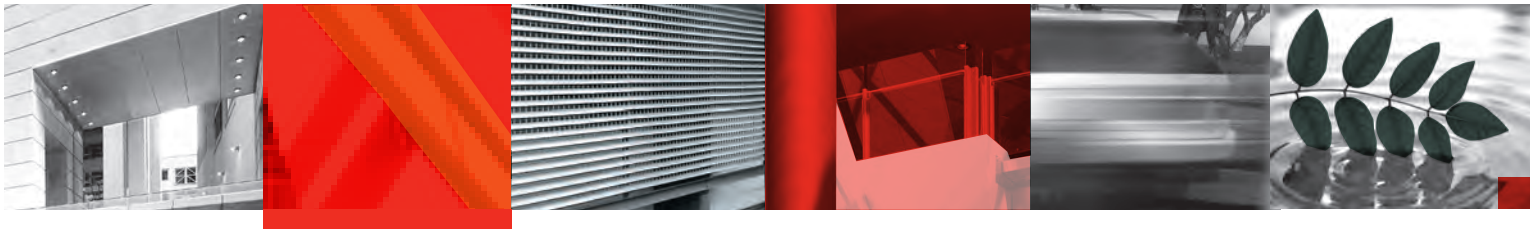


## Preferred Project Report



## North Penrith Mixed Use Development

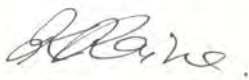
Submitted to Department of Planning  
On Behalf of Landcom

April 2011 ■ 09414

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JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by: Kate Raine

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19 April 2011

This report has been reviewed by: Stephanie Ballango

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19 April 2011

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## 1.0 Introduction

An Environmental Assessment Report (EAR) for a concurrent State Significant Site (SSS) Listing, Concept Plan and Stage 1 Project Application approval for a cohesive redevelopment for the mixed use residential, commercial and industrial re-development of the site at North Penrith was publicly exhibited for a period of eight weeks between 7 December 2010 and 7 February 2011.

In total, twenty (20) submissions were received in response to the public exhibition of the proposed SSS Listing, Concept Plan and Project Application. The following key issues were raised in agency and public submissions:

- appropriateness of proposed land uses/zoning;
- the North Penrith site's strategic context and employment generating potential;
- land use distribution and built form;
- traffic and access;
- European and indigenous heritage;
- flora and fauna impacts and management;
- stormwater management;
- flooding and water storage impacts; and
- open space and ongoing maintenance;
- funding and delivery of infrastructure and facilities.

The proponent, Landcom, and its specialist consultant team, has reviewed and considered issues raised in the Department of Planning's (DoP), Penrith City Council (PCC), State Agencies' and public submissions. In accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), has responded to the issues raised. This Preferred Project Report (PPR) sets out Landcom's response to the issues raised and details the final scope of the proposal including a number of revisions to the proposed SSS Listing, Concept Plan and Project Application. This PPR also includes revised Statements of Commitments for the Concept Plan and Stage 1 Project Application for which approval is now sought.

This report should be read in conjunction with the Environmental Assessment Report (EAR) prepared by JBA Urban Planning Consultants Pty Ltd dated November 2010 and presents:

- further information and analysis with respect to a range of issues raised in submissions that relate specifically to the development proposed by the proposed SSS Listing, Concept Plan and Stage 1 Project Application;
- details of the final SSS Listing, Concept Plan and Stage 1 Project Application, including a number of revisions to the project as exhibited; and
- revised Statements of Commitments for the Concept Plan and Stage 1 Project Application.

Key amendments to the proposed SSS Listing, Concept Plan and Stage 1 Project Application as exhibited include:

- in relation to the proposed SSS Listing:
  - revisions to the proposed location and quantum of industrial lands;
  - reduction in the minimum lot size from 130m<sup>2</sup> (as exhibited) to 120m<sup>2</sup> per lot;
  - inclusion of a Lot Size Map to ensure delivery of the project;
  - insertion of a new zone objective in the R1 General Residential and B4 Mixed Uses zone to encourage high rise residential outcomes; and
  - insertion of new zone objectives and additional land uses in the Re1 Public Recreation zone;
- in relation to the proposed Concept Plan:
  - revisions to the proposed location and quantum of industrial lands, to ensure consistency with the proposed SSS Listing;
  - an 1,000m<sup>2</sup> increase in the proposed commercial GFA in recognition of the reduced industrial lands;
  - removal of the construction of Van Praag Lane from the proposed Stage 1 Project Application and inclusion of Van Praag Lane into the proposed Stage 2 works;
  - amendments and refinements to the Draft North Penrith DCP;
  - revisions to the Statement of Commitments; and
  - revisions to all relevant plans to reflect the revised SSS Listing and amendments listed above;
- in relation to the Stage 1 Project Application:
  - revisions to the proposed number of lots as identified in Section 7.1 of this PPR;
  - the relocation to the temporary sediment basins further north west;
  - the construction of a culvert under the existing road located west of Smith Paddock; and
  - minor adjustment to ancillary engineering works associated with stage 1 due to the commuter car park construction site and temporary access arrangement for the car park. (refer to Sediment and Erosion Plan at **Appendix C**).

In addition, the updated reports appended to this PPR and the revised Statements of Commitments further detail the scope of amendments and ongoing commitments proposed by Landcom in the carrying out of the project.

The following revised and supplementary plans and supporting documentation are provided for clarification and are further discussed in Section 2.0:

- State Significant Site - Proposed SEPP Amendment and Draft Maps (**Appendix A**);
- Concept Plan Drawings (**Appendix B**);
- Stage 1 Project Application Drawings (**Appendix C**);
- Draft North Penrith Development Control Plan (**Appendix D**);
- Response to Agency Submissions (**Appendix E**);
- Response to Community Submissions (**Appendix F**);
- Testing of RTA and Penrith City Council Requested Intersection Changes and Parking Strategy (**Appendix G**);
- Revised Aboriginal Heritage Management Plan for Site #45-5-2491 (**Appendix H**); and
- Revised Maintenance Schedule (**Appendix I**).

## 1.1 PPR Structure

The PPR is structured as follows:

- Section 2 – Project update;
- Section 3 – Strategic Context and Employment Generation;
- Section 4 – Landcom's Response to Key Issues;
- Section 5 - State Significant Site Listing;
- Section 6 – Concept Plan Preferred Project and Revised Statement of Commitments;
- Section 7 – Stage 1 Project Application Preferred Project and Revised Statement of Commitments; and
- Section 8 – Conclusion.

## 2.0 Project Update

### 2.1 Consultation

Since public exhibition of the proposed SSS Listing, Concept Plan and Stage 1 Project Application closed on 7 February 2011, Landcom has undertaken consultation with DoP, PCC and several State agencies. The primary purpose of the meetings was to discuss major issues raised within respective submissions, and for Landcom to understand what amendments or achievements could be sought for the proposed SSS Listing, Concept Plan and the Project Application. Details of the consultation undertaken to date are set out below.

#### Penrith City Council (PCC)

- 14 February 2011 - Meeting held at PCC to discuss and establish concerns raised in PCC's submission relating to traffic, proposed road network upgrades and engineering issues.
- 2 March 2011 - Meeting held at PCC to discuss initial and ongoing open space maintenance and infrastructure requirements.

#### NSW Office of Water (NoW)

- 3 March 2011 – Meeting at NoW Office to discuss concerns raised in NoW's submission, and clarify and reconcile flood modelling assumptions adopted by Landcom's flooding consultants, Worley Parsons, and those preferred by NoW. The meeting was also attended by DoP staff.

#### Ministry of Transport (MoT)

- 7 February 2011 - Meeting with MoT, Department of Planning (DoP) and Roads and Traffic Authority (RTA) officers to understand the issues of the project in relation to the local and regional traffic and transport.

#### Roads and Traffic Authority (RTA)

- 7 February 2011 - Pre-emptive meeting to discuss the potential issues that were expected at the time to be raised in the RTA's submission.
- 14 February 2011 – Part of a series of regular project meetings attended by Landcom and RTA to update and review roads and traffic responses and confirm key issues.
- 13 April 2011 - Meeting attended by Landcom, DoP and the RTA to agree on the scope and funding of Landcom's proposed suite of road works and upgrades.

The Preferred Project Report (PPR) discusses each of the issues derived from the above listed meetings in Section 3. The proposed changes to the scheme, described in Sections 5.0, 6.2 and 7.1, are in response to the concerns raised by DoP, PCC and other State agencies Landcom has met and worked with.



## 3.0 Strategic Context and Employment Generation

### 3.1 Issue

The Department of Planning considers that the proposed quantum of commercial floor space is insufficient. The Department believes that the site could make a greater contribution towards the employment target for the Penrith Local Government Area given in the Draft North West Sub-Regional Strategy. The Department has requested an amended plan to increase the commercial Gross Floor Area (GFA) of the site.

Conversely, Penrith City Council has conflicting views for the strategic outcome for the North Penrith site. The Council has stated that the site has the potential to compete with the Penrith City Centre's commercial and retail space. Accordingly, Council would like to see the site developed for high rise residential development and higher order employment in line with supporting the regional status of the City.

In addition, many residents and local businesses raised the issue that the site is suitable for a Business Park, as this form of employment would achieve a longer term feasibility for the site.

### 3.2 Landcom's Response

The strategic justification for the North Penrith proposal was detailed in Section 2 of the exhibited EAR.

To understand the way in which Landcom's SSS and Concept Plan proposals for the North Penrith Site satisfy the Metropolitan Plan and North Regional Subregional Strategy it is important to appreciate the Penrith CBD's role and function as a regional city. In addition, it is also important to understand the opportunities available under the SSS and Concept Plan to deliver jobs on the site, both immediately and over the longer term.

To this end, it is noted that the Department of Planning's submission suggests that the North Penrith project proposed delivery of 770 commercial jobs is insufficient and warrants reconsideration. Landcom wishes to point out that the proposed 770 job target is for the entire North Penrith project across the full suite of proposed employment sectors (commercial, industrial, retail, etc). A breakdown of jobs by sector was provided at Section 8.3.3 of the exhibited EAR.

Since publication of the EAR, the State Government has released its Metropolitan Plan for Sydney 2036 which supersedes the Metropolitan Strategy for Sydney to 2031, which the exhibited EAR was based upon. The following sections therefore benchmark the project against the new Metropolitan Plan.

#### 3.2.1 Penrith's role and function as a regional city

Penrith is identified as Western Sydney's Regional City in recognition of its wide catchment and its ability to accommodate significant numbers of future residents and workers. The Metropolitan Plan acknowledges that Penrith's development into a Regional City is a "long term proposition" and identifies a job growth target of 11,000 new jobs in the Penrith LGA by 2036. Within the same 25 year term, Penrith is also expected to provide 25,000 new dwellings.

As a Regional City, Penrith is envisaged to provide a focus for innovative business environments, lifestyle and work opportunities. In particular, the Metropolitan Plan envisages:

- a thriving business and commercial centre, offering quality office accommodation;
- a living centre;
- a safe, attractive, accessible centre; and
- a social and culturally vibrant centre.

The Metropolitan Plan recognises that Penrith must respond to the challenge of population growth outstripping job growth. Economic development will need to rely on strategies to grow local and regional small businesses leveraging off active local business leadership and emerging industry clusters in health and education and potentially the natural environment (recognising the World Heritage Status of the Blue Mountains). In this regard, the North Penrith Site is identified as well suited to accommodate employment growth particularly given its proximity to the Penrith Rail Station.

