



STATEMENT OF ENVIRONMENTAL EFFECTS (AMENDED AND CONSOLIDATED)

Torrens title subdivision (3 lots into 93, with 4 residual lots), earthworks, roads, stormwater infrastructure and landscaping

14-98 Old Castlereagh Road
PENRITH

Prepared for: Great River NSW Pty Ltd

REF: M190009

DATE: 5 November 2021



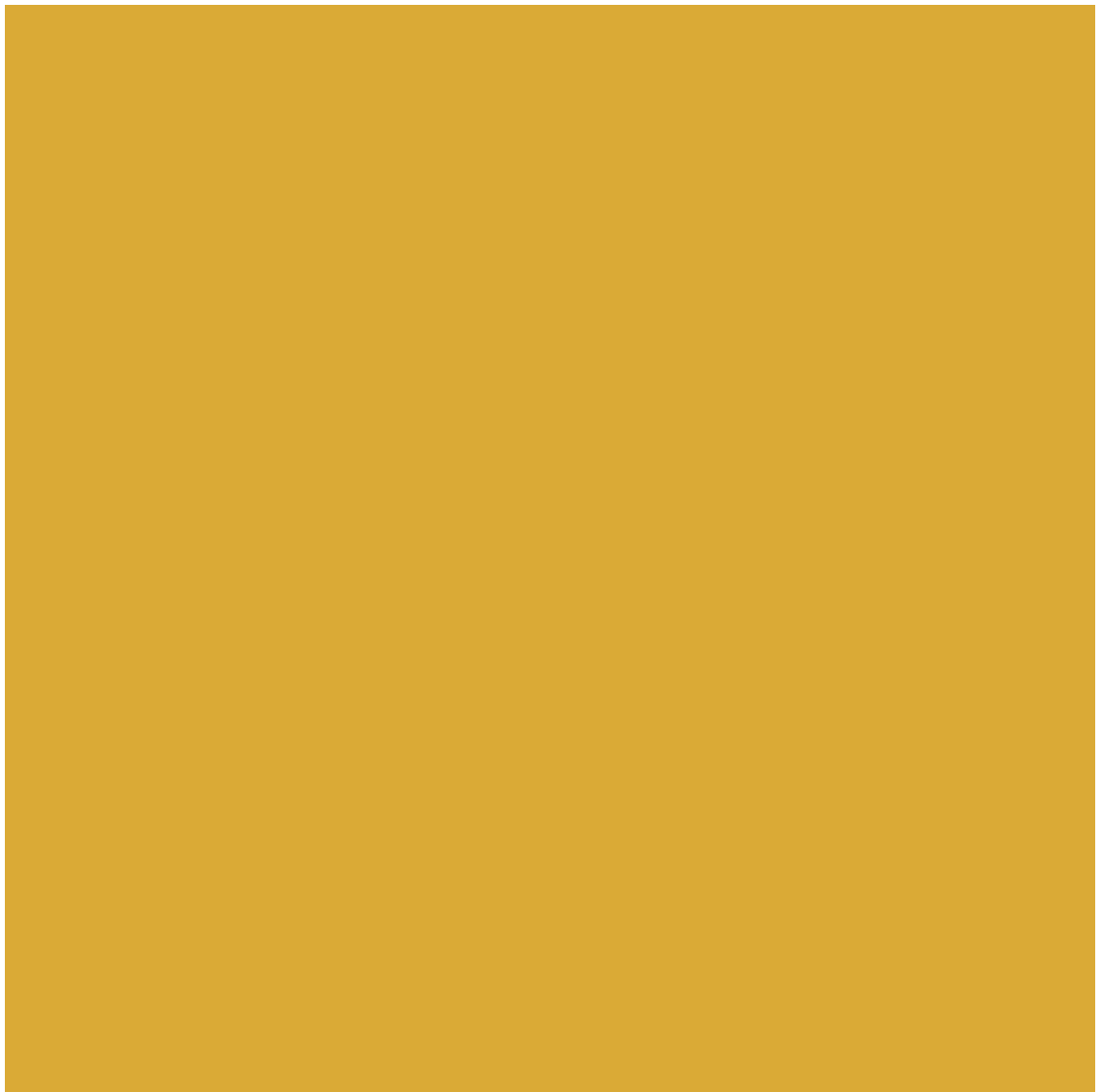
SUBDIVISION

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1. Introduction

1.1 INTRODUCTION

This Amended Statement of Environmental Effects (SEE) has been prepared for Great River NSW Pty Ltd, the Applicant for DA 9876 which seeks consent for Torrens title subdivision (3 lots into 93, with 4 residual lots), earthworks, roads, stormwater infrastructure and landscaping at 14-98 Old Castlereagh Road, Penrith, legally known as Lot 1, 2 and 3 DP 1263486 (*note that the Lot and DP has changed since lodgement of the application*) ('the site').

The proposed development also include works within part of the lots directly to the west of the site, namely Part Lot 1 DP 45727 and Part Lot 307 DP 752021, owned by PLDC, to install stormwater outlet infrastructure (two headwalls and rip-rap scour protection), with works solely within registered easements for "drainage of water".

The development application (DA) for the proposed development was lodged on 18 January 2019. In the period following lodgement, there have been various discussions with, and further information requested from, the (now) Department of Planning, Infrastructure and Environment (DPIE) regarding proposed development of the subject site, as well as liaison with Penrith City Council. As a result, further information has been provided and the application amended a number of times, on 15 March 2019, 30 August 2019, 13 December 2019 and 23 December 2020. including a consolidated SEE outlining the revised proposal.

A Class 1 legal appeal was filed in relation to the subject development application on 16 July 2021. This report provides an amended and consolidated SEE to address matters raised within the Statement of Facts and Contentions, and the Section 34 conference, as well as including some minor amendments to the proposal which have occurred since the last amendment made to the application on 23 December 2020.

This SEE addresses the planning issues associated with the development proposal and assesses the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application has been made pursuant to the provisions of *State Environmental Planning Policy (Penrith Lakes Scheme) 1998* (Penrith Lakes SEPP) which directs development within the Penrith Lakes Scheme area. According to the Penrith Lakes SEPP, the consent authority for the proposal is the Minister for Planning.

This Statement is divided into seven sections. The remaining sections include background, site analysis, description of the proposal, strategic context, environmental planning assessment, and conclusion.

2. Background

2.1 REZONING

The development application, as submitted, relied on an amendment of *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (Penrith Lakes SEPP) to zone part of the site which was unzoned to an 'Employment' zoning.

The Penrith Lakes SEPP was amended in July 2020 and changed the boundaries of the Employment zone and introduced Environment zones to the periphery of the subject site, as shown in Figure 1.

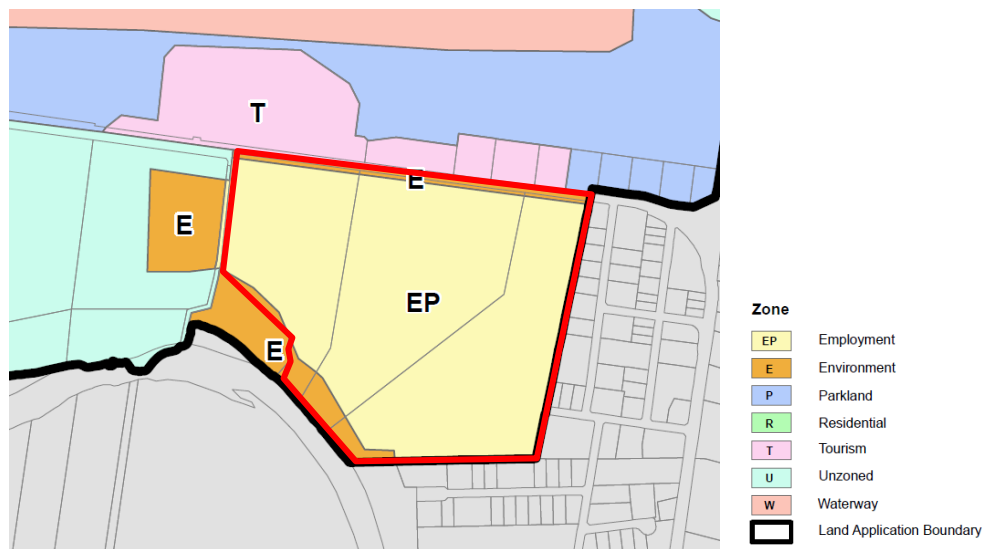


Figure 1. The site with zoning overlay (site outlined in red)

2.2 APPLICATION HISTORY

The development application for the proposed subdivision was lodged on 18 January 2019. In the period following lodgement, there have been various discussions with, and further information requested from, the (now) Department of Planning, Infrastructure and Environment (DPIE) regarding proposed development of the subject site, as well as liaison with Penrith City Council. As a result, further information has been provided and the application amended a number of times, on 15 March 2019, 30 August 2019, 13 December 2019 and 23 December 2020.

A summary of the application history since lodgement is as follows:

- Development application lodged 18 January 2019.
- Further information submitted on 15 March 2019, in response to a request for further information by DPIE (dated 7 February 2019) related to flooding, consultation undertaken with Council and service providers, proposed ground levels, geotechnical and remediation measures, signage and status of the land adjoining the Nepean River.
- A letter from DPIE dated 2 July 2019 identified issues relating to the employment zone boundary amendment, water quality management plan and the DCP. All of these issues have subsequently been resolved.

- On 30 August 2019, a request to amend the application was submitted by the applicant to DPIE, with the primary change being to include bulk earthworks. However, this amendment was subsequently withdrawn on 13 December 2019 given that approval for bulk earthworks is dealt with under separate applications.
- As requested by DPIE, a consolidated Statement of Environmental Effects (SEE) was provided on 13 December 2019 to clarify the various amendments that had previously been made to that point.
- On 23 December 2020, a request to amend the application was submitted by the applicant to DPIE. Based on discussions with DPIE and Penrith City Council, amendments were made to the subdivision design including an alternative location for the main internal road and changes to key subdivision aspects such as the minimum lot size, minimum lot width and amended drainage.

A Class 1 legal appeal was filed in relation to the subject development application on 16 July 2021. This report provides an amended and consolidated SEE to address matters raised within the Statement of Facts and Contentions, and the Section 34 conference, as well as including some minor amendments to the proposal which have occurred since the last amendment made to the application on 23 December 2020.

2.3 OTHER APPROVALS

Rehabilitation works on the site have been approved in accordance with the DA2 consent granted on 24 February 1987 and subsequently modified several times. The rehabilitation works are currently underway.



4. Objectives and Alternatives Considered

4.1 PROPOSAL OBJECTIVES

The objectives of the proposal are:

- to allow for future use of a rehabilitated and vacant site;
- to provide for development in accordance with the aims and objectives of the Penrith Lakes SEPP, and hence in the context of the Penrith Lakes Scheme;
- to subdivide the subject land to allow for future development in accordance with the Penrith Lakes SEPP;
- to allow for the orderly and economic development of the land;
- to provide a range of development lot sizes, in particular to cater for small to medium sized local businesses in the Penrith local government area; and
- to allow for lots in proximity to the Nepean River to accommodate a future extension of the Great River Walk (subject to a separate development application).

4.2 OPTIONS AND ALTERNATIVES CONSIDERED

4.2.1 Design History

The proposed subdivision layout has been subject to a significant design history, both prior to lodging the development application and post-lodgement in discussion with DPIE and Penrith City Council.

The first design concepts were prepared by civil engineers and informed by the two main constraints that control the site design and layout – namely geotechnical (very soft ground conditions which require rehabilitation) and stormwater (the site is very flat and needs to drain stormwater).

Subsequent development of the concept was informed by urban design input from Giles Tribe Architect. The development application for the proposed subdivision layout, initially comprising 100 lots, was submitted on 18 January 2019 and included information regarding the development of the urban design concept by Giles Tribe.

Following lodgement of the development application, various meetings took place with DPIE staff from the strategic planning and assessment teams regarding the subdivision layout. In particular, at the meeting of 3 February 2020, DPIE advised that the main connecting road must connect Lugard Street to Old Castlereagh Road and must run along the Nepean River on the south-western boundary.

On 23 September 2020, the Water Management Plan for Penrith Lakes was endorsed which identifies stormwater from the site draining to the west into the Southern Wetlands. The endorsement of the Water Management Plan provides certainty as to the need for the subdivision layout and the required site levels, in order to allow the site to drain to the west.

In November and December 2020, the Applicant and their relevant consultants held a series of meetings with Penrith City Council, who will be the end owner of the roads and stormwater infrastructure. Penrith City Council requested that all stormwater be placed in pipes in the road reserve at minimum grades. The subdivision layout was amended on this basis. The DA as lodged was amended on 23 December 2020 (which is the current layout of the subdivision the subject of this application).



4.2.2 Feasible Alternatives

As outlined in the above design history, the subdivision design has been informed by many factors including site constraints and drainage requirements (as per the endorsed Water Management Plan for Penrith Lakes), as well as consultation and agreement with DPIE and Penrith City Council regarding road location, site access, and drainage infrastructure. As a consequence, the subdivision layout has been amended a number of times to meet the various requirements, including notably a reduction in the number of lots from 100 to 93 (with four residual lots) under the current layout.

Accordingly, given the various requirements, it is considered that there is no feasible alternative to the proposed subdivision layout which has managed to successfully meet these numerous requirements. The only exception to this may be an alternative road layout within the subdivision. However, it has been made clear that DPIE require a road along the south-western boundary adjacent to the Nepean River. Therefore, the current subdivision layout has been chosen as the preferred option.

4.3 CONSEQUENCES OF NOT CARRYING OUT THE DEVELOPMENT

The consequence of not carrying out the development would be that the land would remain vacant and undeveloped, despite its zoning for Employment and Environment uses. This would not allow for the orderly and economic development of the land, nor meet the inherent demand for land to provide for employment generating development.

This would not meet the project objectives as outlined above, given that the land is suitable for future development in accordance with the permissible uses which apply under the Penrith Lakes SEPP. By not carrying out the development, the future use of a rehabilitated and vacant site would not be allowed for in accordance with the aims and objectives of the Penrith Lakes SEPP, and hence in the context of the Penrith Lakes Scheme. The residual lots within the proposed subdivision which are intended to accommodate a future extension of the Great River Walk (subject to a separate development application), would not be achieved if the development was not carried out.

Further, not carrying out the development would not allow for the provision of a range of development lot sizes, in particular to cater for small to medium sized local businesses in the Penrith local government area, and would have an adverse impact on the ability of these businesses to secure a development site in proximity to their homes. Thus not meeting the objective of the “30 minute City” as per the Regional and District Plan. The potential job creation and economic activity associated with the future development of the site would be lost.



5. Description of the Proposal

5.1 PROPOSED DEVELOPMENT

The proposed development comprises a staged Torrens title subdivision of 3 lots into 93 (with 4 residual lots), earthworks, roads, stormwater infrastructure and landscaping at 14-98 Old Castlereagh Road, Penrith, legally known as Lot 1, 2 and 3 DP 1263486 (*note that the Lot and DP has changed since lodgement of the application*).

The proposed development also include works within part of the lots directly to the west of the site, namely Part Lot 1 DP 45727 and Part Lot 307 DP 752021, owned by PLDC, to install stormwater outlet infrastructure (two headwalls and rip-rap scour protection), with works solely within registered easements for “drainage of water”.

5.1.1 Subdivision Layout

The proposed development includes the Torrens title land subdivision of 3 lots into 93 (with 4 residual lots).

The lots range in size from 2,006.4m² to 20,238.2m² with the following break-down:

- 56 lots less than 3,000m²;
- 8 lots between 3,000m² and 5,000m²;
- 25 lots between 5,000m² and 10,000m²;
- 4 lots more than 10,000m².

The proposed subdivision layout is depicted on the plans submitted with this Statement and illustrated in Figure 3.

The proposed internal road and stormwater drainage systems are intended to be constructed by the Applicant and dedicated to Council.

The four residual lots comprise Lots 200, 201, 202 and 203 to the south-west of the site, shown in green in the subdivision plan (as illustrated in Figure 3). As can be seen, the boundaries of these lots are aligned to the boundaries of the existing three lots that comprise the site. The residual lots are within an ‘Environment’ zone and are intended to accommodate the future extension of the Great River Walk (subject to separate development application(s)).



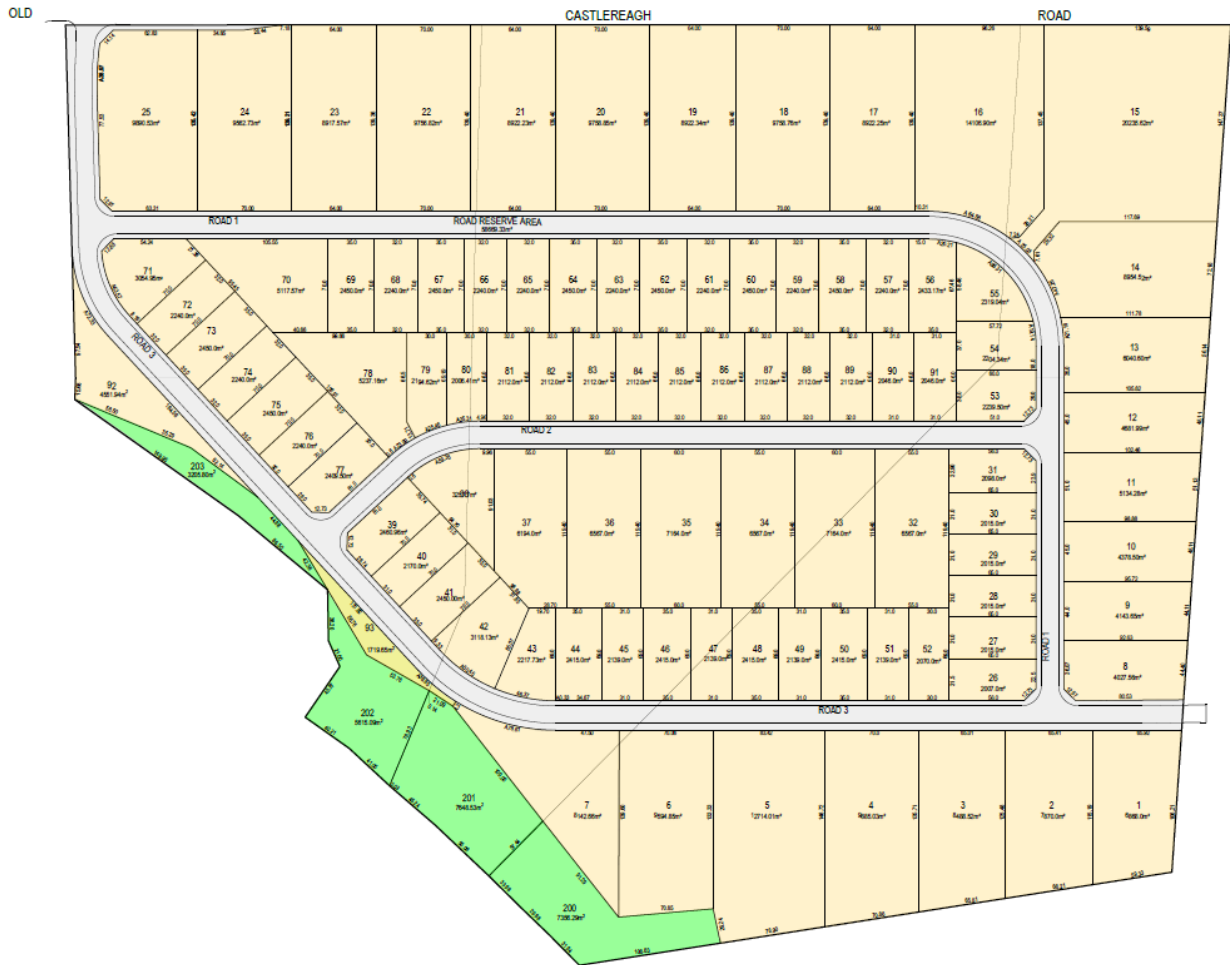


Figure 3. Proposed subdivision layout

5.1.2 Access and Internal Roads, Pathways and Cycleways

The road layout has been amended as requested by DPIE. Road 3 extends 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 other parts of the site.

