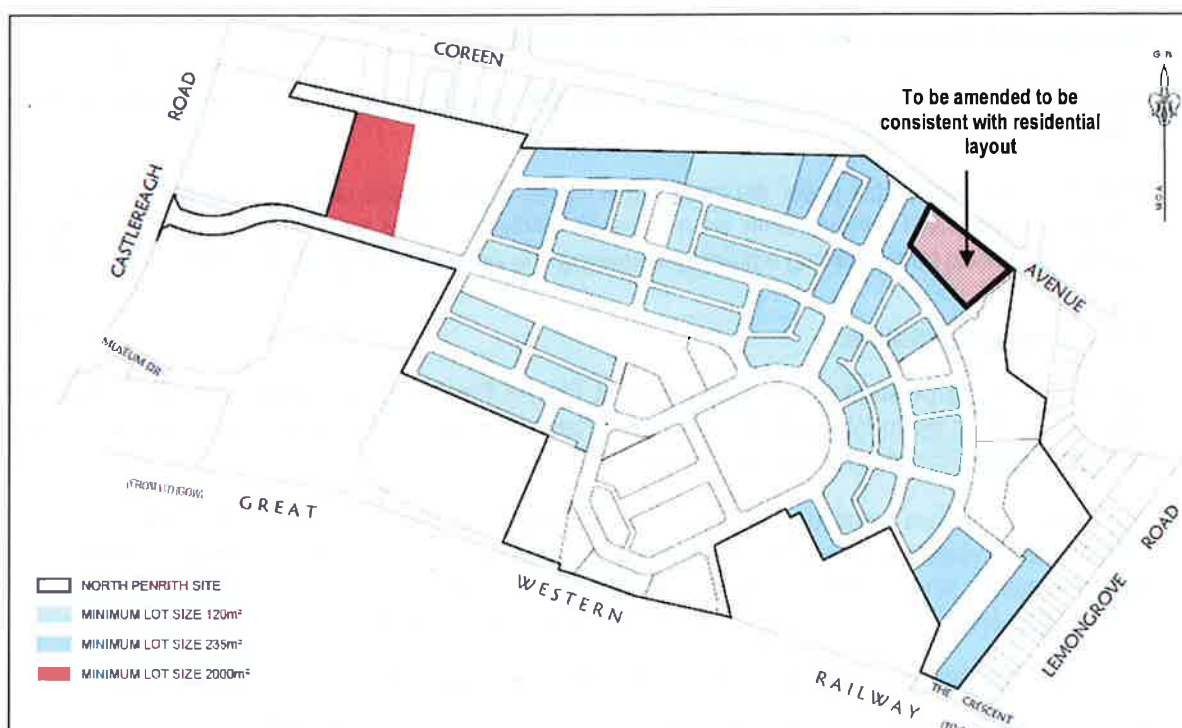


Figure 11: Minimum lot sizes

Lot sizes adjoining Lemon Grove Road

Council raised concerns regarding the lot sizes adjacent to the heritage area adjoining Lemon Grove Road. Existing lots fronting Lemongrove Road are generally 560m² or greater in area. Council suggests lots adjoining this area be sympathetic with the predominant lot size in that area.

Although the Concept Plan proposes a minimum lot size of 235m² in this area, the indicative subdivision plan proposes lots greater than the minimum of generally 400m². Lots of this size are not considered to detract from the heritage values associated with the adjoining area.

Where dwellings adjoin the eastern boundary, a 2-storey height control and a 3 metre rear setback is proposed. The 400m² lots will be sufficient to accommodate a dwelling with an increased rear set back. The Department recommends the set back is increased to 4 metres at the ground level and 6 metres at the second storey to ensure the development is sympathetic with the character of the Lemongrove Road area.

5.7 Dwelling typologies

The Social Sustainability Assessment submitted with the proposal, undertaken Elton Consulting, indicates there is a need for greater diversity in the housing market in the Penrith LGA, including the provision of smaller housing types.

The proposal includes a range of dwelling typologies as follows:

- Detached dwellings 24%
- Secondary dwellings (lofts/studios) 6%
- Attached housing, dual occupancy, semi detached 20%
- Apartments 50%

The Department is satisfied that an appropriate range of dwelling typologies is provided by the proposal.

Studio Lofts

The proposal includes 'studio lofts' as an alternative residential dwelling typology which aims to provide a more affordable housing product. Studio lofts are self contained dwellings built over a garage and can be strata subdivided so that they may be occupied separately to the principle dwelling.

As noted in Section 5.6 above minimum lot sizes do not apply to those sites that are to be strata subdivided for the purposes of secondary dwellings which include studio lofts.

The Department is supportive of studio lofts on the site as it encourages a diversity of affordable housing product.

Studio lofts are permissible under the proposed R1 zone which permits residential accommodation, being "a building or place used predominantly as a place of residence." Once subdivided, studio lofts could also be defined as dwelling houses (being a building containing only one dwelling) which are permitted in the R1 zone.

5.8 Design Guidelines

Design Guidelines (referred to as a Development Control Plan in the proposal) have been prepared. The Design Guidelines are to form part of the Concept Plan and is not to be a Development Control Plan made by the Director General under the provisions of Section 74C of the Act.

The Design Guidelines propose standards for urban design, built form and environmental management for the site. It includes street design and hierarchy, landscape treatments for different types of open space, and public domain materials and treatments. The Department has reviewed the Design Guidelines and recommends a number of amendments are made to ensure the guidelines are compatible with best practice design, including:

- Location of garages and vehicle access at the rear of residential lots where possible.
- The location of principle private open space is not to be within the front setback

- A minimum floor to ceiling height of 2.7 metres should be provided for the ground floor of residential development.

These changes are included as recommended modifications to the Concept Plan and a revised development code will be required prior to the issue of the first subdivision certificate on the site.

5.9 Site Access

The proposed development will be accessed via four entry points as shown in the following Figure 12 and described below.

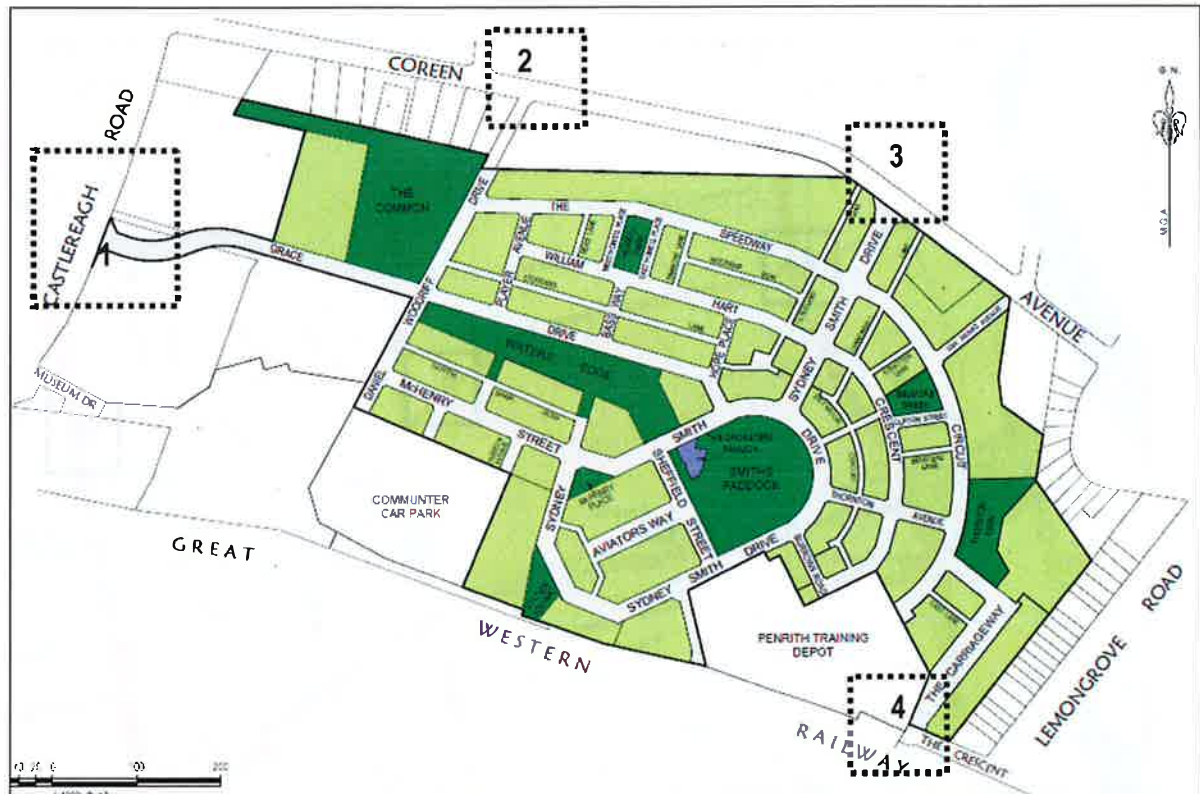


Figure 12: Site Access Points

1. Addition of a 150m long right turn bay and removal of the centre island on Castlereagh Road to allow left and right turns into the site. To be constructed as part of Stage 2A works.
2. Upgrade of existing roundabout on Coreen Avenue to allow for larger vehicles entering the site. To be constructed as part of Stage 2A works, prior to occupation of the supermarket.
3. Construction of a new roundabout on Coreen Avenue to provide access to Stage 1.
4. Maintenance of the existing access to the site from The Crescent.

The Department is satisfied that the proposed access ways will provide safe and efficient site access and the proposed design for the access ways have adequately considered the comments received from the RTA and Council.

As they are required for access to the site, the Department recommends that the construction and upgrade of all new access ways are undertaken and fully funded by the proponent.

Conditions of approval are recommended to require that the new intersections are designed and constructed in accordance with RTA and Council standards. Detailed design plans for all intersections will be required at the relevant project application.

5.10 Capacity of Surrounding Road Network

A Traffic Mobility and Accessibility Plan (TMAP), prepared by Parsons Brinckerhoff, dated October 2010, was submitted with the proposal. The TMAP identified future upgrades required to the surrounding road network in 2016 and 2026. The assessment incorporated base traffic growth, traffic generation by other planned developments, and the traffic generated by the proposed development at North Penrith. Following additional consultation with the RTA further analysis was undertaken of a wider catchment of the road network.

The following intersections on the surrounding local and regional road network have been identified as requiring upgrades to accommodate future growth in traffic volumes from the site and other developments. The location of these intersections is shown on Figure 13 and the potential upgrade required is described below.

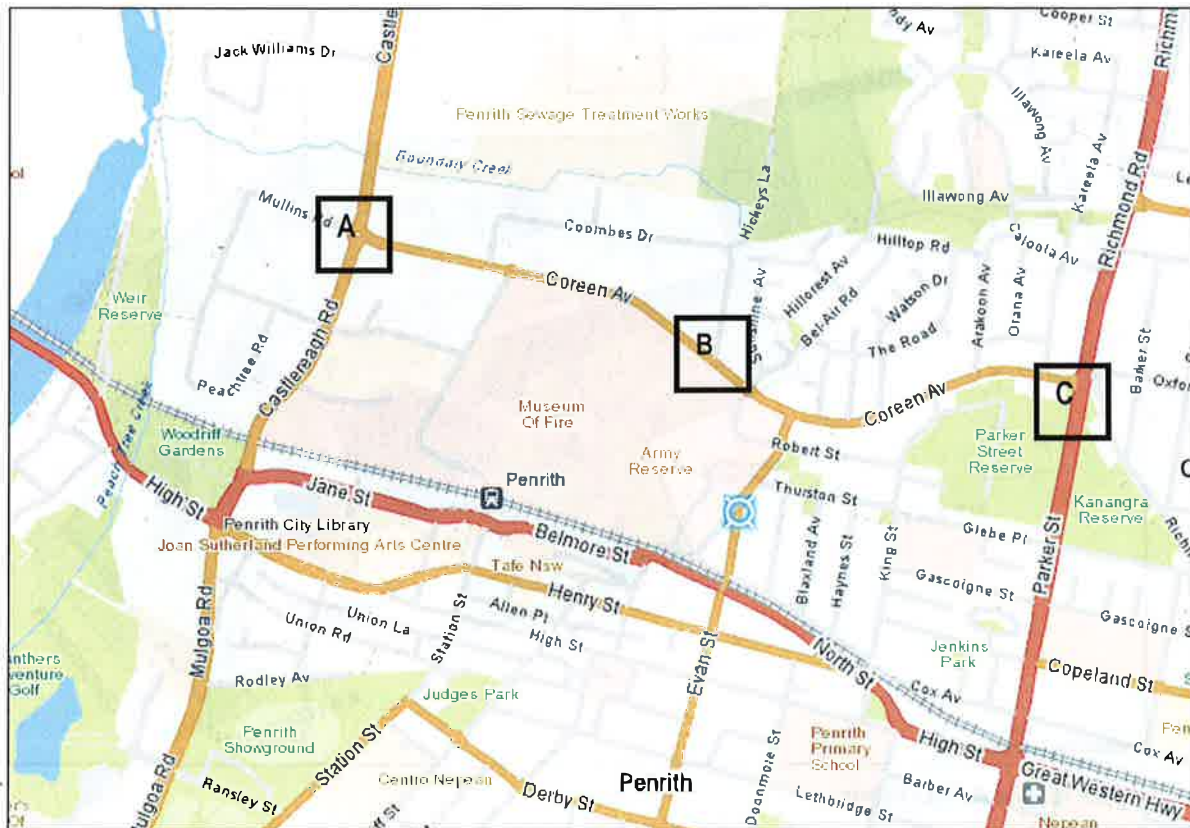


Figure 13: External intersection upgrades

- (A) Installation of roundabout metering in 2016 with construction of a signalised intersection at the intersection of Coreen Avenue and Castlereagh Road once the Penrith lakes development is completed.
- (B) Installation of seagull treatment at the intersection of Coreen Avenue with Coombs Drive.
- (C) Construction of a 120m right-turn bay on Richmond Rd and 25m left turn bay on Oxford St at the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection.

The proponent has committed to work with the RTA to make a contribution to the upgrade of the regional road network. The RTA have advised that the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection (C) is a priority and its upgrade should be undertaken as part of the Stage 1 works.

A condition of approval on the Stage 1 Project is recommended that requires the proponent to undertake further consultation with the RTA to determine the design of the upgrade of (C) required.

5.11 Internal Road Layout and Design

The proposed road hierarchy is shown in Figure 14 below. The design of the road layout curves around the position of the heritage oval, resulting in a curved street pattern.

The Department considers that road design proposed has adequately addressed the following key issues:

- The layout accommodates access requirements of the PTD site, providing for large and oversized vehicles to leave and access its site through the North Penrith development.
- The layout accommodates the future bus route from Coreen Avenue to the train station, as required by Transport NSW.
- Provision of direct access to the commuter car park and village centre from within the site and from surrounding road network.