The future directions for Penrith promote a vibrant Regional City with a diverse employment base serving a growing residential catchment. More specifically, the Metropolitan Plan for 2036 and North West Sub Regional Strategy identify the following key future directions for the Penrith LGA:

- increase private commercial investment in the CBD, exploiting niches in environmental management, health and wellbeing and back-office functions in business services and finance sectors;
- expand Penrith as an administrative centre;
- build on a health and education cluster as a component of a potential Specialised Centre focused on Nepean Hospital, UWS and TAFE campuses at Kingswood–Werrington based on a vision in preparation;
- improved liveability and linkages with the Nepean River;
- develop the highly accessible North Penrith Defence Site to provide opportunities for longterm employment growth as well as higher density housing;
- implement the Regional Cities Taskforce: Penrith City Centre Plan as the spatial component of a broader economic development strategy; and
- in the context of a Regional City Transport Plan for Penrith:
  - improve public transport mode share to 25% in the peak by 2016;
  - improve links to the growing residential areas of the North West Growth Centre;
  - improve connectivity with surrounding precincts including Kingswood–Werrington and Penrith Lakes; and
  - improve internal transport within the CBD including walking, cycling, alternative public transport and parking provision and policy.

### 3.2.2 The North Penrith Site's Strategic Context

The Metropolitan Plan and North West Sub Regional Strategy earmark the North Penrith site as land that is prime for redevelopment. In particular, the Draft North West Sub Regional Strategy provides (with our emphasis added):

*The 50 hectare North Penrith defence site is situated adjacent to the rail station to the north of the Penrith city centre. Its future use and development should be carefully planned to attract new forms of development to the city centre, while complementing and reinforcing the existing city centre.*

*The Commonwealth Department of Defence has declared the site surplus to its requirements and the site is for sale through an expression of interest process, with the Department of Defence currently short-listing tenderers.*

*The Department of Planning and Penrith City Council have developed a set of strategic objectives for the development of the site that complement the existing City Centre to the south of the railway line.*

*The strategic objectives promote a mixed use response for the site comprising high density housing (at this stage estimated at 1,200 – 1,500 dwellings) and some employment uses.*

*Employment uses which compete directly with the Penrith City Centre should not be considered. Employment uses should provide opportunities for job intensive uses such as education, research and technology. In addition, potential for interim uses could be considered so that the site is protected for major employment opportunities in the future.*

Notably, whilst the North West Sub Regional Strategy estimates the North Penrith site should accommodate 1,200 - 1,500 dwellings over the longer term, neither the Metropolitan Plan nor the North West Sub Regional Strategy quantify the number of jobs that could be accommodated on the North Penrith site. Rather, careful planning is encouraged to attract new forms of development to the city centre and arguably the LGA, while complementing and reinforcing the existing city centre. Notwithstanding this, it is important to recognise that the job yield potential for the North Penrith site specified in the Draft Sub Regional Strategy and Metropolitan Plan assumes that the entire North Penrith site would be redeveloped. As outlined in the exhibited EAR, Landcom's proposal excludes the 3.7ha Penrith Training Depot and the 3ha commuter car park being constructed by PCC. Accordingly, the job and residential targets should be commensurately revised to reflect the reduced site area.

Many of the submissions received during exhibition suggested the North Penrith site should be developed as a business park. It should be clarified that business parks, with a standard job rate of 1 job per 45m<sup>2</sup> are a lower generator of jobs than conventional commercial uses as proposed by Landcom. It is Landcom's view that developing the North Penrith site as a business park would be inconsistent with the Metropolitan Plan and Draft North West Sub Regional Strategy which promote a mixed uses outcome on the site. Whilst it is recognised that business park uses would not compete with the Penrith CBD (and therefore could reasonably satisfy the Draft Sub Regional Strategy's vision for the site), business parks are distinct in that they provide employment spaces independent of mixed use centres, build on existing concentrations and clusters of knowledge based activities such as hospitals and universities, and require significant recreational facilities/amenities and on site car parking provision (refer to pgs 43 and 46 of the Draft Strategy).

Section 6 of the Land Use and Economic Assessment prepared by SGS Economics (Appendix I of the exhibited EAR) considered the North Penrith site for business park uses and concluded that the site was constrained by:

- **The site's capacity.** The entire North Penrith site is 40 hectares, around one tenth of the size of Norwest (377ha) and other business parks which are typically large land holdings.
- **The existing designation of alternative sites in the North West subregion.** There are many competing sites for business parks, such as Marsden Park Industrial Precinct and Riverstone West Precinct which are likely to be developed at lower cost than North Penrith due to the lower value of land.

- **Motorway access and site exposure.** While the North Penrith site is not far from the M4, there is no direct exposure of the site to the motorway. There may also be local traffic issues at the North Penrith site, especially with the proposed commuter car park.

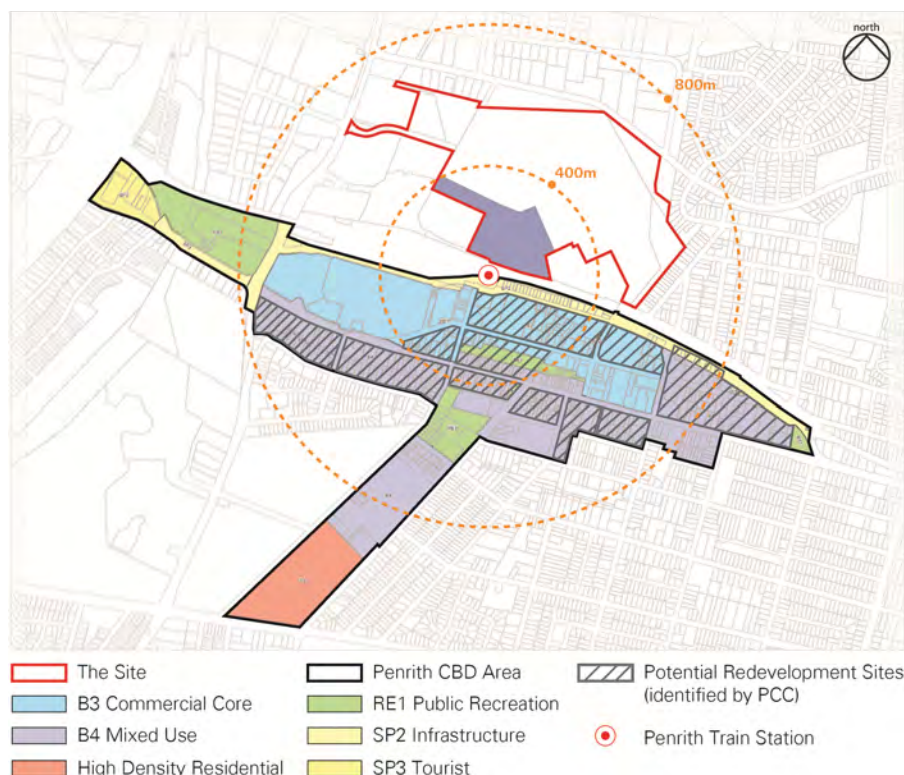
These requirements are at odds with the vision of the North Penrith site and indeed are contrary to Landcom's proposal which seeks to optimise land use whilst also maximising the locational opportunities provided by the Penrith Train Station. In addition, institutional precincts are well established elsewhere in the Penrith LGA such as the WELL Precinct and the medical hub around Nepean Hospital, and are likely to offer co-locational benefits to future business park uses.

Finally, the Draft Strategy suggests that "further work would be required to consider the feasibility of additional business parks in the subregion" (pg 46). It is our understanding that to date the North Penrith site has not been identified as a potential business park site, and we are unaware of any publicly available investigations that have been completed suggesting the North Penrith site is a suitable business park site. To that end, development of the North Penrith site for business park premises is considered unreasonable.

### 3.2.3 Penrith CBD's Existing Capacity

A key concern of the Department of Planning is that Landcom's proposal may not be providing sufficient employment generating uses that will facilitate Penrith City's growth as a Regional City.

Since public exhibition of the proposal, Landcom has further investigated the quantum of existing commercial floor space in the Penrith CBD to determine what capacity may exist in the City Centre. Some very preliminary work done by Penrith City Council has identified around 840,100m<sup>2</sup> of commercial floor space available in the CBD. This is capable of generating over 33,000 jobs (assuming a standard job rate of 1 job per 25m<sup>2</sup>). In addition, several sites have been identified within a 800m radius of the Penrith Railway Station that are capable of accommodating commercial floor space, or have the potential to be developed for commercial purposes (**Figure 1**). Consistent with the Sub Regional Strategies objectives and best practice planning principles, commercial growth should be encouraged and directed to existing commercial areas to reinforce the Penrith CBD and supporting infrastructure. This approach will ensure the Penrith CBD is fostered and can mature into its envisaged regional city status.



**Figure 1** - Potential employment opportunities within a 400m and 800m radius of the Penrith Railway Station of the North Penrith

### 3.2.4 North Penrith's Immediate & Long Term Capacity

As outlined in the exhibited EAR, Landcom's proposal comprises three components - the State Significant Site listing (i.e. a rezoning of the site), the Concept Plan, and a Stage 1 Project Application.

The State Significant Site listing seeks to introduce new zoning and land use controls (principally height, dwelling yield and minimum lot size). Importantly, the SSS listing does not impose any floor space ratio controls or seek to limit the quantum of commercial floor space on the site. With this in mind, and assuming the land use framework as set out in Section 6.5.1 of the exhibited EAR (**Table 3**), the SSS listing is capable of delivering a total maximum commercial/ employment generating floor space of 565,324m<sup>2</sup>. This equates to 22,612 jobs, as set out in Table 1, demonstrating that the significant capacity within the proposed SEPP controls to provide additional jobs if the North Penrith site was developed to its full potential.

**Table 1** - North Penrith's SSS Listing - Employment Generating Potential

Block	Site Area (m <sup>2</sup> )	Max SSS Listing Height	Building Envelope Area	Nett Developable Area <sup>1</sup>	%developed for commercial activities <sup>2</sup>	Yield <sup>3</sup>
A2	3,445	30	103,350	72,345	43,407	1,736
A3	6,124	30	183,720	128,604	77,162	3,086
A4	6,140	30	184,200	128,940	77,364	3,094

Block	Site Area (m <sup>2</sup> )	Max SSS Listing Height	Building Envelope Area	Nett Developable Area <sup>1</sup>	%developed for commercial activities <sup>2</sup>	Yield <sup>3</sup>
A5	5,202	30	156,060	109,242	65,545	2,621
A6	1,685	30	50,550	35,385	21,231	849
T1	9,091	30	272,730	190,911	114,546	4,581
T2	2,719	30	81,570	57,099	34,259	1,370
T3	4,429	30	132,870	93,009	55,805	2,232
T4	3,657	30	109,710	76,797	46,078	1,843
T5	3,657	30	109,710	76,797	46,078	1,843
T6	2,163	30	64,890	45,423	27,253	1,090
Total	44,867	-	1,346,010	942,207	565,324	22,612

<sup>1</sup> Nett Developable Area assumes 70% of maximum building envelope area

<sup>2</sup> Assumes 60% of available nett developable area is provided as commercial floor space

<sup>3</sup> Assumes a work place ratio of 1 job per 25m<sup>2</sup>

The Concept Plan sits within the SSS Listing and provides an urban structure and seeks development for a particular mixed use form. As outlined in the exhibited EAR, the Concept Plan has been specifically designed with regard to the existing and future known opportunities and constraints of the North Penrith site. The updated Concept Plan accordingly envisages a maximum yield of 900 - 1,000 dwellings, up to 10,300m<sup>2</sup> of commercial floor space and 3,200m<sup>2</sup> of retail floor space within the Village Centre, and 1.8 ha of industrial lands. Collectively the employment generating uses envisaged by the Concept Plan will generate 783 jobs (Table 2).