A 22m wide road reserve is provided to the main internal road (Road 3), comprising a 13m roadway, 5.2m verge to southern/western side to allow for a shared path and 3.8m verge to other side. Other internal roads have a 20.6m wide road reserve, comprising a 13m roadway with 3.8m verges each side.

A 3m wide shared path is provided, located to the southern/western side of Road 3, which will enable connection to the external pedestrian and cycle network as well as flexible and appropriate internal circulation and site access. Elsewhere, 1.5m footpaths are provided.

It is intended that all roads are dedicated to Council upon completion.

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 submitted traffic report.

5.1.3 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 stormwater design achieves the requirements of the Stage 2 Penrith Lakes Water Management Plan (WMP) including the stormwater and water quality objectives.

Stormwater discharge from the site will be into the Penrith Lakes scheme to the west. The Penrith Lakes Scheme has a substantial water storage capacity.

Due to multiple site constraints on the site, and necessary drainage and road gradients to allow discharge to the west, the stormwater drainage system has been modified from the previously proposed open reserves to a piped system at the request of Penrith City Council. A number of meetings (three) were held with Council to agree the proposed arrangement, and Council are satisfied in concept with the civil and stormwater plans (refer email from Council provided with the application). It is proposed that the completed drainage system will be dedicated to Council.

The civil design has been amended to account for the revised stormwater drainage. Earthworks are proposed to achieve final site levels as detailed in the civil plans.

The proposed development also include works within part of the lots directly to the west of the site, namely Part Lot 1 DP 45727 and Part Lot 307 DP 752021, to install stormwater outlet infrastructure (two headwalls and rip-rap scour protection) as shown on the submitted Civil Plans.

5.1.4 Vegetation and Landscaping

As a result of the historic quarrying activities, and the current rehabilitation works, the site is a highly disturbed and modified landscape. Canopy trees are located adjacent to Old Castlereagh Road, and vegetation (mostly self-regenerated) is contained in the portion of the site nearest to the river, which is intended to form an extension of the Great River Walk (within an 'Environment' zone of the site).

Trees and other vegetation will be removed across the site to allow for earthworks to proceed. The trees to be removed are identified in the tree removal plans contained within the Civil Plans set and outlined in the supplementary arborist report. Potential impacts on retained trees are also addressed in the arborist report, including recommended mitigation measures during construction works to avoid or mitigate potential impacts on retained trees.

A landscaping scheme is proposed for the site, as detailed in the concept landscape plans submitted with the application and landscape strategy contained within the Urban Design Study and Master Plan. The concept landscaping plan supplements the trees to Old Castlereagh Road and within the residual lots with street trees throughout the subdivision comprising native indigenous river plain species.

The proposed street tree planting will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the proposed subdivision is consistent with the various local and State government policies and guidelines for tree canopy cover and urban cooling.

The proposed landscaping will establish a landscape character throughout the estate, which will be further reinforced with landscaping to individual lots which will be required as part of future development applications for use of the lots.

5.1.5 Signage

Two entry signs are proposed for the development and are shown on the Signage Plan contained within the Landscape Plan (and illustrated in Figure 4 below).



The main entry sign is located in the central median of the accessway from Old Castlereagh Road towards the north western corner of the site. The second entry sign is positioned on the southern edge of the site's second access at Lugard Street, near the south eastern corner of the site.

The proposed main entry sign is 1500mm wide by 4500mm high and the second entry sign is 300mm wide and 2200mm high. The proposed signage will not be internally illuminated or comprise any moving elements (flashing, rolling etc).

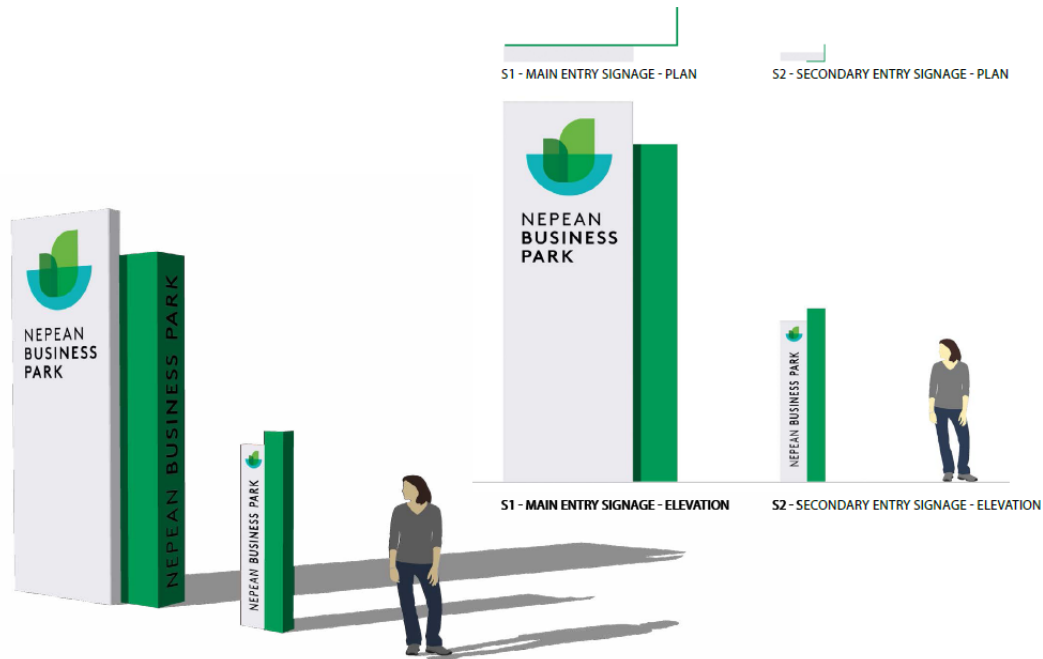


Figure 4. Proposed signage

5.1.6 Utilities and Services

The site will be appropriately serviced to accommodate the proposed use. All services are currently located adjacent to the site and connections will be made with each service authority.

A *Concept Services Infrastructure Coordination Plan* is provided within the civil plans set submitted with the application which identifies the existing water, sewage and electricity connections available in the surrounding area for future connection, and illustrates a concept plan for how the services would be accommodated within the subdivision.

Letters from Sydney Water (regarding water and sewage supply) and Power Solutions (regarding electrical supply infrastructure) are provided which confirms the availability of supply of the services, noting that an extension of Sydney Water assets will be required to service the future development of the site.

5.1.7 Energy Requirements

Preliminary load assessments have been undertaken (refer to letter from Power Solutions submitted with the application) which indicates that the future development of the subdivision may require 6 or 7 padmount substations, however noting that the actual supply requirements can vary significantly depending on the actual use of the lots.

Existing 11kV overhead mains are located adjacent to the site along Old Castlereagh Road and at the corner of Lugard and Leland Streets. 33kV and LV overhead mains are also located in Old Castlereagh Road. The 11kV supply is from Cranebrook Zone substation only approximately 1.8 km to the east of the proposed subdivision.





It is not anticipated that there will be major upstream electricity supply work required to support future development of the site, however this will need to be confirmed with Endeavour Energy via the supply application process. An “Application for the Provision of an Electricity Network for a Subdivision” will be submitted to Endeavour Energy at Stage 1 of the subdivision.

NBN is available in Old Castlereagh Road via the existing Telstra network. An application to NBN for Stage 1 of the subdivision will be submitted for NBN to review and advise of any required upstream works.

5.2 STAGING

The development is proposed to be staged in its delivery. A staging plan is submitted with the application, illustrated in Figure 5, and described below:

- Stage 1 – construction of 6 lots, formation of the eastern site entrance at Lugard Street, and roads within the stage boundary as indicated on the staging plan
- Stage 2 – construction of 4 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 3 – construction of 10 lots
- Stage 4 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 5 – construction of 8 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 6 – construction of 6 lots, formation of main entrance to/from Old Castlereagh Road, and roads within the stage boundary as indicated on the layout plan
- Stage 7 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 8 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 9 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 10 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 11 – construction of 8 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 12 – construction of 9 lots, and roads within the stage boundary as indicated on the staging plan
- Stage 13 – construction of 7 lots, and roads within the stage boundary as indicated on the staging plan

Each stage will include residual lots remaining from the original three lots that comprise the existing site.

Given there are no physical works associated with the final residual lots (being the four Environment zoned lots), they are not included in the staging program.

The staging proposed will allow appropriate sequencing of works and delivery of land to the market.





Figure 5. Subdivision staging plan

5.3 INTERACTION WITH REHABILITATION WORKS

Rehabilitation works are currently underway on the site, as per separate approval under the existing DA2 consent (and approved “Two Year Plan”). Depending on the timeframe for approval of the subject application, the works under this application may be staged with the rehabilitation works i.e. rehabilitation and subsequent earthworks associated with subdivision in stages, prior to completion of rehabilitation of the entire site. A letter from PSM submitted with the application confirms that this staging is viable from a geotechnical perspective – refer to Section 8.4.1 of this Statement for full consideration of geotechnical impacts.

5.4 PROPOSED FUTURE USE OF THE SITE

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

5.5 PROPOSED MANAGEMENT OF THE SITE

Item 2(d) of Schedule 2 of the Penrith Lakes SEPP requires consideration of the proposed control and management of the land where land is not to be dedicated to the Crown. It is noted that this is more relevant for other development within the Penrith Lakes area associated with the creation of a regional recreational lake system. The proposal is for a Torrens title subdivision, and therefore management of the lots once subdivided will be with individual landowners.



In terms of management of the Environment zoned areas of the site, it should be noted that the Environment zone to the south-west of the site contains only residual lots from the subdivision of the Employment zoned land. It is intended to accommodate a future extension of the Great River Walk (subject to separate development application(s)) in this zone, and therefore ongoing management of this zone would be incorporated into the proposed application for use of this zone. Management of the Environment zoned land within lots along Old Castlereagh Road to the north of the subdivision, is proposed to be addressed by way of a Vegetation Management Plan which will include management, implementation, weed control, monitoring and reporting guidelines.





6. Penrith Lakes Scheme Context

6.1 PROPOSAL JUSTIFICATION

The application for the proposed development is made within the context of the Penrith Lakes SEPP. The site is identified as an “urban release area” under the SEPP, given the rezoning to ‘Employment’ made via an amendment to the Penrith Lakes SEPP in 2017. As part of the site remained as “unzoned” land, in July 2020 the SEPP was further amended to zone part of the site which was unzoned to ‘Employment’ and ‘Environment’ zoning.

The application is made in the context of the Penrith Lakes SEPP, as identified by an assessment of the application against all relevant provisions of the SEPP at Annexure A.

Of particular note, the proposed subdivision is in accordance with Clause 15 of the Penrith Lakes SEPP which allows for subdivision of any land to which the SEPP applies (with consent).

6.2 RELATIONSHIP OF DEVELOPMENT TO THE SCHEME

Item 2(a) of Schedule 2 of the Penrith Lakes SEPP requires consideration of “*the relationship and extent of the proposed development to the completed scheme*”.

The proposed development is not for the purpose of implementing the Penrith Lakes Scheme, noting that the purpose of the Scheme as per Schedule 1 of the Penrith Lakes SEPP is the creation of a regional recreational lake system, and the subject application does not involve the creation of any component of the regional recreational lake system. *(Note that, on this basis, Clause 8 of the SEPP is not considered to apply to the proposed development. However, in the interest of abundant caution (should the clause be considered to apply), the proposal can be consistent to be consistent with this clause given that the proposal is in accordance with the zoning of the site under the Penrith Lakes SEPP (the majority of the site is zoned ‘Employment’ and the remainder of the site is zoned ‘Environment’). The proposal is also consistent with Clause 15 of the Penrith Lakes SEPP, under which subdivision of land within the Penrith Lakes Scheme can be undertaken with development consent.)*

As highlighted above, the subject site was rezoned for ‘Employment’ purposes in 2017 and 2020. The proposal is in accordance with the zoning of the site under the Penrith Lakes SEPP and is also consistent with Clause 15 of the Penrith Lakes SEPP, under which subdivision of land within the Penrith Lakes Scheme can be undertaken with development consent.

The key relationship of the proposal with the remainder of the Penrith Lakes Scheme is with regards to stormwater disposal. Consistent with the endorsed Stage 2 Penrith Lakes Water Management Plan, stormwater is to be discharged from the site to the treatment basins located to the west of the site. The stormwater design achieves the requirements of the Stage 2 Penrith Lakes Water Management Plan (WMP) including the stormwater and water quality objectives.



7. Strategic Context

This section of the Statement considers the proposal against the relevant strategic plans that apply to the area.

7.1 COVID RECOVERY

The proposed subdivision will support Government objectives and policies related to COVID recovery, by creating new jobs and promoting economic stimulus.

The subdivision will allow for the future development of the Nepean Business Park, to meet substantial demand for employment land in the Penrith LGA. In particular, the proposed subdivision supports small businesses in terms of lot sizes and consequential affordability.

The subdivision will provide for “local jobs for local people”, and promote the ‘30 minute City’. This will provide additional benefits in terms of limiting urban sprawl, easing traffic congestion, promoting affordability and providing local jobs.

7.2 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.

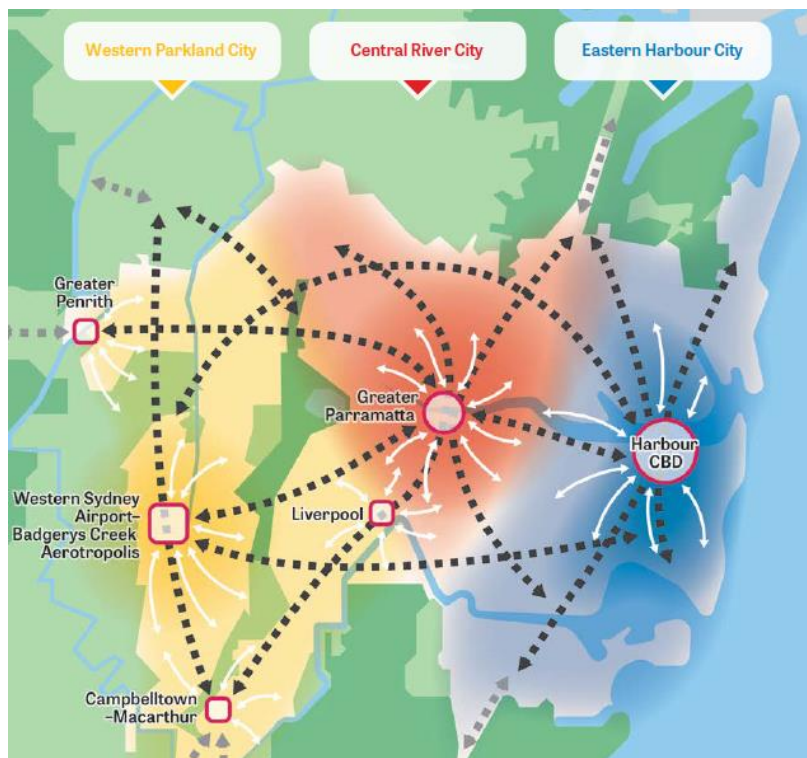


Figure 6. Three cities under the Greater Sydney Region Plan

Under the Plan, the target is for an additional 817,000 jobs to be provided in the 20-year period from 2016 to 2036.



The subject site is located in Penrith within the identified Western Parkland City. The population of the Western Parkland City is projected to grow from 740,000 in 2016 to 1.1 million by 2036, and to well over 1.5 million by 2056. The 'Western Sydney City Deal' seeks to unlock opportunities for education, business and employment of the Western Parkland City and its people and aims to create 200,000 jobs.

The proposal would support all the objects of the Plan, particularly those that relate to productivity in Western Sydney, by allowing for employment land and job creation.

The Plan seeks to provide a 30-minute city that connects people to jobs, businesses, schools and services (Objective 14). By allowing for local jobs for local people, the proposed subdivision will support the creation of a 30-minute city and will reduce the need for people to travel for work, thus limiting urban sprawl and assisting with the easing of traffic congestion.

Objective 23 of the Plan recognises the need to plan, retain and manage industrial and employment land, highlighting that across Greater Sydney, 15% of all jobs are on industrial and urban services land yet only 8% of developable land in Greater Sydney does not permit residential uses. The proposed subdivision will allow for the future development of the site for a business park and retention of employment land, consistent with this objective.

In addition, the proposal meets Objective 27 to enhance remnant vegetation, with the creation of lots within the 'Environment' zone portion of the site to the south-west for which it is intended to create an extension of the Great River Walk (subject to separate development application). Future development of the site afforded by the subdivision will also allow for an increase in urban tree canopy cover, in accordance with Objective 30.

7.3 OUR GREATER SYDNEY 2056 - WESTERN SYDNEY DISTRICT PLAN

The Western City District Plan builds on the objectives of the Greater Sydney Region Plan and sets out planning priorities and actions for improving the quality of life for residents as the district grows and changes.

The proposed subdivision will deliver on the objectives and planning priorities identified in the District Plan, in particular the productivity directions (shown in Figure 7), through the development of additional zoned employment land and the creation of additional jobs.

As highlighted above, the subdivision will provide local jobs for local people, support the creation of a 30-minute city and will reduce the need for people to travel for work, thus limiting urban sprawl and assisting with the easing of traffic congestion. Sustainability objectives and priorities will also be met by retaining native vegetation adjacent to the river and allowing for increased tree canopy cover with future development of the site.



