



Statement of Environmental Effects

Subdivision (3 into 100 Lots), associated roads, stormwater infrastructure and landscaping

14-278 Old Castlereagh Road, Castlereagh

December 2018

Great River NSW Pty Ltd

Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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Client and Land Details

Client: Great River NSW Pty Ltd
Subject Site: Lot 308 - 310, DP 752021, 14-278 Old Castlereagh Road, Castlereagh
Proposal: Subdivision (3 into 100 Lots), associated roads, stormwater infrastructure and landscaping

A handwritten signature in black ink, appearing to be 'W Stimson', is written over a light blue rectangular background.

Warwick Stimson RPIA
Director



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1 Introduction

1.1 Project Overview

Stimson & Baker Planning has been engaged by Great River NSW Pty Ltd to prepare a Statement of Environmental Effects in relation to a proposed subdivision development on the property known as 14 - 278 Old Castlereagh Road, Castlereagh.

The proposed development includes the Torrens title land subdivision of 3 existing lots into 100 lots. Road and stormwater infrastructure, and landscaping are also included. Construction is proposed to be undertaken over six stages.

The site comprises an area zoned *Employment* under *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* and an area that is identified as being unzoned. Appended to this report is a formal request to amend the SEPP to extend the *Employment* zone across the entire site due to an anomaly in the location of the zone boundary under the current SEPP.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). The EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the site is identified on Council's Bushfire Prone Land Map as being bushfire prone. However, since the proposal is not for residential or rural residential purposes, nor a special fire protection purpose, the application is not regarded as 'integrated development' under the Rural Fires Act 1997.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the EPA Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Strategic and Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 History of the Application

Meetings were held with Department of Planning and Environment (DPE) officers on 7 September, and 30 October 2018. These meetings were introductory and general in nature, with high level concepts on the site being tabled, and the relevant State Environmental Planning Policy provisions being discussed.

Issues discussed at those meetings included:

- Land use permissibility
- Urban Design
- Transport and traffic impacts
- Structure of relevant planning legislation
- Background of the wider Lakes area

Where relevant, those matters have been addressed in the application, but also formed the basis for the preliminary strategic planning of the site.

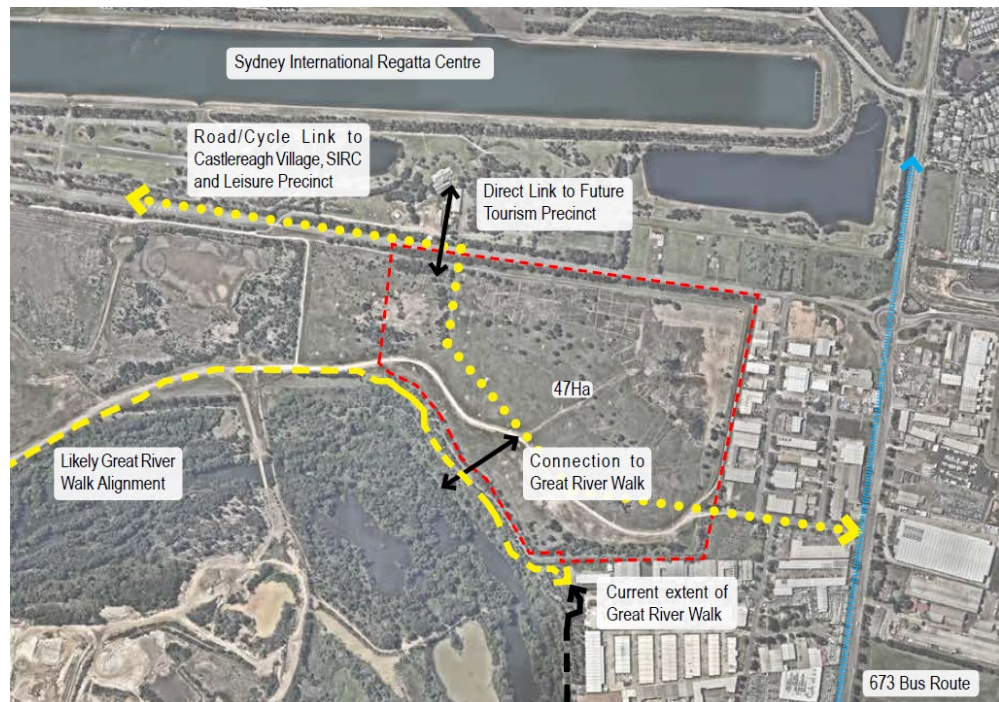


Figure 1 - Preliminary site planning

In this regard it was considered important in the design of the proposal, to:

- Establish strong connections between the site and the Nepean River and Lakes development to the north
- Consider appropriate road and cycle alignments and connection points
- Identify existing public transport options
- Recognise the existing natural features of the site
- Consider the interface of the site and existing surrounding development

1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Existing Site Survey	Citisurv
Proposed Layout & Engineering Plans	GCA
Landscape Concept Plan	Cloustone
Urban Design Considerations	Giles Tribe
Traffic & Parking Impact Assessment	Transport and Traffic Planning Associates
Civil and Stormwater Concept Plans	GCA
Flood Emergency Response Plan	Molino Stewart
Bushfire Impact Assessment Report	Bushfire Planning Australia
Draft Development Control Plan	Stimson & Baker Planning
Site Audit Statement	Enviroview Pty Ltd
Geotechnical Advice	PSM Consult Pty Ltd
Specific Infrastructure Contributions Advice	GLN Planning

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*

1.6 Consent Authority

The consent authority for this application is the Minister for Planning and Environment.

2 The Site and Surrounds

The subject site and its surrounds have the following characteristics.

Site Address	14-278 Old Castlereagh Road, Penrith
Lot/DP	Lots 308-310 DP 752021
Site Area	Approximately 46.89 hectares
Local Government Area	Penrith
Zoning	Part "Employment", part "Unzoned"
Current Land Use	Vacant
Proposed Land Use	Employment (Industrial) uses
Surrounding Land Uses	Industrial to east, tourism and recreation to the north and west.
Topography	Refer to survey
Terrestrial Biodiversity	Not mapped in SEPP
Vegetation	Not mapped in SEPP
Heritage	Not mapped in SEPP
Bushfire	Partially mapped as bushfire prone land
Existing Development Approvals	Previously used as tailings lake for the Penrith Lakes Scheme.



