

Our Ref: M190009

24 June 2025

Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Andrew Beattie

Dear Andrew,

**RESPONSE TO COUNCIL COMMENTS
NEPEAN BUSINESS PARK AMENDING DEVELOPMENT APPLICATION (DA25/5786)**

We act as town planning consultants to the applicants for the above development application. We have been instructed to respond to issues raised by Council (as forwarded by the Department) in their Response to Notice of Exhibition letter dated 13 June 2025. Our response is to be read in conjunction with the updated Flood Impact Statement that is submitted under separate cover.

We thank the Department for providing us with the opportunity to address Council's concerns and look forward to working with both the Department and Council to achieve a positive outcome for the proposed works. The issues raised by Council are addressed in the table below along with our response to be considered as part of the development application.

Summary of Council Issues and Responses	
Council Comment	Response
Planning Considerations	
<p><i>a) Noting that this is an application for an amending DA, not a modification, the consideration for substantially the same development is removed. However, it is important to understand the rationale for this amendment, how it will relate to the current approval and the possible implications of larger lots (and likely land uses) within the business park.</i></p>	<p>The relationship of the Amending DA to the existing approval, being DA 9876(Mod 6), has been addressed in the Statement of Environmental Effects (SEE) lodged with the development application. The proposal under DA25/5786 relates to a defined footprint within the broader site the subject of DA9876(Mod 6), as indicated on the plans by <i>Enspire</i>. The proposal under DA25/5786 for larger lots is sought to supersede and amend that part of DA9876(Mod 6) within the limited footprint and to allow Nepean Business Park to cater to a broader range of industrial and business-based land uses. The currently approved subdivision scheme under DA 9876 Mod 6 favours a smaller lot pattern, particularly at the centre of the site with lot sizes marginally exceeding 2,000m².</p> <p>The Employment zone in accordance with Chapter 5 of SEPP Precincts – Western Parkland City permits the following land uses with consent in the zone:</p>



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Summary of Council Issues and Responses

	<p><i>Business premises; Car parks; Community facilities; Educational establishments; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Markets; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Roads; Signage; Warehouse or distribution centres.</i></p> <p>The smaller lots (which comprise the majority of lots in Nepean Business Park) will not be able to effectively accommodate some of these permitted land uses including health service facilities, passenger transport facilities, industrial training and warehouse and distribution centres. These land uses typically require a larger lot size.</p> <p>The amending DA will improve the marketability of the lots within Nepean Business Park by appealing to a greater diversity of industries and businesses.</p> <p>There are no implications for larger lots in the context of permissible land uses under the Employment zone. The provision of larger lots will not permit any additional uses at the site, beyond what is permitted under the Employment zone. Permissibility is a matter that will need to be demonstrated with any future application for the use of the lots proposed under DA25/5786.</p> <p>The plans submitted with the amending DA demonstrate how road, servicing, finished ground surface levels, infrastructure and flood management within the footprint of DA25/5786 will be integrated and compatible with the broader works approved under DA9876(Mod 6).</p>
<p><i>b) Council is presently considering a Planning Proposal for additional permitted land uses within the employment zone. Many of the proposed land uses are considered inappropriate in the zone and in the location. Question is raised as to whether the purpose of this amended subdivision layout is to permit larger lots to accommodate anticipated land uses that may not presently be permissible within the zone. This would not be appropriate and would compromise planning processes.</i></p>	<p>The Planning Proposal currently being assessed by Council can progress independent of the Amending DA. These are entirely separate matters and do not have interdependent elements.</p> <p>The purpose of the Amending DA is not to facilitate additional land uses sought by the Planning Proposal. An intention of the amending DA is to increase the diversity in lot sizes within Nepean Business Park to make the subject site more broadly marketable.</p> <p>The additional permitted uses within the Planning Proposal are not reliant on the creation of larger lots. The proposed additional uses can be accommodated within the approved subdivision scheme under DA 9876 (Mod 6). The Planning Proposal therefore has no influence over, or dependence upon, the Amending DA.</p>