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 7. Productivity objectives for the Western Sydney District

Collaboration Areas are a place-based process led by the Greater Sydney Commission to address complex issues that require cross-stakeholder solutions. Figure 8 shows the subject site adjoining existing employment lands within the Penrith Collaboration Area.

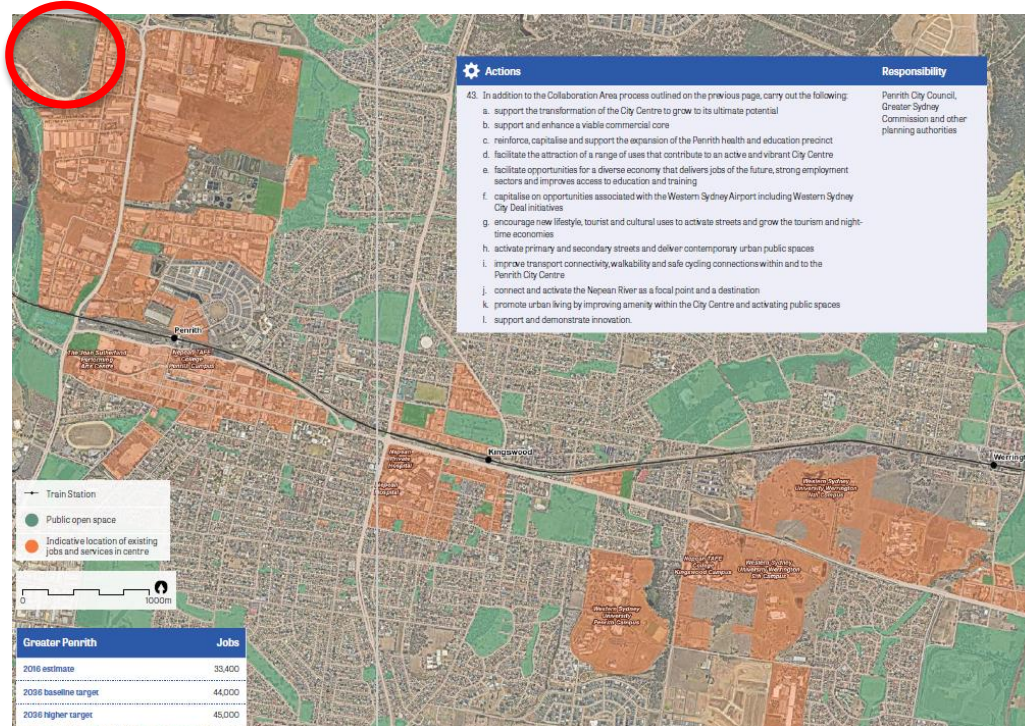


Figure 8. Penrith Collaboration Area, showing location of subject site



7.4 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.

7.5 A METROPOLIS THAT WORKS – GSC THOUGHT LEADERSHIP SERIES

The Greater Sydney Commission published this Paper in October 2018 as part of its 'Thought Leadership Series'. This Paper recognises that employment areas 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 be developed for employment land uses, and its development is therefore consistent with the outcomes of this Paper. It will help create a working city, deliver the 30 minute city, provide economic investment and stimulus, and ensure economic survival by delivering affordable land.





8. Environmental Planning Assessment

8.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development against all relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

8.2 INTEGRATED DEVELOPMENT

Development may be classified as “Integrated Development” under Section 4.46 of the EP&A Act pursuant to Section 91(2) of the *Water Management Act 2000*, which requires an activity approval for a “*specified controlled activity at a specified location in, on or under waterfront land*”. Waterfront land includes land within 40m of a river.

The proposal includes only subdivision within 40m of the Nepean River, with the creation of residual lots no. 200, 201 and 202. No physical works are proposed.

A controlled activity means the following:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

The proposed development is not deemed to be a controlled activity as it does not involve any of the above.

In terms of “carrying out of a work” under (a), “work” is defined in the EP&A Act as follows:

***work** includes any physical activity in relation to land that is specified by a regulation to be a work for the purposes of this Act, but does not include a reference to any activity that is specified by a regulation not to be a work for the purposes of this Act.*

Firstly, it is noted that “work” refers to any “physical activity” and no physical activity is proposed within 40m of the River. Further, the definition of “work” refers to that specified by a regulation. The *Environmental Planning and Assessment Regulation 2000* at Section 3B specifically defines the extension of meaning of “work” as follows: “*For the purposes of the definition of work in section 1.4(1) of the Act, the deposit of material on a beach or land within a beach fluctuation zone (within the meaning of the Coastal Management Act 2016) is specified to be a work*”. The proposal does not involve any such deposit of material.

Accordingly, the proposal is not considered to be integrated development requiring a controlled activity approval.

8.3 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act are identified in the following table.





Table 1 Section 4.15 Matters for Consideration				
EP&A Act 1979	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP (Penrith Lakes Scheme) 1989	✓	✓	
"	SEPP No. 55 – Remediation of Land	✓	✓	
"	SREP No. 20 – Hawkesbury-Nepean River	✓	✓	
"	SEPP (Infrastructure) 2007	✓	✓	
"	SEPP No. 64 – Advertising and Signage	✓	✓	
S.4.15(1)(a)(iii)	Any development control plan	✓	✓	

The primary statutory document applying to the proposed development is the *State Environmental Planning Policy (Penrith Lakes Scheme) 1998*. There is no development control plan (DCP) in place for the Penrith Lakes area, however a Draft DCP has been exhibited by DPIE (May 2021) and a DCP prepared specifically for the Employment zoned land accompanies this DA. The status and application of the DCPs are discussed below.

The relevant provisions of the above documents are summarised below and the proposal's compliance with them assessed.

8.3.1 SEPP (Penrith Lakes Scheme) 1989

State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP) is the primary environmental planning instrument applying to the site. A full assessment of the proposal against the relevant provisions of the Penrith Lakes SEPP is provided in Annexure A, which demonstrates that the proposed development complies with all relevant provisions.

Clause 36 of the Penrith Lakes SEPP which requires that a development control plan is prepared prior to development consent being granted for development on land in an urban release area (which includes Employment zoned land) is addressed in Section 8.3.6.

8.3.2 SEPP No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) require the consent authority to consider whether land is contaminated and if it is contaminated whether it can be made suitable for the proposed purpose.

A site audit statement and report which covers the subject site is submitted with the application. The report confirms that the land in its present state is suitable for residential land use and other less sensitive land uses including employment which would be the proposed future land use.

Accordingly, the requirements of SEPP 55 are considered to be met.

8.3.3 SREP 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 are expected to 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.

8.3.4 SEPP (Infrastructure) 2007

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

8.3.5 SEPP No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage applies to all signage that can be displayed with or without development consent and is visible from any public place.

The objectives of the SEPP are to encourage signage that is compatible with the desired amenity and visual character of an area, provides effective communication, and is of high-quality design and finish. Schedule 1 of the SEPP contains assessment criteria for signage in relation to the character of the area, views and vistas, the streetscape and the building to which it relates.

Two entry signs are proposed for the development and are shown on the Signage Plan (contained within the Landscape Plans) submitted with this application. The main entry sign is located in the central median of the accessway from Old Castlereagh Road at the north western corner of the site. The second entry sign is positioned on the southern edge of the site's second access at Lugard Street near the south eastern corner of the site. The proposed main entry sign is 1500mm wide by 4500mm high and the second entry sign is 300mm wide and 2200mm high. The proposed signage will not be internally illuminated or comprise any moving elements (flashing, rolling etc).

The proposed signage is considered to be a 'freestanding advertisement' sign under the SEPP ("*an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports*").

Clause 3 of the SEPP stipulates its general aims as follows:

- (1) *This Policy aims:*
- a) *to ensure that signage (including advertising)*
 - i. *is compatible with the desired amenity and visual character of an area, and*
 - ii. *provides effective communication in suitable locations, and*
 - iii. *is of high quality design and finish, and*
 - b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - c) *to provide time-limited consents for the display of certain advertisements, and*
 - d) *to regulate the display of advertisements in transport corridors, and*
 - e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposal is consistent with the Policy aims in that the signage is compatible with the desired amenity and visual character of the area, being land zoned for employment and adjacent to an existing industrial area. The proposed signage will provide effective communication, identifying the development and be suitably located at the two site entryways. The signage has been designed to be of high quality and will be finished in high quality materials appropriate for the outdoors.

Clause 6 of the SEPP identifies development to which the SEPP applies. The proposed development involves advertising signage that will be visible from a public place and therefore the SEPP is applicable.

Clause 8 of the SEPP states that the consent authority must not grant consent unless proposed signage is consistent with the objectives of the SEPP and the assessment criteria in Schedule 1 of the SEPP. Provided below is a table detailing compliance with the assessment criteria of Schedule 1 of the SEPP.



Clause 9 states that Part 3 of the SEPP applies to all signage except for business or building identification signs. The proposed development includes entryway signage for the site as a future business park. As such, Part 3 is applicable and addressed below.

The proposal is not located within any of the prohibited areas nominated within Clause 10(1) of the SEPP.

Clause 14 states that the duration of consents shall be limited to 15 years (unless the specification of a lesser period is required by another provision of this Policy). There is no lesser period for specified under this policy.

The signage is less than 20m² and therefore clauses 17 to 19 do not apply. The signage is located on the ground at the two site entryways and therefore clauses 21 to 22 and 24 to 27A do not apply.

The signage falls into the category of “freestanding advertisements” and therefore clause 23 applies. This requires that consent to a freestanding advertisement is allowed only if the advertising structure does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre. The signage is between 2.2m and 4.5m in height and will not protrude above buildings, other structures or tree canopies.

Table 2 SEPP No. 64 – Advertising and Signage Schedule 1 Compliance

Clause / Control	Requirement	Proposal	Complies?
1. Character of the Area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, as the proposal is consistent with the objectives of the zone and the permitted commercial and business uses envisioned by the zone it is considered to be compatible with the desired future character of the area	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal provides advertising signage that is consistent with standard industrial or business park signage. The Penrith Lakes Scheme is in the process of transitioning from an extractive industry use to a rehabilitated wetland and recreational use with new urban zones such as employment and residential. As such, there are limited examples of advertising signage of this type in the immediate surrounding area. However, the proposed signage is not considered to be obtrusive and is appropriate to advertise the development of the site as a business park consistent with the objectives of the zone.	Y
2. Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The Penrith Lakes Scheme is transitioning from being an extractive industry use to one of open space with rehabilitated waterways. The site is mainly zoned 'Employment' with part of the site zoned 'Environment'. The proposed signage is consistent with the employment zone within which it is located. The land adjacent to the main site entryway on Old	Y



Table 2 SEPP No. 64 – Advertising and Signage Schedule 1 Compliance

		<p>Castlereagh Road is zoned 'Tourism' and seeks to provide for tourist-oriented development and related uses, including providing diverse tourist and visitor accommodation and activities. The location of the proposed signage within the entryway and its small scale will not detract from the adjacent tourist activities or the surrounding open space areas of the Penrith Lakes Scheme. The land to the east and south of the site is zoned IN1 Light Industrial. The proposed signage for the second entryway will not detract from the surrounding industrial areas.</p>	
3. Views and Vistas	Does the proposal obscure or compromise important views?	The proposed signage is to be located at the two access points to the site. The proposed signage is between 2.2m and 4.5m in height and therefore will not obscure or compromise any important views.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal will not reduce the quality of vistas given the location and scale of the proposed signage.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure the viewing rights of other advertisers or advertising signage within the locality.	Y
4. Streetscape Setting or Landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The size and scale of the proposed signage is not obtrusive and is considered appropriate for its use to advertise the site as a business park.</p> <p>The signage has been designed to complement the landscaping at each site access and therefore is appropriate in scale, proportion and form for the streetscape and setting.</p>	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal, including the signage, landscaping and industrial heritage public artwork, has been designed to contribute to the visual interest of the streetscape and setting.	Y
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The existing sign is the only advertising sign located at each site access. There are no other existing signs in the area.	N/A
	Does the proposal screen unsightliness?	Not applicable. The proposed signage is located at the site access points and will be accompanied by appropriate landscaping.	N/A

Table 2 SEPP No. 64 – Advertising and Signage Schedule 1 Compliance

	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is between 2.2m and 4.5m in height and will not protrude above buildings, other structures or tree canopies.	Y
	Does the proposal require ongoing vegetation management?	Some level of ongoing vegetation may be required, however easy care landscaping is proposed.	Y
5. Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the proposed signage is to advertise the use of the site as a business park. The scale and proportion of the signage is considered appropriate for the site.	Y
	Does the proposal respect important features of the site or building, or both?	The proposed signage is located at the site entryways and does not interfere with any significant features.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage, landscaping and industrial heritage public artwork have been designed to create an attractive and imaginative main site access for the development.	Y
6. Associated devices and logos with advertisements and Advertising Structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage itself advertises the name of the development 'Nepean Business Park' and therefore no other logo is required. Discrete lighting will be provided to each sign and will be incorporated into the design of the landscaping and entryway features.	Y
7. Illumination	Would illumination result in unacceptable glare?	The main site entryway and secondary access point will be discretely lit to ensure visibility of the site from the street and provide safety for pedestrians and vehicles.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the signage would not affect safety for pedestrians, vehicles or aircraft as it will not be internally illuminated nor display moving or flashing imagery.	
	Would illumination detract from the amenity of any residence or other form of accommodation?	No. There will be no adverse impact on any residence or other accommodation.	Y
	Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	N/A

Table 2 SEPP No. 64 – Advertising and Signage Schedule 1 Compliance

	Is the illumination subject to a curfew?	No. Due to the proposed level of lighting, it is not proposed to include a curfew.	Y
8. Safety	Would the proposal reduce the safety for any public road?	No, the signage is located at each site access and has been incorporated into the landscape design for each entryway. The signs will not involve movement or flashing lights. The potential distraction of drivers will not increase significantly and therefore will not increase likelihood of crash events.	Y
	Would the proposal reduce the safety for pedestrians or bicyclists?	No, as per above comments.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signage has been designed as an entryway feature with appropriate landscaping at each site access. The signage will not obstruct sightlines from public areas or reduce safety for pedestrians.	Y

8.3.6 Development Control Plan

As highlighted above, there is no development control plan (DCP) in place for the Penrith Lakes area.

Clause 36(2) of the Penrith Lakes SEPP requires that a DCP is *prepared* prior to development consent being granted for development on land in an urban release area (which includes Employment zoned land). To meet this requirement, a DCP was prepared by the Applicant for the Employment zoned land and was submitted with the DA in January 2019 (“Applicant DCP”).

Additionally, since the last amendment of this application in December 2020, the draft Penrith Lakes Development Control Plan – Stage 1 (“Draft Penrith Lakes DCP”), prepared by DPIE and dated April 2021, has been placed on public exhibition (exhibition closed on 19 May 2021). As such, there is no impediment to determining the proposed development as a DCP has been prepared to satisfy Clause 36(2) of the Penrith Lakes SEPP (noting that meeting this clause is specifically referenced as the purpose at Section 1.5 of the Draft Penrith Lakes DCP).

As per Section 4.15 of the EP&A Act, a draft DCP is not specifically a matter for consideration in assessing the DA. Notwithstanding, an assessment of the proposed development against the provisions of the Draft Penrith Lakes DCP is provided at Annexure B, which shows that the proposal generally complies with all relevant provisions of the draft DCP.

With regards to the future adoption of the DCP that would apply to the site, it should be noted that Penrith City Council’s position (as per the letter to DPIE dated 29 June 2021) conclude that the DCP controls for the site “*need to be consistent with Penrith DCP 2014*”. This would bring them into line to match those on the adjacent North Penrith industrial estate and other industrial areas in Penrith City that are governed by Penrith Council’s DCP 2014. In addition, it should be noted that the Applicant made a submission to the exhibition of the Draft Penrith Lakes DCP, requesting amendment of a number of provisions, based on extensive testing of the DCP controls undertaken by the Applicant (including detailed architectural and planning studies).



In the potential case where the Draft Penrith Lakes DCP were to be adopted, rather than the Applicant DCP, an amended version of the exhibited Draft Penrith Lakes DCP is submitted (with a summary of the proposed amendments provided) which adopts the recommendations of Penrith City Council (and namely is consistent with Penrith DCP 2014) and goes some way in addressing the concerns of the Applicant to the Draft DCP. It is requested that this version of the DCP is adopted, so as to arrive at a mutually satisfactory DCP that is acceptable to both parties and reflects the public interest.

8.4 IMPACTS ON NATURAL AND BUILT ENVIRONMENT

8.4.1 Geotechnical

A letter on geotechnical aspects of the proposal, prepared by Pells Sullivan Meynink (dated 10 December 2020) is submitted with the application. The statement confirms that, from a geotechnical perspective, the site can be developed to provide for typical industrial use including buildings and infrastructure, using industry standard approaches for the type of ground conditions encountered.

A letter prepared by Pells Sullivan Meynink (dated 6 October 2021) confirms that on completion of the Two Year Plan works (approval under separate consent for the rehabilitation works) and the subdivision filling works, a stable platform will be available for the development that will prevent excessive total and differential settlement as required in accordance with clause 22(f) of the Penrith Lakes SEPP. The letter also confirms that it is viable to undertake the rehabilitation and subsequent subdivision filling in stages, thus portions of land could be developed prior to the completion of rehabilitation of the entire site.

8.4.2 Contamination

A site audit statement and report which covers the subject site is submitted with the application. The report confirms that the land in its present state is suitable for residential land use and other less sensitive land uses including employment.

8.4.3 Bushfire

The site is identified 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*.

A bushfire assessment report prepared by Bushfire Planning Australia is provided with the application (Version 6, dated September 2021). The report identifies that the National Construction Code (NCC) does not provide for any bush fire specific performance requirements for the proposed development, being a development that will facilitate the construction of non-habitable buildings. The general fire safety construction provisions of the NCC are taken as acceptable solutions in this instance. However, a hazard assessment has been completed and found the site was exposed to a moderate bushfire hazard mainly located to the south west of the subject site. The predominant vegetation surrounding the site is consistent with a forested wetland vegetation formation as described in the NSW Rural Fire Service document *Planning for Bushfire Protection 2019* (PBP 2019).

PBP 2019 refers to the proposed industrial development as 'Other development'. Given the unique features of these developments, compliance with PBP is strongly focused in satisfying the aims and objectives of PBP 2019.