Figure 2 - Subject Site - Aerial



Figure 3 - Subject Site - Cadastre

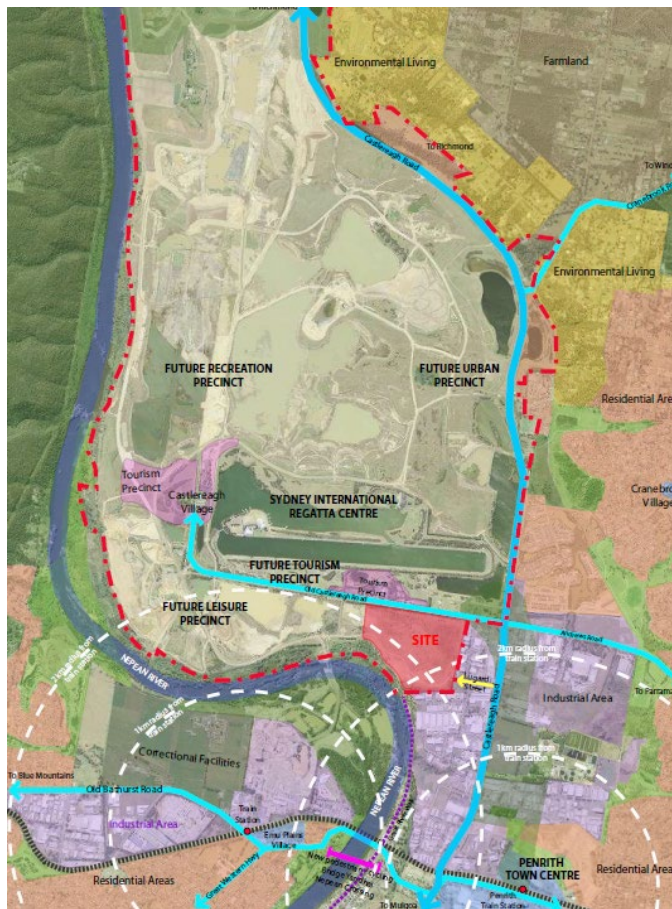
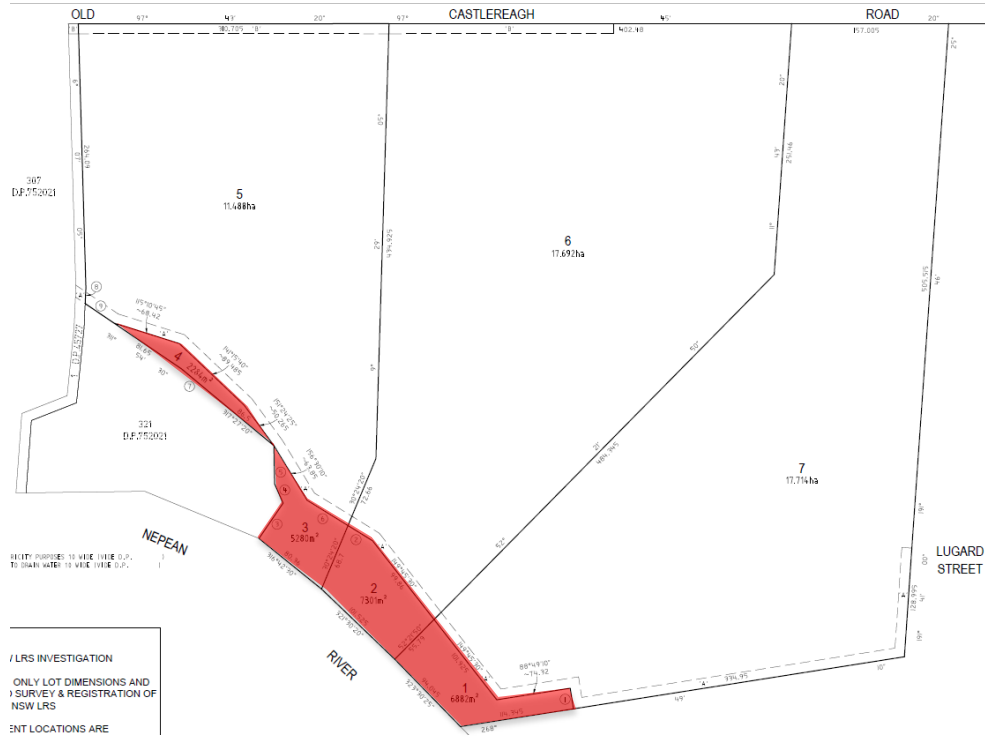


Figure 4 - Regional Context

There is a section of riverfront land immediately adjoining the Nepean River that is currently being subdivided and dedicated to the NSW Government – shown below in red. This land is not part of the application.



3 Project Description

3.1 Overview

This application seeks consent for the subdivision and development of the subject site, which is situated within the Penrith Lakes Scheme.

3.2 The Proposed Use of the Site

The majority of the subject site is zoned Employment under the PLS SEPP. Whilst a range of land uses are permissible within that zone, it is intended to deliver predominately a light industrial estate. Such uses are permissible with consent under the PLS SEPP. This application, however, is for the subdivision and associated works only.

3.3 Detailed Project Elements

The proposed development comprises the following detailed elements.

3.3.1 Subdivision

This application proposes the Torrens title subdivision of the existing 3 lots into 100 lots. The proposed lots range in size from 1,500sqm through to 12,360sqm. The internal road and stormwater drainage systems are to be constructed by the applicant and dedicated to Council on completion of each stage.



Figure 5 - Proposed subdivision layout

3.3.2 Built Form

Apart from the road and stormwater infrastructure, no building elements are proposed as part of this application.



Figure 6 - Proposed road section

Future built form will be guided by the Development Control Plan ultimately adopted for the site. A Draft DCP has been provided under separate cover to the Department of Planning and Environment.

3.3.3 Vehicular and Transport Elements

Lugard Street will be extended through the southern part of the site turning to the north to connect with Old Castlereagh Road as the principal internal access road. Two secondary roads will provide access to the central part of the site and there will be sections of dual carriageways separated by wetland corridors.

Stage 1 and 2 will be accessed only via Lugard Street while Stage 3 will provide connection to Old Castlereagh Road enabling access for this and all stages to both external roadways.

Much of the principal access road (Roads 1 and 2) and all of the secondary central access road (Roads 4 and 5) will have separate carriageways separated by wetland corridors. These carriageways will have 3.5m wide travel lanes and 3.0m wide parking lanes.