**Table 2** - North Penrith's Concept Plan - Employment Generating Potential

	Site area (m <sup>2</sup> )	Area (ha)	FSR	Floorspace (m <sup>2</sup> )	m <sup>2</sup> per job	Yield	% of jobs
Light Industrial	18,635	1.9	0.6	11,181	60	186	24%
Commercial				10,300	25	412	52%
Retail Other				1,200	30	40	5%
Retail Supermarket				2,000	40	50	6%
Residential Home Business						25	3%
Health care aged care						70	9%
Total						783	100%

Notwithstanding the opportunities and constraints of the North Penrith site and its surrounds, Landcom recognises the strategic importance of the North Penrith site and the need to future proof it in line with the long term vision established by the Metropolitan Plan and North West Sub Regional Strategy. The SSS Listing and flexibility in the proposed controls are a direct response to the need to future proof the site. The Department of Planning, Council and public submissions have suggested Landcom consider providing additional employment generating uses. As demonstrated above, the SSS listing already proposes to introduce a framework that is capable of providing significant employment generating lands.



Landcom's proposal achieves this objective through:

- drafting of a SEPP Amendment that provides maximum flexibility through the proposed B4 Mixed Uses zoning, and limited restriction of commercial floor space or the mix of uses; and
- inclusion of provisions in the Draft SEPP which nominate the "Opportunity Site" to specifically facilitate development of commercial, education, and research facilities should there be market demand for a large floor plate format.

In addition, Landcom's Statement of Commitments in relation to the Concept Plan obligate Landcom to enter into a Memorandum of Understanding with Penrith City Council to explore opportunities to deliver high rise residential development and higher order employment outcomes that compliment and do not compete with the Penrith CBD. The MoU will ensure that significant employment generating opportunities are not lost to Penrith simply due to land and site constraints that may exist in the CBD or elsewhere in Penrith.

### 3.2.5 Alternative Zoning and Concept Plan Layouts

The Department of Planning, Council and many of the public submissions have suggested Landcom reconsider the proposed zoning and land use framework proposed by both the SSS Listing and the Concept Plan to provide greater employment generating uses and additional residential dwellings. As outlined above, business park uses (via a B3 Commercial Core or other suitable zoning) and "higher order residential uses" have particularly been encouraged.

In response, Landcom has explored alternative zoning and land use options since exhibition of the proposal to determine what opportunities may exist to address the concerns raised by State and local government and in public submissions. The advantages and disadvantages of each of the options explored is summarised in **Table 3**, which demonstrates the current proposal presents the most appropriate use of the North Penrith site.

**Table 3** - Comparison of Alternative Zoning and Concept Plan Options

	Jobs/Dwellings	Advantages	Disadvantages
Current Concept Plan	<ul style="list-style-type: none"> <li>■ 783 jobs</li> <li>■ 1,000 dwellings</li> </ul>	<ul style="list-style-type: none"> <li>■ Most effective urban design outcome</li> <li>■ Completed EAR</li> <li>■ Meets Commonwealth targets</li> <li>■ Has PCC support</li> <li>■ Proposed zoning and controls are flexible and provide foundations for the site evolution over the long term</li> </ul>	<ul style="list-style-type: none"> <li>■ DoP considers insufficient employment generating uses proposed</li> </ul>
Defer key Village Centre site (Blocks T4, T5 & T6) until suitable employment generating activities identified	628 jobs 717 dwellings	<ul style="list-style-type: none"> <li>■ Acknowledges DoP's strategic interest</li> <li>■ Isolates these additional opportunities to one area, allowing the remainder of the project to be developed in accordance with the approved Concept Plan</li> </ul>	<ul style="list-style-type: none"> <li>■ Abolishes significant amount of the current EAR</li> <li>■ Delays and questions the future approval process</li> <li>■ Requires more investigation and study into the interface issues of the deferred site</li> <li>■ May not meet Commonwealth targets for jobs and residential dwellings</li> </ul>

	Jobs/Dwellings	Advantages	Disadvantages
			<ul style="list-style-type: none"> <li>Future Concept Plan, Project Application &amp; SEPP amendment required</li> </ul>
<ul style="list-style-type: none"> <li>Zone part of the key Village Centre site (Part blocks T4, T5 &amp; T6) for commercial purposes and the balance of that site residential</li> <li>Assumes on-grade parking for the commercial component which has the effect of land banking for additional long-term commercial development.</li> </ul>	Short term: 770 jobs Long term: 1500 jobs 1,000 dwellings	Recognises DoP strategic interest and contributes to employment	<ul style="list-style-type: none"> <li>Large amounts of underground parking will be ultimately required on the Village Centre block. This has a significant cost and market reluctance, thereby questioning market feasibility</li> <li>Long term outcome would necessitate increase height in the town centre to 12 storeys</li> <li>Issue of market acceptance of both amount of commercial and type of residential typology</li> </ul>

Landcom has also considered the appropriateness of introducing alternative zoning controls in response to suggestions made by PCC and DoP in their respective submissions and subsequent discussions following public exhibition of the EAR. In summary:

- a B2 Local Centre Zone is considered inappropriate due to the lack of flexibility afforded by the Zone and for the reasons outlined in Section 4.12 below;
- a B3 Commercial Core Zone as mooted by the DoP is not considered appropriate given that this zone is for major centres that provide a wide range of uses including large-scale retail, office, businesses, entertainment and community uses directly linked to major transport routes. Such zones are intended to meet the needs of a wider region as well as those of the local community - a role the North Penrith site is not intended to serve; and
- a B7 Business Park Zone (also suggested by DoP) is intended to be used for larger campus-style business parks, not isolated office buildings. As outlined above in Section 3.2.1, North Penrith is not an appropriate location for a business park.



## 4.0 Landcom's Response to Key Issues

In addition to the North Penrith site's strategic positioning, submissions received during public exhibitions raised concern in relation to the proposed land use zonings, future built form, heritage values of the site, traffic generation and management, and the funding and provision of developer contributions.

The following section provides a detailed response to the key issues raised by the DoP, PCC, State agencies and the public following a detailed review of the submissions. **Appendix F** provides a response to all issues raised during the public exhibition period.

### 4.1 SSS Listing and Proposed Zonings

#### 4.1.1 Issues

PCC and the DoP raised the following key matters within their submissions in relation to the proposed SSS Listing and zoning of the North Penrith site:

- compatibility of the adjoining residential and industrial land uses surrounding and within the North Penrith site;
- the need to incorporate objectives into the proposed R1 General Residential zone that require delivery of high rise residential development; and
- the appropriateness of a B4 Mixed Uses zoning for the Village Centre. PCC has indicated a B2 Local Centre zoning that permits residential development would ensure the North Penrith site does not compete with the Penrith CBD and would better reflect Council's centres hierarchy.

#### 4.1.2 Landcom's Response

##### Potential Residential/Industrial Land Use Conflicts

Landcom has revised the proposed SSS Listing and has taken the opportunity to reconfigure and adjust the proposed land use zonings. The 2ha of IN2 Industrial land proposed in the exhibited EAR has been reduced due to the now unlikely purchase of the adjacent industrially zoned land. The quantum of industrial land proposed by the exhibited EAR relied on a land swap/purchase agreement to ensure market viability. Accordingly, the total area of industrially zoned land proposed under the SSS Listing and illustrated on the revised SSS maps attached at **Appendix A** is 1.8ha. Assuming an employment generation factor of 1 job per 30m<sup>2</sup>, Landcom's proposed industrial lands are capable of achieving 186 jobs.

In order to still achieve the employment generation targets set by the Commonwealth (ie: 770 jobs), Landcom has increased the commercial floor space in the Village Centre by 1000m<sup>2</sup>, and commensurately increased the number of commercially based job numbers in the Village Centre, providing an overall total of 783 jobs.

The industrial to commercial land swap and job transfer has the following benefits;

- increased number of high order jobs, thereby responding to concerns raised by the DoP, PCC and the public that the North Penrith proposal should better reflect Metropolitan Plan and North West Sub Regional Strategy (also discussed in Section 3);
- reduction in the direct residential/industrial interface in the north of the site, resulting in less land use conflicts both within the site and with adjoining land uses;
- provision of a sustainable level of amenity for future residents; and
- greater flexibility and tenancy sizes on the industrial lands, providing greater attraction to locate to the site.

### Higher Order Residential Development

Discussions with PCC since exhibition of the SSS Listing, Concept Plan and the Project Application have revealed that Council is particularly keen to encourage residential high rise (as opposed to “high density residential development”) or apartments are achieved on the North Penrith site.

The SSS Listing recognises the North Penrith site’s strategic and co-locational advantages and specifically ensures an efficient and optimal use of the North Penrith site, whilst also achieving the integrated land use objectives that transit oriented developments such as this should achieve. It proposes a land use framework that has been established following a comprehensive site analysis that recognises the site’s opportunities and constraints.

The R1 General Residential zone is proposed on those parts of the North Penrith site that are closest to the Village Centre and Penrith Railway Station, both of which offer good public transport connections. In addition, there are also explicit provisions within the proposed SSS Listing and Draft SEPP Amendment which introduce a maximum height of 30m to encourage higher built form outcomes and accordingly residential densities on the site. The introduction of minimum lot sizes as low as 120m<sup>2</sup> provide opportunities to construct dwelling typologies, not typically provided in Penrith, which by their very nature, provide higher densities than conventional residential dwellings. In addition, limitations are proposed to be placed on residential subdivision of the site that may preclude or impede the delivery of up to 1,000 dwellings, ensuring a minimum dwelling yield (i.e.: a critical mass) is achieved (refer to clause 17 of **Appendix A**).

The Concept Plan and DCP framework provide further certainty in terms of built form outcomes and densities and reinforces the dwelling yields, height controls, and minimum lot sizes through the Statement of Commitments, Indicative Land Use Plan, Block Subdivision Plan, Indicative Subdivision Plan and Building Height Plan, amongst others (refer to exhibited EAR and **Appendix B** for full suite of revised Concept Plan Drawings).

Notwithstanding the certainty already provided by the SSS Listing, SEPP Amendment and Concept Plan framework, Landcom appreciates PCC’s residential vision for the site and accordingly has revised the proposed SEPP Amendment by including a new R1 General Residential zone objective which specially encourages high rise residential development on key apartment sites (**Appendix A**).

### Village Centre Zoning

Landcom comprehensively reviewed all Standard Template zones identified in the DoP’s Standard LEP Template to determine the most appropriate zoning for the North Penrith site during preparation of the proposed SSS Listing and the SEPP Amendment. Particular attention was paid to the site’s current and proposed strategic context, the site’s contextual relationship to the Penrith’s CBD and broader LGA, and land use zones applied by PCC elsewhere in the LGA.

Landcom considers the B4 Mixed Uses zone as a more appropriate zone for the North Penrith site and has accordingly retained the zone in the proposed SSS Listing and SEPP Amendment on the following grounds:

- the B4 Mixed Uses Zone reflects the long term vision for the site and Penrith CBD as a key location within a Regional City;
- the B4 objectives are consistent in delivering the overall vision and the approach to the North Penrith Village Centre;
- the zoning provides greater flexibility in the range of permissible uses than the B2 Local Centre zoning, and particularly the important land use of residential flat design buildings, unlike the B2 Zone;

- the greater flexibility of the zone will provide an attractant to future tenants to the site wishing to locate to the Penrith LGA; and
- the introduction of the B4 Mixed Use zone also better accords with PCC's suggestion that the North Penrith site needs to deliver high rise residential typologies.

## 4.2 Land Use Distribution and Built Form

### 4.2.1 Issues

The DoP, PCC and various local Penrith business groups have requested Landcom increase the residential densities on the site by providing a greater number of additional higher rise apartments to enable greater portions of the site to be developed for additional employment generating opportunities.

