

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 10-0075

(File No. 09/04518)

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

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

The reasons for the imposition of conditions are:

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

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

Minister

Sydney,

→ 9 NOV 2011

2011

SCHEDULE 1

PART A – PROJECT

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

PART B – DEFINITIONS

In this approval the following definitions apply:

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

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

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 *Development Description*

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

A2 *Development in Accordance with Plans and Documentation*

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

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

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

A5 *Approval Authority*

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

A6 *Approvals by the Director General*

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

A7 *Lapsing of Approval*

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

PART B - MODIFICATIONS TO THE CONCEPT PLAN

B1 Concept Plan Drawings

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

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

B2 Design Guidelines

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

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

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

B3 Opportunity Site

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

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

B4 Minimum Lot Size

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

B5 Road Names

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

B6 On-Street Car Parking

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

PART C - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

C1 Road Works – Site Access

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

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

C2 Road Works – Regional Improvements

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

C3 *Dedication of Open Space and Community Facilities*

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

C4 *Development Contributions*

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

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

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

C5 *Drainage*

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

C6 *Flooding*

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

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

C7 *Construction Environmental Management Plan*

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

C8 *Sewerage Treatment plant*

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

C9 *Cumberland Plain Woodland*

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

C10 *Aboriginal Heritage*

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

C11 *Fencing on Coreen Avenue*

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

C12 *Assessment of interface with adjoining development*

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

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

Subject	#	Commitment	Responsibility / Timing
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 Appendix D of the Preferred Project Report prepared by JBA Planning dated April 2011, as relevant.	To be demonstrated by the proponent at the time of any relevant detailed application.
	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 Appendix A, B and C of the Preferred Project Report prepared by JBA Planning dated April 2011.	Landcom will own and manage the community pavilion for a period of 5 years before executing Commitment No. 7 below.
	10	Landcom will convert the community pavilion into a publicly accessible community centre in accordance with the plans attached at Appendix C of the Preferred Project Report prepared by JBA Planning dated April 2011 and dedicate it to Penrith City Council.	Upon occupancy of 400 dwellings or at a time mutually agreed by both Landcom and Penrith City Council.
	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 Appendix X of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 prior to dedicating it to Council.	To be demonstrated by the proponent at the time of any relevant detailed application.

Subject	#	Commitment	Responsibility / Timing
Heritage	12	The Concept Plan identifies the heritage values of Thornton Hall. The Future Project Application will implement the design, layout and landscape values which recognise the identified heritage values of the site.	To be demonstrated by the proponent at the time of any relevant detailed application.
	13	An archival recording of the place will be undertaken prior to work commencing.	To be demonstrated by the proponent prior to commencement of works.
	14	An Interpretation Strategy prepared in conjunction with a Public Art Strategy will be submitted in conjunction with subsequent Project Applications to ensure that opportunities to recognise the site's heritage values through landscaping and public art are fully realised.	To be demonstrated by the proponent prior to commencement of works.
Non Indigenous Archaeology	15	Prior to commencing works within the vicinity of Thornton Hall (ie: the area denoted as H1 on the Indicative Subdivision Plan map) and Coombewood (ie: the area shown as OS5 on the Indicative Subdivision Plan map), Landcom will investigate and record any European archaeological remains within the areas utilising current best practice methodologies.	To be demonstrated by the proponent prior to commencement of works.
Indigenous	16	Prior to commencing works within the vicinity of Thornton Hall (ie: the area denoted as H1 on the Indicative Subdivision Plan map) and Coombewood (ie: the area shown as OS5 on the Indicative Subdivision Plan map), Landcom will investigate and record any indigenous archaeological remains within the areas utilising current best practice methodologies.	To be demonstrated by the proponent prior to commencement of works.
	17	Landcom will consider the views of the Aboriginal community when determining the management regime and interpretation of the mapped and identified indigenous artefact identified as No. 45-5-2491.	To be demonstrated by the proponent at the time of any relevant detailed application.
Landscaping, Public Domain and Public Art	18	Landcom commits to implementing public art throughout the site in the locations illustrated on the Opportunities Plan and generally in accordance with the Public Art Strategy attached at Appendix Z of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.
	19	Landcom will prepare a street and place naming strategy for future open space and streets throughout the site.	To be demonstrated by the proponent prior to commencement of works.
Traffic and Access	20	A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific construction traffic management plan.	To be demonstrated by the proponent prior to commencement of works.
	21	Landcom will carry out the road works identified in Road Hierarchy Plan and dedicate those works on a stage by stage basis to Penrith City Council.	To be demonstrated by the proponent at the time of any relevant detailed application.
	22	The widened kerbside lanes along the public transport (ie: bus) corridor to Coreen Avenue, and the Station Square (OS8) adjacent to the station and the land reserved for the bus underpass of the Western Railway Line are considered to be works in kind as they are in excess of the bus requirements for this project and are included to benefit the transport needs of other developments and the broader community.	To be demonstrated by the proponent at the time of any relevant detailed application.
	23	Landcom will undertake road works and upgrades to the following intersections: <ul style="list-style-type: none"> - Parker St/Oxford St/Coreen Ave/Richmond Road; - Coreen Avenue/Coombes Drive (eastern intersection); - Coreen Avenue/new site entrance road (Sydney Smith Drive); - Coreen Avenue & commuter car park road (Daniel Woodriff Drive); - Castlereagh Road/Coreen Avenue; and - Castlereagh Road/Peachtree Road. 	Ongoing and then to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.