The eastern part of the principal access road and the outer secondary road will have 13m wide roadways (3.5m wide travel lanes and 3.0m wide parking lanes). The proposed road arrangements comply with normal industrial road requirements. The proposed access road system will accommodate B Double trucks (subject to NHVR approval) and details of turning path assessments for these vehicles are provided in the accompanying traffic report.

The submitted Civil Design plans indicate 3.5m wide footways along each side of the single carriageways and 4.5m wide verges on the outside of the dual carriageways.

The proposed provisions for pedestrians and cyclists comprise:

- A 2.5m wide shared path along the southern side of Road No. 1
- 1.2m wide footways along all other verges
- Appropriate street lighting

This proposed provision will enable connection to the external pedestrian and cycle network as well as flexible and appropriate internal circulation and site access.

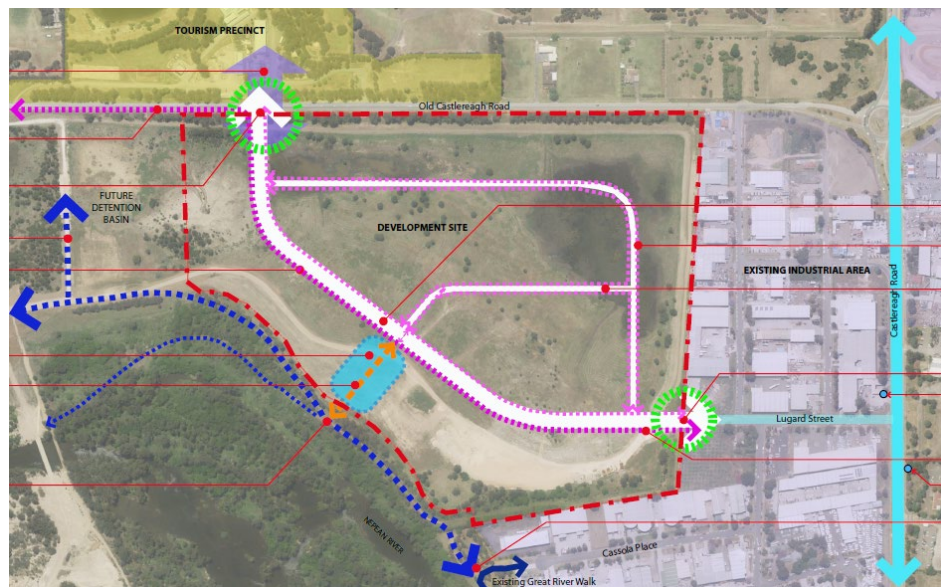


Figure 7 - Identified connectivity opportunities

The car parking provision for each developed lot will comply with the parking rates set out in the RMS *Guide to Traffic Generating Developments* and the design of the car park areas will comply with AS2890.1 & 6.

The internal roadway will be dedicated to Council upon completion of each stage.

3.3.4 Landscaping and Open Space

A Landscape Concept Plan accompanies the application and demonstrates high quality landscaping outcomes.

The proposed landscaping will establish a landscape character throughout the estate. It includes setbacks to the river and appropriate building setbacks through the estate. The landscape design seeks to integrate the estate into its landscape context with simple design responses that recognise the industrial nature of the land use and will:

- Enhance pedestrian and cycle connectivity
- Offer opportunities for future links to the Great North Walk along the Nepean River
- Conserve critical views to the Blue Mountains along east west streets
- Reflect the agricultural/post-industrial heritage of the site through entry statement artwork
- Draw on the native species of the Nepean River Floodplain.

Specifically, key components of the streetscape design will include:

- Continuous pedestrian footpath and street crossing network of minimum 1.2m width for safe access through the estate
- A 2.5m wide shared path connecting Old Castlereagh Road and Castlereagh Road (via Lugard St)

- Street tree hierarchy for the major and minor streets of Native indigenous River Plain species
- Native local wetland planting for central street wetlands
- Possible future pedestrian connection to extended Great River Walk

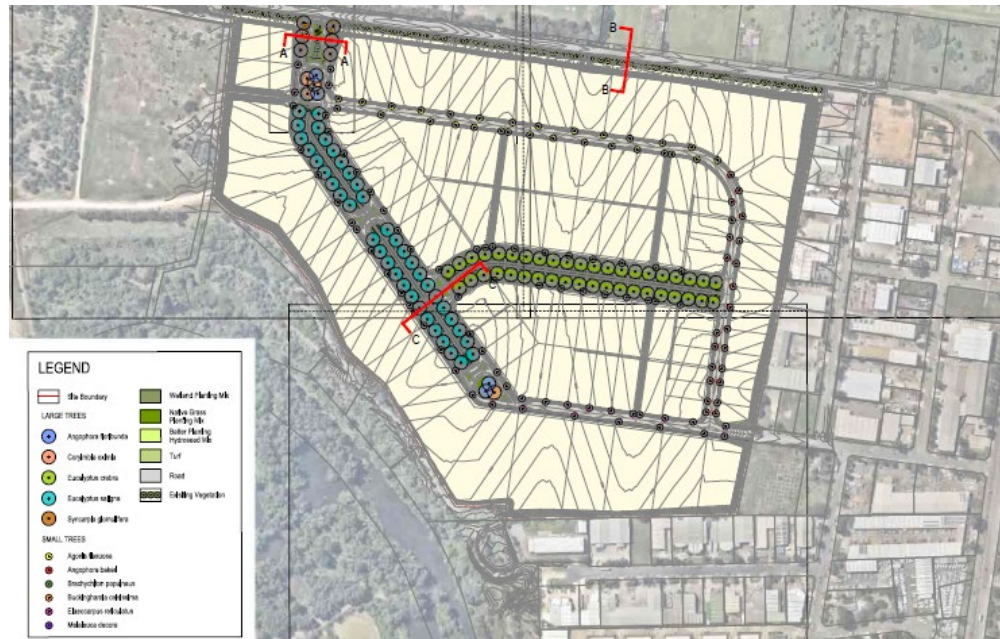


Figure 8 - Landscape Concept Plan Extract

3.3.5 Signage

Concept estate entry signage has been illustrated in the submitted Landscape Concept Plan. Further details can be provided once the design of these elements has been confirmed. No other signage is proposed as part of this application.