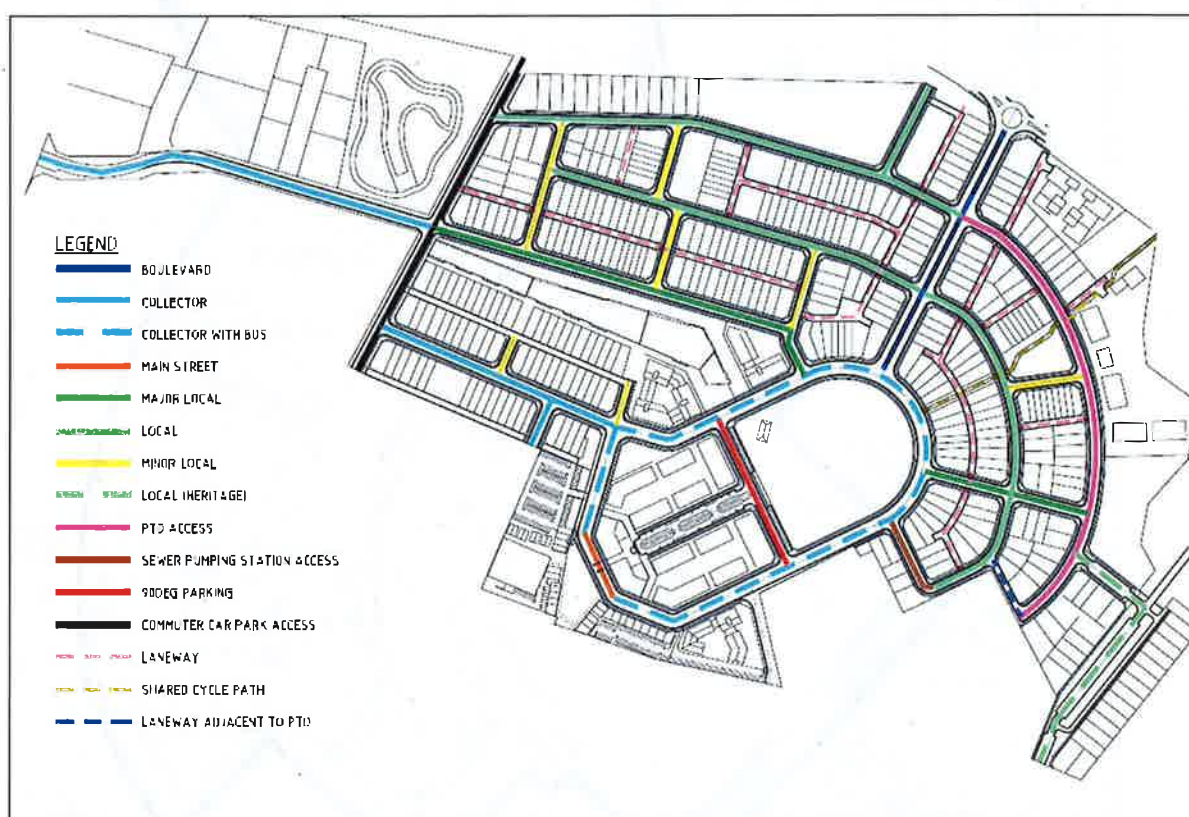


Figure 14: Road hierarchy

5.12 Stage 1 Road Design

Detailed plans for the associated road infrastructure to be built in Stage 1 have been provided. This includes internal site roads in Stage 1 and the new roundabout to be constructed on Coreen Ave. The roads to be constructed as part of Stage 1 are shown in Figure 15 below.

The Department is satisfied that the proposed road design for roads within Stage 1 has been undertaken in accordance with relevant engineering standards and the design has effectively incorporated the site access requirements and comments received from the RTA and the Council. It is therefore recommended that the road works are approved as part of the Stage 1 project approval.

Road names are shown on the plans submitted but are not to be approved as part of the Concept Plan or Stage 1 project application. Approval of the road names will be required by Council.

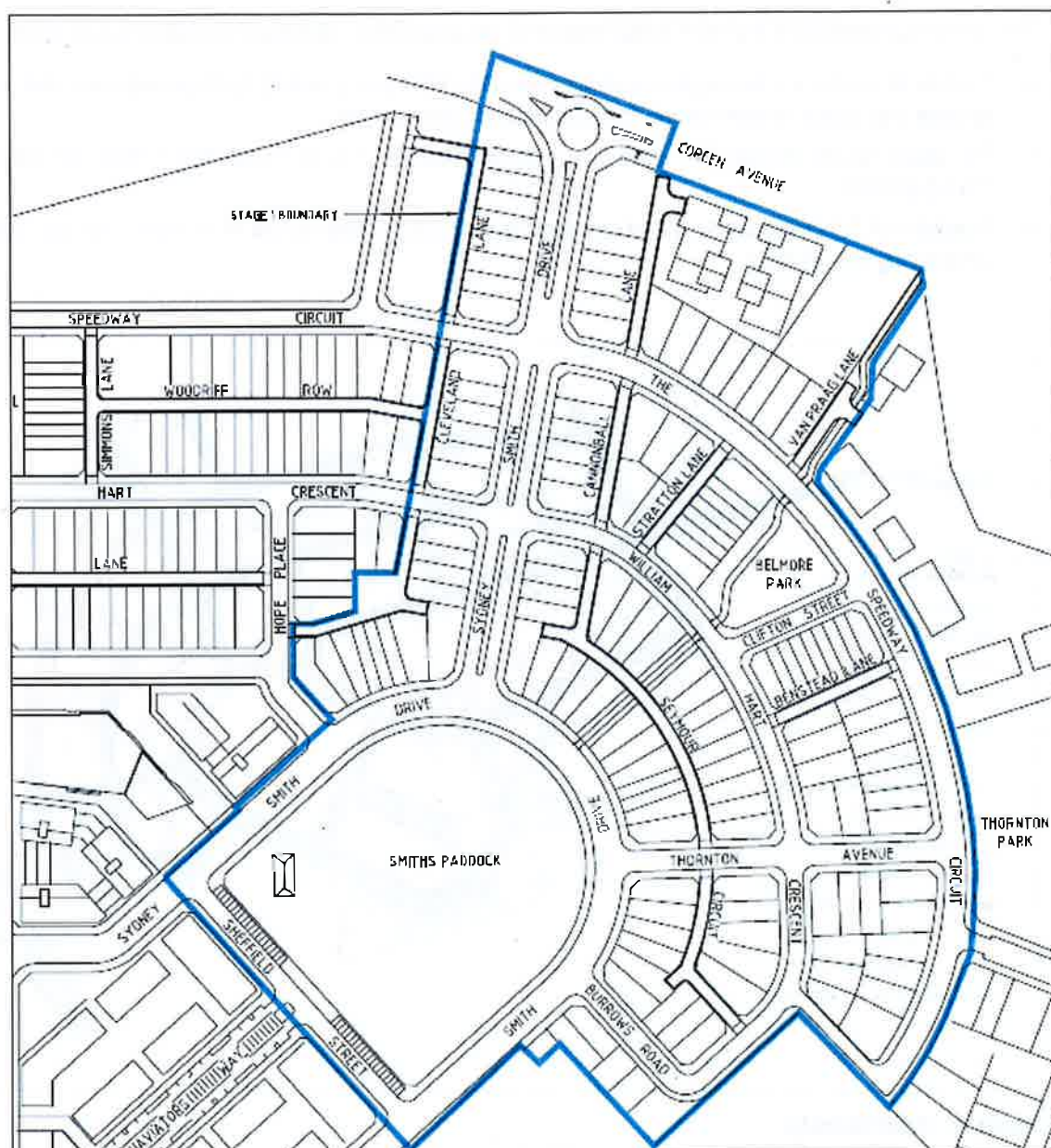


Figure 15: Roads to be constructed in Stage 1 (Stage 1 boundary shown in blue)

5.13 Public Transport

Future Strategic Bus Corridor

In 2003, Transport NSW identified 'strategic bus corridors', designed to provide high-frequency, reliable services between regional centres. One of the strategic corridors identified within Penrith is to provide a connection from areas to the north of the site to the Penrith train station.

Transport NSW has advised that provision for a potential future strategic bus corridor through the site should be centrally located off Coreen Ave to give good access to buses from the east and west.

The proposed bus corridor is shown in Figure 16 below. It includes entry of Coreen Avenue at the proposed new intersection and a future connection to the potential underpass of the rail corridor. The design of the roads which form part of the bus corridor include a widened kerb-side lane to accommodate bus priority or peak period clearways should it be required in the future.

Transport NSW also requested that a potential route for a bus-only underpass of the rail line should be considered by the design of the road infrastructure on the site. The proposed road design and geometry allows for the gradients required to achieve the underpass in accordance with design requirements established in consultation with Transport NSW.

Transport NSW has confirmed that the proposed corridor is sufficient to ensure the opportunity to explore options for long term improvement of bus connections to Penrith City Centre. Transport NSW note that the potential rail underpass and bus services are not yet confirmed and are subject to further investigation into feasibility.

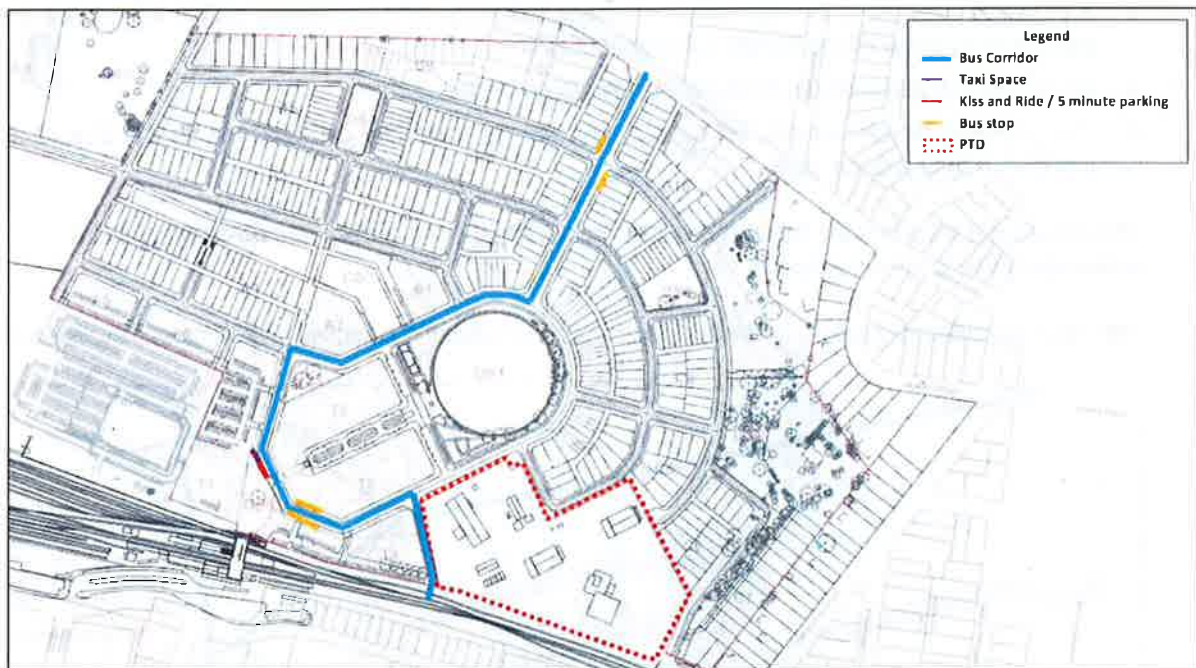


Figure 16: Proposed Bus Corridor

Capacity of Rail Services

Concern was raised in submissions about the capacity of rail services. Locating development near public transport nodes is supported by the Department. It reduces the need for private car trips and therefore the impact on the road network.

The TMAP provides an assessment of the capacity of infrastructure and services provided at the Penrith Train Station to support the proposed development. This was an issue raised in public submissions.

Train services between Penrith and Sydney on average have spare capacity leaving Penrith, but are more congested on the return journey in the afternoon peak. It is estimated that the proposal will generate an additional 150 passenger trips during the peak period, of which a third would be in the counter-peak direction. This number passengers is considered be able to be accommodated on expected growth planning by RailCorp.

An assessment of the increase of pedestrians using the station pedestrian bridge (including stairs) was undertaken. The analysis has indicated that Penrith Station would have sufficient capacity to accommodate the future pedestrian flows, including those generated by the Project.

It is therefore considered the existing train station can accommodate the proposed development and locating development next to public transport infrastructure is supported in the Metropolitan Strategy. It is noted that Transport NSW have advised there is an intention to undertake an assessment of the public transport needs of Penrith and this will be reviewed at that stage.

5.14 Provision for Cyclists and Pedestrians

The location of the site within close proximity to the Penrith Station allows for an opportunity to reduce car dependency and encourage use of active forms of transport. The proposed facilities for pedestrians and cyclists are shown Figure 17 below.

The following walking and cycling facilities are proposed:

- Pedestrian footpaths provided along all streets;
- Footpaths on public streets connect areas of open space and provide access to footpath and shared bicycle/footpath networks in the Waterfront Park and The Oval;
- A proposed stairway to the site from the existing footbridge over the railway station will provide general public access to the Village Centre from Penrith CBD;
- Bicycle parking areas will be located within the Village Centre; and
- The proposed bicycle network will connect with the rail commuter car park and bicycle spaces will be provided in commuter car park.

The Department considers the proposed facilities for pedestrians and cyclists on site are adequate to encourage active forms of transport.

The plans submitted for roads to be built in Stage 1 have included the proposed pedestrian and cyclist facilities.

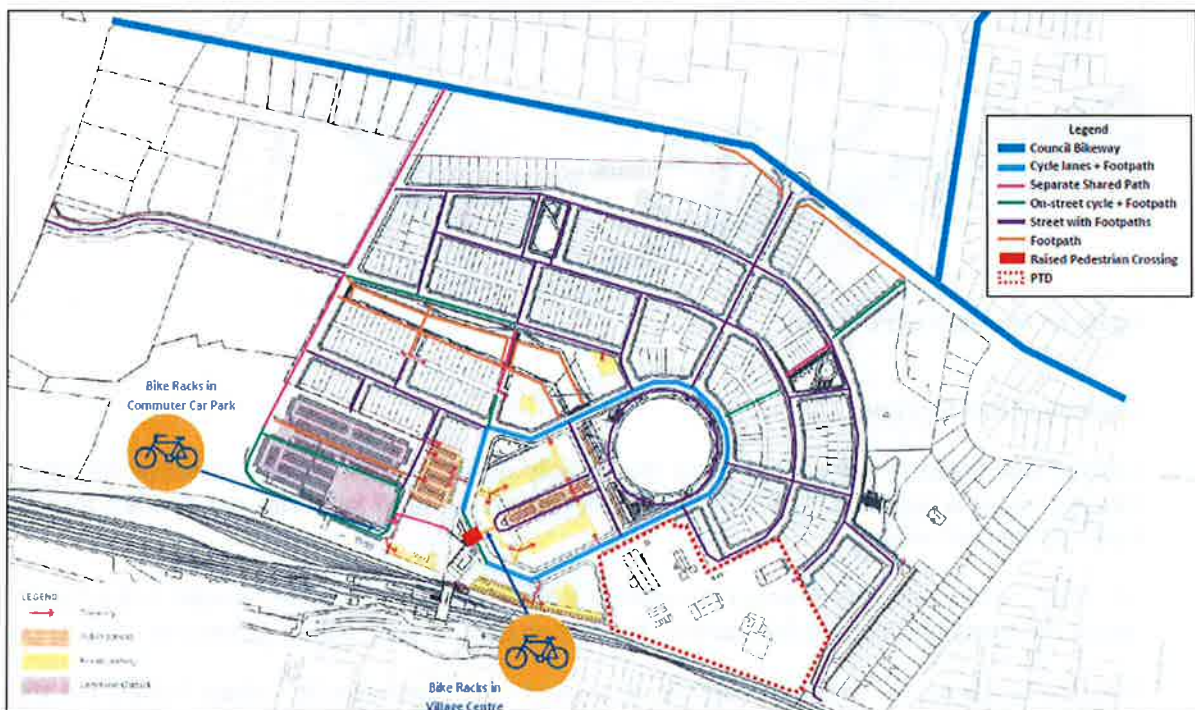


Figure 17: Pedestrian and Cyclist Network

5.15 Car Parking

The proposal has undertaken to provide a maximum car parking rate of 1 space per 50m² of commercial or retail floor space. The proposed car parking is shown in Figure 18 below.