Subject	#	Commitment	Responsibility / Timing
Traffic and Access	23	Refer to SoC No. 2 for details of the cost of works, timing and proportion of funds required to be contributed to the nominated works/upgrades by Landcom.	
	24	In addition to the above, Landcom will provide the following transport related works in kind: <ul style="list-style-type: none"> - The widened kerbside lanes along the public transport corridor to Coreen Avenue, and the interchange facilities in the plaza adjacent to the station to promote the use of transit for travel; - Land reserved for a bus underpass of the Western Rail Line to promote the future development of the CBD bus network; - Direct and safe cycle and pedestrian routes from Coreen Avenue to Penrith Station (northern side); - A wide plaza and good pedestrian access from Penrith Station to the new commuter car park; and - Landcom will provide an upgraded access road to the commuter car park. 	To be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.
	25	Landcom will consult with the RTA in the design and construction of RTA owned and managed road works and upgrades and where necessary enter into a works authorisation deed. Landcom will pay the applicable administration and plan checking fees where relevant during these consultations.	To be demonstrated by the proponent prior to commencement of works.
	26	The estimated cost of the proposed road network upgrades, the apportionment to the North Penrith project on the basis of traffic growth contribution, and the proposed timings are shown in Table 3.3 of the document titled <i>Testing of RTA and Penrith Council Requested Intersection Changes and Parking Strategy</i> prepared by Parsons Brinckerhoff and dated 22 March 2011 at Appendix G of the Preferred Project Report prepared by JBA Planning dated April 2011. Landcom commits to continuing to work with the RTA to confirm the final scope and costs of the nominated works identified in that Table.	Ongoing and to be demonstrated by the proponent at the time of any relevant detailed application and delivered during construction works.
	27	Commercial premises will provide cyclist end-of-trip facilities in accordance with the <i>Planning Guidelines for Walking and Cycling</i> (NSW Planning, December 2004).	To be demonstrated by the proponent at the time of any relevant detailed application.
	28	Landcom, through conditions on its future sales and tenancy agreements, will produce Transport Access Guides for new residents and require commercial tenants to produce a Workplace Travel Plans for their employees and clients.	To be demonstrated by the proponent at the time of any relevant detailed application.
Ecological Values	29	Landcom will prepare a Bushland Plan of Management for the Cumberland Plain Woodland within OS2 (Thornton Park). This Plan will include a suggested planting palette that preferences local plantings and seed banks over other resources in the Penrith LGA or broader Western Sydney.	To be demonstrated by the proponent prior to commencement of relevant works.
	30	Landcom will create a positive covenant over the trees within Block C3 to protect: <ul style="list-style-type: none"> - the Cumberland Plain Woodland; and - indigenous archaeological values. 	To be demonstrated by the proponent at the time the subdivision linen plan is submitted.
Drainage and Stormwater	31	Stormwater Infrastructure for the Concept Plan will be provided in accordance with the Stormwater Management Strategy and Stormwater Management Report Worley Parsons at Appendix N of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.
	32	The targets for annual post development loads are: <ul style="list-style-type: none"> - 85% for Total Suspended Solid (TSS); - 65% for Total Phosphorus (TP); - 45% for Total Nitrogen (TN); and - 90% for Gross Pollutants (GP). 	To be demonstrated by the proponent at the time of any relevant detailed application.