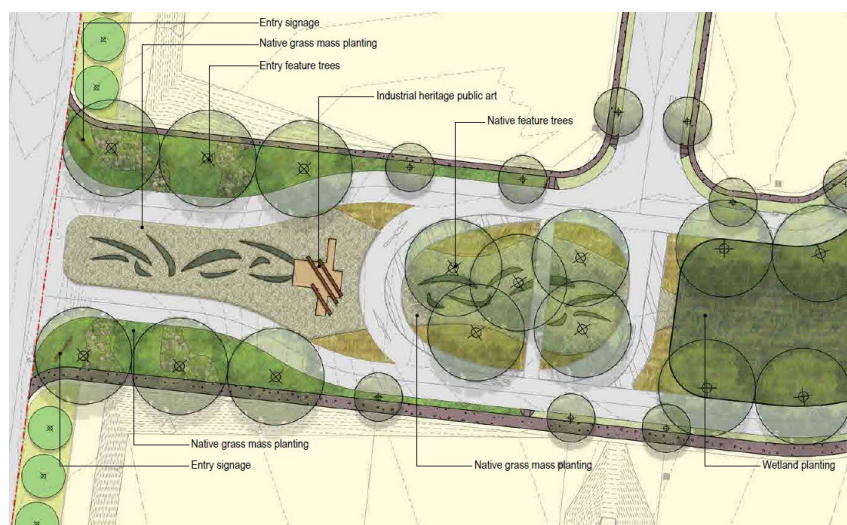


Figure 9 - Entry signage concepts

3.4 Stormwater Drainage and Civil Design

A stormwater drainage concept plan accompanies the application and demonstrates an appropriate stormwater disposal design accounting for the site, its gradients and location.

The layout has been prepared to accommodate a centralised scheme of interlinking wetlands which is sympathetic to the Penrith Lakes Regional Park to the north. The wetlands provide an opportunity to collect and convey stormwater from the development and remove nutrients and potential pollutants prior to release into the Penrith Lakes Regional Park.

The drainage system will be dedicated to Council on completion of each stage along with the road infrastructure.



Figure 10 - Stormwater concept plan

The stormwater management approach involves draining all lots into centralised wetlands which all discharge to a single point on the western boundary into the Penrith Lakes scheme to the west. The Penrith Lakes scheme ultimately overflows into the Nepean River.

Only a very small portion of the proposed road areas immediately at the site entrances will drain into Old Castlereagh Road and Lugard Street, with sufficient capacity in the receiving systems.

The Penrith Lakes scheme itself has a substantial water storage capacity and the developer is aware that a very large water storage facility is being constructed to the immediate west of the site in future by Penrith Lakes Development Corporation (PLDC), the entity currently responsible for ongoing rehabilitation of the Penrith Lakes Regional Park site.

Considering the site's drainage context, stormwater detention is not warranted for the proposed development. The discharge flow rates from the development site will be negligible by comparison to the significant capacity available in the Penrith lakes scheme and ultimate receiving waterbody being the Nepean River.

3.5 Utilities

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

3.6 Staging

The development is proposed to be staged in its delivery as per the following, and as shown in Figure 5:

Stage 1 – 19 lots

Stage 2 – 13 lots

Stage 3 – 11 lots

Stage 4 – 28 lots

Stage 5 – 15 lots

Stage 6 – 14 lots

The staging proposed will allow appropriate sequencing of works and delivery of product to the market, through the Construction Certificate process.

4 Strategic and Statutory Context

4.1 Strategic Context

4.1.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

The Greater Sydney Region Plan, *A Metropolis of Three Cities* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in *Directions for a Greater Sydney* which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan’s performance.



The subject site is located in Penrith within the identified Western Parkland City. The proposal is not inconsistent with the objects of the Plan, particularly those that relate to productivity in Western Sydney.

4.1.2 Our Greater Sydney 2056 – Western Sydney District Plan

The Western City District Plan, which sets out planning priorities and actions for improving the quality of life for residents as the district grows and changes.

Directions for productivity



A well-connected city

Planning Priority W7

Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City



Jobs and skills for the city

Planning Priority W8

Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis

Planning Priority W9

Growing and strengthening the metropolitan cluster

Planning Priority W10

Maximising freight and logistics opportunities and planning and managing industrial and urban services land

Planning Priority W11

Growing investment, business opportunities and jobs in strategic centres

Figure 11 - Productivity objectives for the Western Sydney District

The proposal will deliver these objectives through the development of additional zoned employment land.

Collaboration Areas are a place-based process led by the Greater Sydney Commission to address complex issues that require cross-stakeholder solutions. Figure 13 shows the subject site adjoining existing employment lands within the Penrith Collaboration Area.

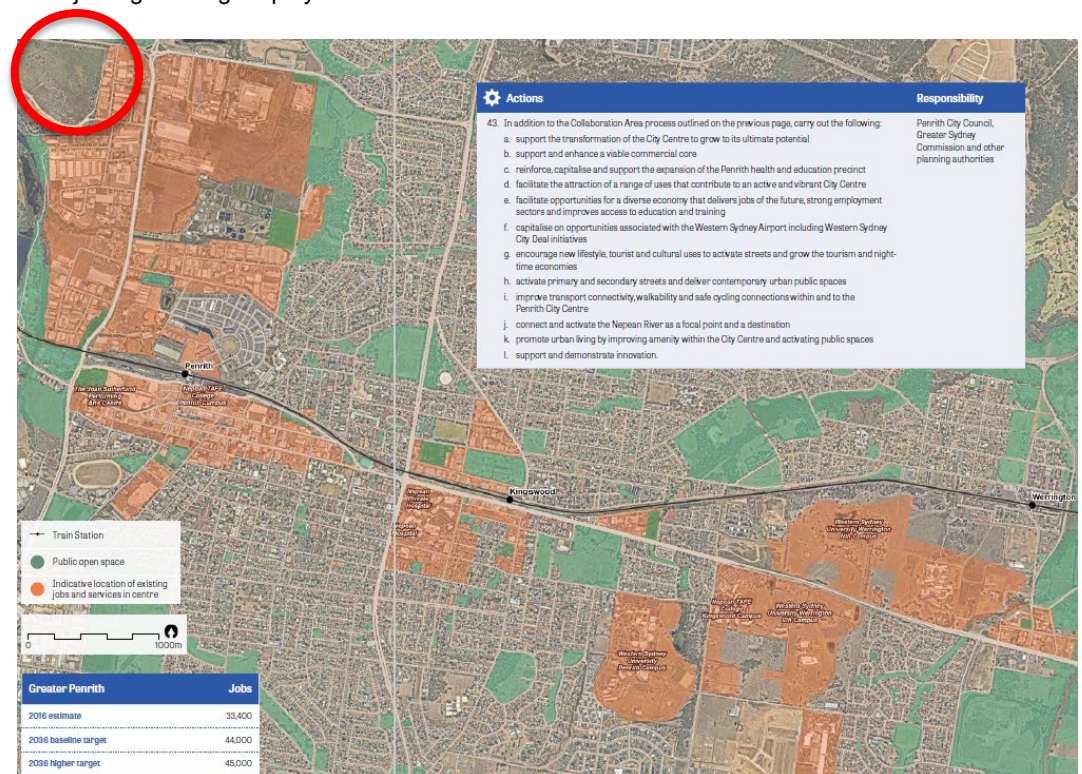


Figure 12 - Penrith Collaboration Area, showing location of subject site

The Actions listed in Figure 12 can also be achieved through the proposed development.