Recommendations are included in the report to reduce the impact of a bushfire to an acceptable level for any future industrial (non-habitable) buildings and demonstrate the proposed development is able to comply with PBP 2019. These include the following:



- All areas of the site zoned 'EP' Employment shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;
- Public road access is to be constructed in accordance with Table 5.3b of PBP 2019 and as shown on the development plans;
- Any required Asset Protection Zones or setbacks for future structures are able to be provided within each lot;
- A Bushfire Attack Level (BAL) certificate shall be prepared for any future development demonstrating the proposed building is not exposed to BAL-40 or BAL-FZ and that the development is able to confirm with the specifications and requirements of PBP 2019. Alternatively, a development application shall be submitted to the relevant consent authority supported by a Bushfire Assessment Report (BAR);
- All new lots are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and Table 5.3c of PBP 2019;
- Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site; and
- All hazardous materials to be stored on land within 100m of any designated bushfire prone land shall be stored in a secure enclosure away from the bushfire hazard.

With the implementation of these recommendations, the report concludes that the existing bushfire risk should be suitably mitigated to offer an acceptable level of protection to life and property for those persons and assets occupying the site.

It is noted that the updated bushfire assessment report has clarified the recommendations from previously submitted versions of the report, and particularly clarifies that no tree removal is necessary in the Environment zones of the site to allow for the implementation of the recommended bushfire mitigation measures.

In terms of ensuring the Employment zoned land is maintained as an IPA, it is noted that an IPA may comprise buildings, hardstand areas, landscaped gardens, car parking areas, storage areas and other areas of managed open space. A condition of development consent is typically the mechanism used by consent authorities to ensure a property is maintained as an IPA.

It is noted that Chapter 8 of PBP 2019 does not require a proposed land subdivision for industrial purposes to demonstrate the extent of land potentially at risk of direct flame contact. However, it is noted that some concern has been raised over the irregular shape of Lot 92 and the ability for the lot to accommodate future built form that can be sited to prevent direct flame contact. Any future development on this lot will be required to obtain the necessary consent prior to construction, and an assessment of the siting of future development on Lot 92 cannot be undertaken as part of the subject development. Nevertheless, Table A1.12.5 of PBP 2019 requires a setback of between 7m to 19m for a *Forested Wetland* (including Coastal Floodplain Wetlands) to avoid Bushfire Attack Level (BAL) – Flame Zone (FZ); being equivalent to the potential flame length under design fire conditions. Figure 7 of the submitted bushfire assessment report indicates the vegetation formation adjoining Lot 92 (shown as Lot 83 in the BAR) as a *Forested Wetland*. Lot 92 has a maximum 52m depth from the street frontage to the rear property boundary. Therefore, there is sufficient available land within Lot 92 to ensure a development may be sited to prevent direct flame contact.

8.4.4 Earthworks

The earthworks proposed with the subject application are those required to establish the final site levels and proposed road formations. The proposed earthworks have been designed in line with the proposed stormwater management strategy which has been prepared in consultation with Penrith Council.

The bulk earthworks are located outside of the Environment zoned portions of the site, except for the formation of the main entrance to the site off Old Castlereagh Road which is across the Environment zone to the north of the site.





As per the statement by Pells Sullivan Meynink, dated 10 December 2020, submitted with the application, rehabilitation works approved for the site will provide a stable foundation on which development can occur. Earthworks proposed as part of the subdivision application will not adversely impact upon soil stability in the locality.

Any required fill will be VENM, ENM and/or material subject to a site specific resource recovery order and exemption as issued by the EPA from time to time.

The civil engineering report submitted with the application outlines the proposed earthworks, and sets out proposed sediment and erosion control measures to be implemented, generally in accordance with the “Blue Book”. In particular, the erosion and sediment control measures include sediment fences to the boundary with the Environment zones on the site. Provided these sediment and erosion control measures are put in place, it is not anticipated that there will be any adverse environmental impacts associated with the proposed earthworks.

Bulk earthworks sections are provided within the submitted Civil Plans to demonstrate impacts of the works on the land zoned Environment (refer Sections on plan 200044-DA-C04.26).

8.4.5 Visual Impacts

As noted above, the completion of the rehabilitation works on the site (separately approved under DA2 and the Two Year Plan) forms the base ground levels and the proposed earthworks under this application are those required to establish the final site levels and proposed road formations.

The proposed earthworks typically result in the land rising up from the boundary by soft batters, thereby ensuring an appropriate transition in ground levels, as further detailed below. Sections prepared by MCHP Architects (and extracted below) are submitted with the application.

In relation to Old Castlereagh Road, it is noted that there is an existing level difference in this location (due to the existing ground level). Changes to ground levels under the subject application to the approved levels of the Two Year Plan are relatively minor, as illustrated in the sections provided at Figures 9 and 10.

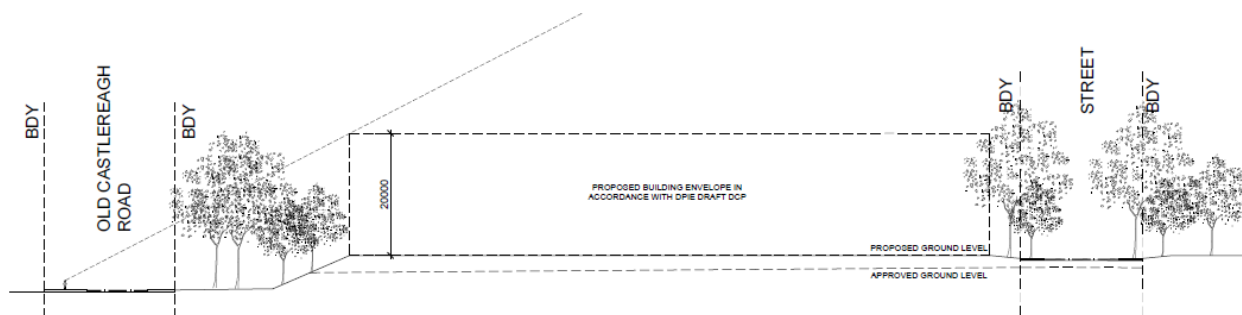


Figure 9. Section (Location 07) showing ground levels at Old Castlereagh Road boundary (Source: MCHP Architects)

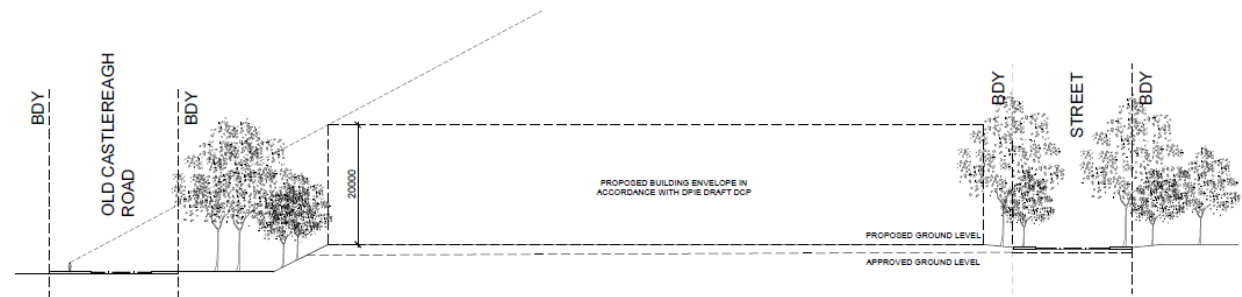


Figure 10. Section (Location 08) showing ground levels at Old Castlereagh Road boundary (Source: MCHP Architects)



The northern portion of the site contains the Environment zoned land which acts as a visual buffer to the embankment which transitions to the Employment zoned portion of the site. This existing vegetation buffer, which includes significant canopy trees, will be retained with the row of canopy trees retained and hydroseeding used to promote the reestablishment of vegetation on the embankment (as illustrated in the landscape plans). The proposed vegetation that is, and will be, provided within the Environment zone, will minimise and mitigate any potential visual impacts in this location.

In relation to the adjoining industrial land to the east and south-east of the site, there will be a soft batter transitioning to these boundaries, which is minor in relation to the existing levels (as approved under the Two Year Plan), as illustrated in Figures 11 to 13.

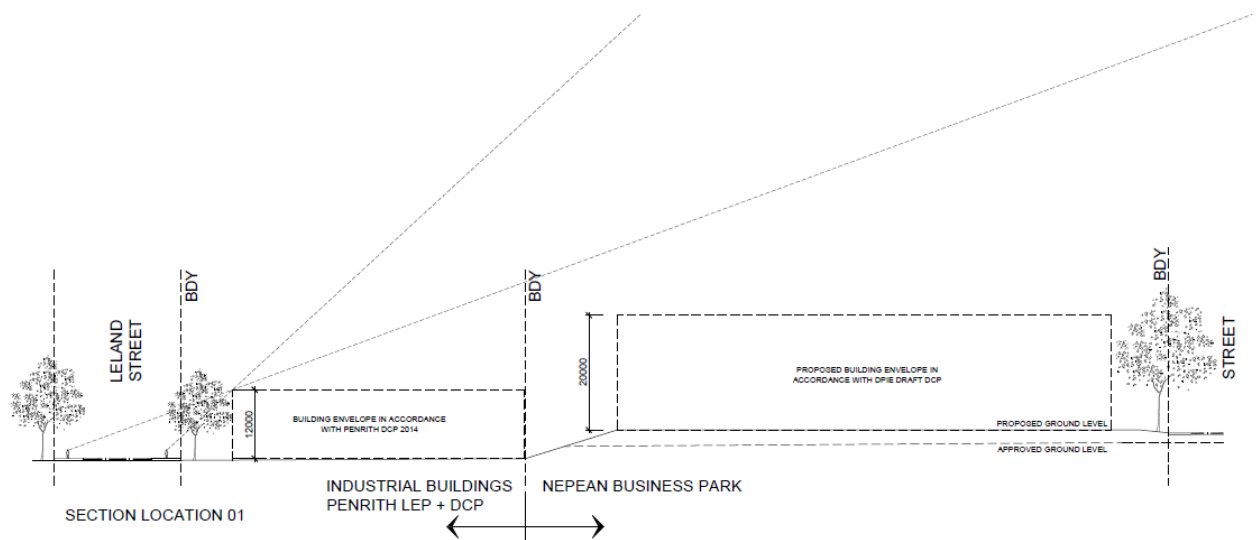


Figure 11. Section (Location 01) showing ground levels and viewlines in relation to adjoining industrial sites on Leland Street (Source: MCHP Architects)

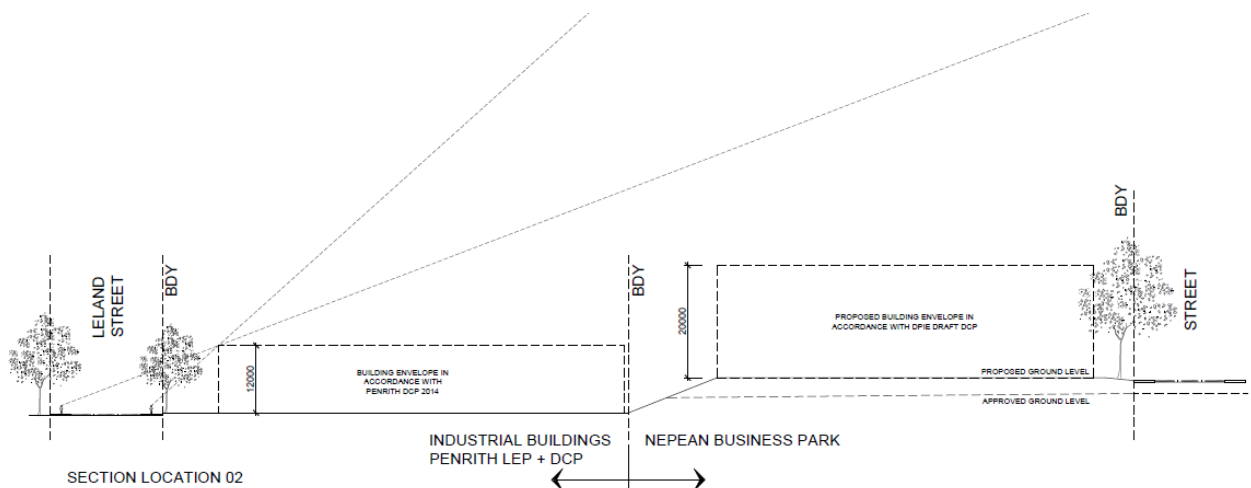


Figure 12. Section (Location 02) showing ground levels and viewlines in relation to adjoining industrial sites on Leland Street (Source: MCHP Architects)



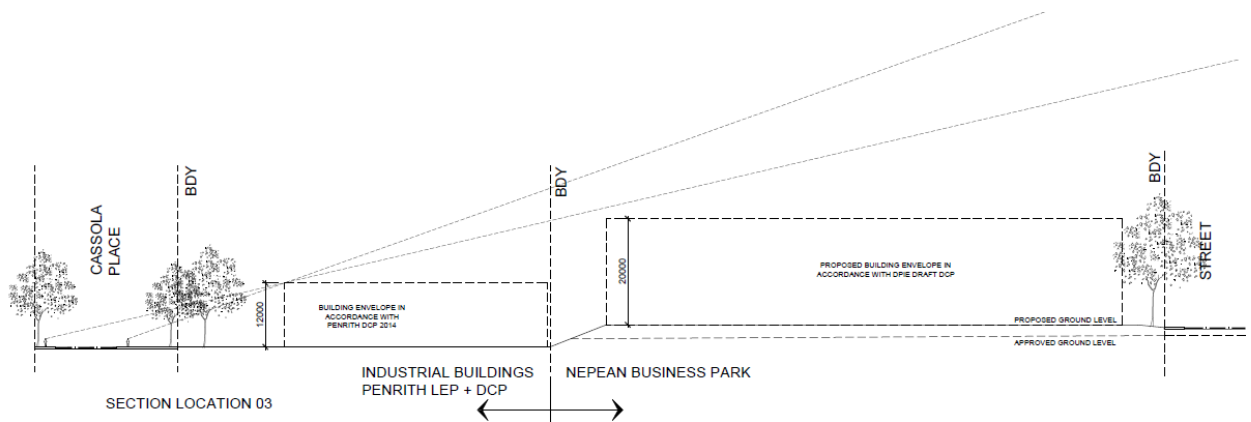


Figure 13. Section (Location 03) showing ground levels and viewlines in relation to adjoining industrial sites on Cassola Place (Source: MCHP Architects)

Given that these interfaces are to the rear of the existing industrial buildings on the adjacent lots (as illustrated in Figure 14), there will be no impact on views or associated visual impacts. The above figures illustrate that any viewlines from Leland Street and Cassola Place would be over and above any future built form on the site, given the presence of existing industrial buildings.



Figure 14. Existing interface on east of the site to rear of industrial buildings on adjoining sites

In relation to the south-western part of the site, adjacent to the riverfront land, any level differences to adjoining land will not be discernible. As illustrated in Figures 15 and 16, the proposed site levels in this location will be similar to, or lower than, the approved levels under the Two Year Plan. Further, it is noted that a landscaped buffer will be provided to the Great River Walk under the proposed DCP controls.



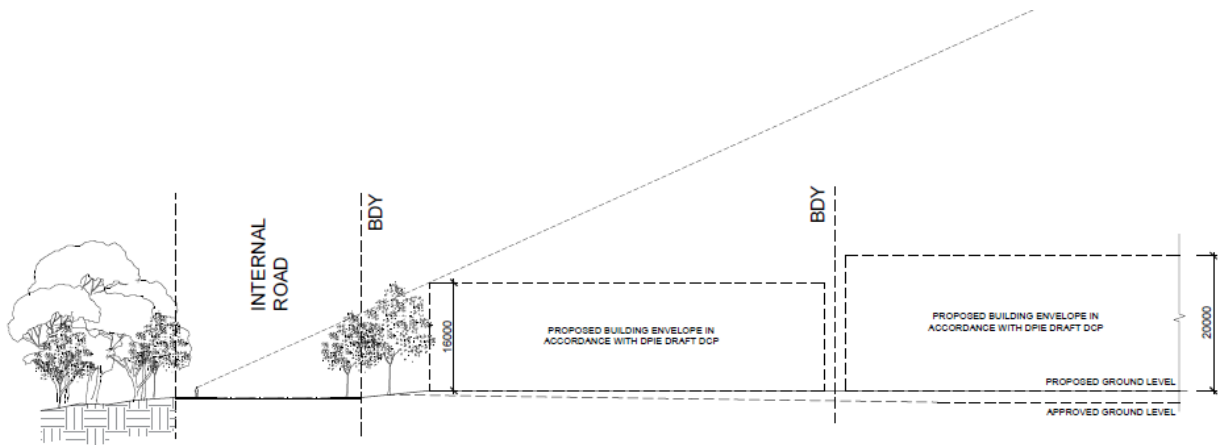


Figure 15. Section (Location 05) showing ground levels and viewlines in relation to riverfront land (Source: MCHP Architects)

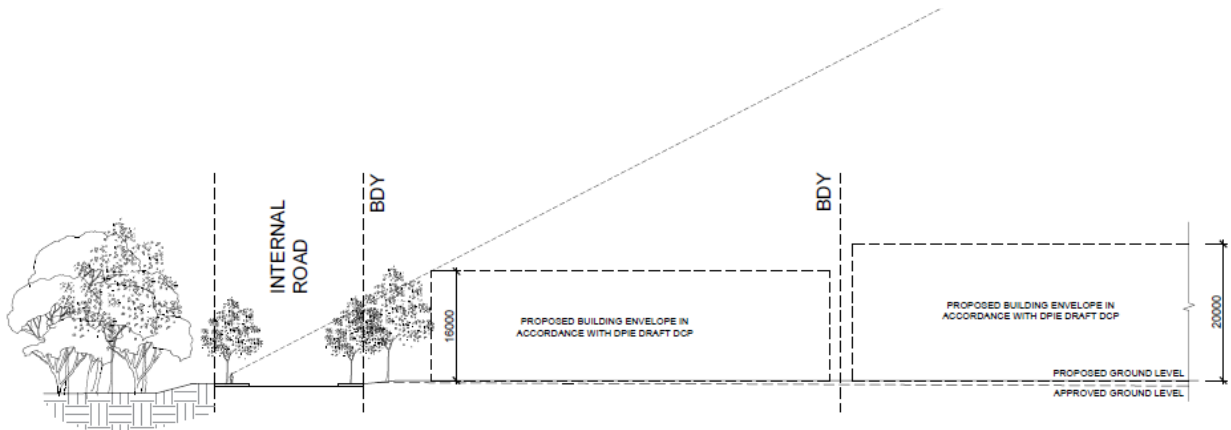


Figure 16. Section (Location 06) showing ground levels and viewlines in relation to riverfront land (Source: MCHP Architects)

The Draft Penrith Lakes DCP seeks the preservation of key views and vistas in the Penrith Lakes area, including a viewline on the subject site (as illustrated in Figure 17). The proposed earthworks do not impact on this view, which is consistent with the alignment of the proposed connector road from Lugard Street through the site.