### 4.2.2 Landcom's Response

As outlined above in Sections 3.0 and 4.1, Landcom's proposed SSS Listing and Concept Plan have been prepared with careful consideration of the North Penrith site's strategic context. The SSS and Concept Plan proposals recognise the long term vision for the site and propose a sustainable quantum of residential and employment generating and uses that respond to the site's opportunities and constraints. The proposal's whilst also future proofing the site for additional future employment generating uses, should the need arise.

Landcom's proposal achieves appropriate residential densities and employment generating opportunities through:

- the SEPP Amendment that provides maximum flexibility through the proposed B4 Mixed Uses zoning;
- unlimited restrictions on commercial floor space;
- in addition to the town centre's inclusion of provisions in the Draft SEPP which nominate the "Opportunity Site" to specifically facilitate development of commercial, education, and information facilities should there be market demand for a large floor plate format;
- introduction of a maximum height of 30m to encourage higher built form outcomes and accordingly residential densities (ie: within the Village Centre);
- reinforcement of the built form outcomes and densities under the Concept Plan and DCP through provisions and controls which guide dwelling yields, height controls, and minimum lot sizes which will provide more attached or detached dwellings on the site, whilst maintaining views and vistas to the Blue Mountains to be maintained; and
- a Concept Plan Statement of Commitment that commits Landcom to entering into a Memorandum of Understanding with Penrith City Council to explore opportunities to deliver high rise residential development and higher order outcomes that compliment and do not compete with the Penrith CBD.

## 4.3 Traffic and Access

### 4.3.1 Issues

Submissions received from the RTA, PCC, and the public have raised the following issues in relation to the traffic and the access arrangements:

- upgrades of the Castlereagh Road/Grace Drive/Peachtree Road intersection to permit all traffic movements;
- installation of a one lane roundabout at the new Daniel Woodriff Drive/Grace Drive intersection;
- identification and provision of key bus corridors for future expansion of the transport network;
- preparation and implementation of an on-street parking strategy; and
- preparation and implementation of a cycle way strategy.

### 4.3.2 Landcom's Response

Landcom and its traffic and transport consultants, Parsons Brinckerhoff, have reviewed all the submissions, prepared a revised report that remodelled the intersections at **Appendix G**, and provides the following responses to the issues raised.

#### Intersection Upgrades

As directed by the RTA, Landcom's consultant have undertaken additional modeling on nominated intersections. An upgrade of the Castlereagh Road/Grace Avenue/Peachtree Road intersection has been recommended to enable all traffic movements (excluding U-turns) when Grace Drive is extended through to connect Castlereagh Road and Daniel Woodriff Drive. The RTA is of the view that the upgrade will improve access to the commuter car park, as well as the North Penrith site.

The exhibited Transport Mobility and Accessibility Plan (TMAP) prepared by Parsons Brinckerhoff (August, 2010), assessed two traffic volume scenarios:

- 2026 existing traffic, plus base traffic growth, plus traffic generated by the North Penrith Development; and
- 2026 existing traffic, plus base traffic growth and traffic generated by the North Penrith Development.

The exhibited TMAP results indicated existing poor performance results and long delays at the Castlereagh Road/Coreen Avenue and Castlereagh Road/Peachtree Road intersections. The results also indicated the Castlereagh Road/Coreen Avenue/Mullins Street intersection is already experiencing excessive delays during the morning peak scenario. Further, the existing large traffic volumes southbound on Castlereagh Road are resulting in Coreen Avenue experiencing long delays, which subsequently forecast future poor performance.

Landcom, RTA and DoP met on the 13<sup>th</sup> of April 2011 to discuss these intersection upgrades. There was a general agreeance to the consultants revised report in so in so far as traffic solutions proposed and apportionment. Landcom and the RTA will continue to do more cost assessment for these intersections with a view to securing a works in kind package.

## Daniel Woodriff Drive and Grace Drive Intersection Upgrade

The new intersection proposed at Daniel Woodriff Drive/Grace Drive has been designed with a four-way give-way controlled intersection, with Daniel Woodriff Drive receiving priority. Revised SIDRA modelling confirms that installation of a round-a-bout as suggested by the RTA and PCC is not justified on traffic performance grounds as the level of service is comparable to that expected with the installation of give way signs, as proposed (**Appendix G**).

## On Street Parking Strategy

The exhibited TMAP proposed a strategy for public off-street, private off-street and on-street parking. An on-street parking strategy has now also been prepared which restricts commuter parking, creates parking turn-over opportunities, and allows for visitors to residential properties (refer to Section 4 of **Appendix G**).

**Figure 2** displays the proposed on-street parking space distribution

The on-street parking strategy is built on the following objectives:

- provision of regulatory No Stopping zones;
- provision of public transport services (bus stops and taxi ranks);
- accommodation of loading activities off-street;
- provision of short-stay parking for people shopping, undertaking personal business or attending meetings; and
- protection of on-street parking from being inefficiently taken up by long-stay commuters using Penrith Train Station.



**Figure 2** - On street parking strategy

## Cycle Ways

Landcom is committed to ensuring the development provides a healthy and sustainable outcome, implementing the cycle way networks.

As identified in the exhibited EAR, the North Penrith site has been designed to be highly permeable for pedestrians and bicycles. All cycle ways and footpaths will be connected to areas of open space, and will be connected with the rail commuter car park to be constructed to the west of the site adjacent to the railway. Bicycle spaces are to be provided in the commuter car park as well as within the Village Centre.

## Public Transport and Bus Routes

The public transport and the bus routes nominated in the exhibited EAR were proactively investigated with MoT and RTA, and provide immediate and long term outcomes.

The Stage 1 Project Application provides a bus route that will link with the existing bus connections outside the site, and will form the route entering from the boulevard around the Oval (Smith's Paddock) and back towards Coreen Avenue (refer to Section 6.8.3 of the exhibited EAR).

## 4.4 European and Indigenous Heritage

### 4.4.1 Issues

PCC and the Department of Environment, Climate Change and Water (DECCW) have raised the following issues in relation to European and Indigenous heritage:

- the adaptive reuse of Thornton Hall for public purposes has not been adequately investigated;
- Aboriginal and archaeological assessment has not been adequately investigated particularly on the grounds of Thornton Hall and;
- adequate Aboriginal consultation has not been completed;
- any restoration, interpretation and other relevant works relating to the specific heritage items on the site should be undertaken in association with the site; and
- impacts on the Lemongrove Conservation Area need to be further explored.

### 4.4.2 Landcom's Response

#### Thornton Hall

Thornton Hall was comprehensively reviewed and discussed with the consultant team, Landcom and PCC during the preparation of the proposed SSS Listing and Concept Plan. At those meetings, potential future uses contemplated for the Hall included community uses, aged care and residential purposes. A consensus was reached by Landcom and PCC that a residential use and/or professional consulting rooms would be the most appropriate form of development, based on the location, size and the configuration of the dwelling, as well as the curtilage constraints recommended by Landcom's heritage consultants, Tanners Architects.

Although it was concluded that the residential use would be the most appropriate outcome for Thornton Hall, Landcom's proposed SSS Listing provides sufficient flexibility for the Hall to be potentially used for community facilities, educational establishments, group homes, health consulting suites and information facilities purposes, through the range of proposed permissible uses. At this stage, Landcom's Concept Plan is also flexible in that it does not specify an explicit future use for Thornton Hall.

Any refurbishment and use of Thornton Hall will ultimately need to undergo an assessment and approval process and will be subject to a future Project Application, consistent with the recommendations of the Heritage Impact Statement and Interpretation Strategy submitted with the exhibited EAR (Appendices Q and R of the exhibited EAR).



## Lemongrove Conservation Area

The North Penrith project has been designed having regard to the European and Indigenous heritage values of the site. Landcom's heritage consultants have stated that there is no heritage value in continuing the Lemongrove lot layout into the North Penrith site.

Notwithstanding the above, Landcom has taken particular care to locate larger lots on the site's eastern perimeter. Indicative lot sizes have been designed to ensure appropriate building alignments, setbacks and other heritage specific controls can be achieved. Whilst future dwellings' nominated setbacks, heights and articulated forms will be assessed individually at DA stage, the controls within the Concept Plan and specifically the DCP will ensure future dwellings (maximum two storey appearance) will read as a cohesive and similar group of cottages, therefore remaining consistent with the Lemongrove Conservation Area urban form.

The proposed land use framework, indicative subdivision layout and lot sizes are accordingly sympathetic to the adjoining Lemongrove Conservation Area and the predominant lot sizes within that Area.

## Aboriginal and Archaeological Assessment and Consultation

The exhibited EAR considered the potential impacts of Landcom's proposal on the known Aboriginal and cultural heritage as required by the Director General's requirements. The Indigenous Heritage Assessment prepared by Jo McDonald (Appendices T and U of exhibited EAR) and proposes a management strategy for site No. 45-5-2491. No land within the study area identified by Jo McDonald has been marked as worthy of conservation. However, Landcom proposes to retain those trees marked yellow in **Figure 3** and in doing so protect any Aboriginal artefacts that may be in situ. To be clear, neither the registered artifacts nor the vegetation is considered significant and Landcom's Concept Plan indicates those trees and in situ artefacts will remain. The local Aboriginal community has endorsed this approach. A protective covenant requiring their retention and preparation of a bushland management plan by Landcom, as outlined in the Statement of Commitments.



**Figure 3** - Existing trees to be retained  
(source: Aboriginal Heritage Management Plan for Site No. 45-5-2491 Assessment Report)

There are no physical works proposed to the registered items of Aboriginal cultural values under either the Concept Plan or Stage 1 Project Application. Landcom's heritage consultants have recommended further investigations be undertaken prior the physical works proceeding. This is identified and incorporated within the Statement of Commitments.

Whilst the complete consultation processes and outcomes were not included in the EAR as not all submissions had been received from various representatives of the aboriginal communities. Receipt of written responses was noted in the consultation log provided in the exhibited EAR. In order to respond to DECCW's comments, the Indigenous Heritage Assessment Report has been revised and is appended to this report at **Appendix H**. The report now includes copies of all responses received from the indigenous community.

## 4.5 Flora and Fauna Impact

### 4.5.1 Issues

DECCW has raised the following matters and provided recommendations in relation to the flora and fauna impacts on the site:

- the Flora and Fauna Assessment Report should identify that the mown portions of the understorey may comprise a Cumberland Plain Woodland (CPW) species composition;
- the Flora and Fauna Assessment Report does not quantify the CPW that is proposed to be removed;
- the Statement of Commitments should be revised to require the preparation of a Bushland Management Plan for the CPW;
- efforts should be made to retain and protect the second remnant of the CPW in accordance with *"Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland."* (Ruth Borton, DECCW, 2005); and
- plants grown from local provenance seeds should be used in replanting of the CPW.

### 4.5.2 Landcom's Response

The Flora and Fauna Assessment Report submitted with the exhibited EAR acknowledges exotic grasses dominated both the mapped derived native grassland and the grassland to the west. Previous mowing activities have removed much of the above-ground portions of the grasses, and consequently difficulty arose during preparation of the Flora and Fauna Assessment Report in determining the species composition and presence and extent of any native grasses within the mown portions of the understory. However, to the west of the identified remnants, a native species composition is not considered to be present due to the prevalence of exotic perennial grasses and herbs which have outcompeted native species elsewhere across the site in similar circumstances. As such, the inclusion of the grassland to the west of the woodlands as CPW 'derived native grasslands' was not considered appropriate.

In this context, the Flora and Fauna Report notes on page 91 *"The proposed action will clear and modify native vegetation that forms part of the Cumberland Plain Woodland (CPW) ecological community. The proposal will likely result in underscrubbing of all noneucalypt species in the remnants and the derived native grassland, though it should be noted that the proportion of native vegetation in these areas is quite low compared to exotics."* That is, the Flora and Fauna Report recognises that all of the remnants (being 0.86ha as quantified in the Report) will be affected to some degree.