4.1.3 Draft Penrith Urban Strategy – Managing Growth to 2031

The Strategy identifies the guiding principles and a planning philosophy for future urban development within Penrith, primarily for Centres and residential development.

The proposed development would not hinder the objects of the Strategy being achieved.

4.1.4 A Metropolis that Works – GSC Thought Leadership Series

The Greater Sydney Commission recently published this Paper as part of its Thought Leadership Series. This Paper recognises that these spaces play a crucial role in the day-to-day function of a city, one of the most dynamic parts of urban activity; responding to and leading change in an ever-diversifying metropolitan economy; capturing the changing nature of work; and providing sites for innovation and experimentation. The Paper cited the following:

For Greater Sydney, alongside active management of existing employment areas and allowing for their evolution, there is also a need for a long-term, spatial approach to providing employment areas in newly developing parts of the metropolis. Both old and new industrial and urban services activities share important characteristics central to their success, as well as the fundamentals to a functioning city: proximity to end-markets and the creation and sustaining of local networks.

Studies indicate only 8 per cent of land across Greater Sydney is presently zoned for non-residential uses such as industrial and urban services. Despite this, 19 per cent of all jobs across Greater Sydney are classified as industrial and in some Districts the proportion on industrial land is as high as 37 per cent. (GSC 2017 and 2018b)

The Paper produced the following key considerations:

- *A growing city needs to be a working city. It needs spaces that allow it to function, make and create.*
- *A changing city needs spaces which offer capacity for innovation, adaptability and resilience in preparing for future needs, opportunities and challenges including the digital economy and technological change.*
- *The value of industrial and urban services land should not be based only on the volume and types of jobs generated, but to the operational role and function it plays throughout the city.*
- *The provision of sufficient industrial land with access to markets and users across the whole metropolitan area is integral to delivering the 30-minute city.*
- *A working global city needs spaces to ensure key economic uses can survive and thrive within ready access of customers and markets.*
- *Industrial precincts should be identified as valuable and strategic places in Region, District and Local Environment Plans.*
- *A ‘no regrets’ approach is required in any decisions affecting industrial and urban services land, with the ramifications of any displacement of activity fully understood and strategically managed.*

The subject site will primarily be developed for industrial land uses, and its development is therefore consistent with the outcomes of this Paper.

4.2 Statutory Context

4.2.1 Summary Table

The following table summarised the range of other statutory considerations relating to this proposed development.

Regulatory Requirements	Considerations
SREP No. 20	Requires potential impacts on the Hawkesbury Nepean River system to be considered.
SEPP 55	Requires the consent authority to consider the potential for land contamination on a subject site.
SEPP (Penrith Lakes Scheme) 1989	Details the controls and objectives of development for the Penrith Lakes Scheme. The SEPP contains the primary controls for development on the site.
SEPP (Infrastructure) 2007	Contains referral requirements for Roads and Maritime Services.

4.2.2 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. In the context of this proposal, water is treated on site prior to release so the objects of this SREP will be achieved.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.2.3 State Environmental Planning Policy 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated.

A Site Audit Statement was issued on 29 February 2016 confirming the site was suitable for industrial and commercial uses.

4.2.4 State Environmental Planning Policy (Penrith Lakes Scheme) 1989

State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (SEPP PLS) is the primary environmental planning instrument applying to the site.

The subject site comprises land that is zoned *Employment*, and land that is 'unzoned'. Figure 14 shows the zoning of the site with the proposed subdivision layered.

The objectives of the Employment zone are:

- *To provide a range of office and light industrial uses and to provide employment opportunities relating to health, high order technology, culture and sports.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To provide for a range of higher order job opportunities including health, cultural and high technology industries.*

- To incorporate appropriate water quality management measures to ensure that development does not detrimentally impact on the implementation of the Penrith Lakes Scheme and the operation and use of Olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.
- To encourage the development of business incubators, and other employment opportunities relating to tourism and water-based sport and recreation.

The proposed development is consistent with the objectives in that:

- The development will ultimately provide for primarily light industrial uses.
- The provision of these land when developed will respond to a significant demand for industrial land in the Penrith LGA. Subsequent development of each lot will respond to the daily needs of the community.
- Additional employment opportunities will arise out of the development of the land.
- Appropriate civil design outcomes have been proposed to ensure the implementation of the Penrith Lakes Scheme is not compromised.

The proposal is therefore considered to be consistent with the objects of SEPP PLS.