Figure 17. Key view on the subject site, as per the Draft Penrith Lakes DCP (Section 2.3, Figure 1)





In terms of the impact of the level differences in terms of the height of future buildings on the site, whilst it is not considered to be a matter of direct consideration for the subject application, it is noted that a maximum height of building provision is included in the Draft Penrith Lake DCP which would specifically apply to the site only (comprising the entirety of the 'Employment' precinct). The ground levels of the site are known by DPIE, via approval of the Two Year Plan, and would have been considered when determining an appropriate height of buildings standard.

On the basis of the above, it is not considered that there will be any significant adverse visual impacts related to the proposed development.

8.4.6 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment (ACHA), prepared by Eco Logical Australia, is submitted with the application. The ACHA found that:

- No Aboriginal objects or places were identified within the study area.
- The study area has been subjected to high levels of ground disturbance in the form of sand extraction.
- The study area was found to have a low archaeological potential.
- The study area through consultation was assessed as having low cultural heritage significance.

The ACHA concludes that no further assessment is required, however outlines general mitigation measures to be undertaken including an unexpected finds protocol.

It is noted that Aboriginal Heritage Impact Permit (AHIP) No. 1131345 (as varied) is in place for the Penrith Lakes area, including the subject site, which authorises the harm of Aboriginal objects. The AHIP remains in force until 12 December 2022, and covers the proposed activity on the site.

8.4.7 Flooding

The amendment made to the Penrith Lakes SEPP in January 2017 set the flood planning level at a 1:100 average recurrent interval (ARI) flood event plus one metre freeboard.

The approved Two Year Plan that applies to the site is under construction, and the resultant land form will be a minimum of RL 27m (excluding the drainage channel). As such, the site will be above the flood planning level (the level of a 1:100 ARI flood event (25.5m) plus 1m freeboard). The provisions of the Penrith Lakes SEPP (Clause 33(2)) related to flood planning therefore do not apply.

Flood evacuation was considered by the Minister when the site was rezoned in 2017 and it is clear that it was accounted for in that assessment report. The report only suggests that a FERP is required rather than any further modelling or justification.

In terms of flood evacuation, a Flood Emergency Response Plan, prepared by Molino Stewart, is submitted with the application. The Plan sets out how the development will be prepared for flooding and what actions will be taken before, during and after a flood to manage the safety of those on site and to ensure this is done in a way which is compatible with the safe evacuation of the surrounding areas.

8.4.8 Water Resources

A stormwater drainage concept plan accompanies the application and demonstrates an appropriate stormwater disposal design accounting for the site, its gradients and location. A civil engineering report is also submitted which outlines the proposed stormwater management strategy.

Stormwater discharge from the site will be into the Penrith Lakes Scheme to the west. The Penrith Lakes Scheme has a substantial water storage capacity.



Due to multiple site constraints on the site, and necessary drainage and road gradients to allow discharge to the west, the stormwater drainage system has been modified from the previously proposed open reserves to a piped system at the request of Penrith City Council. A number of meetings (three) were held with Council to arrive at the proposed arrangement, and Council are satisfied in concept with the amended civil and stormwater plans submitted with this application (refer email from Council provided with the application).

It is proposed that the completed drainage system will be dedicated to Council.

The stormwater design achieves the requirements of the Stage 2 Penrith Lakes Water Management Plan (WMP) including the stormwater and water quality objectives. Section 4 of the WMP outlines the design requirements for the Employment zoned land as follows:

“Specifically, the Employment Land located to the east of the Southern Wetlands will ultimately discharge its stormwater into the wetland treatment system once the site is developed. These inflows have been accounted for in the revised wetlands layout as well as the Hydrological Modelling (Appendix 2) and Water Quality Modelling (Appendix 4) of the Scheme. The Employment Land development will be required to treat any stormwater with gross pollutant traps in accordance with WSUD guidelines prior to discharge into the wetland system. The Southern Wetlands will provide all further water quality treatment and on-site detention required to service the proposed Employment Land development in accordance with WSUD guidelines.”

Gross pollutant traps have been incorporated into the design in accordance with the WMP as demonstrated in the Civil Engineering Report prepared by Enspire Solutions (dated 22 December 2020) submitted with the application. This confirms it meets the requirements of the WMP.

Water quality modelling and design has been undertaken in line with the following:

- Water quality treatment measures implemented into the design include Gross Pollutant Traps (GPT's) in accordance with the *draft Penrith Lakes Development Control Plan – Stage 1* dated April 2021 prepared by DPIE, Section 3.2.1;
- All tertiary water quality treatment is to be provided by the proposed Southern Wetlands associated with the Penrith Lakes Scheme, as documented and verified by the J. Wyndham Prince report which is appendix D to the Enspire report (REPT001-200044-01-Enspire-R02-201222-Nepean Business Park DA Engineering Report);
- The overarching stormwater management and road gradients were endorsed in principle by Penrith City Council. Refer email dated 24 November 2020 which is also attached to the Enspire report as Appendix C.

In relation to the GPTs, the following is noted:

- It is proposed to include a GPT to each individual lot as documented in the WMP. This is outlined Section 6.5.1 of the Enspire report. It is noted that a Spill Management Plan will be established in line with normal practice for areas draining to sensitive receiving stormwater systems for each individual lot as part individual development applications to the consent authority.
- Information in relation to the specification and performance of the GPT's is outlined in the Engineering Report prepared by Enspire Solutions, Section 6.5.1. All GPT's will be a vortex type meeting the DCP requirements Clause 3.2.1 (1) of the Draft DCP. The overarching stormwater management and road gradients were endorsed in principle by Penrith City Council. Refer email dated 24 November 2020.
- A detailed assessment of proprietary GPT's was undertaken by Enspire Solutions to determine to availability of appropriate devices that would meet the requirements. It was determined that there are multiple manufacturers of suitable continuously deflecting vortex type devices on the market that will achieve compliance with the Draft DCP and WMP requirements.

- It is proposed that the two GPTs within the road corridors will be dedicated as part of the road and stormwater drainage infrastructure and maintained by Penrith City. The overarching stormwater management and road gradients were endorsed in principle by Penrith City Council. Refer email dated 24 November 2020.

The *draft Penrith Lakes Development Control Plan – Stage 1* dated April 2021 prepared by DPIE, Section 3.2.1, specifies stormwater controls for Employment zoned land. The Water Quality objectives are clearly defined and have been complied with in the stormwater design.

In terms of post development discharge from the site to the Southern Wetlands, the J. Wyndham Prince OSD assessment letter outlines that the southern wetland Cell A will provide adequate storage to comply with OSD requirements. As documented in Section 4 of the WMP, the Southern Wetlands have been designed on the basis that the site does not incorporate OSD and caters for the unrestricted site runoff. The modelling by JWP demonstrates the required reduction in pre to post discharge from the Southern Wetlands into the Lake system. In addition, A review and assessment of the OSD was undertaken by JWP who concluded *“the discharge flow rates from the site would be negligible by comparison to the significant capacity available in the Penrith Lakes Scheme and the capacity of the Nepean River”*.

The Development Application documentation prepared by Enspire Solutions provides longitudinal sections of the proposed inground pipe network including velocities. The outlet headwall rip-rap detail is shown on drawing 200044-DA-C18.03 which is appropriate scour protection for the proposed flow rates.

It is proposed that should building works occur prior to the construction of the downstream Southern Wetlands, temporary OSD and WQ treatment would be required within each proposed lot.

8.4.9 Vegetation and Landscaping

As a result of the historic quarrying activities, and the current rehabilitation works, the site is a highly disturbed and modified landscape. Canopy trees are located adjacent to Old Castlereagh Road, and vegetation (mostly self-generated) is contained in the portion of the site nearest to the river, which is intended to form an extension of the Great River Walk (within an ‘Environment’ zone of the site) by way of separate development application(s).

Trees and other vegetation will be removed across the site to allow for earthworks to proceed. The trees to be removed are identified in the tree removal plans contained within the Civil Plans set and outlined in the supplementary arborist report. Potential impacts on retained trees are also addressed in the arborist report, including recommended mitigation measures during construction works to avoid or mitigate potential impacts on retained trees.

A landscaping scheme is proposed for the site, as detailed in the concept landscape plans submitted with the application. The concept landscaping plan supplements the trees to Old Castlereagh Road and the residual lots with street trees throughout the subdivision comprising native indigenous river plain species.

The northern portion of the site contains the Environment zoned land which acts as a visual buffer to the site. This existing vegetation buffer, which includes significant canopy trees, will be retained with the row of canopy trees retained and hydroseeding used to promote the reestablishment of vegetation on the embankment (as illustrated in the landscape plans). The proposed landscaping here will provide a diverse typology and assist in amenity for screening the future buildings and cooling the surrounding hard surfaces. The proposed landscaping adjacent to Old Castlereagh Road recognises the importance of the gateway to the Penrith Lakes recreation precinct, both in identifying the compromised nature of the trees on its southern boundary and in proposing a new understorey to ensure a stronger, more ecologically diverse and more enduring outcome for the Environment zone. It is recognised that given the trees adjacent to Old Castlereagh Road are already in poor health, further excavation around their root zones is likely to exacerbate their condition, hence the selection of hydroseeding. Hydroseeding is acknowledged as a viable and

effective means of re-establishing vegetation on embankments and is regularly approved for use in establishing native vegetation on major infrastructure projects adjoining bushland areas (as visible along the M2 Motorway).

The proposed landscaping will establish a landscape character throughout the estate, which will be further reinforced with landscaping to individual lots which will be required as part of future development applications for use of the lots.

It is noted that landscaping is not proposed to the eastern boundary given the adjoining properties have the rear of their buildings on the boundary with full height concrete panel walls. There are no view corridors to maintain or protect, nor sensitive views that require screening.

The proposed street tree planting within the subdivision will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the proposed subdivision is consistent with the various local and State government policies and guidelines for tree canopy cover and urban cooling.

The proposed tree species have been selected to meet the twin goals of using a considered combination of locally native species that will thrive in an urban landscape setting such as the site (not a natural bushland environment) and the need to optimise the growth rates and crown/size of trees to achieve urban tree canopy and heat island mitigation targets and timeframes. Some of the local native species in the Nepean River area of Penrith are slow growers with relatively open canopies which have been shown in research to be significantly less effective in achieving urban heat island (ambient temperature) mitigation.

A separate development application(s) will detail the proposal for the Great River Walk which will be located within the four (4) residual lots identified on the Subdivision Plan.

8.4.10 Traffic

A Traffic Impact Assessment accompanies the application. The analysis within that assessment confirms the following:

- there will not be any unsatisfactory traffic implications and in particular:
 - there will be adequate spare capacity at Castlereagh Road intersections 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

Consequently, there are no traffic impact reasons that would render the proposal unacceptable.

An additional statement from Transport and Traffic Planning Associates is submitted with the application regarding the deceleration lane on Old Castlereagh Road. As outlined in the statement, Old Castlereagh Road to the west of the subject site essentially only provides access to the little used Sydney International Regatta Centre. Hence the traffic movements are very light with only occasional events. In this circumstance, it is apparent that the provision of a left turn deceleration lane for the new Nepean Business Park access intersection is not required and the retention of a wide continuous verge would be a preferable outcome.

8.4.11 Air Quality

An Air Quality Assessment report accompanies the application. The assessment identifies potential air quality impacts from working material and diesel emissions, with a focus on particulate matter. Regional air quality and meteorological



conditions in the vicinity of the project suggest that winds will prevail north and south of the project, and that regional particulate matter around the site is reasonably consistent and can be impacted by other regional air quality events such as bushfires. Controls are proposed to minimise generation of particulate matter during the construction works.

8.4.12 Noise

A Noise Assessment report accompanies the application. The specific industries and businesses that will move into the subdivision are not known at this stage. Therefore, a quantitative assessment of operational and construction noise has not been possible. However, a noise survey and detailed derivation of noise criteria according to the NSW Noise Policy for Industry (NPfI) and DECCW Interim Construction Noise Guidelines (ICNG) has been undertaken for the site. A construction noise assessment has been undertaken representing a typical worst case location and recommendations made to manage construction activities to minimise any potential impact.

Despite the specifics not being known at this stage it is considered that with careful consideration and planning of each new business that occupies each lot, and given that there is already an industrial presence in the area, that project noise goals can be met and any potential impact to the community mitigated.

8.4.13 Impacts on Environment Zoned Land

The site contains portions of land zoned 'Environment' to the northern portion of the site (adjacent to Old Castlereagh Road) and to the southwestern portion of the site (adjacent to the Nepean River). In addition, the stormwater outlets to be installed within the adjoining land to the west occur partially within an 'Environment' zone. The Environment zones are illustrated in Figure 18.



Figure 18. Environment zones indicated by orange shading and red outline

The potential impacts of the proposal on the Environment zoned land have been considered throughout this SEE, and in particular the following aspects:

- Potential impacts from earthworks, including erosion and sedimentation control – addressed in Section 8.4.4
- Tree removal and impacts on retained trees – addressed in Section 8.4.9
- Landscaping / regeneration of vegetation – addressed in Section 8.4.9

It is noted that the objectives of the Environment zone under the Penrith Lakes SEPP refer to protecting, managing and restoring areas of high ecological, scientific, cultural or aesthetic value, and preventing development that could destroy, damage or otherwise have an adverse effect on those values. Neither of the Environment zoned portions of the site display high environmental values. The Environment zone in the northern portion of the site, adjacent to Old Castlereagh Road comprises canopy trees which are generally in poor condition as outlined in the submitted arborist





report. The Environment zone in the southwestern corner of the site has historically been used as a haul road (since approximately 1983), and this haul road remains in place today. Figure 19 clearly shows the haul road as at June 1986. As such this area has little, if any, environmental values. It is noted that the boundaries of the subject Environment zone reflects the alignment of this haul road, rather than being indicative of any vegetation features.



Figure 19. Historical aerial photograph (June 1986) showing haul road located in the Environment zone to the southwest of the site

Accordingly, the proposal would not have any impact on any areas of high ecological, scientific, cultural or aesthetic value given the lack of such vegetation on the site, and would be therefore be consistent with the Environment zone objectives.

The proposed works to install stormwater outlet infrastructure in the Environment zone to the west of the site is in accordance with the endorsed Water Management Plan for Penrith Lakes, and the works are contained within registered easements for 'drainage of water'.

Management of the Environment zoned areas is outlined in Section 5.5, however is repeated here for clarity. It should be noted that the Environment zone to the south-west of the site contains only residual lots from the subdivision of the Employment zoned land. It is intended to accommodate a future extension of the Great River Walk (subject to separate development application(s)) in this zone, and therefore ongoing management of this zone would be incorporated into the proposed application for use of this zone. Management of the Environment zoned land within lots along Old Castlereagh Road to the north of the subdivision, is proposed to be addressed by way of a Vegetation Management Plan which will include management, implementation, weed control, monitoring and reporting guidelines.

8.5 ECONOMIC AND SOCIAL IMPACTS

The economic benefits and additional employment opportunities arising from the proposed development are considered to be overwhelmingly positive. The provision of employment land is desperately needed within the Penrith local government area and broader area, with a significant disparity between the supply and demand of employment and industrial land in the Nepean region. Given Penrith's poor job containment ratio, the requirement for local jobs to support





the planning objectives including the 30 minute city is urgent. Local jobs will contribute to the reduced traffic congestion, reduced pollution, shorter commuting times, and enhanced wellbeing and lifestyle.

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.

8.6 THE SUITABILITY OF THE SITE

The proposal is generally consistent with the planning controls that apply. Moreover, the proposed subdivision would not result in any unacceptable impact on any adjoining landowners or buildings or on the environment.

DPIE has indicated that the site is suitable for development for a business park given the recent rezoning to 'Employment' land.

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

8.7 THE PUBLIC INTEREST

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied, the creation of employment, and the suitability of the site it is considered that the proposed development is in the public interest.





9. Conclusion

The proposed development has been assessed against the requirements of the *Environmental Planning and Assessment Act 1979*, the *State Environmental Planning Policy (Penrith Lakes) 1989* and other relevant planning policies and is considered to represent a form of development that is not only acceptable but will provide for significant economic benefits for the Penrith Local Government Area.

The proposal will align with Government objectives included in the key strategic plans for Sydney including local employment and achieving the 30 minute city.

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

The site is considered quite suitable for the proposed subdivision and is consistent with nearby and adjoining development, and the objectives of the zoning.

An assessment against Section 4.15 of the *Environmental Planning and Assessment Act 1979* has not resulted in any significant issues arising.

Accordingly, it is considered that the proposed development is worthy of support.