Landcom is committed to working with DECCW during the preparation of the Plan of Management to ensure that sufficient detail is provided and best practice is applied, and accordingly has revised the Statement of Commitments in this regard.

In addition, Landcom raises no objection to utilising local seed banks on the site where possible, however Landcom's ecological consultant has indicated that sufficient banks may not be readily available. To that end, Landcom proposes to prioritise pursuance of local seeds and plantings for rehabilitation of the CPW remnants and pursue local parks in the broader Penrith region which are in close proximity to the site if additional resources are required. The revised Statement of Commitments reflects Landcom's commitment to sourcing local seed banks and plantings.

## 4.6 Water Cycle

### 4.6.1 Issues

DECCW, PCC, and NoW made the following comments in relation to the the water cycle and specifically stormwater:

- greater detail is required in relation to the quantum and quality of stormwater;
- post development flows should not exceed predevelopment flows;
- stormwater discharge onto the rail corridor will not be accepted; and
- the Draft North Penrith DCP should adopt the controls set out in Part C, Section C3 - Water Management of the Penrith DCP 2010.

In addition, Sydney Water Corporation (SWC) advised that amplifications will be required to water supply infrastructure to accommodate the development. SWC has also outlined its requirements and processes in relation to Section 73 Certification. Landcom's specific response to SWC's issues particularly are provided in the Response to Submissions at **Appendix A**.

### 4.6.2 Landcom's Response

#### Stormwater Quantity

Stormwater management was addressed in the exhibited EAR for both the Concept Plan and for the Stage 1 Project Application. Preliminary modelling work provided in the exhibited EAR indicated that the total North Penrith site will require approximately 11,000m<sup>3</sup> of detention volume to attenuate post-development peak flow rates back to pre-development levels. This equates to approximately 275m<sup>3</sup>/hectare, which is indicative of advice provided by the Upper-Parramatta River Catchment Trust. Similarly, preliminary modelling undertaken for Stage 1 indicated approximately 4,000m<sup>3</sup> of detention volume is required to attenuate post-development peak flow rates back to pre-development levels. This equates to approximately 350m<sup>3</sup>/hectare.

Runoff coefficients for the existing and proposed scenarios associated with the total North Penrith site and the area of land that is subject to the Stage 1 Project Application were provided in the exhibited EAR and are duplicated in **Table 4**.

Whilst the Stage 1 and the North Penrith development will result in an increased volume of runoff from the site, appropriate stormwater detention structures will be constructed to maintain existing peak site discharge flow rates for events up to the 100 year ARI. Furthermore, the reported runoff coefficients lie within the acceptable range as set out in the '*Managing Urban Stormwater: Strategy Framework*', Department of Environment and Conservation, 1997.

The exhibited EAR also demonstrated that the North Penrith development and the area identified within the Stage 1 Project Application will not result in increased peak discharges from the development site.

**Table 4 - Runoff Coefficients**

Scenario	Existing Runoff Coefficient	Proposed Runoff Coefficient
Concept Plan	0.3	0.5
Stage 1 Project Application	0.3	0.4

### Stormwater Quality

Stormwater quality modelling has been undertaken using the MUSIC software package. Both the Concept Plan and Stage 1 Project Application areas provide a suite of water sensitive urban design measures that provide stormwater quality improvement and have been integrated into the development to enhance aesthetics. The effectiveness of the water sensitive urban design measures is summarised in **Table 5**. A comparison to existing pollutant levels has been undertaken to evaluate the impact of the North Penrith development in its entirety on downstream water quality. MUSIC estimates the following impact:

- a 35% decrease in the average annual volume of Total Suspended Solids being exported from the site;
- no net increase in the average annual volume of Total Phosphorus being exported from the site; and
- a 30% increase in the average annual volume of Total Nitrogen being exported from the site.

The stormwater management strategy for the North Penrith site will continue to evolve during the detailed design phases of the development, and is underpinned by the two following principles:

- the North Penrith development as a whole – and the area identified under the Stage 1 Project Application – will not increase peak flow rates downstream of the site; and
- implementation of WSUD features across the North Penrith site to satisfy Landcom's WSUD policy.

**Table 5 - Average Annual Stormwater Pollutant Reductions**

	Pollutant		
	Total Suspended Solids	Total Phosphorus	Total Nitrogen
Concept Plan	88%	68%	46%
Stage 1	91%	69%	52%

### Potential Impacts on Rail Corridor

The proposed grading plan for both the Concept Plan and the Stage 1 Project Application will not direct stormwater runoff (both piped and overland flow) into the rail corridor.

During construction appropriate measures will be put in place to ensure that stormwater runoff does not enter the rail corridor. Landcom's revised Statement of Commitments reflect this matter.

### Draft North Penrith DCP

Landcom has agreed to adopt PCC's DCP 2010, Part C, Section C3 - Water Management controls, as evidenced by the revised Draft DCP at **Appendix D**.

## 4.7 Flooding and Water Storage Impacts

### 4.7.1 Issues

The PCC, DECCW and NoW have raised the following flood related matters:

- land should ideally be filled to 0.5m above the identified 1 in 100 flood level, or alternatively future Section 149 Certificates will identify the affected portions of the North Penrith site as flood prone land;
- the impacts of any proposed filling of the North Penrith site on flood levels and the local floodway need to be considered, as do any potential impacts on the Nepean River and Boundary Creek;
- flood aware development controls are required to limit structural and contents damage in residential development;
- grading and the road layout need to be designed to facilitate staged and orderly retreat to high ground away from rising floodwaters; and
- there is insufficient details regarding water balance for the North Penrith site.

### 4.7.2 Landcom's Response

#### Flooding Impacts

A Regional Flooding Assessment was completed for the North Penrith project (refer to Appendix O of the exhibited EAR). The assessment investigated the predicted behaviour of the Nepean River for a variety of extreme flood events including the 100 year, 200 year, 500 year, 1,000 year and Probable Maximum Flood.

As outlined in the exhibited EAR, the 100 year flood level for the North Penrith site is 25.4mAHD and accordingly a minimum habitable floor level of 25.9mAHD has been recommended. Existing surface levels within the North Penrith site range from approximately 25mAHD in the north-western corner of the North Penrith site to 40mAHD in the south-eastern corner of the site. Filling is therefore required to raise parts of the North Penrith site above the 100 year flood level.

In order to minimise the risk of effective flood evacuation, the road network has been designed to provide safe egress to higher ground for areas with the potential to be inundated in extreme flood events. Minimum road levels have been designed to 26.0mAHD (at the Daniel Woodriff Drive/Grace Drive intersection) and accordingly are above the 100 year flood level. Road levels generally grade upwards from the Daniel Woodriff Drive/Grace Drive intersection at 1% towards the south-eastern corner of the North Penrith site. Accordingly, the proposed grading plan enables a clear evacuation route from areas with the potential to be inundated in extreme flood events (*i.e., greater than the 100 year flood*) to the safety of higher ground. Minimum lot levels are 26.0mAHD, and as such, exceed the 100 year flood level by 0.6m.

Amended Concept Plan plans prepared by Annand Alcock Urban Design at **Appendix B**, provide minor amendments to the plans that were originally submitted with the EAR. The amendments made to the plans increase sections of bulk earthworks, and decrease some bulk earthwork removal in other sections. These earthworks are only a marginal change to the increase of cut adjoining the speed way circuit. However, the proposed infill are unlikely to have an adverse impact on flooding, water storage future build outcome.

## Impacts on Nepean River and Boundary Creek

The stormwater management strategy for the North Penrith site has been developed to ensure that the development achieves the required stormwater quality and quantity objectives set out by PCC and NoW, predominantly through the construction of a series of WSUD measures.

The central canal and constructed wetland will provide additional stormwater detention volume to ensure peak flow rates downstream of the North Penrith site are increased during events up to the 100 year ARI storm event. Whilst the Hawkesbury-Nepean surface water system is embargoed, the constructed wetland and central canal fall under the "Special Dams Exempt From Haverstable Rights Calculations" as:

- the constructed wetland and central canal are required to capture, contain and treat stormwater runoff in order to achieve environmental outcomes (i.e., reducing average annual stormwater pollutants);
- the constructed wetland and central canal represent industry best practice and are required by regulation to prevent the contamination of downstream water bodies including Boundary Creek and the Nepean River; and
- the harvested volume of the constructed wetland and central canal do not exceed the amount required to achieve stormwater quality objectives and are required to meet stormwater quality objectives.

In addition to the stormwater quality benefits outlined above, the constructed wetland will incorporate a volume of storage above the operational characteristics of the constructed wetland. This volume of storage will be used to provide flood detention and mitigation. Further, the preliminary hydrologic, hydraulic, water balance and stormwater quality modelling have been undertaken to demonstrate that the proposed development will not have an adverse impact on the Nepean River system or Boundary Creek. This has been demonstrated through:

- provision of on-site detention volume to control post-development peak flow rates out of the site back to existing peak flow rates out of the site for events up to the 100 year ARI;
- demonstration that the proposed WSUD strategy meets stormwater quality targets established for the North Penrith site;
- water balance modelling demonstrates that there will be no net loss in stormwater runoff into the Nepean River system; and
- existing erosion issues within Boundary Creek will not be amplified as indicated by the erosivity index.

## 4.8 Developer Contributions

### 4.8.1 Issue

The Department has requested a comparison between the value of Landcom's proposed contributions (local road infrastructure, open space and community facilities), and contributions that would ordinarily be required by Council's existing Section 94 framework.

PCC has not questioned the value of works, nor have they requested reconciliation of the proposed contributions. Council has however suggested that Landcom should contribute towards district open space and cultural facilities in accordance with Council's adopted development contributions plans, on the basis that it would be inequitable for other residents of Penrith to pay such contributions whilst Landcom was exempted from doing so.

In addition, the RTA has indicated that Landcom should enter into a Voluntary Planning Agreement to address the funding and provision of regional or State road network upgrades.

### 4.8.2 Landcom's Response

An assessment of the social and community impact of the proposed development has been undertaken by Elton Consulting on behalf of Landcom and was provided at Appendix G of the exhibited EAR. The Assessment provided a detailed analysis of existing and future demographic trends and a comprehensive audit of the existing scope and level of community facilities in the locality.

#### Reconciliation between Landcom's and Council's Existing Contributions Frameworks

There is no doubt that the North Penrith development will create a new community that will require the investment of social and community infrastructure to cater for the projected worker and resident population. While many of these services and higher order services currently exist in the existing communities of Penrith CBD, Cambridge Park, Kingswood Park, Cranebrook and South Penrith or further afield, including schools, child care, aged care sports complexes, emergency services and cultural and social facilities, Landcom recognises there will be insufficient capacity to accommodate the needs of the new population.

Section 6.13 of the exhibited EAR outlines the proposed facilities and scope and/or requirements and timing to be provided on within immediate vicinity of the North Penrith site. In the Statement of Commitments submitted with the exhibited EAR, Landcom has made a commitment to provide local and regional road infrastructure contributions in accordance with Table 7 of Section 6.13 of the exhibited EAR. In particular, Landcom has committed to:

- identify the land proposed to be dedicated for the purpose of Open Space (providing a Material Public Benefit in lieu of s94 contributions);
- carry out works in kind and dedicate those works on a stage by stage basis to the Penrith City Council, providing works in kind subject to Council's agreement to take ownership of those works and subject to obtaining a satisfactory planning approval;
- identify the level of embellishment / works for each work at the relevant detailed design stage to Council for agreement;
- be responsible for works in kind, including design, construction, certification, authority approvals, construction and initial maintenance of each of the items;
- maintain any open space and drainage works that are to be dedicated to the relevant Council for a period of 36 months from the date of practical completion of the works, unless otherwise agreed by Landcom and Council; and
- maintain the community facility building which will be dedicated to Council upon occupation of 400 dwellings, unless otherwise agreed by Landcom and Council.