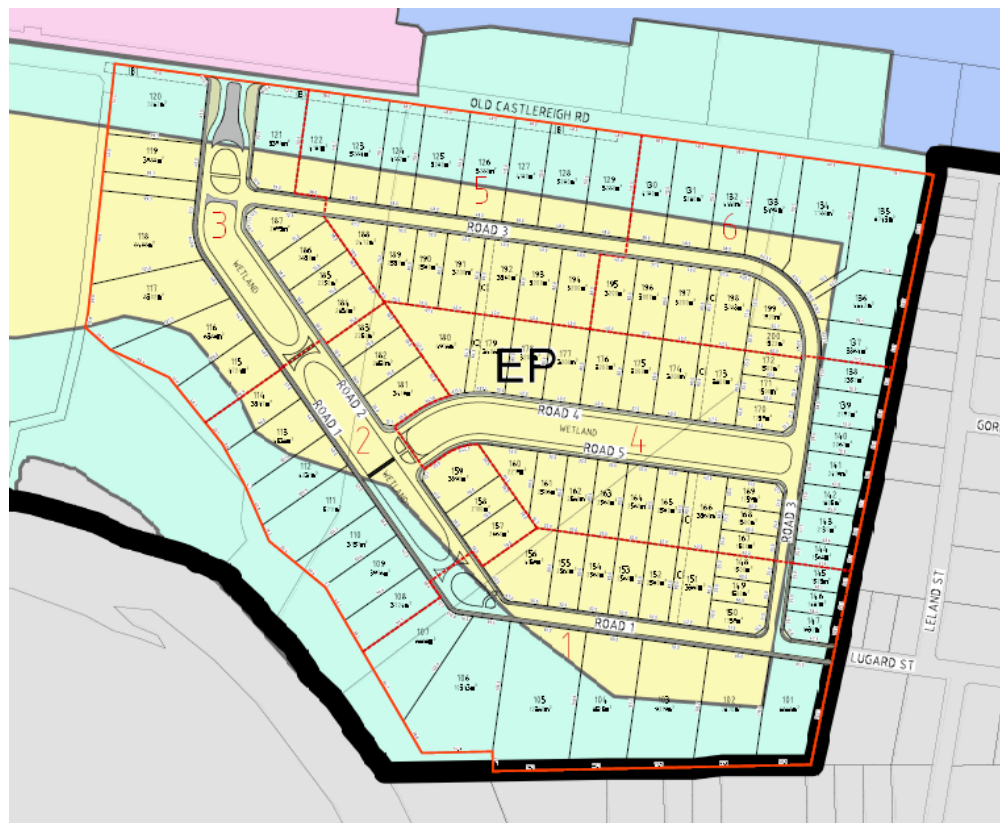


Figure 13 - Zoning map from SEPP PLS with the proposed subdivision overlaid

The following assessment of the SEPP has been undertaken.

Part 1 Preliminary	
Provision	Comment
2 Aims of Policy	
<i>The aims of this Policy are as follows:</i>	
(a) <i>to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,</i>	The proposal is considered to be consistent with the objectives in that: <ul style="list-style-type: none"> - Technical aspects of the proposal have been considered. - Development of the site is consistent with the zoning of the land. - Development as proposed will not detrimentally impact on the implementation of the Penrith Lakes Scheme.
(b) <i>to identify and protect items of the environmental heritage,</i>	
(c) <i>to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,</i>	
(d) <i>to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,</i>	
(e) <i>to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of Olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.</i>	
6 Consent authority	
<i>The consent authority for the purposes of this Policy is (subject to the Act):</i>	
(a) <i>for unzoned land and land zoned Employment, Environment, Parkland, Tourism or Waterway—the Minister, and</i>	The Minister is the consent authority for this application.
(b) <i>for any other land to which this Policy applies—the council.</i>	
Part 2 Development control	
7 Development generally	
<i>A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.</i>	
	Noted. The proposal can be supported under this policy.
8 Development for the purposes of implementing the Penrith Lakes Scheme	
(1) <i>Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.</i>	This proposal is consistent with the Aims of Policy for the implementation of the Penrith Lakes Scheme.
(2) <i>The consent authority shall grant consent to development to which this clause applies unless:</i>	
(a) <i>the consent authority is of the opinion that the development the subject of the application:</i>	
(i) <i>does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,</i>	Not applicable.
(ii) <i>will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or</i>	Not applicable.
(iii) <i>is not generally in accordance with the structure plan, and</i>	The proposal is consistent with the zoning of the site.
(b) <i>in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that...</i>	Not applicable.
(3) <i>The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters specified in clause 1 of Schedule 2 and addressing the matters specified in clause 2 of that Schedule.</i>	Not applicable.

(4) <i>In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters...</i>	This proposal is consistent with the Aims of Policy for the implementation of the Penrith Lakes Scheme.
(5) <i>Development on land to which this Policy applies is identified as advertised development.</i>	Noted.
(6) <i>This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Policy.</i>	Noted.
9 Interim development on unzoned land	
(1) <i>Development may be carried out on unzoned land:</i>	
(a) <i>for the purpose of agriculture, without the necessity for development consent, or</i>	Not applicable.
(b) <i>for any other purpose, with development consent, if the consent authority is satisfied that the carrying out of development for that purpose will not adversely affect the implementation of the Penrith Lakes Scheme, pending the completion of the Penrith Lakes Scheme in, and the use as a public recreational lake system of, that part of the land.</i>	Not applicable.
(2) <i>Despite any other provision of this Policy, any other environmental planning instrument that applies to unzoned land continues to have effect in relation to that land.</i>	Not applicable.
11A Development for the purposes of a community facility	
(1) <i>Nothing in this Policy prevents a person, with the Minister's consent, from carrying out subdivision and other development, for the purposes of a community facility, on Lots 2 and 4 DP 579006 Cranebrook Road, Cranebrook, as shown edged heavy black on the map marked "Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)".</i>	Not applicable.
(2) <i>When determining an application to carry out subdivision or other development for the purposes of a community facility, the consent authority must take into consideration the implementation of the Penrith Lakes Scheme and the structure plan.</i>	Not applicable.

Part 3 Permitted or prohibited development on zoned land

Provision	Comment
12 Land use zones <i>The land use zones under this Policy are as follows:</i> <i>Employment</i> <hr/> <i>Environment</i> <hr/> <i>Parkland</i> <hr/> <i>Residential</i> <hr/> <i>Tourism</i> <hr/> <i>Waterway</i>	Noted. The site is partially zoned <i>Employment</i> .
13 Zoning of land to which Policy applies <i>For the purposes of this Policy, land is within the zones shown on the Land Zoning Map.</i>	Noted. The site comprises both <i>Employment</i> zoned land and unzoned land.
15 Subdivision—consent requirements <i>Land to which this Policy applies may be subdivided, but only with development consent.</i>	Noted. This application includes subdivision.
16 Demolition requires development consent <i>The demolition of a building or work may be carried out only with development consent.</i>	Not applicable. No demolition proposed.
17 Temporary use of land <i>(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.</i>	Not applicable.

(2) *Despite any other provision of this Policy, development consent may be granted for development on any land for a temporary use for a maximum period of 180 days (whether or not consecutive days) in any period of 12 months.* Not applicable.

(3) *Development consent must not be granted unless the consent authority is satisfied that:* Not applicable.