Subject	#	Commitment	Responsibility / Timing
Drainage and Stormwater	33	WSUD features will be maintained in accordance with <i>Managing Urban Stormwater: Treatment Techniques</i> (1997), published by the Environment Protection Agency (EPA).	Ongoing following construction.
Flooding	34	Development on the site will be in accordance with the objectives of the NSW Government's <i>Flood Prone Land Policy</i> and the <i>Flood Plan Development Manual 2005</i> published by the then Department of Infrastructure, Planning and Natural Resources (DIPNR) and will integrate with the State Emergency Service's regional evacuation strategy.	To be demonstrated by the proponent at the time of any relevant detailed application.
	35	The final ground surfaces will be at or above the regional 100 year ARI flood level of RL 25.4m (AHD).	To be demonstrated by the proponent at the time of any relevant detailed application.
	36	The minimum habitable floor level for the site will be RL 25.9 AHD, being a 0.5m freeboard above the 1 in 100 year annual recurrence interval (ARI) flood event (in accordance with the Regional Flooding Assessment by Worley Parsons at Appendix O of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010).	To be demonstrated by the proponent at the time of any relevant detailed application.
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"> - foreign matter being found mixed with the soil; - soil staining and discoloration being identified within the stockpile; - odours emanating from the stockpile. 	To be demonstrated by the proponent at the time of any relevant detailed application.
	48	With reference to a comment by the Site Auditor in the Site Audit Statement, the soil in the stockpile should not be used on the surface of residential areas.	To be demonstrated by the proponent at the time of any relevant detailed application.
Geotechnical and Groundwater	49	A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific Soil and Water Salinity Management Plan. The Soil and Water Salinity Management Plan is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent at the time of any relevant detailed application.
	50	Further targeted investigations will be required to confirm the detailed design, including ascertaining the suitability of soils for re-use on the site.	To be demonstrated by the proponent at the time of any relevant detailed application.
	51	The CEMP is to include measures to ensure imported fill is suitable for the intended use on site.	To be demonstrated by the proponent at the time of any relevant detailed application.
Railway Corridor Matters	55	Development requiring excavation or other ground penetration of greater than 2m and within 25m of the rail corridor will be required to be supported by: <ul style="list-style-type: none"> - a Geotechnical and Structural Report, and Excavation and Construction methodology that meets RailCorp's requirements. - detailed cross section drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. - a services search confirming the existence and location of any rail services/utilities; - drainage diagrams that confirm discharge will be directed away from the railway corridor; and - any electrolysis risk 	To be demonstrated by the proponent at the time of any relevant detailed application.
	54	Any proposed fencing or landscaping within 20m of the rail corridor will be supported by RailCorp endorsement.	To be demonstrated by the proponent at the time of any relevant detailed application.
Civil Works	55	During the detailed design process road grades shall be designed to minimise the amount of fill required at the site, where possible, to assist in providing a more sustainable outcome and also reduce the extent of retaining walls required at the property boundaries.	To be demonstrated by the proponent at the time of any relevant detailed application.
	56	Additional geotechnical investigations are required to confirm the extent of excavated cut volumes that can be placed as engineering fill within the site.	To be demonstrated by the proponent at the time of any relevant detailed application.

Subject	#	Commitment	Responsibility / Timing
Civil Works	57	Testing of the existing asphalt and concrete slabs should be undertaken to determine their respective suitability for re-use in the road profile of the internal road network.	To be demonstrated by the proponent at the time of any relevant detailed application.
Noise and Vibration	58	Future development shall be generally consistent with the findings and the recommendations of the Noise and Vibration assessment at Appendix DD of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.
Subdivision	59	Landcom will appoint Penrith City Council as the authority to issue Subdivision Certificates for future stages of the project.	To be demonstrated by the proponent at the time of any relevant detailed application.
Utilities and Infrastructure	60	Landcom will obtain the relevant approvals and licenses from relevant utility and service providers (including Sydney Water Corporation) that are required to undertake the development. In particular, Landcom will obtain a Section 73 Certificate(s) and engage a Water Servicing Coordinator as required and relevant.	To be demonstrated by the proponent at the time of any relevant detailed application.