There are currently no Contributions Plans that explicitly apply to the North Penrith site. City wide levies for residential subdivision, traffic management works, drainage and other facilities typically levied for are also currently not applicable to the site. There are however a number of LGA-wide Contributions Plans that apply to Penrith and could also apply to the North Penrith site (refer to Section 6.13 of the exhibited EAR). It is therefore difficult to quantify the likely contributions Landcom would ordinarily need to pay given the wide ranging rates applied within the Penrith LGA.

However, a preliminary review of current contribution requirements (based on August 2010 contributions rates) indicates Landcom could have an obligation to provide contributions to the value of approximately \$7.3M<sup>4</sup> - \$21M<sup>5</sup> depending on the rates used:

- \$5, 841,000 in contributions for community items alone (i.e.: open space, libraries, and cultural facilities);
- application of Council's traffic and engineering rates as prescribed at Glenmore Park and Lambridge would equate to \$461,768 for the 1.8ha of industrial/warehouse uses proposed or approximately \$16.8 million if the higher Glenmore Park rates were applied as a worst case scenario;
- more recently, the Penrith CBD has been declared one of the DoP's City Centres. As part of the strategic planning for the CBD, Council and the DoP prepared a new Civic Improvements Plan for the City Centre which levies new development at the following rates:
  - \$7,707 per multiple dwelling;
  - \$4,817 per aged /seniors living dwelling;
  - \$148/m<sup>2</sup> commercial uses;
  - \$85/m<sup>2</sup> retail uses;
  - \$59/m<sup>2</sup> industrial uses; and
  - 1 % plan administration fee.

These rates exceed the State Government's \$30,000 per lot threshold for Greenfields release areas and therefore the DoP when assessing the Concept Plan may not be in a position to endorse these rates.

By comparison, Landcom's Concept Plan will deliver contributions in the order of \$50.3M, of which over \$17.7M is to be delivered through the Stage 1 Project Application (refer to the Quantity Surveyor's Certificate attached at Appendix C of the exhibited EAR). **Table 6** compares Landcom's proposed value of works proposed to be delivered under both the Concept Plan and Stage 1 Project Application against the comparable facilities and rates captured by various existing Penrith LGA Contributions Plans. In every instance, Landcom's proposed value of works exceeds the contributions that Penrith City Council would levy elsewhere in the LGA, including local open space and cultural facilities.

The Maintenance Schedule at **Appendix I** indicates the open space within the site that is to be transferred into the ownership of the Council. Accordingly, all public open space and community facilities, roads and drainage works will be within public ownership. The Schedule also demonstrates that the value of Maintenance Period for the Concept Plan is on the order of \$300-445K. Landcom will retain ownership and maintenance of the site until transfer of the facilities however, to ensure planting and infrastructure is well established before handover, thereby ensuring a high quality public domain.

<sup>4</sup> Application of the City Centre Section 94A rates garners approximately \$7.314 million.

<sup>5</sup> Assumes adoption of PCC's Community Contributions Plan rates (in the order of \$5, 841,000 for community items such as open space, libraries, and cultural facilities) in conjunction with traffic and engineering rates that vary between \$461,768 (Glenmore Park and Lambridge) and \$16.8 million (Glenmore Park) depending on which rates are applied

**Table 6** - Comparison of North Penrith Infrastructure and Facilities Against Penrith City Council's Section 94 Rates

Facility	PCC Section 94 (various plans)	PCC Total Contribution Value (max)	Concept Plan Value	Stage 1 Project Application Rate
Infrastructure Works	\$212,957 - 442,453 / ha	\$796,415	\$38,851,032	\$13,435,052
Public Domain/Landscaping	\$2,027 per person	\$3,851,300	\$9,210,000	\$2,900,000
Public Art	\$0	\$0	\$1,425,000	\$525,000
Community and Library Facilities/Building	\$422 per person	\$801,800	\$900,000	\$900,000
Total	n/a	n/a	\$50,386,032	\$17,760,052

### District Open Space and Cultural Facilities

In response to Council's particular suggestion that Landcom contribute towards district open space, attention is drawn to Council's report on the Concept Plan (dated 31 January 2011, pg 9) which provided:

*"Current sports participation trends in the LGA, in association with the development and enhancement of other new and existing facilities in the City, and ongoing grounds maintenance and facility operation management improvements are likely to ensure that active sport activities can be accommodated in the LGA without the provision of an active recreation space at the site."*

The report also recognises that the scale, size and embellishment of Smiths Paddock is considered appropriate by Council given that *"the intended function of the space is to provide a local community hub for passive and informal active recreation"* (pg 9) and *"appropriate facilities are provided for organised sport in the surrounding locality quantum of local open space"* (pg 10).

Under Council's District Open Space Facilities Plan over \$2.2M is required to be collected to fund embellishment works at three (3) district facilities - being River Road Reserve, Regatta Park and Jamison Park - all of which are within a 2km radius of the North Penrith site. Review of the proposed works indicates that levies are to be collected to fund sealed car parking, shared pathways, park furniture, public art, landscaping, fitness circuit equipment, lighting and irrigation systems for soccer fields and 4 new netball courts (at Jamison Park).

Similar passive facilities are proposed to be provided throughout the North Penrith site (refer to Section 6.7 and Appendix X of the exhibited EAR). Given the expected social profile of the North Penrith site (couples, single parent families and the aged), a high demand for active recreation facilities as identified in Council's District Open Space Facilities Plan is therefore not expected. Notwithstanding this, the North Penrith proposal is proposed to address district and sport facilities demand through:

- provision of appropriate quantum and function of accessible open space (recreational and passive) in light of the proposed densities to be delivered on the site;
- ongoing use of Smith's Paddock, which will be capable of multiple sporting uses and embellished as a non-affiliated training facility; and



- development of a district level, Universal Design, best practice playground incorporating water play, which Council has identified is needed in its broader planning.

The level of embellishment and proposed use of these facilities will serve a district function in their own right and accordingly should be off set against any contributions Landcom would be expected to pay under the District Open Space Facilities Plan.

As seen in **Table 6**, the site specific community centre, at an estimated value of \$900,000, exceeds the \$687,860 that would be payable under Council's Section Community and Library Facilities Plan. Landcom should be provided with a credit for the community centre that off sets the monetary contributions specified in Council's relevant Plan.

### Local and Regional Road Works

Parsons Brinckerhoff has prepared a response to traffic related issues raised in submissions, which is attached at **Appendix G** of the PPR. The response identifies \$1,199,000 worth of road works required to be undertaken by Landcom to mitigate the impacts of the North Penrith proposal (refer to Table 3.3 of **Appendix G** and **Table 7** below). The works have been appropriately apportioned to reflect the impact upon each intersection of the North Penrith proposal.

More detailed costings are currently being undertaken by Parsons Brinckerhoff and Landcom in consultation with the RTA. These will be detailed in an annexure to accompany the PPR in due course.

**Table 7** - Proposed road and traffic contributions

Item	Estimated Cost of Upgrade	Apportionment <sup>6</sup>	Monetary Contribution	Timing
Intersection of Parker St/Oxford St/Coreen Ave/Richmond Rd	\$300,000	40%	\$120,000	On release of Stage 1A
Intersection of Coreen Avenue & Coombes Drive	\$25,000	58%	\$15,000	On completion of Stage 2A
Intersection of Coreen Avenue & Site Boulevard	\$770,000	100%	\$770,000	On release of Stage 1A
Intersection of Coreen Avenue & Commuter car park road	\$30,000	100%	\$30,000	On occupation of the Supermarket
Intersection of Castlereagh Road & Coreen Venue	\$170,000	38%	\$65,000	On completion of Stage 2D (Full Development)
Intersection of Castlereagh Road & Peachtree Road	\$350,000	57%	\$199,000	On completion of Stage 2B
Total	\$1,645,000	73%	1,199,000	

<sup>6</sup> Landcom's contribution based on traffic flows and assuming natural growth, but no other developments, as outlined in Appendix G.



Landcom met with the RTA and DoP on 13 April 2011 to specifically discuss Landcom's proposed scope of road works and upgrades, and the costs associated with undertaking those works. At that meeting, the RTA indicated the six (6) identified intersections and cost of works attributed to their construction/upgrading was generally correct. In addition, the RTA confirmed that the apportions attributed to Landcom, proposed timing and assumptions regarding future projected growth surrounding the North Penrith site were also correct.

The RTA did however indicate that the Parker Street/Oxford Street/Coreen Avenue/Richmond Road intersection's performance is low and therefore urgent upgrading is required. Recognising that it is unreasonable to expect Landcom to be solely accountable for the required upgrade of that intersection, the RTA has suggested that Landcom consider prioritising and fully funding an agreed interim upgrade of the Parker Street/Oxford Street/Coreen Avenue/Richmond Road intersection which would alleviate the current performance issues. This approach would benefit the RTA by providing a sufficient funding stream to upgrade the intersection to such an extent that the intersection could perform at an acceptable level, until sufficient funds were secured to construct the long term upgrade. Landcom and Parsons Brinckerhoff are doing more costing assessment of these upgrades and Landcom has agreed to continue working with the RTA in the coming weeks to finalise the scope of works and costing required to upgrade the Parker Street/Oxford Street/Coreen Avenue/Richmond Road intersection. Landcom and the RTA have also agreed to also refine the exact scope of works and cost of works/upgrades required for the remaining five (5) identified intersections. DoP representatives present at the meeting have verbally advised Landcom that the position agreed with the RTA is acceptable.

At that meeting, the RTA's previous request that Landcom enter into a Voluntary Planning Agreement was also discussed. Given that the works which Landcom is required to fully fund (ie: 100% apportionment) are proposed to be provided as works in kind under the relevant Project Application approvals, it was agreed by Landcom, RTA and the DoP that a Voluntary Planning Agreement is not considered necessary. Notwithstanding this, Landcom is willing to enter into a works authorisation deed with the RTA prior to commencement of construction for road works and upgrades which fall under the RTA's jurisdiction, and the revised Statement of Commitments reflect that position.

## Conclusion

A key component for the success of the North Penrith proposal will be the timely provision of high standard community and social infrastructure. This will ensure that a strong community identity can be established from the outset and also assist in providing important community links between the North Penrith site, the Penrith CBD and existing residents surrounding the site. It will also re-enforce the objective of maximising self containment within the new community, which as outlined in the exhibited EAR, is anticipated to be an atypical demographic compared to other release areas in the Penrith LGA.

Due to the surplus difference in the value of contribution items Landcom proposes to provide, additional contributions are not considered appropriate or reasonable. Landcom has committed to identifying the community and social infrastructure requirements and including associated costings and apportionment and delivery timeframes in consultation with Penrith City Council during future Project Applications, or as agreed with Council. It is important that an element of flexibility be retained given the long timeframe associated with the development of the site.

Whilst the finer grain planning for the Concept Plan and Stage 1 Project Application has resulted in modifications to some contribution items (e.g. changes to areas, road alignments etc), Landcom maintains that the works and some of the designated land can be provided by Landcom in lieu of s94 contributions.

## 4.9 Open Space Maintenance

### 4.9.1 Issue

PCC recognises that the quantum of open space envisaged under the proposed SSS Listing, Concept Plan and Stage 1 Project Application is consistent with that required for urban release areas for new urban release areas. However, PCC is concerned that it will be required to bear the costs for the ongoing maintenance of the open space areas, public domain and other areas/facilities that Landcom proposes to ultimately dedicate to Council. PCC has accordingly requested a more comprehensive and accurate analysis of the expected costs, and requested that PCC be provided with the ability to consider and accept infrastructure at a later stage.