(a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Policy and any other applicable environmental planning instrument, and*

(b) *the temporary use will not adversely impact on any adjoining land, the implementation of the Penrith Lakes Scheme or the operation or use of the Sydney International Regatta Centre or the Penrith Whitewater Stadium, and*

(c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

(d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Part 4 Development standards for certain zoned land

Provision

Comment

18 Minimum subdivision lot size for land zoned Residential Not applicable.

(1) *This clause applies to a subdivision of any land zoned Residential that requires development consent and that is carried out after the commencement of this clause.*

(2) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than 2 hectares.* Not applicable.

19 Development near zone boundaries Not applicable as the site includes unzoned land.

(1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

(2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres.*

(3) *This clause does not apply to unzoned land.*

(4) *Despite the provisions of this Policy relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

(a) *the development is not inconsistent with the objectives for development in both zones, and*

(b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

20 Controls relating to miscellaneous permissible uses Not applicable.

(1) **Home businesses** *If development for the purposes of a home business is permitted under this Policy, the carrying on of the business must not involve the use of more than 30 square metres of floor area.*

(2) **Home industries** *If development for the purposes of a home industry is permitted under this Policy, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.* Not applicable.

(3) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Policy, the retail floor area must not exceed:	Not applicable.
(a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or	
(b) 400 square metres, whichever is the lesser.	
(4) Kiosks If development for the purposes of a kiosk is permitted under this Policy, the gross floor area must not exceed 50 square metres.	Not applicable.
(5) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Policy, the retail floor area must not exceed 200 square metres.	Not applicable.
(6) Roadside stalls If development for the purposes of a roadside stall is permitted under this Policy, the gross floor area must not exceed 20 square metres.	Not applicable.
21 Preservation of trees or vegetation	
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The site was previously used as a tailings dam and rehabilitation is progressing under the extractive industry consents, therefore no significant examples of vegetation are located within the development site. A large stand of trees is situated adjacent to Old Castlereagh Road and these are proposed to be retained.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Secretary.	
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.	
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:	
(a) development consent, or	
(b) a permit granted by the council.	
(4) The refusal by the council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the council to grant consent for the carrying out of the activity for which a permit was sought.	
(5) This clause does not apply to a tree or other vegetation that the Secretary is satisfied is dying or dead and is not required as the habitat of native fauna.	
(6) This clause does not apply to a tree or other vegetation that the Secretary is satisfied is a risk to human life or property.	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	
(a) that is or forms part of a heritage item or that is within a heritage conservation area, or	
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Secretary is satisfied that the proposed activity:	
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and	
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 28 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
- (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
- (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

Part 5 Additional provisions for zoned land

Provision	Comment
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22 Development on land zoned Employment

Development consent must not be granted for development on land zoned Employment unless the consent authority has considered the following:

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| (a) a water quality management plan and water operations plan for the Penrith Lakes Scheme that are endorsed by the Secretary as being appropriate for the Scheme, | A stormwater report specific to the site accompanies this application and relies on downstream detention and treatment chain as outlined in Stage 1 and Stage 2 Water Management Plans which were developed for the Penrith Lakes Scheme as a whole. |
| (b) an evacuation plan and procedures for early warnings that are prepared by an emergency services organisation and endorsed by the State Emergency Service as being appropriate for the development, | A Flood Emergency Plan is appended to this submission. |
| (c) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development, | A Traffic Impact Assessment Plan is appended to this submission. |
| (d) a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development. | Geotechnical advice is appended to this report supporting the form of development on the site. |

Part 6 Miscellaneous provisions

Provision	Comment
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28 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 3. Heritage conservation areas (if any) are described in Schedule 3.

- (1) **Objectives** The objectives of this clause are as follows:
- (a) to conserve the environmental heritage of Penrith,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

- | | |
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| 29 Bush fire hazard reduction | A Bushfire Impact Assessment is appended to this report. |
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Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

<p>30 Infrastructure development and use of existing buildings of the Crown</p> <p>(1) <i>This Policy does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.</i></p>	<p>Not applicable.</p>
<p>(2) <i>This Policy does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</i></p>	
<p>31 Earthworks</p> <p>(1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p>	<p>Not applicable.</p>
<p>32 Council infrastructure development</p> <p>(1) <i>Development may be carried out by or on behalf of a public authority or the council without development consent on any land, other than land in a heritage conservation area or land containing a heritage item.</i></p>	<p>Not applicable.</p>
<p>33 Flood planning</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to minimise the flood risk to life and property associated with the use of the land,</i></p> <p>(b) <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i></p> <p>(c) <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></p> <p>(2) <i>Development consent must not be granted for development on land to which this Policy applies that is at or below the flood planning level unless the consent authority is satisfied that the development:</i></p> <p>(a) <i>is compatible with the flood hazard of the land, and</i></p> <p>(b) <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>(c) <i>incorporates appropriate measures to manage risk to life from flood, and</i></p> <p>(d) <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></p> <p>(e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p> <p>(3) <i>Development consent must not be granted for development on land zoned Employment, Residential or Tourism unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.</i></p>	<p>Matters relating to the safe and efficient evacuation of workers within the area of the proposed development have been addressed in the accompanying Flood Evacuation Report by Molino Stewart.</p>

Part 7 Urban release areas

Provision	Comment
<p>34 Arrangements for designated State public infrastructure</p> <p>(1) <i>The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</i></p> <hr/> <p>(2) <i>Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this Part, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</i></p> <hr/> <p>(3) <i>Subclause (2) does not apply to:</i></p> <p>(a) <i>any lot identified in the certificate as a residue lot, or</i></p> <hr/> <p>(b) <i>any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or</i></p> <hr/> <p>(c) <i>any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</i></p> <hr/> <p>(d) <i>a subdivision for the purpose only of rectifying an encroachment on any existing lot.</i></p> <hr/> <p>(4) <i>This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).</i></p>	<p>Specific advice has been obtained in relation to the applicability of this clause to the subject and is appended to this report. It is submitted that Clause 34 does not apply to this development proposal.</p>
<p>35 Public utility infrastructure</p> <p>(1) <i>Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</i></p> <hr/> <p>(2) <i>This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</i></p>	<p>Services for water, electricity and sewer are already available at the adjacent industrial land to the east. Connections will be made with those services, with details being considered at the Construction Certificate stage.</p>
<p>36 Development control plan</p> <p>(1) <i>The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.</i></p>	<p>A Draft Development Control Plan is appended to this report addressing this clause.</p>
<p>37 Relationship between Part and remainder of Policy</p> <p><i>A provision of this Part prevails over any other provision of this Policy to the extent of any inconsistency.</i></p>	<p>Noted.</p>

4.2.4.1 Comment on the zoning of the subject site

Whilst it is noted there may be provisions within the SEPP to allow the development of structures on the land that is currently unzoned, it is considered this scenario is not ideal. This anomaly could be easily clarified through an amendment to the SEPP and the rezoning of those lands to *Employment*.

