



STATEMENT OF ENVIRONMENTAL EFFECTS

Extension of the Great River Walk (within Nepean Business Park site)

14-98 Old Castlereagh Road
CASTLEREAGH

Prepared for: Great River NSW Pty Ltd

REF: M190009

DATE: 6 August 2021



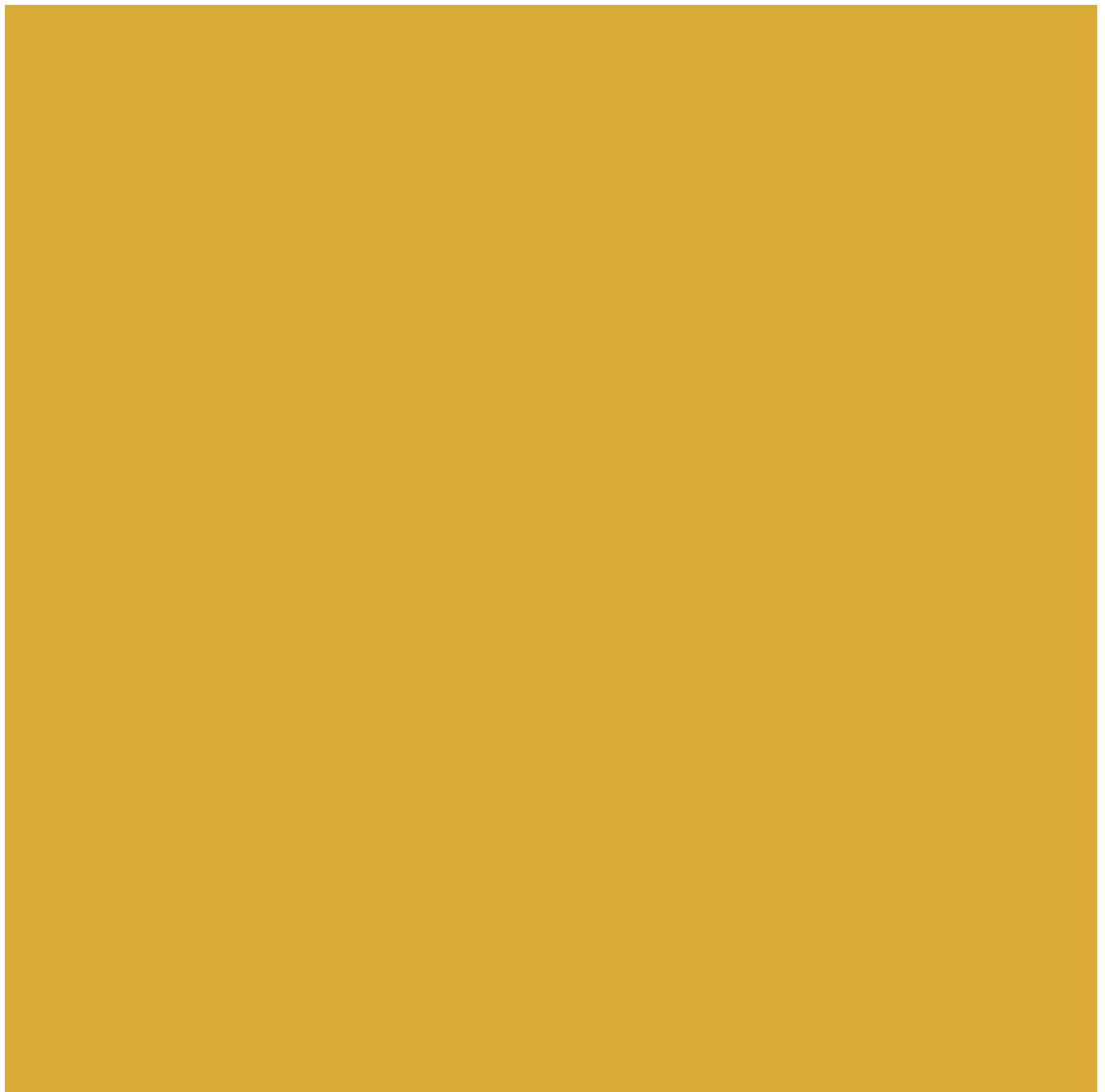


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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared for the Applicant, Great River NSW Pty Ltd, and seeks consent for the extension of the Great River Walk along the Nepean River within the Nepean Business Park land at 14-98 Old Castlereagh Road, Castlereagh ('the site').