Council have requested that car parking rates be consistent with the Penrith City centres LEP which requires a minimum of 1 space per 30m² of commercial and retail floor space.

Lower car parking rates are supported by the Department and NSW Transport to encourage alternatives to car travel. The proximity of this site to the train station and the city centre are considered lessen the need for car

use and therefore car parking. On this basis the Department recommends the proposed maximum car parking rates are approved under the Concept Plan.

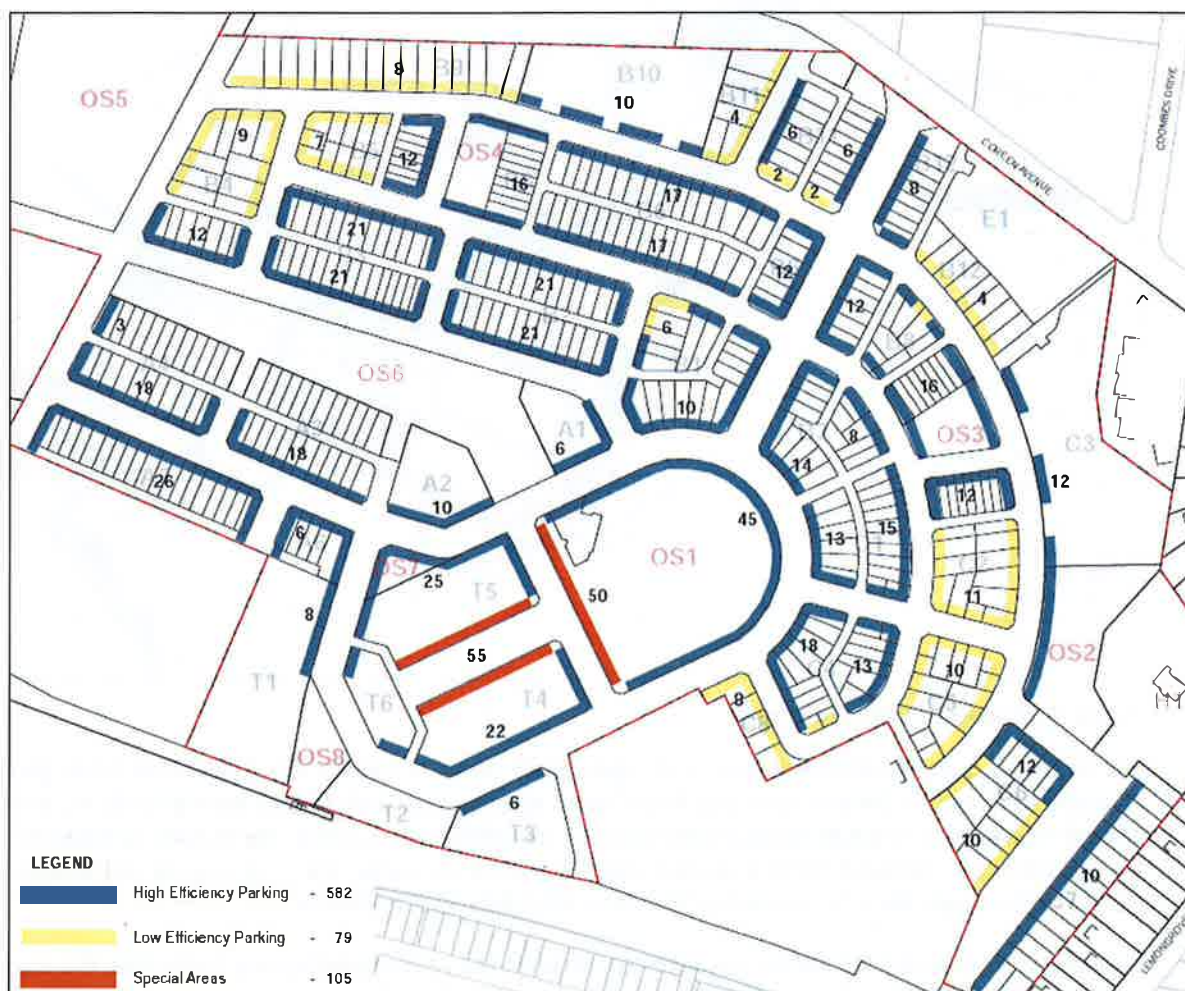


Figure 18: Car parking rates

On-Street Parking Strategy

Council requested that the Concept Plan include more detail of on-street parking. As a result the PPR provided an on-street parking strategy. The strategy includes restrictions to on street parking that will use by commuters, creates parking turn-over for businesses and allows for visitors to residential properties. In summary the strategy proposes 2 hour limits with some 5 minute spaces around the train station, 4 hour limits and no-stopping areas with the residential areas.

Council has advised it has concerns regarding the extent of the no-stopping areas proposed. The restrictions on on-street parking should be determined by Council and the local traffic committee. Therefore it is recommended that the car parking strategy is indicative only and should be developed in consultation with Council.

5.16 Open Space and Community Facilities

Approximately 5 hectares of public open space is proposed which encompasses local parks, the oval, and the grounds surrounding Thornton Hall. The areas surrounding the drainage structures, including the central canal and the constructed wetland may also provide some opportunities for passive recreation. These areas are shown in the following Figure 19.

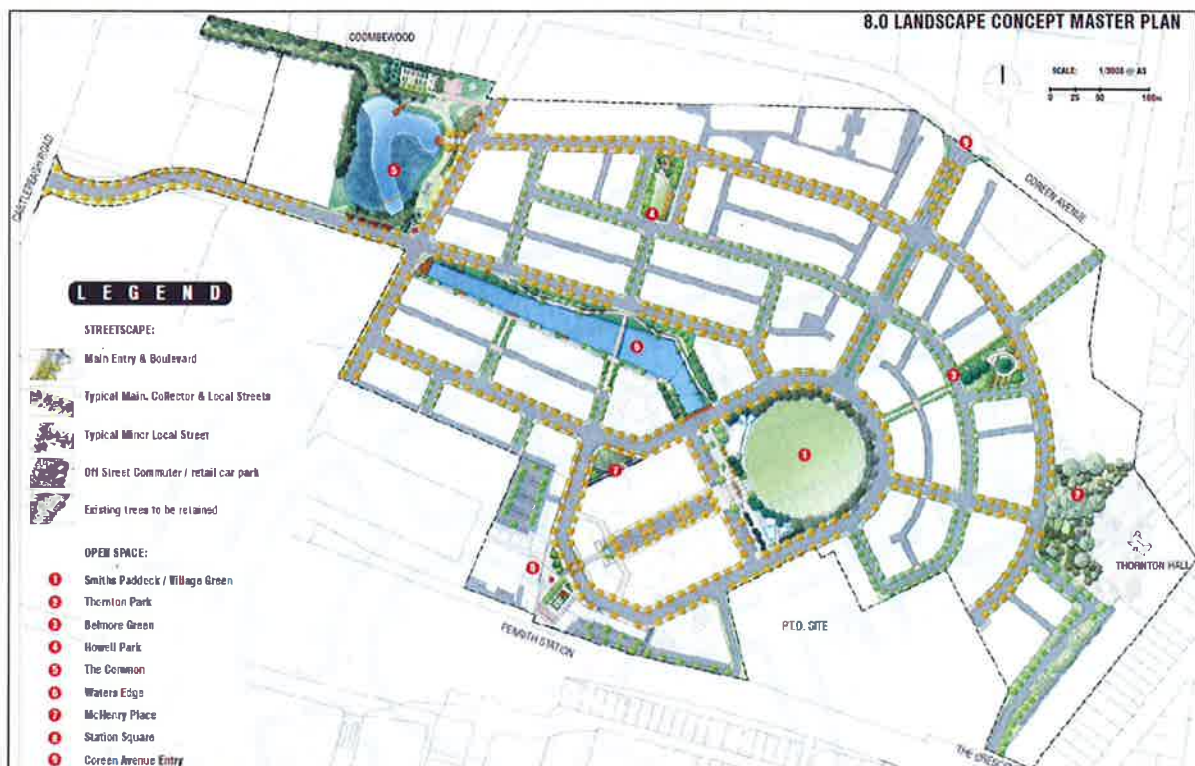


Figure 19: Proposed Public Open Space

The proposed quantum and dedication of all open space areas to Penrith City Council has been generally accepted by Council. Concerns were raised by Council regarding the maintenance requirements. As a result a revised maintenance schedule has been developed in consultation with Council. The revised schedule confirms the proponent will undertake construction and embellishment of the public open space areas and subsequently maintain open space areas for a period of 36 months after dedication to Council.

Council has advised that the revised maintenance schedule and revised costings are acceptable. It is therefore endorsed by the Department.

Temporary Sales Office/Community Facility

A temporary sales office is proposed, adjoining the north east side of the oval. It is intended the facility will become a community facility in the longer term and will be dedicated to Council upon occupation of 400th dwelling.

The building design is shown in the following Figure 20. It is single storey building which will include a display space (which will become community room), office space, small kitchen and publicly available toilets.

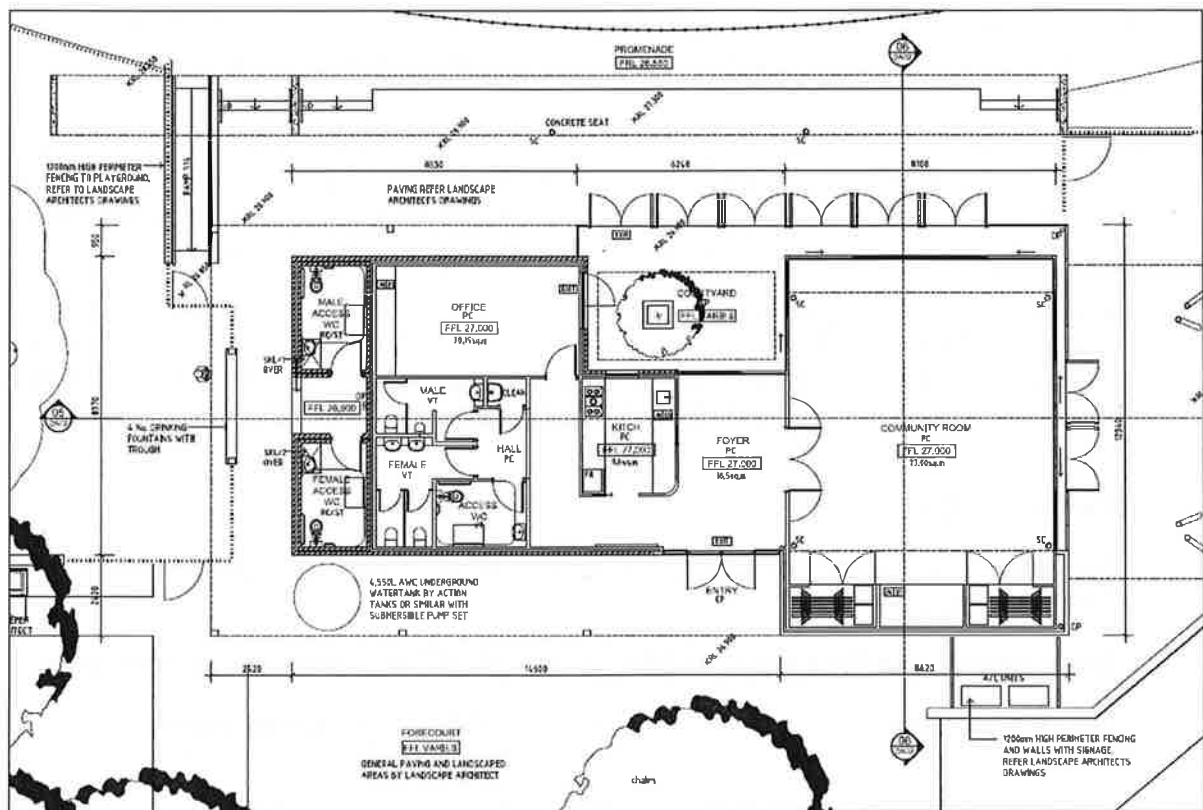
Approval for the temporary sales office building is sought under the Stage 1 Project Application. Council have advised they are supportive of the proposed facility and the eventual dedication to Council. The Department considers the design of the temporary sales office is suitable for the intended uses and adequately addresses the following issues:

- The location of the building within Smith's paddock does not impact on the formation of the oval and has frontage to both the oval and the adjoining road network.
- Proposed cycle ways and footpaths provide access to the facility from surrounding residential areas, the village centre and the train station.
- The proposed landscaping around the facility includes play areas and BBQ / picnic areas which enhance its future use as a community facility.
- The proposed design, height and external cladding of the facility are sympathetic to the character of the surrounding area and do not impact on the heritage values associated with the oval.

- The location of the facility in close proximity to the train station and adjoining the proposed bus route will reduce the need for private car access. It is therefore considered that sufficient car parking is provided as on-street parking in the adjoining network.

For these reasons the Department recommends the facility and its dedication to Council are approved as part of the Stage 1 Project Approval.

Council have made a number of recommendations with regard to the detailed design of the facility including internal storage requirements, electricity supply and landscaping requirements. A condition is recommended that the design and fit out and/or adaption of the facility is approved by Council prior to construction.



Floor Plan

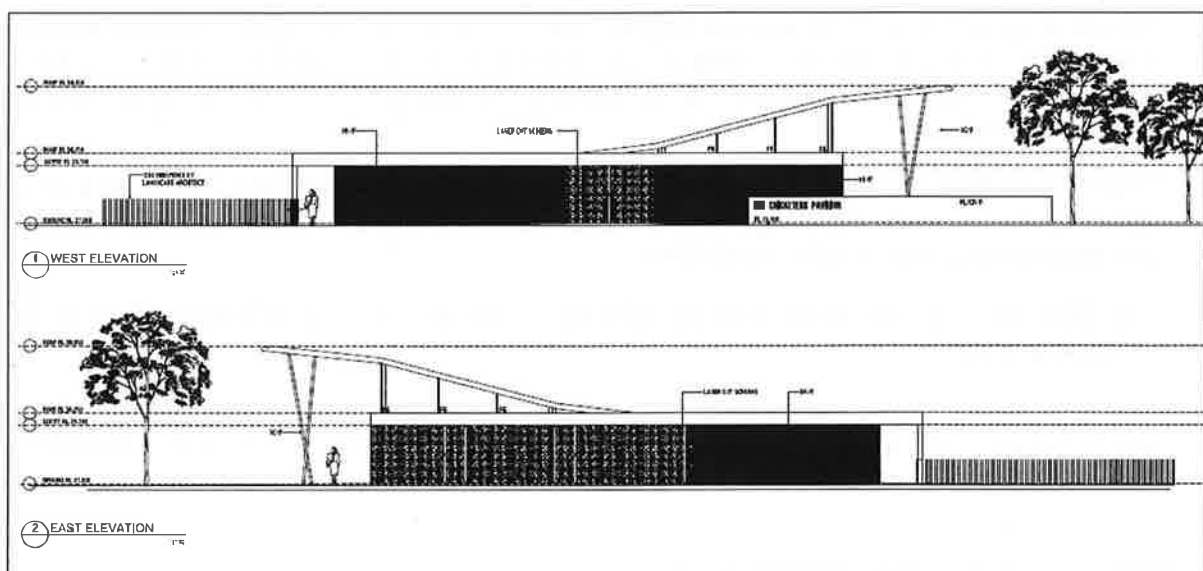


Figure 20: Proposed Sales office

Elevations

5.17 Contributions for Local and Regional Infrastructure

The proponent intends to meet its obligations with respect to local development contributions via a combination of carrying out of works in kind, dedication of land free of cost and provision of material public benefits. These include the embellishment of the open space areas and the community facility building as discussed above.