Division 3.5 of the *Environmental Planning and Assessment Act 1979* facilitates a process that enables lodging of development applications at the same time as requests to amend an environmental planning instrument. Such a request is not limited to changes to an environmental planning instrument by reference to a planning proposal but are broader.

A formal request to rezone the unzoned land is appended to this report. It is acknowledged that this process is not administered through a Planning Proposal, rather it originates from a non-statutory request to make a SEPP amendment. The appended submission represents that request.

4.2.5 State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP identifies matters that are to be referred to Roads and Maritime Services for consideration. The proposal does not trigger the need for a referral.

5 Section 4.15 Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

5.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 4.15(1)(a)(ii) – Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no known draft Environmental Planning Instruments applicable to the subject site.

5.3 Section 4.15(1)(a)(iii) – Any Development Control Plan

There are no Development Control Plans applicable to the subject site. The application is accompanied by a Draft DCP as required by SEPP PLS.

5.4 Section 4.15(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 7.4

There are no known planning agreements that apply to the site or development.

5.5 Section 4.15(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 4.15(1)(a)(v) – Any coastal zone management plan

Not relevant to the proposed development.

5.7 Section 4.15(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The following impacts have been considered in the preparation of this development proposal.

5.7.1 Urban Design

An urban design exercise was undertaken prior to the design phase of the proposed development layout. The urban design study identified:

- Key constraints and opportunities for the site.
- Interface with adjoining development.

- General connectivity opportunities to, from and through the site.

The urban design study formed the basis of the lot layout and design, and the principles proposed within the Draft DCP.

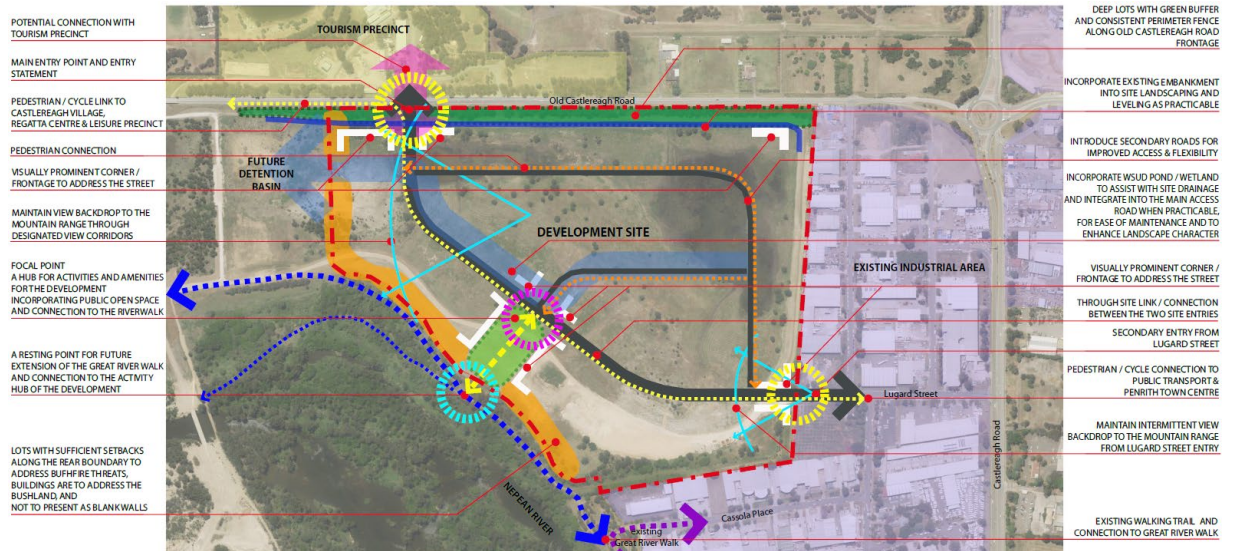


Figure 14 - Urban Design Principles (Giles Tribe)

The lot layout proposed results in the most suitable arrangement for land to accommodate future buildings, in the context of the objectives of the zone.

5.7.2 Flora and Fauna

There are no unacceptable impacts expected in this regard. The site has been previously used for tailings associated with the quarrying operations.

5.7.3 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application showing the method for stormwater disposal.

In terms of flooding, a Flood Emergency Response Plan by Molino Stewart accompanies the application.

5.7.4 Traffic Generation and Parking

A detailed Traffic Impact Assessment has been undertaken and accompanies the application. The analysis within that assessment confirmed the following:

- there will not be any unsatisfactory traffic implications and in particular:
 - there will be adequate spare capacity on Castlereagh Road when the development is completed
 - there will be no need for any interim or temporary road upgrades to accommodate the staged completion of development
- the proposed access road system will be suitable and appropriate
- appropriate provisions will be made for pedestrians, cyclists and bus services

Importantly, the analysis recognised the significant existing capacity within the surrounding road network to cater for the proposed development. It also recognised that the already committed upgrading of Castlereagh Road will increase that capacity further. Consequently there are no traffic impact reasons that would render the proposal unacceptable.

5.7.5 Noise Impacts

There will be unacceptable ongoing noise impacts arising from the proposed subdivision.

5.7.6 Heritage Issues

There are no heritage matters raised within SEPP PLS that are relevant to the proposed subdivision.

5.7.7 Visual Impact

No unacceptable visual impacts would arise from this subdivision application.

5.7.8 Services

The site can be appropriately serviced to allow for the proposed development.

5.7.9 Social and Economic

The additional employment opportunities arising from the proposed development are considered to be overwhelmingly positive. With significant demand for this sort of land, the proposed subdivision will positively contribute in achieving the strategic planning objectives of the NSW State Government and Penrith Local Government. In this regard it is considered that the proposal would result in a positive social impact.

There are no negative economic impacts considered relevant to the proposal.

5.8 Section 4.15(1)(c) – The suitability of the site for the development

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed subdivision would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

5.9 Section 4.15(1)(d) – Any submission made

The Department may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.10 Section 4.15(1)(e) – The public interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Penrith Lakes SEPP and is considered to represent a form of development that is acceptable.

The proposed subdivision would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development, and the objectives of the zoning.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development of a 3 into 10 lot subdivision at 14-278 Old Castlereagh Road, Penrith be approved.