### 4.9.2 Landcom's Response

Since public exhibition of the exhibited EAR, Landcom has discussed the maintenance issues with PCC. In response to the outcomes of those discussions, Landcom has taken the opportunity to update the exhibited maintenance schedule (**Appendix I**). The revised Schedule confirms Landcom's intention to fund the initial set up (construction and embellishment) costs, and subsequently maintain open space areas. Accordingly, Landcom will hold the associated maintenance costs for a period of 36 months. Following the handover to PCC, the revised Maintenance Schedule indicates that the ongoing costs to Council will be minimal. Council has advised that the Schedule and advised that the revised costings are acceptable to PCC.

## 5.0 State Significant Site

To support the Concept Plan, Landcom is seeking the Minister for Planning introduce a new planning framework for the site by listing North Penrith as a State Significant Site (SSS) in Schedule 3 of the Major Development SEPP to:

- introduce new land use zones and objectives using the Department of Planning's Standard LEP Template, including:
  - R1 General Residential;
  - R2 Low Density Residential;
  - B4 Mixed Uses;
  - IN2 Light Industrial;
  - RE1 Public Recreation;
- identify principal development standards to broadly guide yield and density;
- identify heritage items and nominate matters for consideration that future development to, on or within the vicinity of the heritage items must address (this will be affected through provisions in a DCP); and
- identify future consent role and approvals requirements/responsibilities.

A revised Draft SEPP amendment and associated maps is attached at **Appendix A**.

### 5.1 Key Changes

Landcom's revisions to the exhibited SSS Listing are summarised as follows:

- revisions to the proposed location and quantum of industrial lands;
- reduction in the minimum lot size from 130m<sup>2</sup> (as exhibited) to 120m<sup>2</sup> per lot;
- inclusion of a Lot Size Map to ensure delivery of the project;
- insertion of a new zone objective in the R1 General Residential and B4 Mixed Uses zone to encourage high rise residential outcomes; and
- insertion of new zone objectives and additional land uses in the Re1 Public Recreation zone.

### 5.2 Merits of Key Changes

#### Reconfigured Industrial Zoned Land

Landcom has assessed the potential impacts of the preferred scheme. The assessment demonstrates that the revised proposal will reduce the impact of the industrial and residential zoning interface when compared with the development described in the EAR.

In addition, the reconfiguration of the industrial lands:

- reduces the potential amenity impacts at the zone boundaries, and particularly for future residents;
- provides greater flexibility for future tenants using the industrial zoned land as levels of noise and other obtrusive impacts will not have a direct impact on the neighbouring residents;
- provides a more coherent land use distribution to the site; and
- provides additional higher order jobs with an increase to the commercial GFA.

### Minimum Lot Size

Review of the exhibited EAR since public exhibition has identified an anomaly between the proposed minimum lot sizes identified in the proposed SSS Listing and SEPP Amendment (130m<sup>2</sup>), and the Concept Plan (120m<sup>2</sup>).

Landcom has taken the opportunity to reconcile the anomaly by revising draft clause 17(2) of the proposed SEPP Amendment that formed Appendix D of the exhibited EAR to identify a minimum lot size of 120m<sup>2</sup>, consistent with the Concept Plan controls. The revised minimum lot size control does not raise any new or additional urban design given that the EAR assessed the 120m<sup>2</sup> control under the Concept Plan, as exhibited.

### Mixed Use Zoning and R1 Residential Zoning

The proposed B4 Mixed Use Zone provides the best outcome for the Village Centre, rather than the B2 zoning with the additional permitted land uses, as suggested by PCC, as:

- the B4 Mixed Uses Zone allows a greater and more flexible range of land uses such as residential flat buildings; and
- the greater flexibility will attract future business tenants to occupy the site, providing a vibrant environment both for commercial retailers and residents.

A number of authority submissions have suggested that Landcom increase the proposed height controls for residential development. The exhibited EAR provides for a substantial amount of the site to have a maximum height of 30metres. Landcom considers that the key sites have appropriate consideration of locational attributes, DCP guidance and height to deliver a range of housing choice, including high rise developments. The exhibited height controls have therefore been retained.

## 6.0 Concept Plan Preferred Project

In accordance with its commitment to address the concerns of the Department of Planning, Penrith City Council and the public, Landcom has modified its proposal.

As noted above in the changes to the SSS, Landcom have taken the opportunity to reconfigure the proposed industrial land uses along Coreen Avenue. In doing so, Landcom has adjusted the job proposed number of jobs (per land use). This proposed change is further discussed in Section 4.1.2 and 4.1.3.

The architectural drawings of the revised development have been prepared by AAUD and are located at **Appendix B**.

### 6.1 Concept Plan Description

#### 6.1.1 Concept Plan Approval

Landcom is seeking Concept Plan approval for a transit oriented and cohesive mixed uses development incorporating residential, retail, commercial, business, civic, community, industrial and recreation uses, specifically including:

- land use type and distribution;
- approximately 900 – 1,000 dwellings, comprising a minimum of:
  - 100 seniors living/aged care dwellings;
  - 44 affordable/social housing dwellings; and
  - 44 adaptable dwellings;
- a range of dwelling typologies, building heights and densities;
- a Village Centre located adjacent to the Penrith Railway Station and centred around a public square;
- up to approximately 13,500m<sup>2</sup> of retail, business and commercial floor space;
- the retention and protection of land for Thornton Hall, a 19<sup>th</sup> Century homestead building and its associated curtilage;
- appropriate interpretation of the European and Aboriginal heritage values of the site including retention of Thornton Hall;
- an open space network (including water bodies) of approximately 7ha including the general location, level of embellishment and function of passive and active areas to serve the future residential and worker population;
- a road network and hierarchy for the site and a pedestrian, cycle and public transport network;
- a water cycle management strategy for the development; and
- strategies for the provision of other associated infrastructure including water and sewer (including a new sewer pumping station), power, telecommunications and gas.

The Concept Plan also proposes:

- a Development Control Plan (DCP) to guide future built form at North Penrith; and
- a developer contributions framework and a proposed governance arrangement and funding mechanism for infrastructure and public open space.

## 6.2 Key Changes

The amendments to Landcom's Concept Plan are:

- revisions to the proposed location and quantum of industrial lands, to ensure consistency with the proposed SSS Listing;
- an 1,000m<sup>2</sup> increase in the proposed commercial GFA in recognition of the reduced industrial lands;
- removal of the construction of Van Praag Lane from the proposed Stage 1 Project Application and inclusion of Van Praag Lane into the proposed Stage 2 works;
- revisions to the Statement of Commitments; and
- revisions to all relevant plans to reflect the revised SSS Listing and amendments listed above.

In addition, minor changes have been made to the North Penrith Draft Development Control Plan to respond to comments made by PCC and other submissions, including:

- insertion of references to PCC's DCP 2010 Part C, Section C3-Water Management to introduce provisions to guide water management;
- insertion of a note on pg 21 confirming the definition of "width of lot" is as per the definition that also appears in Section 3.2(1) of the Draft DCP; and
- replacement of all plans within the Draft DCP with the latest revised plans.

## 6.3 Merits of the Key Changes

As stated in the exhibited EAR and in this PPR, the Concept Plan for North Penrith represents a regionally significant development recognised in the Draft North West Sub Regional Strategy. It is the result of long term and comprehensive planning for the future growth of the Penrith LGA and will contribute to dwelling and job growth targets established by the State Government.

Landcom has considered the issues raised during exhibition and has responded by making a number of key changes to the Concept Plan. The changes reflect a general reduction in the scale of the industrial development and commensurate increase in commercial GFA and thus better reflects the employment outcomes that DoP and PCC are keen to deliver for the North Penrith site. The amendments, which have come about as result of the submissions made by the Department, PCC, agencies and the public, do not raise any new or additional impacts beyond those already recognised in the exhibited EAR.

## 6.4 Concept Plan Revised Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by Landcom to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments included with the EAR.

Subject	#	Commitment	Responsibility / Timing
Local Infrastructure Contributions	1	Landcom will provide local infrastructure contributions in accordance with Table 7 at Section 6.13 of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010, and as amended by Table 7 at Section 4.8.2 of the Preferred Project Report prepared by JBA Planning dated April 2011 (subject to SoC No. 2 below).	To be demonstrated by the proponent at the time of any relevant detailed application.
	2	Landcom will continue to work with the RTA to define the exact scope and cost of works for the intersections nominated in Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011. Notwithstanding this, the proportion of proposed works/upgrades required to be paid by Landcom and the timing by which Landcom must deliver the works shall be provided consistent with the percentages and timing identified in Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011.	Ongoing and to be demonstrated by the proponent at the time of any relevant detailed application.
Housing / Built Form	3	Landcom will promote housing diversity in Penrith by including a wide mix of dwelling types and sizes for a range of household types within the development.	To be demonstrated by the proponent at the time of any relevant detailed application.
	4	Landcom will produce a mix of properties for sale and/or rent that include a proportion that are affordable for households within the very low, low, and moderate income bands (based on Affordable Housing SEPP definitions).	To be demonstrated by the proponent at the time of any relevant detailed application.
	5	Future applications shall consider the Development Control Plan included at <b>Appendix D</b> of the Preferred Project Report prepared by JBA Planning dated April 2011, as relevant.	To be demonstrated by the proponent at the time of any relevant detailed application.
	6	Landcom will convene a Design Review Panel comprising Landcom, Penrith City Council and the project architect	Ongoing following construction.
Employment Generation	7	Development on the site will include uses that generate at least 783 full time jobs.	To be demonstrated by the proponent at the time of any relevant detailed application.
	8	Landcom and Penrith City Council are to enter into a Memorandum of Understanding (MOU) to jointly explore higher order employment outcomes that compliment and do not compete with the Penrith CBD. Consideration of such a use must consider what potential impacts may be generated by this type of development including (but not limited to) matters regarding traffic, service infrastructure, stormwater, flooding (including evacuation), heritage and social and economic impacts. Where unsustainable, detrimental or significant impacts are associated with taking forward the proposal then Council and Landcom may agree not proceed with the search to secure a tenant, or the scope of what may be feasible will be re-scoped.	Prior to submission of any relevant development application for built form development for the key mixed use sites. Impacts associated with this 'additional' development above the quantified amounts of floorspace specified in the Concept Plan are to be investigated and determined prior to searching for a use.
Social and Recreational Facilities	9	Landcom will provide a community pavilion in accordance with the plans attached at <b>Appendix A, B and C</b> of the Preferred Project Report prepared by JBA Planning dated April 2011.	Landcom will own and manage the community pavilion for a period of 5 years before executing <b>Commitment No. 7</b> below.
	10	Landcom will convert the community pavilion into a publicly accessible community centre in accordance with the plans attached at <b>Appendix C</b> of the Preferred Project Report prepared by JBA Planning dated April 2011 and dedicate it to Penrith City Council.	Upon occupancy of 400 dwellings or at a time mutually agreed by both Landcom and Penrith City Council.
	11	Landcom will construct and embellish the land zoned public recreation on the Open Space Concept Plan Master Plan in accordance with the plans at <b>Appendix X</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 prior to dedicating it to Council.	To be demonstrated by the proponent at the time of any relevant detailed application.