Council request that contributions be made to fund embellishment works at district wide facilities as outlined in the revised District Open Space and Facilities Contribution Plan May 2010. The Plan was revised to be consistent with the \$20,000 cap for section 94 plans. The revised plan has been adopted by Council and submitted to the Department but has not come into effect.

Landcom argue that the proposed concept plan provides open space facilities and infrastructure that will respond to the specific demand and nexus generated by the new community, and should set the requirement under Council's contributions plans to provide for regional facilities.

Although sufficient local open space is provided on the site it is considered the passive recreation facilities proposed provide a local function only and will be used mostly by the new community. The facilities levied for in the Penrith District Open Space and Facilities Plan provide a district wide function and they will also be used by the North Penrith residents for active recreation pursuits that will not be available on the site.

The Department therefore recommends the proponent make a contribution to regional open space facilities in accordance with the revised District Open Space and Facilities Contribution Plan. Under this plan contributions are to be \$783 per person at a rate per dwelling type as shown below. Based on the indicative mix of dwellings proposed (refer to Section 5.7) a total contribution of approximately \$1.87 million would be required.

| Development Type | Contribution |
|--|---|
| Residential flat buildings, Multi-dwelling housing, and Shop-Top Housing | \$1,566 for each new dwelling |
| Dwelling Houses, Dual Occupancies and Subdivision | \$2,427.30 for each new dwelling or new lot |
| Housing for older people | \$1,174.50 for each new dwelling |

5.18 Flooding

The site is located within the Hawkesbury Nepean River catchment, which is subject to flooding that can reach Penrith after more than 24 hours of rainfall occurring. A combination of limited bank capacity of streams and broad, flat, well defined floodplains results in flood plain inundation for much of the site during the most significant flood events.

The Probable Maximum Flood (PMF) level affects approximately 87% of the North Penrith site's area. The eastern portion of the site adjoining Lemongrove Road is above the PMF flood level. The PMF flood depths and velocities range from up to 5.5m and 0.8m/s.

The 200yr ARI flood level would affect the north western corner of the site with depths of up to 1m and velocities of 0.3m/s.

The 100yr ARI flood levels affect a minor portion of the north western corner of the site shown in Figure 21 below. The water depths in this area would be up to 0.1m and flow velocities are negligible. Overall the 100yr ARI flood level on the site is 25.4m AHD.



Figure 21: 100 year flood event

On-site flood impact

The proposal includes the following strategies to ensure the flood impacts of major flood events (up to the 100yr ARI event) on site are minimised:

- The proposal includes filling in the north western corner of the site to reduce the potential flood impacts in this area. The proposed works in this area will raise the above the 100yr ARI level. The remainder of the earthworks on the site are generally required to provide sufficient falls across the site for pipe and surface drainage flows in floods less severe than the 100yr ARI event.
- Habitable floor levels will have a minimum level of RL 25.9m AHD which incorporates a freeboard of 500mm above the 100yr ARI flood level.
- The roads will have been designed to have a minimum level of RL 25.60m AHD which incorporates a freeboard of 200mm above the 100yr ARI flood level.

Offsite flood impacts

The Regional Flooding Assessment of the site, undertaken Worley Parsons, dated October 2010, concludes that the proposed works on site will not result in significant adverse impacts on surrounding development and local drainage problems for the following reasons:

- There will be no impact on the safe evacuation from adjoining properties; and
- The proposed stormwater infrastructure, described in the following section, will ensure that there is no change in stormwater flows discharged from the site, up to the 100yr ARI event.
- The impact of the proposed filling activities would result in a slight loss of flood storage volume. The loss of such a small amount of flood storage volume has been assessed to be insignificant with the wider catchment. However, no details of the change of flood levels on the area directly adjoining the site have been provided. A further study requirement is recommended that requires this information is supplied to confirm there will be no impact on adjoining properties with the application for Stage 2B.

Flood evacuation

The proposed development provides flood free access to the Great Western Highway, The Northern Road & and eventually the M4 during all flood events. The primary evacuation route from the site will be Coreen Avenue, providing a single outgoing lane connecting to the four lane section of the Northern Road. The Crescent, adjacent to the railway, will serve as an alternate route. Both of these routes provide rising egress away from the site to flood free land.

Affect of climate change

The flood impact assessment undertaken by Worley Parsons considered the impacts of climate change on sea level rise. Given the distance of the development from the coast any rise in sea level as a result of climate change would have negligible impact on the flood behaviour of the Hawkesbury-Nepean Floodplain.

The assessment did not consider the potential change to evaporation and rainfall rates and the impact this would have on local flooding. An assessment of climate change undertaken by CSIRO in 2007 found that climate change may result in changes in rainfall and higher evaporation rates in the Hawkesbury-Nepean Catchment.

It is considered further assessment of the changes to temperature, rainfall and evaporation is required and the impact this may have on the flooding levels on and adjoining the site. A further study requirement is recommended that requires this information is supplied to confirm there will be no impact to the proposed development and adjoining properties.

As the Stage 1 area is located above the 200 year ARI flood level it is considered the affect of climate change will not be significant in this area and the further assessment be provided as part of the application for Stage 2.

5.19 Water Quality and Drainage

The site is relatively flat and currently drains via a number of open channels to the northwest of the site connecting to the existing storm water drainage infrastructure within Coreen Avenue. The proposed drainage network for the site is shown in Figure 22 below.

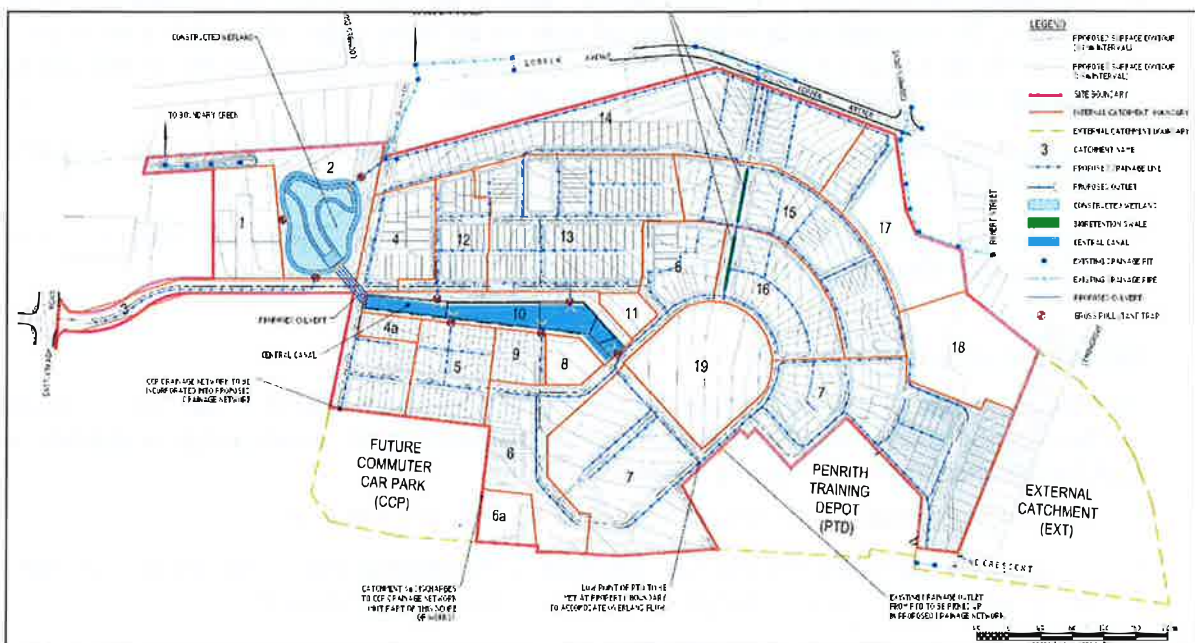


Figure 22: Proposed drainage network

The drainage network will ultimately drain into the constructed wetland located near the north-western extent of the site via a central canal. It will have sufficient provision to also accommodate the Commuter Car Park and the Penrith Training Depot.

The Central Canal

The majority of the site will drain towards a central canal then to the constructed wetland. The central canal provides a storm water detention and treatment function and will provide some aesthetic value for the site. The water in the canal will not be used for recreation purposes. A walkway is proposed along the northern side of the canal.

The proponent proposes to maintain a minimum depth of water of 0.90m at all times. In order to achieve this, the canal will need to be "topped up" during extended dry periods. Two methods for topping up the canal are being investigated:

- Use of stormwater runoff captured in the deep water zone of the constructed wetland could be used to top up the canal. Investigations indicated there will be sufficient capacity in the wetland to achieve this
- The proponent has commenced discussions with Sydney Water to establish a recycled water connection within the development to meet residential BASIX requirements, for the irrigation of public open spaces and to top up the central canal during extended dry periods.

The proponent has confirmed no ground water will be used for this purpose.

The Department considers that the use of recycled stormwater should be prioritised for the irrigation of public open spaces rather than maintaining the aesthetic appearance of the canal to be consistent with ESD principles. It is therefore recommended that the canal be designed so that it does not require topping up from other sources.

The canal will be constructed as part of Stage 2. Further detailed design and assessment of the operation of the canal is required. It is recommended as a further study requirement that detailed investigations into the operation of the canal be provided as part of future development applications; confirming that there will be no impact on ground water.

Constructed wetland

The constructed wetland will have detention volume and outlets designed to control outflows from the proposed development towards the two existing drainage outlets that link the site with Boundary Creek.

NSW Office of Water (NOW) and Council raised concerns regarding the impact on Boundary Creek resulting from discharge from the wetland. NOW noted that post development flows should not exceed predevelopment flows.

The proponent has confirmed that the stormwater quantity will be managed on the site through the provision of a dedicated volume of detention sized appropriately to attenuate post-development flows back to pre-development flows for events up to the 100 year Average Recurrence Interval storm event.

Groundwater

The proposal confirms no storm water infrastructure will be located at depths greater than 5.0 m below existing surface levels and the development does not require the extraction of groundwater to service water demands. As such, surface water will not be directly connected to the groundwater resource.

Impact on the Rail Corridor

Transport NSW noted that the storm water from the site should not discharge to the rail corridor. The proposed grading plan for both the Concept Plan and the Stage 1 Project Application does not direct storm water runoff (both piped and overland flow) into the rail corridor.

During construction appropriate measures will be put in place to ensure that storm water runoff does not enter the rail corridor. Landcom's revised Statement of Commitments reflect this matter. Further detailed assessment of this will be required in Stage 2 which adjoins the rail corridor.

Stage 1

Stage 1 will be completed prior to the construction of the central canal and the constructed wetland. Thus, a temporary basin will need to be constructed to ensure Stage 1 post-development peak flow rates back to pre-development flow rates. The location of the temporary basin Stage 1 is shown in Figure 23 below.

Three existing drainage channels within the site will be amended such that they can be integrated into the Stage 1 storm water drainage network. Through the provision of storm water detention volume in the temporary basin Stage 1 post development peak flow rates will be attenuated back to pre-development levels.

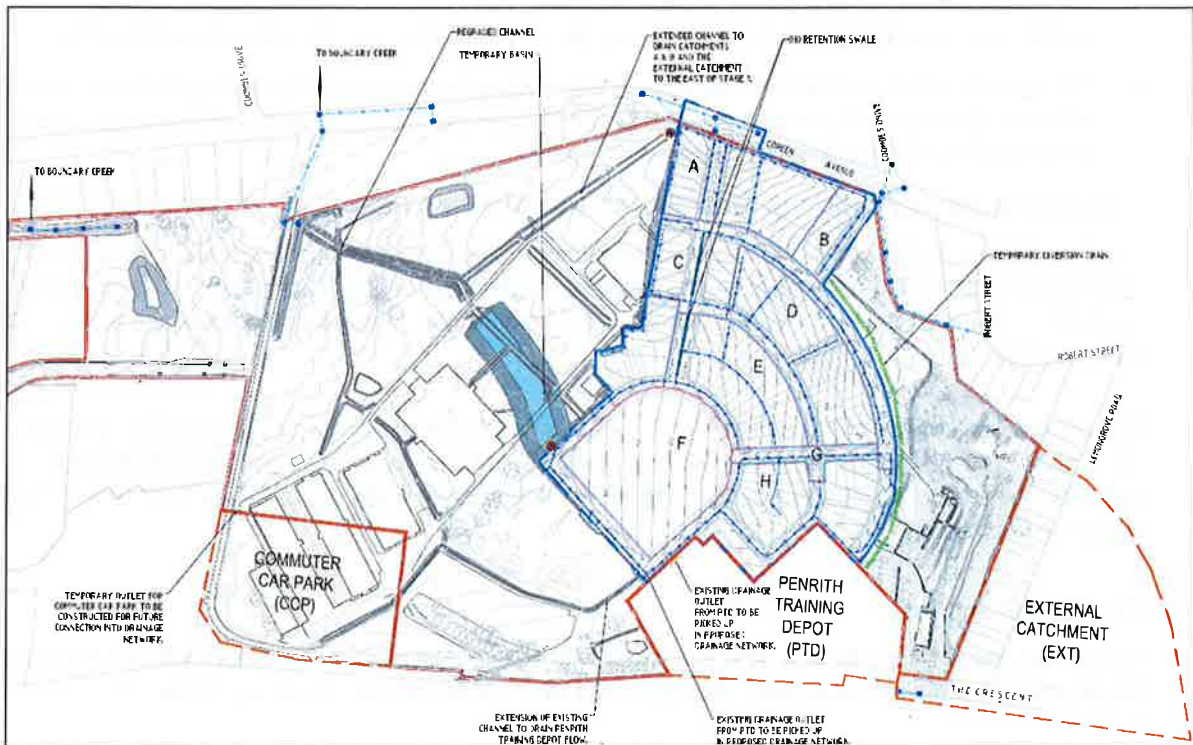


Figure 23: Proposed drainage Stage 1

5.20 Adjoining Residential / Industrial Land Use

An issue raised in submissions is the potential for land use conflicts that may arise as a result of locating residential dwellings close to existing industrial land uses.

To the west and north, the site adjoins areas zoned IN1 General Industrial in the Penrith LEP 2010. Existing land uses to the west include the Museum of Fire, a milk production facility and an industrial training establishment. To the north, the site adjoins a number of light industrial land uses located along Cowen Avenue, including a fuel storage area. The Penrith Sewerage Treatment Plant is located further to the north, approximately 380 metres from the site. The adjoining land uses are shown in Figure 24 below.

Residential development is proposed along the west and north boundaries of the site. The potential for noise, vibration, odour and adverse visual impacts generated by the industrial land uses to impact on the proposed residential land uses has been assessed as outlined in the following sections.



Figure 24: Location of adjoining industrial land use

Noise & Vibration

A Noise and Vibration Assessment undertaken by Benbow, dated October 2010 included an assessment of the potential impact of noise and vibration generated from adjoining industrial land uses, traffic and the rail corridor. The assessment concluded that no measures were required to mitigate the noise generated by the adjoining industrial training establishment to the west but are required where residential buildings face Coreen Avenue and the rail corridor.

Odour

As the site is located 380m south of the Penrith Sewerage Treatment Plant an Odour Impact Assessment has been undertaken. The assessment concludes that odour impacts are unlikely to occur more than 50 metres from the boundary of the Penrith Sewerage Treatment Plant.

The Stage 1 proposal includes an on-site sewage pumping station adjoining the boundary of the Penrith Training Depot (refer to Figure 24 above). The Odour Impact Assessment concludes odours from the pumping station will be minimal. The pumping station will comply with Sydney Water's standards and provide adequate buffer for surrounding residential dwellings.