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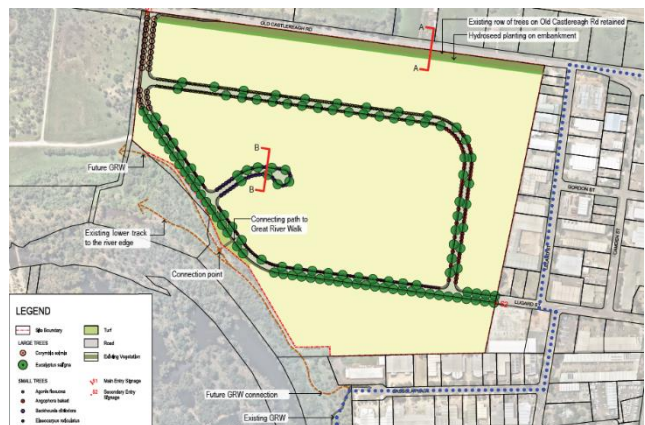
c) Concern is raised about the removal of connecting Road 02 within the subdivision to be replaced with a cul-de-sac. This has repercussions for access, travel paths, on street parking, street tree planting and lot widths.

DA25/5786 proposes Road 02 to include a cul-de-sac because there are fewer lots, less street frontage and fewer driveway crossing requirements that rely on Road 02 under the proposed Amending DA scheme. This is primarily due to proposed Lots 23, 83 and 37 which have absorbed 17 smaller lots from the layout approved with DA9876 (Mod 6). As a result, there is no need for Road 02 to provide a link to Road 01 in order to achieve vehicle access and egress.

Access to each of the proposed large lots is appropriate and the non-compliance with the minimum site width has been addressed in (d) below.

Provision for on-site parking will be determined with any future application for specific land uses within each lot. The subdivision itself does not generate demand for on-site and on-street parking.

The Landscape Plan indicates that street trees will be planted throughout the Road 02 cul-de-sac at the same rate per lineal metre of footpath reserve as the remainder of the subdivision and the Amending DA will not change street tree planting character and density in the footpath reserve in comparison to the approved DA9876(Mod 6).



d) Lots 81 and 82 are limited in size and frontage that will restrict development opportunities, as well as opportunities for landscaping to maintain street presentation. Consideration should be given to the consolidation of these lots.

Proposed Lots 81 and 82 provide sufficient frontages to accommodate development compatible with the Employment zone. The frontage of proposed Lot 81 is 25.7m which exceeds lot frontages approved under DA 9876 (Mod 6). Proposed Lot 82 has a frontage of 14.09m adjacent to the cul-de-sac.

The Penrith Lakes Development Control Plan outlines the minimum area and frontage requirements being 1,500m² and 30m, respectively. Despite the non-compliant lot frontages for proposed Lots 81 and 82, the lot frontages are considered to meet the objectives of Section 5.4.3 of the DCP as explained below:

Summary of Council Issues and Responses

Objective a) Achieve maximum flexibility for siting and location of buildings and to achieve an appropriate density of development.

Proposed lots 81 and 82 exceed the minimum area requirement of the DCP and the majority of each lot has regular proportions (width and depth) therefore the frontage width does not constrain future flexibility for building siting and location. Density of development of Lots 81 and 82 is similar to the approved lots to the north at Lot 56 to Lot 69.

Objective b) Provide opportunities for parcels of land of varying size and dimensions to satisfy market demand and the needs of the development industry.

The proposed development responds better to this objective than that approved under DA 9876 (Mod 6). DA25/5786 seeks to increase diversity in lot sizes to better respond to market demand and the diverse needs of the development industry.

Objective c) Minimise the number of road entry points to Old Castlereagh Road, thereby allowing more efficient traffic management.

The proposed development will have no change to the approved number of entry points to Old Castlereagh Road.

Objective d) Create the opportunity for individual design solutions and innovative and efficient subdivision layout

The greater variety in lot sizes proposed by DA25/5786 will create a greater opportunity for individual design solutions. The efficiency of the subdivision pattern is not hindered by the introduction of a cul-de-sac to Road 02. Given the significant reduction in lots that front Road 02, the cul-de-sac is suitable. Five (5) lots will benefit from the cul-de-sac, each with sufficient frontage to allow access for medium rigid vehicles.

Objective e) Ensure that land to be developed is of an adequate size and shape to accommodate development and provide amenity for occupants of the site and surrounding areas.