ANNEXURE A

SEPP (Penrith Lakes Scheme) 1989 – Compliance Table



SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Part 1 Preliminary			
2 Aims of Policy	<p>The aims of this Policy are as follows:</p> <p>(a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,</p> <p>(b) to identify and protect items of the environmental heritage,</p> <p>(c) 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,</p> <p>(d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,</p> <p>(e) 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.</p>	<p>The proposal is considered to be consistent with the objectives in that:</p> <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. 	✓
6 Consent authority	<p>The consent authority for the purposes of this Policy is (subject to the Act):</p> <p>(a) for unzoned land and land zoned Employment, Environment, Parkland, Tourism or Waterway—the Minister, and</p> <p>(b) for any other land to which this Policy applies—the council</p>	<p>Given the site is zoned 'Employment' and 'Environment', the Minister is the consent authority for this application</p>	✓
Part 2 Development control			
7 Development generally	<p>A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.</p>	<p>Noted. The proposal can be supported under this policy.</p>	✓
8 Development for the purposes of implementing the	<p>(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.</p>	<p>The proposed development is not for the purpose of implementing the Penrith Lakes Scheme, noting that the purpose of the Scheme as per Schedule 1 of the Penrith Lakes SEPP is the creation of a regional recreational lake system, and the subject application does not involve the</p>	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

<p>Penrith Lakes Scheme</p>		<p>creation of any component of the regional recreational lake system. Therefore, Clause 8 does not apply to the proposed development. However, in the interest of abundant caution (should the clause be considered to apply), the proposal can be consistent to be consistent with this clause given that the proposal is in accordance with the zoning of the site under the Penrith Lakes SEPP (the majority of the site is zoned 'Employment' and the remainder of the site is zoned 'Environment'). The proposal is also consistent with Clause 15 of the Penrith Lakes SEPP, under which subdivision of land within the Penrith Lakes Scheme can be undertaken with development consent.</p>	
	<p>(2) The consent authority shall grant consent to development to which this clause applies unless:</p> <p>(a) the consent authority is of the opinion that the development the subject of the application:</p> <p>(i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,</p> <p>(ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or</p> <p>(iii) is not generally in accordance with the structure plan, and</p>	<p>The proposed subdivision is consistent with this provision as it implements the Penrith Lakes Scheme on the subject site, which is zoned 'Employment' and 'Environment'. The proposed subdivision will allow for future use of the site consistent with the zoning of the site under the Penrith Lakes SEPP.</p> <p>The proposal ensures the implementation of the Penrith Lakes Scheme as it is consistent with the objectives of the 'Employment' and 'Environment' zones under the Penrith Lakes Scheme SEPP.</p> <p>The proposal is generally in accordance with the structure plan.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
	<p>(3) 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.</p>	<p>This SEE, and the related attachments, contain the matters specified in clause 1 of Schedule 2 and addresses the matters specified in clause 2 of Schedule 2. Refer to comment against the Schedule 2 requirements at the end of this table.</p>	<p>✓</p>

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

<p>(4) In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters:</p> <p>(a) the Penrith Lakes Scheme Regional Environmental Study,</p>	Noted	✓
<p>(b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,</p>	Noted	✓
<p>(c) the statement of environmental effects accompanying the application,</p>	Noted. SEE submitted with the development application	✓
<p>(d) the proposed sequence of extraction and rehabilitation,</p>	All extraction operations at Penrith Lakes ceased in 2015. Rehabilitation is proposed for the subject site by way of separate approvals.	✓
<p>(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,</p>	Not applicable.	✓
<p>(f) the management and control of water resources including:</p> <ul style="list-style-type: none"> (i) the source of water in order to fill any lake (including the quality and quantity of water from that source), (ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River, (iii) the water quality of any lake (including the aquatic ecosystem), (iv) water treatment facilities, (v) water depth of any lake, (vi) flood control, (vii) storm water control, (viii) the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement, (ix) lake usage, (x) staged development of the lakes and their usage during stage development, 	<p>The management and control of water resources for the Penrith Lake Scheme will be as per the endorsed Water Management Plan Stage 1 and Stage 2. Proposed drainage for the subdivision is in accordance with the Water Management Plan.</p> <p>The water management requirements for the site within the Penrith Lakes Scheme are minimal and are limited to discharge points from the site into the Scheme to the west of the site. The parameters controlling that water entry are outlined in the Water Management Plan.</p> <p>The Penrith Lakes Scheme itself has a substantial water storage capacity. 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.</p>	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

<p>(xi) the need to monitor the water quality of the lakes having regard to their intended use, and</p> <p>(xii) the effect upon the Hawkesbury/Nepean River system,</p>		
<p>(g) the rehabilitation and reconstruction of the land including:</p> <p>(i) landscape design,</p> <p>(ii) the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban),</p> <p>(iii) the stability and impermeability of the Nepean River embankment,</p> <p>(iv) soil conservation, and</p> <p>(v) revegetation,</p>	<p>Refer to Landscape Plans submitted with the application.</p> <p>A letter on the geotechnical aspects of the proposal, prepared by Pells Sullivan Meynink, dated 10 December 2020, is submitted with the application. The letter summarises the approach to rehabilitation works which allow the site to be developed to provide for typical industrial uses, including buildings and infrastructure, using industry standard approaches for the type of ground conditions encountered.</p> <p>No works to the Nepean River embankment are proposed.</p> <p>Not applicable to this proposal</p> <p>Refer to Landscape Plans submitted with the application.</p>	<p>✓</p>
<p>(h) access to, the supply of water from any existing source to, and the supply of and access to municipal and utility services to, land to which this Policy applies, other than that part of that land the subject of the application,</p>	<p>Services are available in the adjoining industrial areas. Formal applications will be made to service providers following approval of the development application.</p>	<p>✓</p>
<p>(i) any item of the environmental heritage listed in Schedule 3,</p>	<p>The subject site does not contain any item of environmental heritage listed in Schedule 3.</p>	<p>✓</p>
<p>(j) the effect upon a locality, place or building not listed in Schedule 3 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations, and</p>	<p>The alignment of the western arm of the intersection of Castlereagh Road and Cranebrook Road is known as the 'Castlereagh Road Alignment' and listed as Item 261 in the Penrith LEP 2010, is located to the north east of the site. The statement of significance for Item 261 states:</p>	<p>✓</p>

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		<p><i>“The alignment of Castlereagh Road has historic and symbolic associations with the early settlement and subdivision of the Castlereagh and Upper Castlereagh areas. Of considerable historic significance for the part it played in the development of the Castlereagh area and as tangible evidence of the earliest phase of European settlement. (Lavelle and Bickford). The roadside trees enhance the scenic quality of Castlereagh Road and are remnant native trees or reflect conscious planting schemes instigated by the former Castlereagh Council or local land owners.”</i></p> <p>The proposed access to the development is located at the north western corner of the site, over 700m from Item 261. The western boundary of the heritage item aligns with the eastern boundary of the site. The existing row of trees to be retained adjacent to Old Castlereagh Road and proposed landscaping (as shown in the submitted Landscape Plans) will screen the development.</p>	
	(k) the need and frequency to monitor the implementation of the subject development.	Not applicable to this application	✓
	(5) Development on land to which this Policy applies is identified as advertised development.	Noted	✓
	(6) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Policy.	Noted	✓
Part 3 Permitted or prohibited development on zoned land			
14 Zone objectives and Land Use Table	(1) The Land Use Table at the end of this Part specifies for each zone: (a) the objectives for development, and	<p>The majority of the subject site is zoned ‘Employment’. The remainder of the site is zoned ‘Environment’.</p> <p>The proposed subdivision is consistent with the objectives of these zones as it will allow for the future development of the site as a light industrial commercial estate (within the Employment zone) and allows for the</p>	✓

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	<p>(b) development that may be carried out without development consent, and</p> <p>(c) development that may be carried out only with development consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Land Use Table at the end of this Part:</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in or adopted by this Policy) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.</p> <p>(4) This clause is subject to the other provisions of this Policy.</p>	<p>protection of the Environment zoned areas of the site and future use for the Great River Walk.</p>	
15 Subdivision - consent requirements	<p>Land to which this Policy applies may be subdivided, but only with development consent.</p>	<p>Noted. This application seeks consent for subdivision.</p>	<p>✓</p>
<p>Part 4 Development standards for certain zoned land</p>			
21 Preservation of trees or vegetation	<p>(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.</p> <p>(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 Planning Secretary.</p> <p>Note—</p>	<p>As a result of the historic quarrying activities, and the current rehabilitation works, the site is a highly disturbed and modified landscape with little vegetation.</p> <p>Trees and other vegetation will be removed across the site to allow for earthworks to proceed. The trees to be removed are identified in the tree removal plans contained within the Civil Plans set and outlined in the supplementary arborist report. Potential impacts on retained trees are also addressed in the arborist report, including recommended mitigation measures during construction works to avoid or mitigate potential impacts on retained trees.</p>	<p>✓</p>

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	<p>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.</p> <p>(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—</p> <p>(a) development consent, or</p> <p>(b) a permit granted by the council.</p> <p>(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.</p> <p>(5) This clause does not apply to a tree or other vegetation that the Planning Secretary is satisfied is dying or dead and is not required as the habitat of native fauna.</p> <p>(6) This clause does not apply to a tree or other vegetation that the Planning Secretary is satisfied is a risk to human life or property.</p> <p>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—</p> <p>(a) that is or forms part of a heritage item or that is within a heritage conservation area, or</p> <p>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,</p> <p>unless the Planning Secretary is satisfied that the proposed activity—</p> <p>(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</p> <p>(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</p> <p>Note—</p>		
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	<p>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.</p> <p>(8) This clause does not apply to or in respect of—</p> <p>(a) the clearing of native vegetation—</p> <p>(i) approved under Division 6 of Part 5A of the Local Land Services Act 2013, or</p> <p>(ii) in accordance with a permit or approval under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, or</p> <p>(iii) authorised by a development consent or a property vegetation plan that was approved under the Native Vegetation Act 2003 before the repeal of that Act and that was in force on that repeal, or</p> <p>(b) (Repealed)</p> <p>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 2012, or</p> <p>(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</p> <p>(e) a weed identified in a local strategic plan (approved by the Minister under Division 2 of Part 4 of the Local Land Services Act 2013) for a region that includes land to which this Policy applies, as a weed that is or should be prevented, managed, controlled or eradicated in the region.</p>		
Part 5 Additional provisions for zoned land			
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:		
	(a) a water quality management plan and water operations plan for the Penrith Lakes Scheme that are endorsed by the Planning Secretary as being appropriate for the Scheme,	The proposal is consistent with the endorsed Water Management Plan Stage 1 and Stage 2 that applies to the Penrith Lakes Scheme.	✓

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	(b) (Repealed)	-	-
	(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 provided with this application.	✓
	(d) whether a stable foundation exists or can be developed for the development,	A letter prepared by Pells Sullivan Meynink, dated 10 December 2020, is submitted with the application which addresses this provision and identifies that a stable provision for development will be provided.	✓
	(e) whether the existing development platform (including subgrade) is or can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,	Following completion of rehabilitation of the site, it will be entirely above the 1:100 flood level and will not be impacted by scour by the discharge of a 1:100 ARI flood event.	✓
	(f) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.	<p>A letter prepared by Pells Sullivan Meynink, dated 10 December 2020, is submitted with the application which addresses this provision and identifies that the ground treatment design will allow a landform that is suitable for future industrial development.</p> <p>A further letter prepared by Pells Sullivan Meynink (dated 6 October 2021) confirms that on completion of the Two Year Plan works (approval under separate consent for the rehabilitation works) and the subdivision filling works, a stable platform will be available for the development that will prevent excessive total and differential settlement as required in accordance with clause 22(f) of the Penrith Lakes SEPP. The letter also confirms that it is viable to undertake the rehabilitation and subsequent subdivision filling in stages, thus portions of land could be developed prior to the completion of rehabilitation of the entire site.</p>	✓
23 Development on land zoned Environment	<p>Development consent must not be granted for development on land zoned Environment unless the consent authority has considered the following—</p> <p>(a) whether the development is consistent with a plan of management (if any) for the Penrith Lakes Scheme that is endorsed by the Planning Secretary as being appropriate for the Scheme,</p>	Not applicable - a plan of management has not been endorsed for the Environment zoned land. It is noted that this provision was specifically amended in 2020 to allow the consent authority to assess development on land zoned Environment without assessing such a development	N/A

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		against a plan of management, until such time as a plan of management is endorsed by the Planning Secretary.	
	(b) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person	<p>An Aboriginal Cultural Heritage Assessment (ACHA), prepared by Eco Logical Australia, is submitted with the application. The ACHA found that:</p> <ul style="list-style-type: none"> • No Aboriginal objects or places were identified within the study area. • The study area has been subjected to high levels of ground disturbance in the form of sand extraction. • The study area was found to have a low archaeological potential. • The study area through consultation was assessed as having low cultural heritage significance. <p>The ACHA concludes that no further assessment is required, however outlines general mitigation measures to be undertaken including an unexpected finds protocol.</p>	✓
Part 6 Miscellaneous provisions			
31 Earthworks	<p>(1) 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.</p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the earthworks are exempt development under an applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Policy or to development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p>	<p>Noted</p> <p>The proposed development includes earthworks to form the final levels for the site to allow for future development.</p> <p>As per the statement by Pells Sullivan Meynink, dated 10 December 2020, submitted with the application, rehabilitation works approved for the site will provide a stable foundation on which development can occur. A further letter prepared by Pells Sullivan Meynink (dated 6 October</p>	<p>✓</p> <p>✓</p> <p>✓</p>

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	<ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>2021) confirms that on completion of the Two Year Plan works (approval under separate consent for the rehabilitation works) and the subdivision filling works, a stable platform will be available for the development that will prevent excessive total and differential settlement as required in accordance with clause 22(f) of the Penrith Lakes SEPP.</p> <p>Earthworks are proposed as part of the subdivision in order to form the final levels for the site to allow for future development, and will not adversely impact upon soil stability in the locality.</p> <p>A concept drainage scheme is submitted with the application.</p> <p>Any required fill will be VENM, ENM and/or material subject to a site specific resource recovery order and exemption as issued by the EPA from time to time.</p>	
<p>33 Flood planning</p>	<p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of the land, (b) 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, (c) to avoid significant adverse impacts on flood behaviour and the environment. <p>(2) 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:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and 	<p>The approved Two Year Plan that applies to the site is under construction, and the resultant land form will be a minimum of RL 27m (excluding the drainage channel). As such, the site will be above the flood planning level (the level of a 1:100 ARI flood event (25.5m) + 1m freeboard), and subclause (2) does not apply.</p> <p>In terms of subclause (3), a Flood Emergency Response Plan, prepared by Molino Stewart, is submitted with the application and sets out how the development will be prepared for flooding and what actions will be taken before, during and after a flood to manage the safety of those on site and to ensure this is done in a way which is compatible with the safe evacuation of the surrounding areas.</p>	<p>✓</p>

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	<p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) 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</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(3) 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.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this Policy.</p>		
Part 7 Urban release areas			
34 Arrangements for designated State public infrastructure	<p>(1) 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.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area 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.</p> <p>(3) Subclause (2) does not apply to:</p> <p>(a) any lot identified in the certificate as a residue lot, or</p>	Satisfactory arrangements are to be put in place regarding the provision of designated State public infrastructure.	✓

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	<p>(b) 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</p> <p>(c) 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</p> <p>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</p> <p>(4) 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).</p> <p>(5) In this clause: designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:</p> <p>(a) State and regional roads, (b) bus interchanges and bus lanes, (c) land required for regional open space, (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).</p>		
<p>35 Public utility infrastructure</p>	<p>(1) 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.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p> <p>(3) In this clause:</p>	<p>A <i>Concept Services Infrastructure Coordination Plan</i> is provided within the civil plans set submitted with the application which identifies the existing water, sewage and electricity connections available in the surrounding area for future connection, and illustrates a concept plan for how the services would be accommodated within the subdivision.</p> <p>Connections will be made with those services, with details being considered at the Construction Certificate stage.</p>	<p>✓</p>

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	<p>public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. 		
<p>36 Development control plan</p>	<p>(1) 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.</p> <p>(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.</p> <p>(3) The development control plan must provide for all of the following:</p> <ul style="list-style-type: none"> (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing, (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists, (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain, (d) a network of active and passive recreation areas, (e) stormwater and water quality management controls, (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected, 	<p>To meet this requirement, a development control plan was prepared by the Applicant and lodged with the originally submitted DA (in January 2019). A revised version was submitted with the amendment of the DA made in December 2020.</p> <p>Additionally, since the last amendment of this application in December 2020, a <i>draft Penrith Lakes Development Control Plan – Stage 1</i> (Draft Penrith Lakes DCP), prepared by DPIE and dated April 2021, has been placed on public exhibition (exhibition closed on 19 May 2021). As such, there is no impediment to determining the proposed development as a DCP has been <i>prepared</i> to satisfy Clause 36(2) of the Penrith Lakes SEPP (noting that meeting this clause is specifically referenced as the purpose at Section 1.5 of the Draft Penrith Lakes DCP).</p> <p>It is noted that, as per Section 4.15 of the EP&A Act, a draft DCP is not specifically a matter for consideration in assessing the DA. Notwithstanding, an assessment of the proposed development against the provisions of the Draft Penrith Lakes DCP is provided at Annexure B, which shows that the proposal generally complies with all relevant provisions of the draft DCP.</p> <p>With regards to the future adoption of the DCP that would apply to the site, it should be noted that Penrith City Council’s position (as per the letter to DPIE dated 29 June 2021) conclude that the DCP controls for the site “need to be consistent with Penrith DCP 2014”. This would bring them into line to match those on the adjacent North Penrith industrial estate and other industrial areas in Penrith City that are governed by Penrith Council’s DCP 2014. In addition, it should be noted that the Applicant made a submission to the exhibition of the Draft Penrith Lakes DCP, requesting amendment of a number of provisions, based on</p>	<p>✓</p>

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	<p>(g) detailed urban design controls for significant development sites,</p> <p>(h) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</p> <p>(i) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.</p> <p>(4) Subclause (2) does not apply to any of the following developments:</p> <p>(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,</p> <p>(b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,</p> <p>(c) a subdivision of land in a zone in which the erection of structures is prohibited,</p> <p>(d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.</p>	<p>extensive testing of the DCP controls undertaken by the Applicant (including detailed architectural and planning studies).</p> <p>In the potential case where the Draft Penrith Lakes DCP were to be adopted, rather than the Applicant DCP, an amended version of the exhibited Draft Penrith Lakes DCP is submitted (with a summary of the proposed amendments provided) which adopts the recommendations of Penrith City Council (and namely is consistent with Penrith DCP 2014) and goes some way in addressing the concerns of the Applicant to the Draft DCP. It is requested that this version of the DCP is adopted, so as to arrive at a mutually satisfactory DCP that is acceptable to both parties and reflects the public interest.</p>	
<p>37 Relationship between Part and remainder of Policy</p>	<p>A provision of this Part prevails over any other provision of this Policy to the extent of any inconsistency.</p>	<p>Noted</p>	<p>✓</p>
<p>Schedule 2 Matters to be included in the statement of environmental effects</p>			
<p>1</p>	<p>The following matters—</p> <p>(a) justification of the proposed development in the context of <i>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</i>,</p> <p>(b) a full description of the proposed development,</p> <p>(c) a statement of the objectives of the proposed development,</p>	<p>Included in Section 6.1 of the SEE.</p> <p>Included in Section 0 of the SEE.</p> <p>Included in Section 4.1 of the SEE.</p> <p>Included in Section 3 of the SEE.</p>	<p>✓</p>

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	<p>(d) a full description of the existing environment likely to be affected by the proposed development if carried out,</p> <p>(e) identification and analysis of the likely environmental interactions between the proposed development and the environment,</p> <p>(f) analysis of the likely environmental impacts or consequences of carrying out the proposed development (including implications for use and conservation of energy),</p> <p>(g) justification of the proposed development in terms of environmental, economic and social considerations,</p> <p>(h) measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of those measures,</p> <p>(i) energy requirements of the proposed development,</p> <p>(j) any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter, and</p> <p>(k) the consequences of not carrying out the proposed development.</p>	<p>Included in Section 8.4 of the SEE.</p> <p>Included in Section 8.4 of the SEE.</p> <p>Included in Section 8.4 and 8.5 of the SEE.</p> <p>Included in Section 8.4 of the SEE.</p> <p>Included in Section 5.1.7 of the SEE.</p> <p>Included in Section 4.2 of the SEE.</p> <p>Included in Section 4.3 of the SEE.</p>	
2	<p>In addition to the matters listed in clause 1, particular regard must be given to the following matters—</p> <p>(a) relationship and extent of the proposed development to the completed scheme,</p> <p>(b) where appropriate, the integration of the proposed development with development previously carried out,</p> <p>(c) the sequence of extraction and rehabilitation where the proposed development is for or includes an extractive industry,</p> <p>(d) unless the land is to be dedicated to the Crown, the proposed control and management of the land,</p> <p>(e) the management and control of water resources including—</p> <p style="padding-left: 20px;">(i) the source of water in order to fill any lake (including the quality and quantity of water from that source),</p>	<p>Addressed in Section 6.2 of the SEE.</p> <p>There has been no prior development on the site. The interaction of the proposed development with rehabilitation works (approved under separate consent) is addressed in Section 5.3 and 8.4 of the SEE.</p> <p>Not applicable</p> <p>Addressed in Section 5.5 of the SEE.</p> <p>Not applicable – proposal does not include filling of any lake</p>	✓