Fuel Storage Depot

A fuel storage and distribution depot is located adjoining the northern boundary of the site. This site stores and distributes lubricant oil. The site is not potentially hazardous under the provisions of SEPP 33 and therefore it would not pose significant risk on the proposed residential uses. A statement of commitment is included that requires sampling, testing and assessment of the groundwater within the vicinity of the fuel depot to be undertaken to confirm that the site is not impacted by any contamination inflow. This will be provided as part of the Stage 2 Project Application.

Further assessment of these issues will be required as part of the Stage 2 subdivision applications and development applications for the buildings along external site boundaries.

The longer term impact on the potential for these industries to expand was also raised as an issue. The North Penrith site has been identified for residential development in the Draft Subregional Strategy and Council's planning documents since the Department of Defence ceased operation. The expansion of these industrial land uses would be assessed within this context and any future development on these adjoining sites would need to address the impact on the adjoining strategic site.

5.21 European Heritage

Three items of European Heritage significance are located on the site, including; Thornton Hall the oval and the former speedway. In addition, two areas of heritage significance are located in close proximity to the site – the Lemongrove Road conservation area and The Combewood Residence. An assessment of their significance was undertaken in a Statement of Heritage Impact prepared by Tanner Architects.

Thornton Hall

Thornton Hall and associated landscape elements have local significance as an early residence in the Victorian style. It is proposed to retain and conserve Thornton Hall its landscape setting and provide view corridors that reinforce the relationship of the homestead with the various activities held on the site.

Speedway

The former speedway is being acknowledged and interpreted through the internal road network which has been designed to reflect the curve of the former speedway and the Public Art Strategy that incorporates 'speedway text' in the road pavement.

Oval

The former cricket oval will be refurbished as a local community hub for passive and informal active recreation. Whilst the park retains the size of the former cricket ground, the 'oval' component is to be reduced in diameter from 130m to 120m. It is considered this is appropriate for its intended use. Landcom's Public Art Strategy proposes to enclose the oval with a picket fence and identify the entries with appropriately scaled cricket bats.

Lemongrove Road Conservation Area

Directly to the east of the site is the Lemongrove Road conservation area. The conservation area is identified in the Penrith LEP (Environmental Heritage Conservation) 1991 and is characterised by single, one to two storey dwellings with some townhouses. Where dwellings adjoin the eastern boundary, a 2-storey height control and 3 metre rear set back are proposed. The Department recommends the set back is increased to 6 metres to ensure the development is sympathetic with the character of the Lemongrove Road area.

Combewood House

Combewood House is located outside the site, adjoining the northern boundary of the site. It is listed as a local heritage item in the Penrith LEP (Environmental Heritage Conservation) 1991. Remnants of the driveway to the house are located in the site, within an area to be zoned public open space linking to the proposed Wetland Park. Its significance has is reflected in the proposed landscaping of this area.

It is considered that the proposed retention of the heritage items on the site and the public art strategy to adequately conserve and interpret the heritage significance of the site and surrounding area.

5.22 Aboriginal Heritage

There is one known Aboriginal item in the north eastern portion of the site, which contains archaeological artefacts of Aboriginal cultural and scientific significance. The site is numbered 45-5-2491 on the Aboriginal Heritage Information Management System (AHIMS) database and its location is shown in Figure 25 below.

An Aboriginal heritage assessment undertaken of the area has concluded that the artefacts will not be impacted on by the proposed development as they are located with an area of open space at the rear of a residential development, under a stand of trees to be retained. Landcom proposes to restrict the development of the site by the inclusion of an 88B instrument over the retained vegetation.



Figure 25: Location of Aboriginal heritage site

5.23 Ecological Impacts

Vegetation

Approximately 85% the site has been cleared of significant vegetation due to past defence land uses. Figure 26 shows the distribution of the remaining significant vegetation on the site. One native vegetation community has been identified on the site, being the Cumberland Plain Woodland (CPW). There is a total of 0.86 ha of CPW located to the east of the site. Other vegetation includes areas of non native woody vegetation and grassy/shrub groundcover consisting of 96 flora species.

CPW is a Critically Endangered Ecological Community (CEEC) under the NSW Threatened Species Conservation Act 1995 (TSC Act) and also under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). No other vegetation on the site has been identified as a threatened or endangered.

The ecological assessment of the site undertaken by Ecological Australia, dated October 2010, found that remnant located on the site were not consistent with the listing for CPW contained in the EPBC due to the species composition and quality, and accordingly are not, CEECs for the purposes of the EPBC.

As shown in Figure 26, the areas where CPW is located have been incorporated into areas of open space, including Thornton Park. A small amount of the CPW located in Thornton Park will be removed to ensure the view corridor from Thornton Hall towards the heritage oval can be achieved. The proposed landscaping and removal of trees from this area is shown Figure 27.

DECCW recommended that where possible replanting in areas where CPW is to be removed should be with plants grown from local provenance seed. This is included as a further assessment requirement to be addressed in Stage 2. The Department is satisfied that the removal of CPW is appropriate to achieve and is adequately mitigated by the proposed revegetation and landscaping.

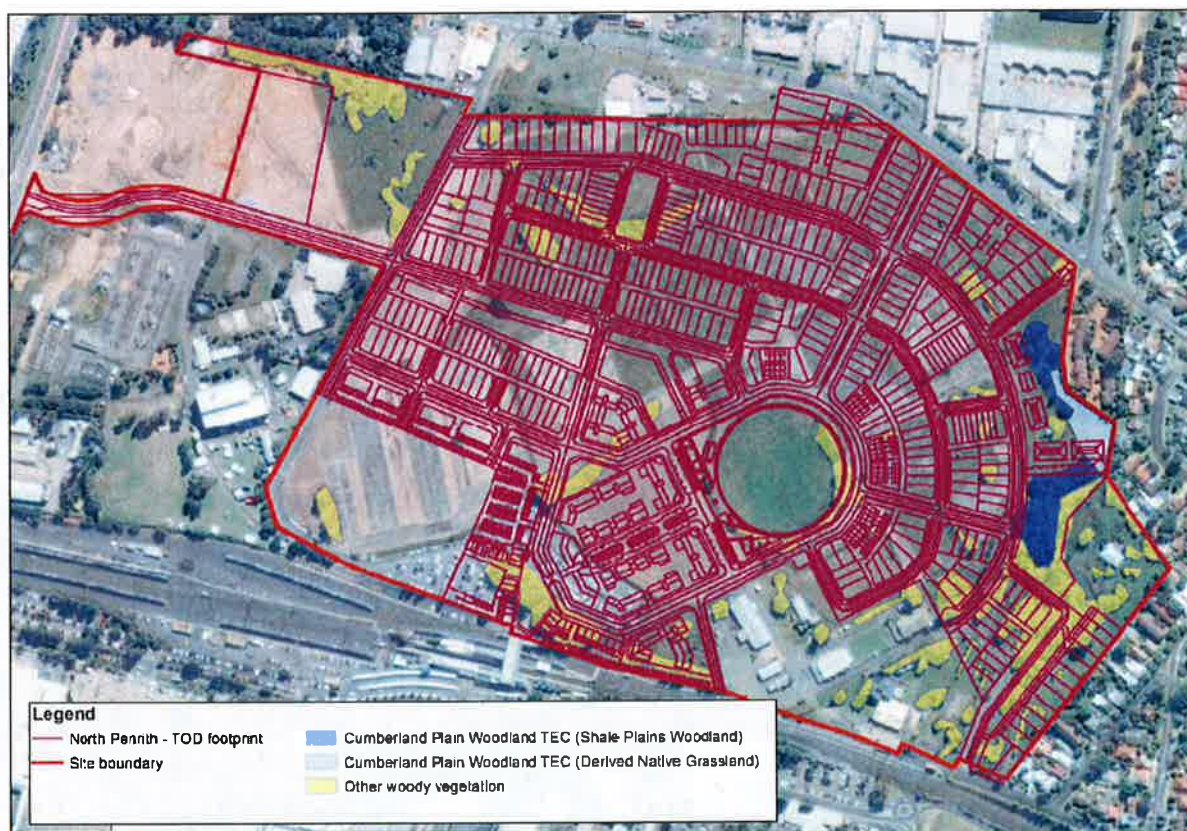


Figure 26: Vegetation Distribution



Figure 27: Thornton Park

Fauna and Habitat

The site surveys undertaken by Ecological Australia did not record any threatened fauna on the site. Previous records however indicated the potential presence of the Eastern Bent-wing Bat and *Persoonia nutans*. The assessment concluded the proposal would not impact on these species for the following reasons:

- Previous records of the Eastern Bent-wing Bat were considered to be fly-over behaviour rather than foraging behaviour.
- No known roosting sites for this bat species have been identified within the site or within the local area.
- Previous records of the *Persoonia nutans* were at an accuracy of 1000m and likely that they never occurred on the site, given the highly disturbed nature of the site.

5.24 Utilities Infrastructure

As the site is located within the urban area there is a good network of services infrastructure surrounding and directly adjacent to the site. A utility servicing strategy for the site has been developed which provides for the following.

Water

Four connections to the existing (Sydney Water) SWC system are required. Two of these connections are to the existing DN600 main located in Coreen Avenue, one to the DN200 main in Castlereagh Street and a further connection to the existing DN150 main in the south-eastern corner of The Crescent.

The proposed sizing of the internal water services pipes is preliminary, but has been determined to accord with the anticipated lot density, building heights and future stages. This aspect of the proposed services works is required to be subject to confirmation from SWC. It is anticipated that upgrades to the existing system external to the site will be required. After SWC has provided the results of their feasibility assessment any need to improve this system will need to be accounted for and included in the detailed design for the servicing strategy.

Sewer Pumping Station

The proposed sewer strategy for the site will necessitate the construction of a sewer pumping station and amplification of the existing sewer main located within Coreen Avenue. The pumping station is proposed to be located adjacent to the Penrith Training Depot.

Electricity

The Penrith Zone Substation, located west of the site, has capacity to supply the estimated future load demand from the development of the site and will extend into the North Penrith site via three new dedicated high voltage feeders. The development will require the provision of a number of distributed substations (padmount type) throughout the site. These substations will interconnect to each other and the 11kV feeders to provide a reliable supply to future development. The number of these substations is to be confirmed; however initial indications are that 16 x 500KVA substations would be required.

Gas

Extensions from the existing gas mains located in Coreen Avenue are proposed to adequately supply future development with gas. The new gas mains servicing development will be provided underground in a shared service trench arrangement. No works are required to upgrade or improve this service and that there is capacity to adequately supply the site.

Telecommunications

Advice from Telstra confirms that existing local telecommunications infrastructure has sufficient capacity to serve the future development. It is proposed that connections will be made to the three existing optic fibre cables within Castlereagh Road, Coombes Drive and the western end of The Crescent to then service the site.

5.25 Earthworks

A bulk earthworks strategy has been prepared for the North Penrith development which seeks to reduce the quantum of fill or cut that is required to be imported or exported to or from the site. Excavation will be required to depths up to 4.50 metres in the vicinity of the constructed wetland and central canal. In one location, cut of up to 7 metres be required to remove an existing stockpile in the area to the west of the constructed wetland. It is likely that a proportion of the material cut from deeper than 2.50 metres will not be suitable for reuse as engineering fill. This unsuitable material will need to be exported off-site. Where possible the remaining material will be re-used as engineering fill. Estimated volumes of cut and fill are outlined below.

| | Cut (m ³) | Unsuitable cut (m ³) | Fill volume (m ³) | Balance (m ³) |
|------------------|-----------------------|----------------------------------|-------------------------------|---------------------------|
| Full development | 115,000 | 30,000 | 205,000 | 120,000 |
| Stage 1 | 38,000 | 9,000 | 49,000 | 20,000 |

The management of the transportation and stockpiling of fill will be addressed in the Construction Management Plans to be approved prior to the issue of the construction certificate.

Preliminary engineering investigations have indicated that retaining walls are required at several locations on the sites boundaries, including adjoining the Penrith Training Depot, the rail corridor and the Penrith Railway Station. More detail of the retaining wall requirements will be required as part of the relevant development applications and construction certificate applications.

Stage 1 includes the construction of the retaining walls adjoining the Penrith Training Depot. The location and height of the retaining walls are shown in Figure 28 below. The majority of the retaining walls will be 0.1 metre high with one section up to 0.3 metres. Approval of these retaining walls will be required as part of the construction certificate.

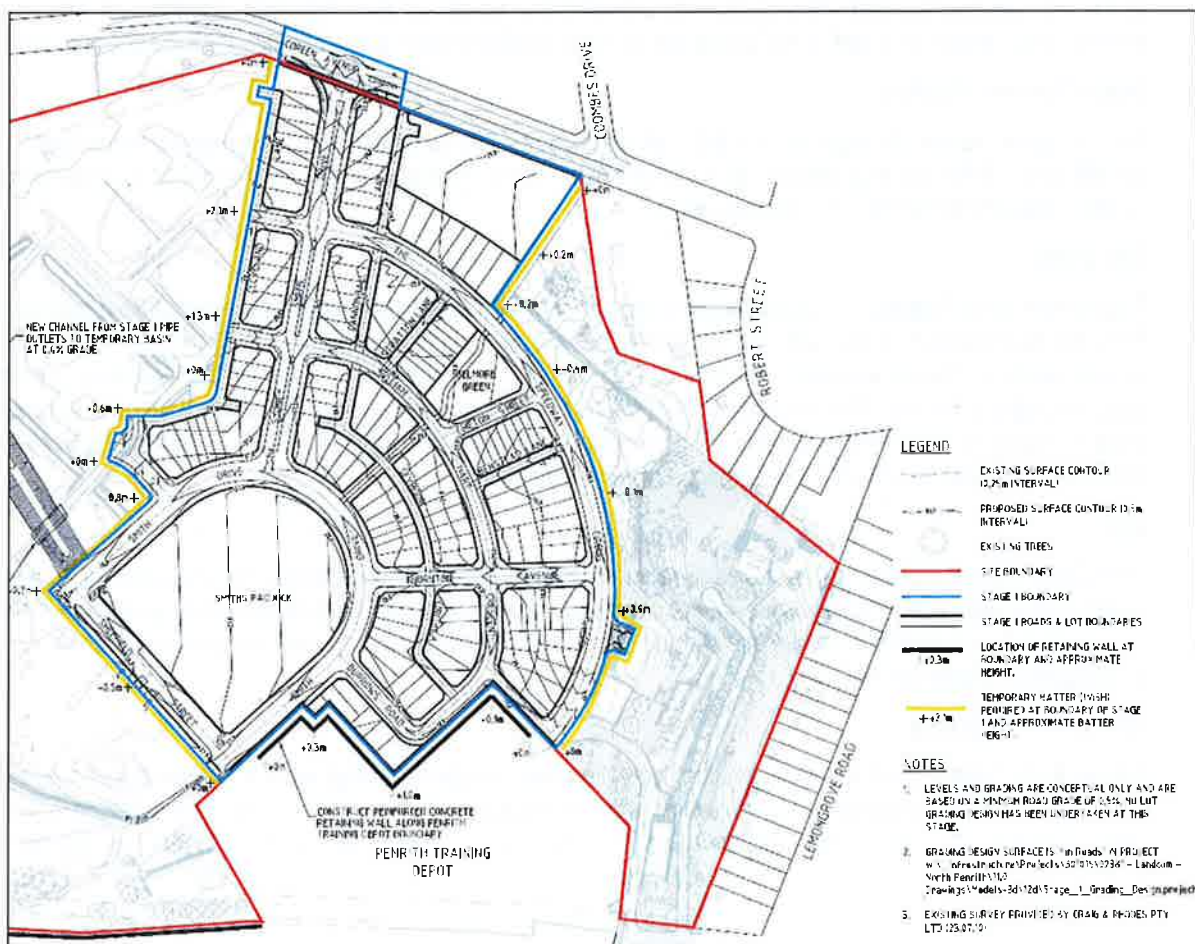


Figure 28: Stage 1 site grading plan

5.26 Construction Management

Due to the length of time the site is likely to under construction, it is necessary that adequate construction management measures and be in place for the ongoing management and development of each stage.