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 <b>Appendix Z</b> 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"> <li>- Parker St/Oxford St/Coreen Ave/Richmond Road;</li> <li>- Coreen Avenue/Coombes Drive (eastern intersection);</li> <li>- Coreen Avenue/new site entrance road (Sydney Smith Drive);</li> <li>- Coreen Avenue &amp; commuter car park road (Daniel Woodriff Drive);</li> <li>- Castlereagh Road/Coreen Avenue; and</li> <li>- Castlereagh Road/Peachtree Road.</li> </ul>	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"> <li>- 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;</li> <li>- Land reserved for a bus underpass of the Western Rail Line to promote the future development of the CBD bus network;</li> <li>- Direct and safe cycle and pedestrian routes from Coreen Avenue to Penrith Station (northern side);</li> <li>- A wide plaza and good pedestrian access from Penrith Station to the new commuter car park; and</li> <li>- Landcom will provide an upgraded access road to the commuter car park.</li> </ul>	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 <b>Appendix G</b> 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"> <li>- the Cumberland Plain Woodland; and</li> <li>- indigenous archaeological values.</li> </ul>	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 <b>Appendix N</b> 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"> <li>- 85% for Total Suspended Solid (TSS);</li> <li>- 65% for Total Phosphorus (TP);</li> <li>- 45% for Total Nitrogen (TN); and</li> <li>- 90% for Gross Pollutants (GP).</li> </ul>	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 <b>Appendix O</b> 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.
Contamination	37	Landcom will continue to work with a Site Auditor in recognition that there may be a requirement for further assessments, particularly relating to the importation of fill and the possibility of unexpected finds. Site Audit Statements will be prepared for individual Project Applications.	To be demonstrated by the proponent at the time of any relevant detailed application.
	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"> <li>- foreign matter being found mixed with the soil;</li> <li>- soil staining and discoloration being identified within the stockpile;</li> <li>- odours emanating from the stockpile.</li> </ul>	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"> <li>- a Geotechnical and Structural Report, and Excavation and Construction methodology that meets RailCorp's requirements.</li> <li>- 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.</li> <li>- a services search confirming the existence and location of any rail services/utilities;</li> <li>- drainage diagrams that confirm discharge will be directed away from the railway corridor; and</li> <li>- any electrolysis risk</li> </ul>	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 <b>Appendix DD</b> 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.

## 7.0 Project Application – Stage 1 Preferred Project

In accordance with its commitment to address the concerns of the Department, Penrith City Council and the public, Landcom has modified the Project Application Stage 1.

The architectural drawings of the revised development have been prepared by various consultants and are located at **Appendix C**. The following section outlines the scope of development for which Project Application approval is sought. Any instrument of approval issues by the Department should adopt the following description. Where inconsistencies exist between the description outlines in this PPR and the exhibited EAR, this PPR prevails.

### 7.1 Description of Preferred Project

The Project Application for the first subdivision stage of the overall North Penrith development was lodged with the Concept Plan application. The Stage 1 Project Application seeks approval for:

- subdivision to create 108 lots comprising:
  - 84 future residential lots;
  - 1 Village Centre lot;
  - 16 super lots;
  - 3 future open space lots, including 1 lot to accommodate the community centre;
  - 1 future industrial lot;
  - 1 sewer pumping station lot; and
  - 2 residue lots;
- 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 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;
- drainage and stormwater management infrastructure;
- utilities servicing infrastructure, viz electrical, sewerage (including a sewer pumping station), telecommunications, potable water and gas;
- lots formation;
- minor works external to the site, such as footpaths;
- construction of the community pavilion;
- landscaping;
- erecting informative signage; and
- site de-establishment and handover.

## 7.2 Key Changes

Landcom's amendments to the exhibited Stage 1 Project Application include:

- revisions to the proposed number of lots as identified in Section 7.1 of this PPR;
- minor adjustments to the bulk earthworks and cut and fill works;
- the relocation to the temporary sediment basins further north west;
- the construction of a culvert under the existing road located west of Smith Paddock;
- minor adjustment to ancillary engineering works associated with stage 1 due to the commuter car park construction site and temporary access arrangement for the car park. (refer to Sediment and Erosion Plan at **Appendix C**);
- revisions to the Statement of Commitments; and
- revisions to all relevant plans to reflect the revised SSS Listing and amendments listed above.

## 7.3 Merits of the Key Changes

The key changes are insignificant and do not affect the conclusions and recommendations of the exhibited EAR.

The revisions to the number of proposed lots to be created is reflective of the additional survey work that Landcom has commissioned since exhibition of the EAR. The revised lot numbers do not impact on the predicted traffic movements.

The revised cut and fill plan will have inconsequential impacts on the height of future built form or on drainage/stormwater flows. Notwithstanding, Landcom will submit detailed plans and documentation in support of the construction certificate addressing these matters.

The revisions to the Statement of Commitments and the plans/documentation reconcile the exhibited EAR with this PPR and provide greater clarity in response to issues raised in PCC, agency and public submissions.

## 7.4 Preferred Project Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by Landcom to manage and minimise potential impacts arising from the proposal. These commitments replace the draft commitments included with the EAR.

Subject	#	Commitment	Responsibility / Timing
Local Infrastructure Contributions	1	Landcom will provide local infrastructure contributions in accordance with Table 7 at Section 6.13 of Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 and as amended by Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011.	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
	2	Landcom will maintain any local infrastructure contributions that are to be dedicated to Penrith City Council for a period of 36 months from the date of practical , completion of the works, unless otherwise agreed by Landcom and Penrith City Council (and subject to SoC Nos. 3, 4 and 5 below).	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
Social and Recreational Facilities	3	Landcom will construct the community facility (The Cricketers Pavilion) in accordance with the plans attached at <b>Appendix E</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	Landcom will own and manage the building for a period of 5 years from completion of its construction, before executing <b>Commitment No. 5</b> below.
	4	Landcom will convert the pavilion into a publicly accessible community centre in accordance with the plans attached at <b>Appendix E</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 and dedicate it to Penrith City Council.	Upon occupancy of 400 dwellings or at a time mutually agreed by both Landcom and Penrith City Council.
	5	Landcom will construct and embellish the land zoned public recreation on the Open Space Concept Plan Master Plan in accordance with the plans at <b>Appendix X</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 prior to dedicating it to Council.	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
Heritage	6	An archival recording of the place will be undertaken prior to work commencing.	To be demonstrated by the proponent prior to commencement of works.
	7	Landcom will produce an Interpretation Strategy in conjunction with a Public Art Strategy 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.
Landscaping, Public Domain and Public Art	8	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 <b>Appendix Z</b> 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.
	9	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 issue of the Subdivision Certificate.
Utilities	10	The final location of the Sewer Pumping Station will be selected and designed in consultation with SWC to ensure its appropriate sizing and location.	To be demonstrated by the proponent prior to commencement of works.
Traffic and Access	11	Landcom will carry out the road works identified in Road Hierarchy Plans at <b>Appendix C</b> of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated April 2011 and dedicate those works on a stage by stage basis to Penrith City Council.	To be demonstrated by the proponent prior to issue of the Construction Certificate
	12	Landcom will undertake the following road works and upgrades to the nominated intersections as part of the Project Application: - Coreen Avenue/new site entrance road (Sydney Smith Drive)	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works



Subject	#	Commitment	Responsibility / Timing
Traffic and Access	13	In addition to the above, Landcom will provide the following transport related works in kind as applicable to the extent of the Project Application area: <ul style="list-style-type: none"> <li>- The widened kerbside lanes along the public transport corridor to Coreen Avenue;</li> <li>- Direct and safe cycle and pedestrian routes.</li> </ul>	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works
	14	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 sale.
Drainage and Stormwater	15	Stormwater Infrastructure will be provided in accordance with the Stormwater Management Strategy and Stormwater Management Report Worley Parsons at <b>Appendix N</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works
	16	The targets for annual post development loads are: <ul style="list-style-type: none"> <li>- 85% for Total Suspended Solid (TSS);</li> <li>- 65% for Total Phosphorus (TP);</li> <li>- 45% for Total Nitrogen (TN); and</li> <li>- 90% for Gross Pollutants (GP).</li> </ul>	To be demonstrated by the proponent prior to issue of the Construction Certificate and ongoing following construction.
	17	WSUD features will be maintained in accordance with 'Managing Urban Stormwater: Treatment Techniques' (1997), published by the Environment Protection Agency (EPA).	Ongoing following construction.
Flooding	18	Development on the site will be in accordance with the objectives of the NSW Government's Flood Prone Land Policy and the Flood Plan Development Manual 2005 published by the then Department of Infrastructure, Planning and Natural Resources (DIPNR) and will integrate with the State Emergency Service's regional evacuation strategy.	To be demonstrated by the proponent prior to issue of the Construction Certificate and ongoing following construction.
	19	The site will be at or above the regional 100 year ARI flood level of RL 25.4m (AHD).	To be demonstrated by the proponent prior to issue of the Construction Certificate
	20	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 <b>Appendix O</b> of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent prior to issue of the Construction Certificate
Contamination	21	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 prior to issue of the Construction Certificate.
	22	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 prior to issue of the Construction Certificate.
	23	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 prior to issue of the Construction Certificate.

Subject	#	Commitment	Responsibility / Timing
Contamination	24	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 during works.
	25	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 prior to issue of the subdivision Certificate.
	26	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 prior to issue of the Construction Certificate.
Geotechnical and Groundwater	27	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 prior to issue of the Construction Certificate.
	28	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 prior to issue of the Construction Certificate.
	29	The CEMP is to include measures to ensure imported fill is suitable for the intended use on site.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
Civil Works	30	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 prior to issue of the Construction Certificate.
	31	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 prior to issue of the Construction Certificate.
	32	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 during works .

## 8.0 Conclusion

Landcom has considered and responded to the issues raised in public, agency and council submissions and undertaken some design refinements to improve the North Penrith project. The refinements will enable the North Penrith site to be developed as a transit oriented development which recognises the site's strategic positioning in Western Sydney.

The key amendments proposed by this PPR proposed to the SSS Listing, Concept Plan and Stage 1 Project Application as exhibited include:

- in relation to the proposed SSS Listing:
  - revisions to the proposed location and quantum of industrial lands;
  - reduction in the minimum lot size from 130m<sup>2</sup> (as exhibited) to 120m<sup>2</sup> per lot;
  - inclusion of a Lot Size Map to ensure delivery of the project;
  - insertion of a new zone objective in the R1 General Residential and B4 Mixed Uses zone to encourage high rise residential outcomes; and
  - insertion of new zone objectives and additional land uses in the Re1 Public Recreation zone.
- in relation to the proposed Concept Plan:
  - revisions to the proposed location and quantum of industrial lands, to ensure consistency with the proposed SSS Listing;
  - an 1,000m<sup>2</sup> increase in the proposed commercial GFA in recognition of the reduced industrial lands;
  - removal of the construction of Van Praag Lane from the proposed Stage 1 Project Application and inclusion of Van Praag Lane into the proposed Stage 2 works;
  - amendments and refinements to the Draft North Penrith DCP;
  - revisions to the Statement of Commitments; and
  - revisions to all relevant plans to reflect the revised SSS Listing and amendments listed above;
- in relation to the Stage 1 Project Application:
  - revisions to the proposed number of lots as identified in Section 7.1 of this PPR;
  - minor adjustments to the bulk earthworks and cut and fill works;
  - revisions to the Statement of Commitments; and
  - revisions to all relevant plans to reflect the revised SSS Listing and amendments listed above.

In addition, the updated reports appended to this PPR and the revised Statements of Commitments further detail the scope of amendments and ongoing commitments proposed by Landcom in the carrying out of the project.

As outlined in the exhibited EAR and this PPR, North Penrith, by virtue of its size and access to infrastructure, presents a rare and a significant opportunity to create a new mixed use precinct in the Penrith LGA. The proposed SSS Listing and Concept Plan is the result of a commitment by Landcom to deliver a high quality development. Given the environmental planning merits described within the exhibited EAR and throughout this PPR, and the significant public benefits proposed, it is requested that the Minister for Planning:

- list the North Penrith site as a State Significant Site by including provisions as set out in **Appendix A** in Schedule 3 of the Major Development SEPP;
- approve the Concept Plan under Section 75O of the EP&A Act; and
- approve the Stage 1 Project Application pursuant to Section 75J of the EP&A Act.