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	<ul style="list-style-type: none"> (ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River, (iii) the water quality of any lake (including the aquatic ecosystem), (iv) water treatment facilities, (v) water depth of any lake, (vi) flood control, (vii) storm water control, (viii) the effect that development would have upon the quantity and quality of the existing groundwater as well as the level of the existing groundwater table, (ix) lake usage, (x) staged development of the lakes and their usage during staged development, (xi) the need to monitor the water quality of the lakes having regard to their intended use, and (xii) the effect upon the Hawkesbury/Nepean River system, <p>(f) the rehabilitation and reconstruction of the land including—</p> <ul style="list-style-type: none"> (i) landscape design, (ii) the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban), (iii) the stability and impermeability of the Nepean River embankment, (iv) soil conservation, and (v) revegetation, <p>(g) any effect upon a locality, place or building not listed in Schedule 3 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,</p>	<p>Not applicable – proposal does not include water reticulation systems from the Nepean River</p> <p>Addressed in Section 8.4.8 of the SEE</p> <p>Addressed in Section 8.4.8 of the SEE</p> <p>Not applicable – proposal does not affect water depth of any lake</p> <p>Addressed in Section 8.4.8 of the SEE.</p> <p>Addressed in Section 8.4.8 of the SEE</p> <p>Not applicable – the proposal will not impact on any groundwater resource.</p> <p>Not applicable – proposal does not include use of any lake</p> <p>Not applicable – proposal does not include development of or use of any lake</p> <p>Not applicable – proposal does not include development of or use of any lake</p> <p>Potential impacts on water resources are addressed in Section 8.4.8 of the SEE</p> <p>Not applicable to the subject application – rehabilitation of the site approved under separate consent</p> <p>Not applicable – no such items in the vicinity of the site and/or that would be impacted by the proposal</p>	
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SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

	<p>(h) measures to be taken to conserve and preserve items of environmental heritage listed in Schedule 3 including, where appropriate, a conservation plan, and</p> <p>(i) access to, the supply of water from any existing service to, and the supply of and access to municipal and utility services to, land to which this Policy applies other than that part of that land the subject of the application.</p>	<p>Not applicable – the site / proposed development is not in the vicinity of any environmental heritage listed item in Schedule 3</p> <p>Addressed in Section 5.1.6 of the SEE</p>	
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ANNEXURE B


Penrith Lakes Draft Development Control Plan – Stage 1 Compliance Table



PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Part 2 Penrith Lakes Background			
2.2 Landscape strategy	<p>All development will have regard to:</p> <ul style="list-style-type: none"> the connection of people to Country and restoration of the landscape and natural systems of the Western Parkland City; the protection and framing of the expansive views of the parkland and waterways and the character of Penrith Lakes; the promotion of landscape design and planning as part of a fully integrated approach to site development; ensuring that all landscaping is designed in the context of the wider Penrith Lakes landscape setting; increasing canopy cover towards the Greater Sydney Region Plan’s identified target of 40% tree canopy, to help cool the area and increase resilience to a changing climate; the promotion of biodiversity and ecological conservation through the protection of watercourses, wetlands and riparian corridors; and the creation of distinct landscape character areas that build on the existing landscape features. 	A Urban Design Study and Master Plan for the Employment land has been prepared and is submitted with the development application, which takes into consideration the matters within this provision.	✓
2.3 Views and vistas	<p>All development will have regard to:</p> <ul style="list-style-type: none"> the protection of the Penrith Lakes character of visual openness to the surrounding landscape; the maintenance of significant views to the Blue Mountains and the surrounding lakes; and the preservation of views of important landscape elements and heritage items. <p>Any development in Penrith Lakes must preserve the key views and vistas identified in Figure 1. Development must not unreasonably obstruct key external views of Penrith Lakes from Castlereagh Road, the Nepean River and the Blue Mountains.</p>	<p>A Urban Design Study and Master Plan for the Employment land has been prepared and is submitted with the development application, which takes into consideration the matters within this provision.</p> <p>The key internal viewshed shown in Figure 1 which occurs on the subject site is preserved, with the internal connector road from Lugard Street running in this alignment.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>Development is to be located and designed to minimise impacts on key views and vistas. Building design and landscaping plans are to have regard for view corridors and minimise any impacts.</p> <p>Figure 1 extract:</p> 		
<p>2.4 Movement strategy</p>	<p>All development will have regard to, facilitate or provide for:</p> <ul style="list-style-type: none"> • new roads and connections to improve accessibility and permeability for all users; • the encouragement of a shift towards active transport uses through high-quality and safe pedestrian and cycling access; • the minimisation of the visual impact of all access roads, parking areas and services; • the promotion of pedestrian access to primary roads; • the improvement of walking and cycling access to and along the river's edge; and • access between adjoining areas within Penrith Lakes. 	<p>The proposal includes provision of a pedestrian and cycle through link from the existing entry point at Lugard Street through to Old Castlereagh Road (3m wide shared path), which will enable connection to the external pedestrian and cycle network as well as flexible and appropriate internal circulation and site access. Elsewhere, 1.5m footpaths are provided.</p> <p>Connectivity is addressed within the Urban Design Study and Master Plan which is submitted with the development application.</p>	<p>✓</p>
<p>2.5 Design excellence strategy</p>	<p>All precinct master plans must include an approved design excellence strategy, which will:</p> <ul style="list-style-type: none"> • ensure that new development is well integrated into and complements this context; 	<p>A Design Excellence Strategy is provided within the Urban Design Study and Master Plan lodged with the development application.</p>	

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<ul style="list-style-type: none"> • promote best practice in the design of precincts and individual buildings; • protect Olympic legacies; • protect significant views; and • ensure that development is informed by an understanding of Country, in accordance with traditional owners and knowledge holders. <p>Design excellence strategies should outline the process for achieving design excellence, including:</p> <ul style="list-style-type: none"> • procurement of suitably qualified and experienced urban, architectural and landscape • design professionals; and • design review program including frequency of design review coordinated with key hold points in the master plan design process. <p>All precinct master plans must be reviewed by the NSW State Design Review Panel (SDRP). The consent authority must consider the recommendations of the SDRP prior to approving the design excellence strategy. The design excellence strategy must be approved prior to any development consent on land to which this DCP applies.</p>		
Part 3 Environmental Considerations			
3.1 Flood planning and evacuation	<p>1) Development on land below the level of the PMF that will increase the number of people on the land must be consistent with the Penrith Lakes Flood Response Guideline (in preparation).</p> <p>2) All development that will increase the number of people on the land must submit a flood emergency management plan prepared in accordance with and to demonstrate compliance with the Penrith Lakes Flood Response Guideline (in preparation).</p>	<p>The <i>Penrith Lakes Flood Response Guideline</i> has not yet been prepared, and therefore compliance against it cannot be assessed.</p> <p>A Flood Emergency Response Plan, prepared by Molino Stewart, is submitted with the application and sets out how the development will be prepared for flooding and what actions will be taken before, during and after a flood to manage the safety of those on site and to ensure this is done in a way which is compatible with the safe evacuation of the surrounding areas. This complies with the requirements of the Penrith Lakes SEPP.</p>	N/A

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

<p>3.2 Water-sensitive urban design and stormwater management</p>	<p>A number of requirements including a stormwater management plan to be submitted with development applications (excluding minor alterations and additions).</p>	<p>A stormwater drainage concept plan accompanies the application and demonstrates an appropriate stormwater disposal design accounting for the site, its gradients and location. A civil engineering report is also submitted which outlines the proposed stormwater management strategy.</p> <p>The stormwater drainage system is within a piped system at the request of Penrith City Council. A number of meetings (three) were held with Council to agree the proposed arrangement, and Council are satisfied in concept with the civil and stormwater plans (refer email from Council provided with the application). It is proposed that the completed drainage system will be dedicated to Council.</p> <p>All stormwater is managed in compliance with the requirements of the Penrith Lakes Water Management Plan endorsed by DPIE.</p>	<p>✓</p>
<p>3.2.1 Special stormwater controls for the Employment zoned land</p>	<p>All development in the Employment zoned land must be accompanied by a report, prepared by a suitably qualified expert, that demonstrates compliance with the following controls.</p> <p>Controls</p> <p>1) Provided the stormwater from the Employment zoned land drains into the identified receiving area of the bioretention treatment train of the constructed and operational Southern Wetlands, the stormwater quality requirements for all development types must meet the following pollutant reductions before connection and discharge into the Southern Wetlands:</p> <ul style="list-style-type: none"> a) total suspended solids—70%; b) total phosphorous—30%; and c) gross pollutants (greater than 5 mm)—98%. <p>2) All connections to the Southern Wetlands must satisfy the consent authority in consultation with the entity operating the Southern Wetlands.</p>	<p>A stormwater drainage concept plan accompanies the application and demonstrates an appropriate stormwater disposal design accounting for the site, its gradients and location. A civil engineering report is also submitted which outlines the proposed stormwater management strategy.</p>	<p>✓</p>

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>3) To minimise erosion and scour of the Southern Wetlands, all connections to the Southern Wetlands must be treated with measures to dissipate stormwater velocity, such as a low-gradient rocky channel.</p> <p>4) Post development discharge from the Employment zone to the Southern Wetlands must primarily be at a flow-rate that is suitable for the Southern Wetlands treatment train to accept and must not be more than pre-development flow rates from the Employment zoned land.</p> <p>5) If any stormwater from the Employment zoned land does not discharge into the Southern Wetlands treatment train, stormwater treatment must meet the standards defined in Control (1) of Clause 3.2 of this DCP.</p>		
3.4 Tree preservation	<p>1) The prescribed trees or other vegetation that are protected by Clause 21 of Penrith Lakes SEPP are:</p> <p>a) any tree or other vegetation that has one or more of the following:</p> <ul style="list-style-type: none"> • height greater than 3.5 metres; • canopy spread greater than 4 metres; and • primary trunk diameter greater than 400 millimetres when measured 1 metre above the base of the tree. <p>b) any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.</p> <p>2) Development must seek to retain existing trees. Any tree loss shall be offset with replacement plantings at a ratio of at least 2:1 (new to existing).</p>	<p>Trees and other vegetation will be removed across the site to allow for earthworks to proceed. The trees to be removed are identified in the tree removal plans contained within the Civil Plans set and outlined in the supplementary arborist report. Potential impacts on retained trees are also addressed in the arborist report, including recommended mitigation measures during construction works to avoid or mitigate potential impacts on retained trees.</p> <p>Tree loss will be offset with replacement plantings at more than the required 2:1 ratio as shown in the landscape plans.</p>	✓
3.5 Riparian corridors, lakes and water bodies	<p>1) Development within 40 metres of the Nepean River must be avoided. Where development is unavoidable, the applicant is to demonstrate that potential impacts on water quality, aquatic habitat and riparian vegetation will be negligible and that the design enhances or restores natural riparian corridor features.</p>	<p>The proposal includes only subdivision within 40m of the Nepean River, with the creation of residual lots no. 200, 201 and 202. No physical works are proposed, and therefore these provisions are not applicable.</p> <p>It is noted that the lots within 40m of the river are within an Environment zone (refer to the Zone Overlay Plan submitted with the application).</p>	n/a

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>2) Development must provide a buffer to protect the ecological, hydrological and water quality values of wetlands, lakes and water bodies. The buffer area must be vegetated with native plants that are largely indigenous to the area.</p> <p>3) Activities within the riparian corridor, such as cycleways and paths, detention basins, stormwater management devices and essential services must comply with the riparian corridor matrix in the Natural Resources Access Regulator’s Guidelines for controlled activities on waterfront land—Riparian corridors. Activities in the vegetated riparian zone should be avoided, where possible, and must not result in the removal or disturbance of native vegetation.</p> <p>4) A managed buffer zone outside the vegetated riparian zone must be provided, where possible, to provide an additional buffer between development and the vegetated riparian zone. This buffer must be vegetated with native plants that are largely indigenous to the area. Land uses within the managed buffer zone could include roads, paths, playgrounds and stormwater management devices.</p> <p>5) Asset protection zones must be located outside vegetated riparian corridors.</p> <p>6) All riparian corridors must comprise a vegetated riparian zone along each side of the waterway and, where possible, this should enhance or restore remnant native riparian vegetation.</p> <p>7) Appropriate widths for vegetated riparian corridors should follow the Natural Resources Access Regulator’s Guidelines for controlled activities on waterfront land—Riparian corridors.</p>	<p>Therefore, any future development within the lots would need to be a permitted use within the Environment zone and the details would be considered as part of any future development application(s).</p>	
<p>3.6 Bushfire management</p>	<p>1) Development must be in accordance with the Rural Fires Act 1997, the Rural Fire Service’s Planning for Bushfire Protection (2019) and Australian Standard AS3959—Construction of buildings in bushfire-prone areas.</p>	<p>A bushfire assessment report is provided with the application. Recommendations are included in the report to reduce the impact of a bushfire to an acceptable level for any future industrial (non-habitable) buildings and demonstrate the proposed development is able to comply with PBP 2019. As the proposal is not for residential or rural residential</p>	<p>✓</p>

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>2) Development on bushfire-prone land must be accompanied by a bushfire risk assessment report.</p> <p>3) Siting of buildings, lot layout and building design must provide for the safety of people and property by mitigating bushfire risk.</p> <p>4) Bushfire protection measures must be located wholly within the development site. All proposed asset protection zones must be within the property and incorporated into affected lots, within the existing or proposed road reserve, or a combination of both.</p> <p>5) The asset protection zone must be outside areas of ecological value.</p>	<p>purposes, nor a special fire protection purpose, the application is not regarded as 'integrated development' under the Rural Fires Act 1997.</p>	
3.8 Aboriginal cultural heritage	<p>1) All development is to be informed by an understanding of Country, through consultation with traditional owners.</p> <p>2) All development is to be in accordance with the relevant provisions of the <i>National Parks and Wildlife Act 1974</i> and the (former) Department of Environment, Climate Change and Water's <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>.</p>	<p>An Aboriginal Cultural Heritage Assessment (ACHA), prepared by Eco Logical Australia, is submitted with the application. The ACHA was prepared to meet the legislative requirements of the <i>National Parks and Wildlife Act 1974</i> and <i>National Parks and Wildlife Regulation 2009</i>, and was conducted in accordance with the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010a), and the <i>Aboriginal cultural heritage consultation requirements for proponents</i> (DECCW 2010b). All mandatory consultation was met and is detailed in the report.</p>	✓
3.9 Contamination	<p>1) Where development is proposed on land identified as being potentially contaminated, a preliminary site investigation report must be prepared and submitted with a development application.</p> <p>2) Where a site has been remediated with the involvement of a NSW Accredited Site Auditor, applications for initial subdivisions or initial use of the land must be supported by a Site Audit Statement, Site Audit Report and any documentation prepared to address the conditions of the Site Audit Statement.</p> <p>3) Should additional potentially contaminating activities be found to have occurred after the issue of the Site Audit Statement (e.g.</p>	<p>A site audit statement and report which covers the subject site is submitted with the application. The report confirms that the land in its present state is suitable for residential land use and other less sensitive land uses including employment.</p>	✓

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	<p>unauthorised filling activities) or should a Stage 1 Preliminary Site Investigation identify potential or actual site contamination, then a Stage 2 Detailed Site Investigation must be prepared. If remediation works are required, a remedial action plan must be submitted.</p> <p>4) All reports are to be prepared by a suitably qualified land contamination consultant with consideration of the relevant NSW Environment Protection Authority guidelines and the National Environment Protection (Assessment of Site Contamination) Measure.</p> <p>5) Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made suitable after remediation, for the proposed use.</p>		
3.10 Trading/Operating hours of premises	<p>1) Construction works shall generally be restricted to the following hours:</p> <p>a) Monday to Friday, 7 am to 6 pm;</p> <p>b) Saturday, 7 am to 1 pm; and</p> <p>c) Sundays or public holidays, no work.</p>	Noted	-
3.13 Air quality	<p>1) Where development may adversely affect air quality, an air quality impact assessment as prepared by a suitably qualified environmental consultant in accordance with the relevant NSW Environment Protection Authority guidelines, must accompany a development application.</p> <p>2) Development is to provide air quality control measures both during and after construction.</p>	An Air Quality Assessment report accompanies the application, and includes controls to minimise generation of particulate matter during the construction works.	✓
Part 4 Urban Design and Built Form Controls			
4.1 Site planning	1) Detailed site planning is required for lots above 1 hectare or sites that have not been developed previously for urban development.	A detailed site analysis is included in the Urban Design Study and Master Plan submitted with the application.	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

<p>4.5 Deep soil and tree canopy</p>	<p>3) Any approved tree clearing must be replaced at a ratio of at least 2:1 (new to existing) to contribute to the 40% tree canopy target in the Greater Sydney Region Plan.</p>	<p>Tree loss will be offset with replacement plantings at more than the required 2:1 ratio as shown in the landscape plans.</p> <p>The proposed street tree planting within the subdivision will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the project contributes to the relevant tree canopy target.</p>	<p>✓</p>
	<p>4) For development applications, the consent authority shall consider:</p> <p>a) the opportunity to provide new trees and retain existing trees on the proposed development site to contribute to the 40% tree canopy target in the Greater Sydney Region Plan;</p> <p>b) the proponent's approach to incorporating and protecting existing trees as part of the development design to enhance urban amenity and provide established urban canopy across the development;</p> <p>c) whether an efficient water source for trees has been incorporated into the development design; and</p> <p>d) potential opportunities for alternative water supplies, including stormwater capture, sewer harvesting and the like, to ensure adequate soil moisture during warm months and drought conditions.</p>	<p>As identified in the landscape plans submitted with the application, the proposed subdivision will integrate a strong urban tree canopy throughout the site and seeks to optimise canopy cover to reduce urban heat island impacts.</p> <p>A landscaping scheme is proposed for the site, as detailed in the concept landscape plans submitted with the application. The concept landscaping plan supplements the trees to Old Castlereagh Road and within the Great River Walk area with street trees throughout the subdivision comprising native indigenous river plain species.</p> <p>The proposed landscaping will establish a landscape character throughout the estate, which will be further reinforced with landscaping to individual lots which will be required as part of future development applications for use of the lots.</p> <p>The proposed street tree planting will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is</p>	<p>✓</p>