The Proponent has committed to preparing a Construction Management Plan including a Construction Environmental Management Plan to outline strategies to manage the potential impacts during construction of each stage. The recommended condition of approval is to require that the Construction Management Plan is approved prior to the issue of the construction certificate.

A sediment and erosion control plan has been prepared for the Stage 1 construction phase. The sediment and erosion control plan is preliminary only and will need to be finalised prior to the issue of the construction certificate.

5.27 Contamination

Clause 7 of SEPP 55 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered:

- Whether the land is contaminated;
- If the land is contaminated, whether it is suitable in its contaminated state for the purpose for which development is proposed to be carried out; and
- If the land requires remediation to be made suitable for the development, the consent authority is satisfied the land will be remediated before the land is used for the purpose.

The site was formerly Department of Defence land that housed an Army Base until 1994. As part of decommissioning of the army base the site was remediated to allow for the proposed residential redevelopment. This included removal of most of the structures on the site and remediation works. Remaining structures include Thornton Hall, some building slabs and an internal road and servicing network.

The Department of Defence commissioned a Site Auditor who certified that the site was suitable for residential use. The Site Auditor's certification was subject to recommendations for future development of the site, including:

- If groundwater is to be used it should be verified to be suitable for its intended use.
- The remediation of flaking paint from Thornton hall which has the potential to contain lead should be considered as part of the final use of this structure.
- The stockpile of soil to the north west of the site should not be used on the surface of residential areas.

As part of the Concept Plan assessment a review of the requirements of previous site audit statements and proposed works has been prepared by Geotechnique Pty. The Geotechnique assessment provides detailed protocols for the management of site which incorporates the recommendations of former site audit statements and also includes an unexpected finds protocol to manage any contamination issues that arise during construction.

The recommended protocols have been adequately incorporated into the Statement of Commitments. It is therefore considered that the proposal is satisfactory with regard to SEPP 55 and subject to the recommended conditions, should any contamination be discovered, the site can be remediated to a suitable standard for residential uses.

5.28 Acid Sulphate Soils

The Acid Sulphate Soil Risk Map, published by the NSW Department of Land and Water Conservation (1997) indicates that acid sulphate soils are not present on the site.

5.29 Ecologically Sustainable Development (ESD) Principles

The EP&A Act adopts the definition for ESD given in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – The social and economic benefits of the proposal have been addressed in the Environmental Assessment. The environmental impacts are addressed through the Proponent's Statement of Commitments and the recommended modification. Additionally; the environmental impacts will be assessed as future applications are submitted. It can be concluded however, that the assessment report has considered all issues raised by the community and public authorities. It is considered that the proposal as recommended for approval does not compromise a particular stakeholder or limited the opportunity of others.
- **Precautionary Principle** – The Environmental Assessment is supported by technical and environmental reports that conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The Concept Plan approval requires additional information at each stage of development to ensure the proposals' extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practices.
- **Climate Change** – impacts of climate change were considered during the flooding assessment. Given the distance of the site from the coast rise in sea level would have negligible impact on the flood behaviour of the Hawkesbury Nepean Floodplain. Further assessment of the effects of changes to rainfall and rates of evaporation on the proposed stormwater treatment will be undertaken prior to construction.
- **Inter-Generational Principle** – Through implementation of the Concept Plan and environmental management practices will ensure the environment is protected for future generations. The benefits of the proposal include increasing employment opportunities close to where people live, reducing the need for car travel, and enabling the orderly and timely redevelopment of land no longer required for this original purpose. The Proponent has also committed to incorporate environmentally sustainable design principles in the design of buildings to improve energy and water efficiency, thereby conserving resources for future generations. It is also recommended that the Concept Plan be modified to ensure that new developments promote the use of renewable energy technologies and energy efficient products.
- **Biodiversity Principle** - Approximately 85% the site has been cleared of significant vegetation due to past defence land uses. One native vegetation community has been identified on the site, being the Cumberland Plain Woodland (CPW).
- **Valuation Principle** – the Concept Plan seeks to promote new commercial and residential development enabling residents to live near work, leisure and other opportunities. This means that the proposal will provide relatively affordable residential properties in an existing urban area. The infrastructure will be paid for and built by the developer.

6 CONCLUSION & RECOMMENDATION

The Department has assessed the Environmental Assessment, Preferred Project Report and considered the issues raised in submissions responding to the North Penrith Concept Plan and Stage 1 proposal. The proposal is supported subject to recommendations for a number of modification, further assessment requirements and conditions to ensure that all environmental and social impacts are minimised or managed to an acceptable level.

The proposal is considered to be in the public interest as it enables the development of a strategic site to meet the demands of a growing population in the North West Subregion and support the development of Penrith as a regional city. The proposed development is considered to provide environmental, social and economic benefits to the region.

It is recommended that the Minister of Planning and Infrastructure:

- (a) **consider** all relevant matters prescribed under Sections 75J(2) and 75(O) (2) of the Environmental Planning and Assessment Act, 1979, as contained in the findings and recommendations of the attached report;
- (b) **approve** the Concept Plan application, subject to modifications, under section 750(1) of the Environmental Planning and Assessment Act, 1979, having considered all relevant matters in accordance with (A) above;
- (c) **approve** the application for Stage 1, subject to conditions, under section 75J(1) of the Environmental Planning and Assessment Act, 1979, having considered all relevant matters in accordance with (A) above;
- (d) **sign** the attached instruments of approval at Appendix A.

Prepared by:



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Endorsed by:



Michael File
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Strategic Assessment



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Urban Renewal and Major Sites

Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal



Sam Haddad
Director General

31/10/2011

APPENDIX A. RECOMMENDED INSTRUMENTS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 10-0075

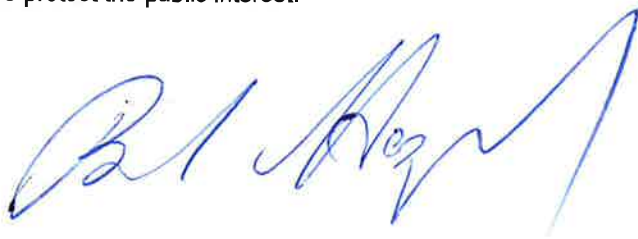
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The Minister, having considered the matters in section 75O(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75O(1) of the Act to **grant approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2 and Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.

A handwritten signature in blue ink, appearing to be 'B. L. Allen', is written over the list of reasons.

Minister

Sydney,

➔ 9 NOV 2011

2011

SCHEDULE 1

PART A – PROJECT

| | |
|-----------------------------------|--|
| Proponent: | Landcom |
| Application made to: | Minister for Planning |
| Major Project Number: | MP 10-0075 |
| On land comprising: | <div style="display: flex; justify-content: space-between;"> <div> Lot 1 DP 1020994 Lot 2 DP 1020994 Lot 4 DP 1020994 Lot 5 DP 1020994 Lot 6 DP 1020994 </div> <div> Lot 3 DP 1017480 Lot 4 DP 1017480 Part Lot 1 DP 1159973 Lot 1 DP33753 Lot 1 DP 532379 </div> </div> |
| Local Government Area: | Penrith City Council |
| Approval in summary for: | Concept Plan for a development on approximately 40.7 hectares for approximately 1000 dwellings, 4,500m ² of retail floor space, 10,625 m ² of commercial floor space, 7,000 m ² of light industrial floor space, 7.2 ha of open space and drainage and associated infrastructure. |
| Capital Investment Value: | \$423 million |
| Type of development: | Concept Plan approval under Part 3A of the Act. |
| Determination made on: | 9 November 2011 |
| Determination | Concept Plan approval is granted subject to the conditions in Schedule 2 below and Statement of Commitments in Schedule 3 |
| Date of commencement of approval: | This approval commences on the date of the Minister's approval. |

PART B – DEFINITIONS

In this approval the following definitions apply:

| | |
|---------------------------------------|---|
| Act, the | <i>NSW Environmental Planning and Assessment Act, 1979 (as amended)</i> |
| Concept Plan | Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report. |
| Council | Penrith City Council, subject to which Local Government Area the development is located. |
| Department, the | NSW Department of Planning and Infrastructure, or its successors |
| Director-General, the | Director-General of the Department of Planning and Infrastructure (or delegate). |
| Environmental Assessment (EA) | State Significant Site and Environmental Assessment Report for the North Penrith State Significant Site, Concept Plan and Stage 1 Project Application prepared by JBA Urban Planning Consultants dated November 2010. |
| North Penrith | Has the same meaning as the land identified in Part A of this schedule. |
| Minister, the | Minister for Planning and Infrastructure |
| Preferred Project Report (PPR) | Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011 |
| Project | Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies. |
| Proponent | Landcom or any party acting on this approval |
| Regulation | The Environmental Planning and Assessment Regulations 2000 (as amended) |
| Statement of Commitments | Final Statement of Commitments submitted as part of the PPR. |

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 10-0075

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 *Development Description*

- (1) Except as modified by this approval, Concept Plan approval is granted only to development solely within the Concept Plan area as described in the document titled "North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application" report prepared by JBA Planning dated November 2010, as amended by the "Preferred Project Report – North Penrith Mixed Use Development" dated April 2011, prepared by JBA Planning Consultants to facilitate the following development:
- a) 1000 residential dwellings
 - b) 4,500 m² of retail floor space,
 - c) 10,650 m² of commercial floor space,
 - d) 7,000 m² of light industrial floor space
 - e) 7 hectares of open space; and
 - f) Associated estate works and infrastructure.

A2 *Development in Accordance with Plans and Documentation*

- (1) The development shall generally be in accordance with the following plans and documentation (including any appendices therein):
- "North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application" report prepared by JBA Planning dated November 2010, as amended by Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011.
 - The indicative subdivision plan produced by Craig and Rhodes, ref 07210L13 (02), dated 13.04.2011

Except for otherwise provided by the Department's modifications of approval set out in Schedule 2, Part B and further assessment requirements set out in Schedule 2, Part C.

- (2) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Part A, Schedule 2, the modifications of this concept approval prevail.
- (3) In accordance with Section 75P(2)(a) of the Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act, must be generally consistent with the terms of the approval of the Concept Plan.

A5 *Approval Authority*

In the event that the Council is the consent authority for any future applications on the site, any reports specified in the Statement of Commitments to be submitted to the Director General for approval, shall be instead be required to be approved by the Council.

A6 *Approvals by the Director General*

If any of the terms of the approval specify that an agreement is to be made between the proponent and a government agency or council, all parties to the agreement are to act reasonably. If no agreement is reached within 3 months of the commencement of negotiations, the issue can be referred to the Director General for a decision. Full details of the discussions and the dispute are to be provided in order for the Director General to make a decision.

A7 *Lapsing of Approval*

Approval of the Concept Plan shall lapse 10 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a development for which concept approval has been given.

PART B - MODIFICATIONS TO THE CONCEPT PLAN

B1 Concept Plan Drawings

All plans submitted with the Concept Plan, including but not limited to- the indicative subdivision plans; the land use plan; the yield block plan; and illustrative concept plan are to be modified to be consistent with the following:

- 1) The lots north of the commuter car park, referred to as block A5 and the southern parts of blocks A3 and A4 on the indicative subdivision plan are to be super lots as shown on the indicative subdivision plan produced by Craig and Rhodes, ref 07210L13 (02), dated 13.04.2011.
- 2) The maximum height of buildings plan shall be amended so that the 10m building height restriction continues from Thornton Hall (Thornton Park) to the edge of the oval, including part of lots 1112 and 1113 (as labelled in the Stage 1 Subdivision plan).

B2 Design Guidelines

Prior to the determination of any future development approval on the site, the proponent shall submit modified Design Guidelines (referred to as Development Control Plan in the proposal documentation) to the Department for approval. In addition to other modifications required as a result of this approval, the Design Guidelines should be amended to include, but not limited to the following:

- 1) The proposed Development Control Plan in Appendix B of the EA is to be renamed "Design Guidelines".
 - 2) The Design Guidelines are to form part of the approved Concept Plan and is not a Development Control Plan made by the Director General under the provisions of Section 74C of the Act. Accordingly, Section 1.0 shall be amended to reflect the Design Guideline's status.
 - 3) In the event of any inconsistencies between the revised Design Guidelines and the Penrith Development Control Plan 2006 (or subsequent amendment) the Design Guidelines as modified by this concept approval prevail.
 - 4) The housing type referred to as "Integrated Development" in Section 3.2 shall be renamed "Integrated Housing". This type of housing should not be shown on Blocks A5, A6 and A7 in Figure 7
 - 5) Garages shall be located at the rear of the site for lots less than 8m in width. Figures 9 and 10 shall be amended accordingly.
 - 6) A minimum floor to ceiling height of 2.7 metres for habitable rooms on the ground floor shall be provided for residential development.
 - 7) Principle private open space must not be exclusively located in the front setback area between the dwelling and the primary street. Housing types M01, M02 and M03 in Appendix B of the Design Guideline shall be deleted.
 - 8) Clause 5 of Section 3.5 shall be amended so that the majority of the dwellings receive fifty percent of the area of required PPOS (of both the proposed development and the adjoining properties) should receive at least 2 hours of sunlight between 9am and 3pm at the winter solstice (21 June).
 - 9) In the case of an integrated housing development, Clause 5 of Section 3.5 shall only apply to 70% of the dwellings forming the integrated housing development (previously referred to as integrated development).
 - 10) Vehicle access to lots with rear lane access should only be via the rear lane.
 - 11) Where above ground parking is proposed the location of the parking area must not adversely impact on the amenity of the adjoining neighbourhood. The parking area is to:
 - a) be located on the side or rear of the site, and is not visible from the street and street frontage;
 - b) be landscaped or screened so that cars parked in the parking area are not visible from adjoining buildings or the street / street frontage; and
 - c) allow safe and direct access to the building's entry points.
-

- 12) Minimum residential dwelling targets shall not be provided within the parts of the site that are zoned B2 – Local Business (i.e. sub-precincts A3 to A7 and T1 to T5)
- 13) Residential flat building, multi unit housing and mixed use development shall be indicated on block A5 and the southern parts of blocks A3 and A4.
- 14) A minimum rear set back of 4 metres to the ground level and 6 metres to the second storey shall be provided for all allotments that back onto the existing residential allotments fronting Lemongrove Road.

B3 Opportunity Site

The Design Guidelines shall include specific controls for the opportunity site identified in Figure 14 of the Draft DCP. The controls shall promote higher residential densities and a mix of uses that achieve high levels of activity and pedestrian movement and are appropriate within 400m within a railway station.

The Concept Plan drawings (in Appendix B of the PPR) and the figures in the Draft DCP (in Appendix of the EA) shall be amended to show this precinct as a mixed use area.

B4 Minimum Lot Size

The minimum lot sizes shown on the "Lot Size Plan" in Appendix B of the PPR do not apply to strata subdivisions.

B5 Road Names

The road names shown in the Concept Plan are indicative only. The road names shall be determined in consultation with and approved by Council.

B6 On-Street Car Parking

The On-Street Car Parking Strategy submitted with the Preferred Project Report is indicative only. The restrictions to on-street parking, provided in accordance with Condition 1 above, shall be determined in consultation with and approved by Council.