This application is 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.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess 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).

This Statement is divided into five sections. The remaining sections include a site analysis and context overview; a description of the proposal; an environmental planning assessment; and a conclusion.



2. Site Analysis and Context

2.1 NEPEAN BUSINESS PARK

The site is the location of the proposed Nepean Business Park which will include the following benefits upon completion:

- 18,450 jobs (direct and indirect);
- \$1.95 billion of economic activity during construction;
- \$500 million per annum in gross value to the Penrith economy;
- Extension to the Great River Walk; and
- A focus on small business and local jobs.

The development application is to extend the existing Great River Walk to run through the southern portion of the site, adjacent to the Nepean River.

2.2 THE SITE

The subject site is located at 14-98 Old Castlereagh Road adjacent to the North Penrith industrial precinct and in the south-eastern corner of the Penrith Lakes Scheme area. The location of the proposed works is within the portion of the site zoned 'Environment' and is formally known as Part Lot 1 DP 1263486, Part Lot 2 DP 1263486 and Part Lot 3 DP 1263486. The location of the site which is the subject of this development application is identified in Figure 1.

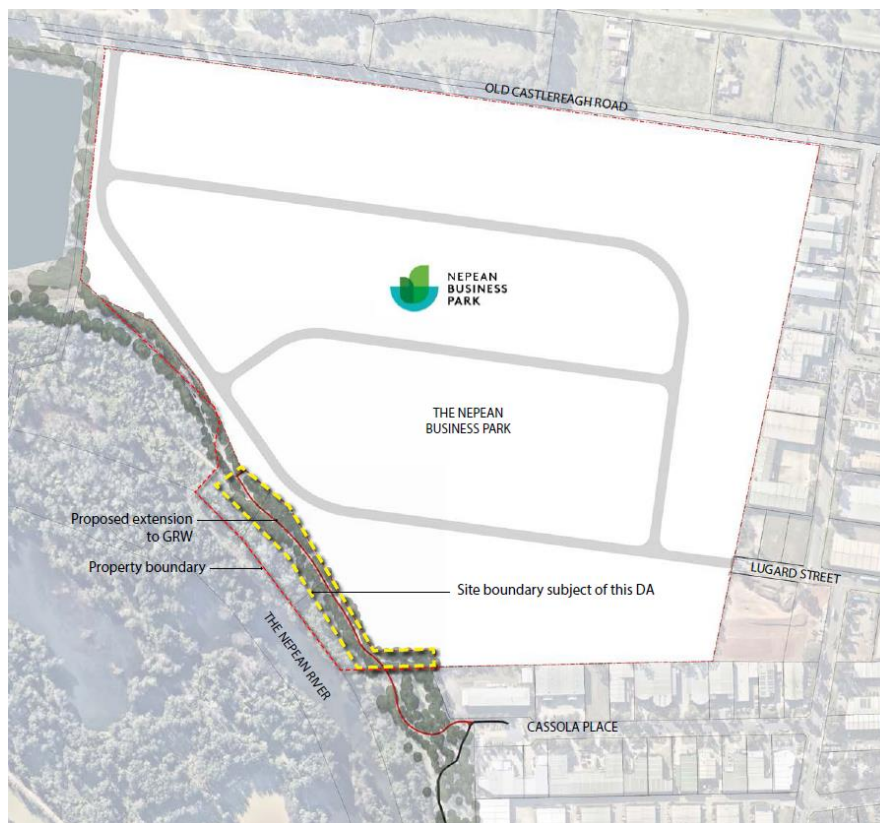


Figure 1. Site location (outlined in yellow dashed line)



The site is adjacent to the future Nepean Business Park (to the north-east), and the Nepean River (to the south-west). To the south-east is an area of existing industrial development along Cassola Place.

The site comprises an informal walking track (near the riverbank) surrounded by planting (mostly self-regenerated), as shown in the photographs at Figures 2 to 5. The land is elevated above the river at this location.



Figure 2. Location of proposed walk extension, adjacent to river



Figure 3. Informal walking track on the site, adjacent to river





Figure 4. Informal walking track on the site, adjacent to river



Figure 5. Views to the river below from the site



3. Description of the Proposal

3.1 BACKGROUND

The Nepean Business Park has prompted the proposal to extend the Great River Walk through the 'Environment' zoned portion of the land owned by the Applicant (to the south / south-west of the Employment zoned land forming the business park).