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		estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the proposed subdivision is consistent with the various local and State government policies and guidelines for tree canopy cover and urban cooling.	
4.6 Staging	<p>1) Development must ensure that adequate services and public access, including roadways, are provided in the initial stage of development.</p> <p>2) Development applications for subdivision or development of more than 5,000 m² are required to submit a staging plan.</p> <p>3) The staging plan is to be endorsed by the relevant consent authority.</p> <p>4) Development applications for subdivision must consider road connections and services for the site and surrounding land and demonstrate their adequate provision in the first stage of development.</p> <p>5) Development must not result in isolated lots.</p>	<p>A staging plan is submitted with the application. Adequate services and public access, including roadways, are provided in the initial stage of development.</p> <p>The roads for each stage will be provided within the stage boundary as indicated on the staging plan.</p> <p>This provides for appropriate road access to service the lots as they are released. The road and lot layout enables the staging of the development which will naturally begin at the Lugard Street entry and works its way towards Old Castlereagh Road and towards the middle of the site.</p>	✓
4.7 Public art and design	<p>1) A public art strategy must be submitted with any development application on sites of more than 10,000 m², excluding development applications limited to rehabilitation, temporary uses, or minor alterations and additions.</p> <p>2) The public art strategy is to be relevant and relate to the surrounding area and the broader context of Penrith Lakes and is to address:</p> <p>a) context of precinct within the Penrith Lakes;</p> <p>b) community and public artist engagement;</p> <p>c) location of installations and artwork;</p> <p>d) themes and narrative;</p>	It is considered that a public art strategy is more appropriate for sites in the Tourism zone that would be accessed by the general public.	N/A

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>e) procurement strategies;</p> <p>f) maintenance strategies; and</p> <p>g) decommissioning strategies.</p>		
	<p>3) Any outdoor signage used within the precinct is to be consistent with the overarching Penrith Lakes design theme (in preparation).</p>	<p>Compliance cannot be assessed given the design theme has not been published.</p> <p>Notwithstanding, it is considered reasonable that the Nepean Business Park is not subject to a requirement for consistent signage with the remainder of the Penrith Lakes given that the site is located in the south-east corner of the Penrith Lakes area and is physically divorced by Old Castlereagh Road from the Penrith Lakes parklands to the North. The site is effectively an extension of the adjoining existing industrial area (North Penrith industrial precinct), and the uses permitted in the Employment zone are quite different than in the rest of the Penrith Lakes area.</p>	n/a
4.8 Access and movement	<p>1) A traffic and transport plan is to be submitted as part of a development application plan (excluding minor development), detailing site access, movement and traffic impacts on the local road network.</p> <p>2) A clear street hierarchy must be established using existing public roads (upgraded as necessary) and new collector roads and local streets.</p> <p>3) The road classification requirements for new developments are set out in Section 10.4 of the Penrith Development Control Plan 2014. Roads are generally to be located above the 1% AEP level and provide rising road access to Castlereagh Road.</p>	<p>A traffic impact assessment is submitted with the application that addresses these matters.</p> <p>The proposal provides for a key internal connector road to link Lugard Street to Old Castlereagh Road. Two secondary roads will provide access to the other parts of the site.</p> <p>The site as a whole, and therefore the roads, are located above the 1% AEP level. As per the submission made by Great River NSW Pty Ltd on the Draft DCP, the approved Employment Lands landform is higher than Old Castlereagh Road so that stormwater drainage can discharge into the Southern Wetlands. This prohibits a rising road network to Castlereagh Road.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>4) Road networks must provide adequate circulation for local traffic, bus routes and emergency vehicle access but must also consider the servicing of pedestrian and cycle movement.</p> <p>5) The road network must be designed to allow efficient access to key destination nodes throughout Penrith Lakes, providing appropriately planned access and egress intersections to the adjoining major road network of Castlereagh Road to distribute traffic demands.</p> <p>6) Where new streets are proposed, a public domain plan is to be submitted with a development application that details the design, maintenance and management of streets.</p> <p>7) Roads shall be designed in accordance with the following principles:</p> <p>a) Road and lane widths must allow for two-way movement and turning movements of vehicles, including consideration for buses, heavy vehicles, garbage trucks and emergency vehicles;</p> <p>b) Verge widths must be sufficient to meet the requirements for utilities, street tree planting, footpaths, shared paths and urban design outcomes;</p> <p>c) Adequate turning paths must be provided for all vehicles at intersections and for property access; and</p> <p>d) Sufficient width must be provided for drainage functions and water-sensitive urban design measures.</p> <p>8) Roads are to be designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments.</p> <p>9) Development shall, where appropriate, be designed to:</p> <p>a) allow all vehicles to either leave or enter the site in a forward direction;</p> <p>b) accommodate heavy vehicle parking and manoeuvring areas;</p>	<p>The proposed internal roads are appropriate for site traffic and emergency access, with a 22m wide road reserve to the main internal road (Road 3), and other internal roads with a 20.6m wide road reserve.</p> <p>The proposal includes a connector road from Lugard Street through to Old Castlereagh Road.</p> <p>The civil plans submitted with the application provide details for the public domain.</p> <p>The proposed roads are consistent with these principles.</p> <p>The proposed roads meet these guidelines.</p> <p>The proposed roads allow for these guidelines to be met.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>c) avoid conflict with staff, customer and visitor vehicular movements; and</p> <p>d) ensure satisfactory and safe operation with the adjacent road system.</p> <p>10) The suitability of manoeuvring areas provided for large vehicles is to be designed to comply with Australian Standard – AS2890 series.</p> <p>11) Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas must be screened from the road.</p> <p>12) New streets are to have a strong landscaped character.</p> <p>13) Unless otherwise stated in this DCP, all vehicular access and entries to parking are to be located on secondary streets or at the rear of buildings.</p> <p>14) Additional access points and driveways from Old Castlereagh Road shall be minimised and allowed only where they are approved as part of the traffic and transport plan prepared for the development.</p> <p>15) Vehicle and pedestrian entry points are to be appropriately marked and signposted.</p> <p>16) Verge treatments are to be designed to reflect the intended use of the street activity and function.</p> <p>17) Paved surfaces must be designed to delineate between different uses, including pedestrian areas, car parking spaces and driveways.</p> <p>18) Development must deliver a permeable and walkable local street network. Pedestrian paths are required on new and upgraded roads.</p>	<p>The proposed roads allow for the Standard to be met.</p> <p>To be addressed on individual lots as part of future development applications.</p> <p>The proposed landscaping scheme, as detailed in the concept landscape plans submitted with the application, includes street trees throughout the subdivision comprising native indigenous river plain species.</p> <p>This is not an appropriate control for the Employment precinct. Access and parking entrances will be necessary from the internal roads.</p> <p>No additional access points / driveways from Old Castlereagh are proposed.</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>Can comply</p> <p>The proposal includes a connection from the site to the Great River Walk on the south-western boundary.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>-</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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	<p>19) Development shall provide new pedestrian connections, as appropriate, to the Nepean River, including new connections from Lugard Street and Old Castlereagh Road.</p> <p>20) Development must ensure that pedestrian and cycle facilities in public spaces are safe, well-lit, clearly defined, functional and accessible to all users.</p> <p>21) The minimum width is 1.5 metres for pedestrian footpaths and 3 metres for shared cycle/pedestrian paths. All new roads are to include pedestrian footpaths on both sides. Shared paths are encouraged on one side of new roads.</p> <p>22) Pedestrian paths and cycleways, as well as pedestrian refuge islands, are to be designed so that they are fully accessible by all users in terms of access points and gradients, in accordance with Australian Standard – AS1428 (parts 1 to 4—Design for Access and Mobility).</p> <p>23) The road cross-sections to be adopted will need to be further developed, with consideration given to land-use planning and support for active transport opportunities.</p>	<p>Can comply</p> <p>Complies, including provision of shared path to one side of the main connector road.</p> <p>Can comply</p> <p>Noted</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>-</p>
<p>4.10 Signage</p>	<p>1) The siting and design of all signage are to be sympathetic to the landscaped character of the area and minimise any visual impacts to adjoining properties.</p> <p>2) All advertising is to be:</p> <p>a) visually interesting;</p> <p>b) constructed of high-quality, durable materials;</p> <p>c) considered in conjunction with the design and construction of buildings;</p> <p>d) restricted to only one sign per street frontage; and</p> <p>e) contained wholly within the site.</p>	<p>Two entry signs are proposed for the development and are shown on the Signage Plan contained within the Landscape Plan.</p> <p>The proposed signage meets the requirements.</p>	<p>✓</p>

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	<p>3) Signage proposals are to consider existing signs on buildings as well as the streetscape to ensure that any new signage does not result in visual and physical clutter.</p> <p>4) Corporate colours, logos and other graphics are to achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building or site to which the sign relates.</p> <p>5) Illuminated signs are generally discouraged, unless it can be demonstrated that the illuminated sign will be minimal and simple and have limited impact on the amenity or landscaped character setting and pedestrians or vehicles.</p>		
<p>4.12 Utility services</p>	<p>1) All development applications are to address the existing and proposed provision of services, utilities, or both to a site and whether there is satisfactory capacity to address the required demand of the proposal.</p> <p>2) Satisfactory arrangements are to be made with the relevant servicing authorities for providing services to the property.</p> <p>3) Development consents will include a condition requiring the applicant to provide evidence that arrangements satisfactory to Sydney Water have been made for water supply and sewer services to the development.</p> <p>4) Electricity services are to be provided in accordance with the relevant energy services provider.</p> <p>5) Applicants will be required to obtain a certificate from the energy service provider outlining their notification of arrangements for servicing the site, including the provision of street lighting.</p> <p>6) Electricity infrastructure is to be placed underground and may be in shared trenches and must be safe for extended floodwater emersion when located at or below the flood planning level extent.</p>	<p>The site will be appropriately serviced to accommodate the proposed use. All services are currently located adjacent to the site and connections will be made with each service authority.</p> <p>Letters of correspondence with service providers are submitted with the application.</p>	<p>✓</p>

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	<p>7) Gas services are to be provided in accordance with the requirements of the relevant services provider based on the specific demand by specific users.</p> <p>8) Gas supply infrastructure must be installed underground in shared trenches.</p> <p>9) Telecommunications services are to be provided in accordance with the requirements of the relevant services provider.</p> <p>10) Telecommunications services shall be funded by the applicant, including completion of consultation and design certification required to provide a ready pit and pipe in accordance with National Broadband Network (NBN) guidelines.</p>		
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Part 5 Precinct Controls

5.4 Employment precinct

<p>5.4.2 Employment precinct master plan</p>	<p>Before any subdivision application in the Employment precinct, a precinct master plan is required, which the consent authority should adopt.</p> <p>The master plan forms the basis for urban development in the precinct by setting out:</p> <ul style="list-style-type: none"> • the major road network and potential access points; • the open space and drainage networks and any precinct-scale basins or water quality treatment measures; • the existing physical and environmental features of the site; • the general indication of the phasing of development; • the proposed site layout, including an indicative road layout; • an urban design and landscape strategy; • a design excellence strategy for the precinct; • location of communal open space, its function and landscaping; • design principles based on analysis of the site and its context; • identification of gateway sites and corridors; 	<p>An Urban Design Study and Master Plan is submitted with the application.</p>	<p>✓</p>
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<ul style="list-style-type: none"> pedestrian, vehicular and cycle road access and circulation networks and facilities; remediation of any site contamination; and any other major infrastructure, such as transmission lines, trunk sewage or water supply lines. 		
<p>1) Development must provide a new secondary entry off Lugard Street that runs along the southwest boundary of the precinct and connects with Old Castlereagh Road. The reserve for this road shall be provided at the first stage of development as a 22 metre road reserve to provide for a 13 metre roadway with 4.5 metre verges on each side of the southwestern perimeter of the site.</p>	<p>The proposal includes an internal road connecting Lugard Street to Old Castlereagh Road, with a 22m road reserve, which runs along the southwestern boundary of the precinct.</p>	<p>✓</p>
<p>2) The primary entry to the Employment precinct is to be maintained from Old Castlereagh Road.</p>	<p>The main entrance to the subdivision is from Old Castlereagh Road.</p>	<p>✓</p>
<p>3) All development applications are to be generally in accordance with the adopted master plan.</p>	<p>The development application is consistent with the Urban Design Study and Master Plan submitted for the Employment zoned land.</p>	<p>✓</p>
<p>4) The applicant must undertake a design review of the master plan throughout its preparation, in accordance with the design excellence strategy prepared in accordance with this DCP.</p>	<p>Noted</p>	<p>-</p>
<p>5) The master plan must address stormwater treatment and processes and discharge to manage flow rates.</p>	<p>The Urban Design Study and Master Plan identifies stormwater management areas. The DA documentation addresses treatment, processes and discharge.</p>	<p>✓</p>
<p>6) When assessing development applications, the consent authority will consider the extent to which the proposed development is consistent with the master plan, including cumulative and precedent</p>	<p>Noted</p>	<p>-</p>

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	implications for the planned infrastructure, and services and amenities provision.		
	7) The precinct master plan must include a landscape plan prepared by a suitably qualified consultant and include preferred tree species and canopy size. The Landscape plan shall include details on areas of public domain within the precinct, if appropriate.	Refer to landscape plans prepared by landscape architect Clouston and Associates and the landscape strategy contained within the Urban Design Study and Master Plan.	✓
	8) The precinct landscape design shall complement the proposed built form and minimise the impact of scale, mass and bulk of the development in its context.	The landscape design meets these principles.	✓
	9) The landscape design shall maximise permeable design solutions, including permeable paving to minimise stormwater run-off.	Refer to landscape plans prepared by landscape architect Clouston and Associates contained within the Urban Design Study and Master Plan.	✓
	10) The landscape plan developed for the master plan must demonstrate how the development of the precinct would contribute to the 40% tree canopy target in the Greater Sydney Region Plan by preserving existing trees, where possible, and adding to the existing canopy to provide green infrastructure and amenity.	The proposed street tree planting (refer to the concept landscape plan) will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that more than 30% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the proposed subdivision is consistent with the various local and State government policies and guidelines for tree canopy cover and urban cooling.	✓
	11) The applicant must, to the consent authority's satisfaction, demonstrate that any proposed variations to the general arrangement of the master plan are consistent with the precinct's desired future character.	The proposal is consistent with the Urban Design Study and Master Plan for the Employment zoned land	✓

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5.4.3 Subdivision design	1) Variations to subdivision controls will be considered for lots created solely for the purpose of 'utility installations' or 'utility undertakings'.	Not applicable	n/a									
	2) Only strata or community title is permitted to facilitate the administration of the flood resilience warning and early response system established in accordance with the Penrith Lakes Flood Response Guideline (in preparation).	The proposal is for Torrens title subdivision. As per the submission made by Great River NSW Pty Ltd on the Draft DCP, a restriction on property titles is strongly opposed.	Does not comply									
	3) Table 6 outlines the subdivision controls. Table 6. Subdivision controls	All lots comply with the minimum lot size and frontage	✓									
<table border="1"> <thead> <tr> <th>Item</th> <th>Area</th> <th>Control</th> </tr> </thead> <tbody> <tr> <td>Minimum allotment size</td> <td>Employment zone</td> <td>1,500 m²</td> </tr> <tr> <td>Minimum frontage</td> <td>Employment zone</td> <td>30 m</td> </tr> </tbody> </table>				Item	Area	Control	Minimum allotment size	Employment zone	1,500 m ²	Minimum frontage	Employment zone	30 m
Item	Area	Control										
Minimum allotment size	Employment zone	1,500 m ²										
Minimum frontage	Employment zone	30 m										
5.4.8 Landscaping and open space	1) A landscape plan, prepared by a qualified landscape architect, must be submitted with any development application.	A landscape plan is submitted with the application.	✓									
	4) Landscape design should contribute to the Greater Sydney Region Plan's canopy cover target of 40%, such as by retaining existing paddock trees, windrows and large canopy trees where possible and adding to the existing canopy.	A landscaping scheme is proposed for the site, as detailed in the concept landscape plans submitted with the application. The concept landscaping plan supplements the trees to Old Castlereagh Road and within the Great River Walk area with street trees throughout the subdivision comprising native indigenous river plain species. The proposed landscaping will establish a landscape character throughout the estate, which will be further reinforced with landscaping to individual lots which will be required as part of future development applications for use of the lots.	✓									

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		<p>The proposed street tree planting will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the proposed subdivision is consistent with the various local and State government policies and guidelines for tree canopy cover and urban cooling.</p>	
	<p>5) For any approved tree clearing, trees are to be replaced at a ratio of at least 2:1 (new to existing) to contribute to the 40% tree canopy target in the Greater Sydney Region Plan.</p>	<p>Tree loss will be offset with replacement plantings at more than the required 2:1 ratio as shown in the landscape plans.</p> <p>The proposed street tree planting within the subdivision will allow for tree canopy cover within the site which is consistent with the target of 15-25% tree canopy cover for industrial areas (by reference to the Draft Greener Places Design Guide), noting that additional tree canopy cover will be provided within the individual lots when developed. With full development of the site, it is estimated that 31% tree canopy cover can be achieved across the site (refer to tree canopy analysis prepared by Urbis, submitted with the application). Accordingly, the project contributes to the relevant tree canopy target.</p>	<p>✓</p>
	<p>10) The selection of proposed trees and other landscaping plants is to consider:</p> <p>a) the preferred trees identified in Council's Street and Park Tree Management Plan;</p> <p>b) the use of relevant local native vegetation communities that occur (or once occurred) in the area rather than exotic plant or non-local native species;</p>	<p>A landscape plan is submitted with the development application which includes an indicative planting palette and schedule. The landscape plan outlines the basis for the selection of trees and other plantings based on the specifics of the site. A balance of locally native trees and other Australian natives are proposed to optimise ecological values and heat island impact mitigation.</p>	<p>✓</p>

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	<p>c) the re-use of native plants or topsoil removed during subdivisions works or earthworks;</p> <p>d) the contribution to the management of soil salinity, water levels and soil erosion;</p> <p>e) low-maintenance and drought-tolerant tree species; and</p> <p>f) the capacity of the species to contribute to tree canopy cover.</p>		
	<p>11) Sufficient space is to be made available to allow trees to grow to maturity.</p>	<p>Sufficient space is available to allow trees to grow to maturity.</p>	<p>✓</p>
	<p>13) Ground covers should be considered as a grass alternative in areas not specifically designed for pedestrian use.</p>	<p>The landscape plan outlines that planting on the embankment adjoining the old Castlereagh Road boundary will include a hydroseed mix of shrubs, groundcovers and native grasses.</p>	<p>✓</p>