PART C - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

C1 Road Works – Site Access

The following intersections (which provide direct access to the site) shall be constructed or upgraded by the proponent. The detailed design of the intersections shall be included with the relevant application as identified in the table below. The works shall be completed to the satisfaction of the RTA or Council prior to the issue of a Subdivision Certificate for the relevant stage.

| Intersection | Timing |
|--|---|
| A new intersection on Coreen Avenue providing access to Stage 1 | Stage 1A |
| Access to the site via the existing roundabout at the intersection of Coreen Avenue and the commuter car park access road. | Stage 2A prior to the occupation of the supermarket |
| Access to the site from Castlereagh Road, opposite its existing intersection with Peach Tree Road. | Stage 2B |

C2 Road Works – Regional Improvements

- 1) The upgrade to the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection shall be undertaken to accommodate the traffic generation from the North Penrith development in its entirety prior to the occupation of the 100th lot. Alternatively, this contribution may be in the form of a monetary contribution.
 - 2) The design of the upgrade of the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection shall be submitted to the RTA for approval.
-

C3 *Dedication of Open Space and Community Facilities*

- 1) Approximately 7.2 hectares of public open space and drainage reserves, as identified on the Landscape Concept Master Plan dated October 2010, is to be dedicated to Council free of cost as part of relevant subdivision certificates.
- 2) The temporary sales centre shall be converted into a community facility shall be dedicated free of cost to Council prior to the occupation of the 400th dwelling, or at a time mutually agreed by the proponent and Council.
- 3) The landscaping and embellishment of public open space and the fit out of the community facility including the landscaping of its surrounds shall be completed prior to dedication to Council and maintained by the proponent to the satisfaction of Council for a period of 3 years after dedication.

C4 *Development Contributions*

- 1) Contributions shall be made to Penrith City Council for the purposes of district open space facilities at a rate per dwelling type as shown below.

| Development Type | Contribution |
|--|---|
| Residential flat buildings, Multi-dwelling housing, and Shop-Top Housing | \$1,566 for each new dwelling |
| Dwelling Houses, Dual Occupancies and Subdivision | \$2,427.30 for each new dwelling or new lot |
| Housing for older people | \$1,174.50 for each new dwelling |

The contributions are to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan.

C5 *Drainage*

- 1) Further detailed design and assessment of the operation of the central drainage canal shall be submitted with the relevant Stage 2 development application. The canal should be designed so that it does not require topping up from external sources.
- 2) Stormwater runoff shall not be discharged into the rail corridor. This shall be addressed in the relevant development application in Stage 2B

C6 *Flooding*

Prior to the determination of any development approval for infrastructure works in Stage 2, the proponent shall submit a further assessment of flooding behaviour that includes:

- 1) An assessment of the impact of filling on site on flood levels at adjoining properties; and
- 2) An assessment of the impact of climate change on flooding behaviour, changes to temperature, rainfall and evaporation and the impact this may have on flood levels on and adjoining the site and the stormwater management strategy.

C7 *Construction Environmental Management Plan*

The Construction Environmental Management Plan submitted with the Concept Plan is approved in concept only. A Construction Environmental Management Plan for each stage of development shall be developed in consultation with and approved by Council.

C8 *Sewerage Treatment plant*

Final detailed design of the on-site sewerage pumping station is to be undertaken in consultation with and approved by Sydney Water.

C9 *Cumberland Plain Woodland*

Replanting in areas where Cumberland Plain Woodland is to be removed should be with plants grown from local provenance seed. Details are to be submitted with the development application for Stage 2C.

C10 *Aboriginal Heritage*

A Section 88B instrument (or other suitable means) is to be provided to protect the aboriginal heritage item in Lot C3. Details are to be submitted with the development application for Stage 2C.

C11 *Fencing on Coreen Avenue*

The details of fencing and/or landscaping to be provided for residential lots adjoining Coreen Avenue shall be submitted to Council for approval as part of future development applications for those lots.

C12 *Assessment of interface with adjoining development*

Further assessment of the interface of the development with adjoining industrial land uses shall be submitted with the relevant Stage 2 development application.

SCHEDULE 3
STATEMENT OF COMMITMENTS
CONCEPT PLAN APPLICATION NO. MP 10-0075

| Subject | # | Commitment | Responsibility / Timing |
|---|----|--|--|
| 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. |
| | 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. |
| | 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. |
| Non Indigenous Archaeology | 15 | 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 European archaeological remains within the areas utilising current best practice methodologies. | To be demonstrated by the proponent prior to commencement of works. |
| 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 of works. |
| | 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. |
| 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. |
| | 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. |
| 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. |
| | 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. |
| | 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. |
| | 23 | Landcom will undertake road works and upgrades to the following intersections: <ul style="list-style-type: none"> - 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; and - Castlereagh Road/Peachtree Road. | Ongoing and then to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works. |

| Subject | # | Commitment | Responsibility / Timing |
|-------------------------|----|--|---|
| Traffic and Access | 23 | 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. | |
| | 24 | In addition to the above, Landcom will provide the following transport related works in kind: <ul style="list-style-type: none"> - 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. |
| | 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 and plan checking fees where relevant during these consultations. | To be demonstrated by the proponent prior to commencement of works. |
| | 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 <i>Testing of RTA and Penrith Council Requested Intersection Changes and Parking Strategy</i> 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. |
| | 27 | Commercial premises will provide cyclist end-of-trip facilities in accordance with the <i>Planning Guidelines for Walking and Cycling</i> (NSW Planning, December 2004). | To be demonstrated by the proponent at the time of any relevant detailed application. |
| | 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. |
| 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. |
| | 30 | Landcom will create a positive covenant over the trees within Block C3 to protect: <ul style="list-style-type: none"> - the Cumberland Plain Woodland; and - indigenous archaeological values. | To be demonstrated by the proponent at the time the subdivision linen plan is submitted. |
| 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. |
| | 32 | The targets for annual post development loads are: <ul style="list-style-type: none"> - 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. |

| Subject | # | Commitment | Responsibility / Timing |
|-------------------------|----|--|---|
| Drainage and Stormwater | 33 | WSUD features will be maintained in accordance with <i>Managing Urban Stormwater: Treatment Techniques</i> (1997), published by the Environment Protection Agency (EPA). | Ongoing following construction. |
| Flooding | 34 | Development on the site will be in accordance with the objectives of the NSW Government's <i>Flood Prone Land Policy</i> and the <i>Flood Plan Development Manual 2005</i> 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. |
| | 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. |
| | 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. |
| | 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. |
| Contamination | 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. |
| | 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. |
| | 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. |
| | 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. |
| | 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. |
| | 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. |
| | 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. |

| Subject | # | Commitment | Responsibility / Timing |
|------------------------------|----|---|---|
| Contamination | 45 | The crushed concrete and asphalt will be assessed according to <i>The Recovered Aggregate Exemption 2010</i> 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. |
| | 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. |
| | 47 | The Virgin Excavated Natural Material (VENM) classification will be reassessed in the event of the following observations during construction activities: <ul style="list-style-type: none"> - 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. |
| | 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. |
| 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. |
| | 50 | Further targeted investigations will be required to confirm the detailed design, including ascertaining the suitability of soils for re-use on the site. | To be demonstrated by the proponent at the time of any relevant detailed application. |
| | 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. |
| Railway Corridor Matters | 55 | 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: <ul style="list-style-type: none"> - 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. |
| | 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. |
| | 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. |

| Subject | # | Commitment | Responsibility / Timing |
|------------------------------|----|--|---|
| Civil Works | 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. |
| 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. |
| 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. |
| 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. |

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 10_0078

(File No 09/04518)

The Minister having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **grant approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2 and Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Revised Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.

A handwritten signature in black ink, appearing to read 'Bel Hegg', is written over a faint, larger signature that appears to read 'Bel Hegg'.

Minister

Sydney,

9 Nov

2011

PART A – PROJECT

| | |
|-----------------------------------|---|
| Proponent: | Landcom |
| Application made to: | Minister for Planning |
| Major Project Number: | MP 10-0078 |
| On land comprising: | Part lot 1 DP 532379 and Part lot 11 DP1159973 |
| Local Government Area: | Penrith City Council |
| Approval in summary for: | Stage 1 Project Application for: site preparation works, establishment of environmental, safety, and traffic control measures, bulk earthworks, retaining walls, internal and external road works, landscaping, a sales centre, and a staged-subdivision to create 120 lots including, 97 future residential lots, 1 village centre lot, 16 super lots, 2 open space lots, 1 sales centre lot, 1 sewer pumping station lot, and 2 residue lots. |
| Capital Investment Value: | \$24 million |
| Type of development: | Project Approval under Part 3A of the Act. |
| Determination made on: | 9 November 2011 |
| Determination | Project approval is granted subject to the conditions in Schedule 2 below and statement of commitments in Schedule 3. |
| Date of commencement of approval: | This approval commences on the date of the Minister's approval. |
| Date approval will lapse: | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act |

PART B – DEFINITIONS

In this approval the following definitions apply:

| | |
|---------------------------------------|---|
| Act, the | <i>NSW Environmental Planning and Assessment Act, 1979 (as amended)</i> |
| Concept Plan | Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report. |
| Council | Penrith City Council, subject to which Local Government Area the development is located. |
| Department, the | NSW Department of Planning and Infrastructure, or its successors |
| Director-General, the | Director-General of the Department of Planning and Infrastructure (or delegate). |
| Environmental Assessment (EA) | State Significant Site and Environmental Assessment Report for the North Penrith State Significant Site, Concept Plan and Stage 1 Project Application prepared by JBA Urban Planning Consultants dated November 2010. |
| North Penrith | Has the same meaning as the land identified in Part A of this schedule. |
| Minister, the | Minister for Planning and Infrastructure |
| Preferred Project Report (PPR) | Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011 |
| Project | Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies. |
| Proponent | Landcom or any party acting on this approval |
| Regulation | The Environmental Planning and Assessment Regulations 2000 (as amended) |
| Statement of Commitments | Final Statement of Commitments submitted as part of the PPR. |

SCHEDULE 2
CONDITIONS OF APPROVAL FOR NORTH PENRITH STAGE 1 PROJECT APPLICATION
PROJECT APPLICATION NO. MP 10-0078

PART A – ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Project Approval is granted for Stage 1 of the North Penrith Development, including site preparation works, establishment of environmental and safety controls and traffic control measures, bulk earthworks, retaining walls, internal and external road works, landscaping, a sales centre, and a staged-subdivision to create 120 lots comprising of, 97 future residential lots, 1 sales centre lot, 16 super lots, 2 open space lots, 1 sewer pumping station lot, and 2 residue lots.

A2 *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following plans, documentation and recommendations (including any appendices) made therein:

- "North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application" report prepared by JBA Planning dated November 2010, as amended by Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011.
- The Stage 1 Staged Subdivision Plan, produced by Craig and Rhodes, ref 07210L16 [00], dated 27-06-2011

A3 *Inconsistency between plans and documentation*

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A4 *Lapsing of Approval*

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 *Compliance with Relevant Legislation and Australian Standards*

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B - PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Engineering Plans*

A detailed engineering design of the earthworks, roads, stormwater drainage, and infrastructure must be submitted to and approved by the Certifying Authority prior to the release of the relevant Construction Certificate. The plan must include detailed design of all proposed infrastructure in accordance with the plans and documents subject of this approval.

B2 *Construction Environmental Management Plan*

1. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) for Stage 1 shall be submitted to the Certifying Authority for approval as part of the Construction Certificate

application. The CEMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The CEMP is to:

- Address all environmental aspects of the development's construction and operational phases, and
- Recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- Soil and water management
- Dust suppression
- Litter control
- Noise control
- Waste management
- Dangerous/hazardous goods storage
- Emergency response and spill contingency
- Measures to protect vegetation to be retained
- Management of soil contamination issues with reference to the recommendations of the assessment undertaken by Geotechnique Pty Ltd, dated October 2010.

2. The relevant aspects of the approved CEMP shall be implemented during the relevant phase(s) of the development. A suitably qualified environmental consultant shall be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved CEMP as identified at each phase of the development. Details of the environmental consultant, including contact details shall be submitted to Penrith City Council with the Notification of Commencement two days before any works are to commence on site.

B3 *Stormwater Design*

1. The stormwater drainage system shall be provided generally in accordance with the Stage 1 Concept Stormwater Drainage Plan prepared by Worley Parsons (reference 301015-00NP-S11-F11) and the recommendations of the Stormwater and Drainage Report, prepared by Worley Parsons, dated October 2010.
2. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
3. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.
4. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

B4 *Groundwater*

A detailed groundwater investigation shall be undertaken and approved by the Certifying Authority prior to the release of the relevant Construction Certificate to predict the groundwater table at the site, including at the locations of detention basins, and outline measures to be put in place to mitigate impact on groundwater.

B5 *Roads*

1. Separate approval from the Roads Authority must be obtained prior to the issue of the relevant Construction Certificate for any works within a Council or RTA road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the relevant Construction Certificate.

2. A new intersection on Coreen Avenue, providing access to Stage 1 shall be constructed by the proponent. The detailed design of the intersection shall be approved by Council or the RTA prior to the issue of the Construction Certificate and the works shall be completed to the satisfaction of the RTA or Council prior to the issue of the Subdivision Certificate.
3. Unless otherwise agreed with the RTA, the proponent shall upgrade the intersection of Parker Street, Richmond Road, Coreen Avenue and Oxford Street to accommodate the anticipated traffic generation from the North Penrith development (in its entirety) prior to the occupation of 100th dwelling. The detailed design of the upgrade to the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection shall be submitted to the RTA for approval and the works shall be completed to the satisfaction of the RTA or Council prior to the occupation of the 100th dwelling.
4. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines.
5. Prior to the issue of the Subdivision Certificate, and installation of regulatory / advisory line marking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.
6. On-street car parking shall be consistent with the On-street Car Parking Strategy for North Penrith, as approved by Council.

B6 Sediment and Erosion Control

A soil erosion and sediment control plan, prepared in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 shall be submitted for consideration and approval with the Construction Certificate application.

B7 Sales Centre

1. Approval is given to the construction of a Sales Centre in accordance with the plans prepared by Tanner Architects (reference AR.DA.01 Rev D, AR.DA.03 Rev D, AR.DA.04 Rev D). The detailed design of the Sales centre is to be included with the engineering plans to be submitted to and approved by the Certifying Authority prior to the release of the relevant Construction certificate.
2. The Sales centre shall be converted to a Community centre and dedicated free of cost to Council prior to the occupation of the 400th dwelling or at a time mutually agreed by both the proponent and Council. The external landscaping, servicing, and internal fit out of the Community centre is to be approved by Council prior to its dedication.

B8 Development Contributions

- 1) Contributions shall be made to Penrith City Council for the purposes of district open space facilities at a rate per dwelling type as shown below.

| Development Type | Contribution |
|---|---|
| Multi-unit and Shop-Top Housing | \$1,566 for each new dwelling |
| Dwelling Houses, Dual Occupancies and Subdivision | \$2,427.30 for each new dwelling or new lot |
| Housing for older people | \$1,174.50 for each new dwelling |

The contributions are to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan.

PART C — PRIOR TO AND DURING CONSTRUCTION

C1 *Construction Certificate*

A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

C2 *Notice of Commencement*

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

C3 *Filling*

1. No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
 - state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
2. An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:
 - Supervise the filling works,
 - (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
 - Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.
3. If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

C4 *Pre Works Dilapidation Report*

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the North Penrith development is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees adjacent to the development.