There will be no loss of amenity resulting from DA25/5786. The revised road layout will not have negative implications with regard to safe and efficient traffic flows and access. Equally, emergency evacuation during a bushfire or flood event remains to be deemed suitable as confirmed in the submitted Bushfire Report and Flood Risk Assessment.

Objective f) Support the evacuation system established in the Penrith Lakes as outlined in Section 3.1.1- Flood evacuation

Summary of Council Issues and Responses

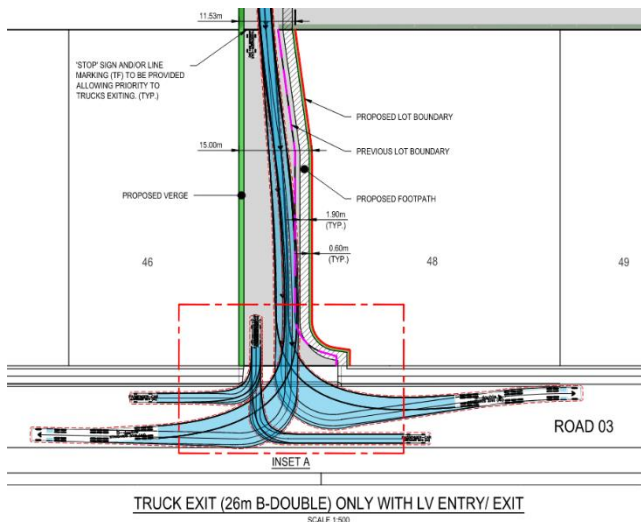
e) Question is raised about the reasons for the access handle to Road 03 from Lot 23. The reason for this seems unclear, noting particularly the irregular form of this connection. The provision of this access handle indicates that the lot may be designed for a pre-determined land use, the appropriateness of which has not been considered.

considerations.

Reference should be made to the Bushfire Report and Flood Report which confirm emergency evacuation is suitable.

The access handle from Lot 23 was included to ensure flexible access options for the potential future subdivision. There is no pre-determined land use for this lot, and its final use will be subject to future development applications that will address use, layout, and compliance in detail.

The design of the access handle allows for the movement of passenger vehicles to enter from both directions and for B-double trucks to exit turning left and right. The design also allows for a footpath to the eastern edge of the accessway which will allow an efficient pathway between Lot 23 and the future 'hub' which will provide daily service needs for workers at the Nepean Business Park.



Additionally, Road 03 will be created in Stages 1 and 2 and the proposed access handle for Lot 23 facilitates installation of a point of access and services to Lot 23 at Stage 3 despite Lot 23 not being delivered until Stage 6B.

f) The quantity of additional fill material should be limited. Any proposal for additional fill needs to be assessed by the Consent Authority with regard to regional flooding impacts.

Drawing C04.01 by Enspire contains a cut and fill plan. This plan shows that the amount of fill to accommodate the larger lot scheme is minimal and limited to 0m-0.5m of additional fill, with the exception of Road 02. This road at maximum would require 1m-1.5m of fill.

We agree that the requirement for additional fill, beyond that of DA9876 should be assessed by the consent authority. The

Summary of Council Issues and Responses	
	additional fill is minor in this context and sufficient information has been included in the civil and stormwater plans and supported by the Flood Impact Assessment lodged with the DA.
g) <i>The Flood Impact Statement prepared by Martens, dated 18 November 2024, as an addendum to the Flood Emergency Response Plan prepared by Molino Stewart, is watermarked DRAFT and therefore cannot be relied upon. It also does not reference the current proposed plan of subdivision.</i>	An updated Flood Impact Assessment has been provided under separate cover.

CONCLUSION

We consider that the additional details and justifications submitted with this response letter addresses the concerns raised by Council. For the reasons discussed in this RFI response by *Planning Ingenuity*, the proposal is considered to be satisfactory against the relevant planning controls and/or their objectives and will not have an adverse traffic, parking, access and flooding impacts.

If you have any questions, please do not hesitate to contact the undersigned on 9531 2555.

Yours faithfully,

Planning Ingenuity Pty Ltd



Charlotte Startari
SENIOR PLANNER