C5 *Hours of Construction*

Construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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- Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

C6 *Approved Plans to be On Site*

Approved plans and specifications, a copy of the instrument of approval, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

C7 *Construction Signage*

1. The following details are to be displayed on signs erected along the frontages of the site:
 - the name of the Principal Certifying Authority, their address and telephone number,
 - the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
 - that unauthorised entry to the work site is prohibited,
 - the designated waste storage area must be covered when the site is unattended, and
 - all sediment and erosion control measures shall be fully maintained until completion of the construction phase
2. The above signs are to be erected:
 - at the commencement of, and for the full length of the, construction works onsite, and
 - in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.
3. All construction signage is to be removed when the Occupation Certificate has been issued for the development.

C8 *Traffic Control Plan*

1. No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site.
2. The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.
3. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council 2 days before any work is to commence on site.

C9 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

C10 *Dust Control Measures*

The proponent shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Certifying Authority.

C11 *Waste Management*

1. A completed waste management plan prepared in consultation with Council shall be submitted to Certifying Authority for approval.

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2. The waste management plan shall be prepared in accordance with the Penrith Development Control Plan 2006, Section 2.6 Waste Planning and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.
 3. The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

C12 *Aboriginal Relics*

If Aboriginal engravings or relics are unearthed during construction, all work within the vicinity of the site is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the Office of Environment and Heritage.

C13 *Vegetation to be Retained*

Trees and vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.

PART D – PRIOR TO SUBDIVISION CERTIFICATE

D1 *Certificate*

1. An application for a Subdivision Certificate must be submitted to and approved by the Council/Principal Certifying Authority prior to endorsement of the final plan of subdivision.
2. The submission to the Certifying Authority of documentation to demonstrate full compliance with all approval conditions in accordance with Section 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the relevant Subdivision Certificate.

D2 *Road Names*

1. Road names are to be approved by Council.
2. Prior to the issue of a Subdivision Certificate street signs are to be erected at road intersections.

D3 *Dedication of Public Open Space*

1. The areas of public open space and drainage in Stage 1 identified on the Landscape Concept Master Plan dated October 2010, are to be, free of cost, dedicated to Council.
2. All landscaping and embellishment of local open space shall be maintained by the proponent to the satisfaction of Council for a period of 3 years following dedication.

D4 *Services*

Prior to the issue of a Subdivision Certificate the following service arrangements are to be made and submitted to the Principal Certifying Authority for approval.

1. The applicant is to negotiate relevant servicing arrangements with Sydney Water and seek Sydney Water prior approval for any connections to Sydney Water systems. A Section 73 Compliance Certificate under the Sydney Water Act 1994, should be obtained prior to the issue of the relevant subdivision certificate.
2. A letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

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3. A letter from an approved electricity provider stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
 4. A letter from an approved gas provider stating that satisfactory arrangements have been made for gas supply to all proposed allotments in the subdivision, including any necessary easements.

D5 *Post Works Dilapidation Report*

Any damage not shown in the Dilapidation Report submitted to the Certifying Authority before site works had commenced, that have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to end of the 12 month Defects Liability period.

D6 *Works As Executed Plans*

1. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the approved works have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this approval and any remedial works required to been undertaken have been satisfactorily completed.
2. Prior to issue of the Subdivision Certificate, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to the Principal Certifying Authority and Penrith City Council.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to Services*

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 *Roads Act, 1993*

A separate application for approval under Section 138 of the *Roads Act, 1993* shall be made to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN3 *Stormwater Drainage Works or Effluent Systems*

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

SCHEDULE 3
STATEMENT OF COMMITMENTS
STAGE 1 PROJECT APPLICATION NO. MP 10-0078

APPENDIX B. ENVIRONMENTAL ASSESSMENT & PREFERRED PROJECT REPORT

Electronic copies of the following reports are attached in Appendix B:

- *State Significant Site and Environmental Assessment Report for the North Penrith State Significant Site, Concept Plan and Stage 1 Project Application*, prepared by JBA Urban Planning Consultants dated November 2010, and
- *Preferred Project Report for the North Penrith Mixed Use Development*, prepared by JBA Urban Development Consultants dated April 2011.

APPENDIX C. SUMMARY OF SUBMISSIONS

| Agency | Issue | Comment |
|----------------------|-------------------------------------|--|
| Sydney Water | Servicing | <ul style="list-style-type: none"> • The proposed sizing of the internal water services pipes is preliminary, but has been determined to accord with the anticipated lot density, building heights and future stages • After SWC has provided the results of their feasibility assessment any need to improve this system will need to be accounted for and included in the detailed design for the servicing strategy • The Statement of Commitments has been amended to specifically commit Landcom to obtaining a Section 73 Certificate from Sydney Water |
| | Employment generation | <ul style="list-style-type: none"> • A future direction stated in the Metropolitan Plan is "to develop the highly accessible North Penrith defence site to provide opportunities for long term employment growth as well as higher density housing". • The proposed zoning, heights and subdivision layout have been amended to provide higher density housing and opportunities for employment generation in the longer term • The proposal could allow for an increase in commercial land use if feasible in the future. |
| Penrith City Council | Higher residential density | <ul style="list-style-type: none"> • Residential density has been addressed by the proposed sites rezoning which is the subject of a separate report. • The proposed rezoning increases the maximum building height to 30m within the Village Centre and allows for residential flat buildings to encourage higher built form outcomes and accordingly residential densities. |
| | MOU | <ul style="list-style-type: none"> • The MOU is not included as part of the conditions of approval as it is not a statutory planning tool. It is a separate agreement between Landcom and the Council. • Landcom's revised Statement of Commitments obligate Landcom to enter into a Memorandum of Understanding with Penrith City Council to explore and attempt to secure an appropriate large scale employment opportunity prior to submission of any relevant development application for built form development for the key mixed use sites. |
| | Lot sizes adjoining Lemongrove Road | <ul style="list-style-type: none"> • Where dwellings adjoin the eastern boundary, a 2-storey height control and a 3 metre rear set back are proposed to ensure the development is sympathetic with the character of the Lemongrove Road area. |
| | DCP | <ul style="list-style-type: none"> • The Department has reviewed the development code and recommends a number of |

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| Penrith City Council | <p>order employment outcomes</p> <ul style="list-style-type: none"> Residential development adjacent to the railway line needs to address negative impacts associated with balcony activities | <p>amendments are made to ensure the guidelines are compatible with best practice design</p> |
| | <p>Access and Parking</p> | |
| | <ul style="list-style-type: none"> Intersection improvements identified on Coreen Ave should be included as part of the project. Access road 4 should be entry only due to capacity at Lemon Grove Road / Macquarie Rd intersection Intersection of access road with Castlereagh rd (opposite peach tree Rd) should be upgraded to allow all turning movements, negating the need for upgrade to Coreen Ave/Castlereagh Rd roundabout An on site street parking strategy should be prepared. | <ul style="list-style-type: none"> The Department recommends that the construction and upgrade of all new access ways are undertaken and fully funded by the proponent. It is proposed to maintain the existing access to the site from The Crescent. The proposal includes the addition of a 150m long right turn bay and removal of the centre island on Castlereagh Road to allow left and right turns into the site. An indicative on street parking strategy has been prepared. The Department recommends this is to be approved by Council prior to issue of subdivision certificate |
| | <p>Cyclists and pedestrians</p> | |
| | <ul style="list-style-type: none"> A clear cycleway strategy is required catering for recreational and commuter cyclists. Cycle facilities should be safe & secure to encourage use. Safe pedestrian and cycle access to station during construction | <ul style="list-style-type: none"> The proposed cycle network will connect with the rail commuter car park and bicycle spaces will be provided. Safe pedestrian and cycle access be addressed as part of the construction management plan, to be approved prior to construction. |
| | <p>Public transport</p> | |
| | <ul style="list-style-type: none"> Government commitment is required for timing and delivery of bus underpass and upgrade to station entrance | <ul style="list-style-type: none"> Transport NSW note that the potential rail underpass and bus services to be provided are not yet confirmed and are subject to further investigation into feasibility. |
| | <p>Local infrastructure contributions</p> | |
| | <ul style="list-style-type: none"> Contributions to the wider arterial road network should be considered. A roundabout may be required at intersection of the collector access roads from Coreen Ave and Castlereagh Rd to accommodate anticipated volumes of traffic Landcom should contribute towards district open space and cultural facilities Cost of ongoing maintenance of open space and public domain areas need to be identified and mechanism for providing funding required. | <ul style="list-style-type: none"> The proponent has committed to work with the RTA to make a contribution to the upgrade of the regional road network. The Department has recommended that the proponent make a contribution to regional open space facilities as required by the Penrith District Open Space and Facilities Plan. A revised maintenance schedule has been developed which confirms the proponent will undertake construction and embellishment of the public open space areas and subsequently maintain open space areas for a period of 36 months after dedication to Council. |
| | <p>Heritage</p> | |
| | <ul style="list-style-type: none"> View corridor from Thornton Hall should be extended to oval | <ul style="list-style-type: none"> It is proposed to retain and conserve Thornton Hall its landscape setting and provide view corridors that reinforce the relationship of the homestead with the oval. |

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|---|---|
| | <p>Flooding & Stormwater</p> <ul style="list-style-type: none"> • Areas of site below 1 in 100yr flood should be filled 0.5m above to ensure not subject to flood related development controls. • Ensure proposed filling will not increase flood levels at adjoining properties. Assessment should consider potential cumulative impacts of filling and loss of flood storage. • Stormwater management regime must ensure post development flows do not exceed predevelopment flows where they enter Council's drainage system. • The proposal includes filling in the north western corner of the site to reduce the potential flood impacts in this area • The impact of the proposed filling activities would result in a slight loss of flood storage volume. Further assessment of the change to levels adjoining the site has been required as a further assessment requirement. • The results of preliminary hydrologic and hydraulic modelling have indicated that post development flows will not exceed predevelopment flows. |
| DECCW | <p>Flooding</p> <ul style="list-style-type: none"> • Assessment of the 200 year up to PMF flood risk identifies a low structural damage risk. Full basis for low risk assessment is not clear. There is an inconsistency in the max flood levels given for the P1 area for 100 yr to 200yr floods, which may affect risk assessment and should be clarified. • 1m above the floor level in a 200yr flood is considered a high risk for dwellings without appropriate flood proofing measures • "Flood aware" development controls are required for all development below the largest flood on record (1867 flood) and 200yr flood event. • Flood evacuation proposal is based on a car evacuation via only two routes and relies on timely warning and response. Site grading and road layout should provide for a staged orderly retreat (continuously rising grade egress is preferred) • The Regional Flooding Assessment report nominates the flood depths and velocity vectors for the 200 year average recurrence interval flood based on the existing topography of the site. • The structural damage risk over the entire site is categorised as either none or low depending on the location and so does not require proofing measures for the construction of dwellings. • The car based flood evacuation strategy put forward in the Regional Flood Assessment demonstrates that the proposed development will not have a significant adverse impact on the evacuation of existing areas or create a need to augment existing infrastructure. |
| | <p>Aboriginal Heritage & Consultation</p> <ul style="list-style-type: none"> • A cultural heritage and archaeological assessment be completed for Thornton Hall prior to development approval so that appropriate recommendations can be included • Provision of the following is required under the draft Guidelines for Aboriginal Heritage Impact Assessment and Community Consultation 2005: the date advertised in the Penrith Star; and copies and details of consultation correspondence • The archaeological assessment has recommended that future investigations be undertaken prior to any physically work proceeding. • An advertisement was published in the Penrith Star and is included on page 16 of the Indigenous Heritage Assessment. |
| Penrith Valley Chamber of Commerce | <p>Biodiversity</p> <ul style="list-style-type: none"> • The protection of CPW through use of 88e instrument is recommended • A Bushland Management Plan be prepared for area of CPW to be included as public open space • Replanting in areas of CPW should include plants grown from local provenance seed. • The statement of commitments includes provision for the preparation of a plan of management as set out in section 5 of the exhibited Flora and Fauna Report. • Landcom confirms that local provenance plants (or seed) will be used where possible. • The proposed mix of residential, retail, business and commercial is right for the site however every effort to increasing job generation should be given. • Traffic congestion on Castlereagh Road, The Northern Road and Lemongrove Road currently remains a serious impediment to doing business in Penrith • Proposed development may increase congestion and contribution to intersection improvements is required. • Connectivity between the north and south sides of Penrith is important. • The proposed zoning, heights and subdivision layout have been amended to provide higher density housing and opportunities for employment generation in the longer term • The proponent has committed to work with the RTA to make a contribution to the upgrade of the regional road network. • The Department recommends that the construction and upgrade of all new access ways are undertaken and fully funded by the proponent. |

Support for Business Park Development and B7 zoning

- The site is a unique location for the North West subregion to capture the opportunity of a new business park for Western Sydney.
- It is acknowledged the feasibility of a business park may not exist in short term. However, with the appropriate land use planning, investment attraction, the right development partner and government commitment, that the site is capable of achieving feasibility benchmarks for business park uses in the medium to longer term.
- The proposal could allow for an increase in commercial land use if feasible in the future. The proposed SEPP will rezone the village centre B2 Local Centre with a 30 metre height limit. This allows for a range of commercial and retail land uses (including high technology industries and information and education facilities) which provide significant potential for employment generation. In addition, the indicative subdivision layout for the village centre has been amended to remove smaller lots allowing for potential large floor plate commercial land uses if identified for the site.

Commercial threat to Penrith CBD

- B4 zoning will not attract new business and will potentially attract jobs from similar uses in the existing centre.
- Small lot sizes in the Draft DCP allows for small scale strata office space. This will attract to small business service firms from existing in the centre, and will encourage tenant losses from High St, Henry Street and elsewhere.
- As the quantum of commercial floor space proposed will only increase the available supply in Penrith by 3% is not considered to have a significant impact on the city centre. In addition, the estimated 1,800 new residents could provide an additional customer and workforce base for both the site and Penrith city centre.

Penrith
Business
Alliance

Residential development

- Under mixed use zone residential land uses will be quicker to develop in the site and are therefore more feasible in the short term and will "crowd out" potential commercial tenants.
- Residential permitted within the Village centre is restricted to has higher residential density forms including high rise residential flat buildings

Opportunity site

- The 'opportunity site' concept does not include commitment to wait for office investment to occur before residential uses will be pursued on the site.
- The proposed opportunity site concept has not been included in the recommended approval.

State and Local government objectives

- Proposal is a contradiction to Local and State Government policy context that supports the site being considered as an employment precinct/ business park.
- A future direction stated in the Metropolitan Plan is "to develop the highly accessible North Penrith defence site to provide opportunities for long term employment growth as well as higher density housing".
- The proposed zoning, heights and subdivision layout have been amended to provide opportunities for employment generation in the longer term

Storm water design & discharge

- Insufficient detail in the EA on the water balance, proposed water use and water supply options at the site. It is not clear if ground water is to be used or if the proposed canal requires the use of groundwater or surface water to fill or top up.
- There are current embargos in place restricting the use of surface and ground water: and no additional entitlement is permitted within this catchment.
- The development should not impact on the Nepean River system. It is currently under stress and development should not prevent natural run off from the site entering the system.
- The proponent has commenced discussions with Sydney Water to establish a recycled water connection within the development to meet residential BASIX requirements, for the irrigation of public open spaces and to top up the central canal during extended dry periods.
- The proponent has confirmed no ground water will be used for this purpose.
- The results of preliminary hydrologic and hydraulic modelling have indicated that post development flows will not exceed predevelopment flows.

NSW Office
of Water

Transport
NSW

- Provision of public transport corridor through the site and crossing of the railway is intended to ensure the opportunity for TNSW to explore options for long term improvement of bus connections to Penrith City Centre.
- Landcom has designed the road network in recognition of the short-term/long-term bus routes