The existing Great River Walk (GRW) terminates just south of the site, as shown in Figure 6. The Masterplan for Penrith Lakes identifies a continuous shared path (pedestrian and cycle) through the Penrith Lakes area, with loop paths at various locations to the river's edge. The location of the Nepean Business Park provides an ideal opportunity to extend the existing Great River Walk, allowing for a potential future extension into the Penrith Lakes parklands.

In addition to the GRW, the Great West Walk (GWW) is a regional trail that creates an east-west pedestrian link from Parramatta to the base of the Blue Mountains at Blaxland. As the GWW runs along Leland Street, Cassola Place, and shares the Great River Walk along the Nepean, the Nepean Business Park site is well placed to join into this broader link, through existing and proposed connections.

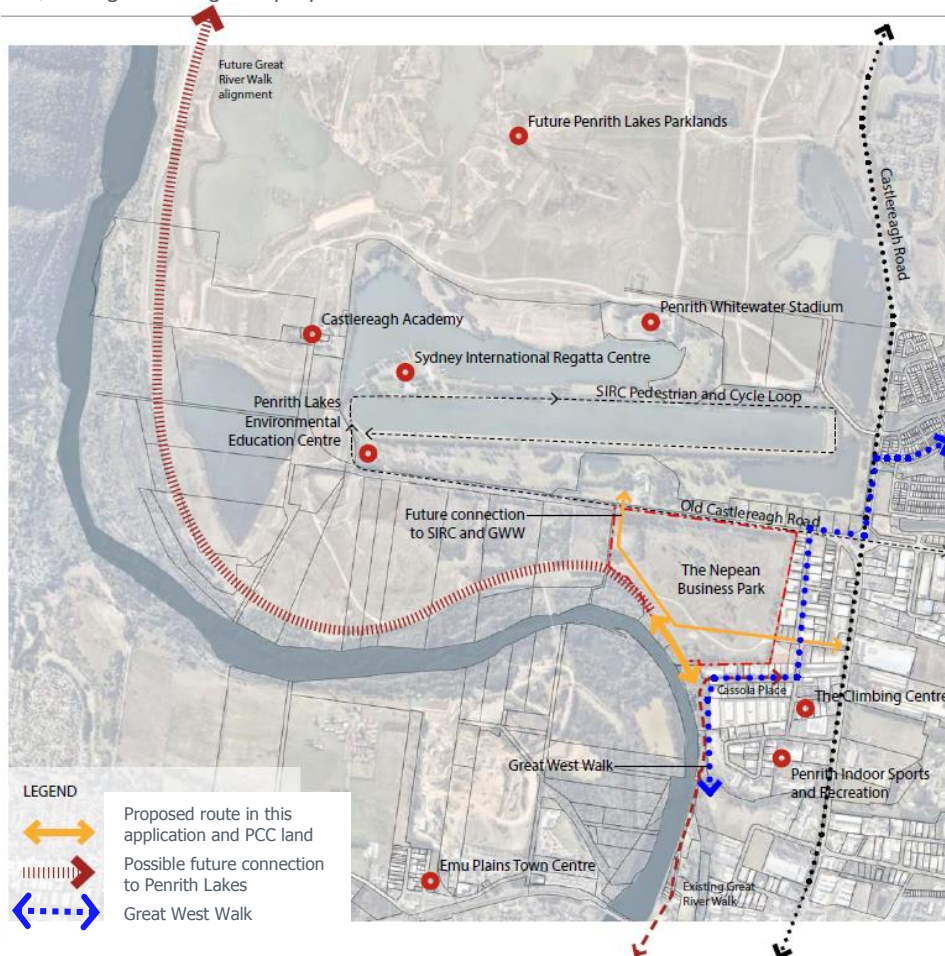


Figure 6. Great River Walk and Great West Walk

3.2 PROPOSED DEVELOPMENT

The proposed development is for the extension of the Great River Walk from the boundary of the site near Cassola Place to a point approximately 320 metres to the northwest. Proposed works include:

- Construction of a 3m wide in-situ brushed concrete shared path, minimum 1m set back from top of bank
- Existing trees retained, with weedy understorey cleared adjacent to the path and supplementary planting where significant gaps in vegetation exist and native grass and ground cover infills near top of river bank
- Views to Nepean River kept clear where existing

The proposed works are outlined in the Landscape Design Statement prepared by Clouston Associates, submitted with the application, and illustrated in Figures 7 to 10 below.

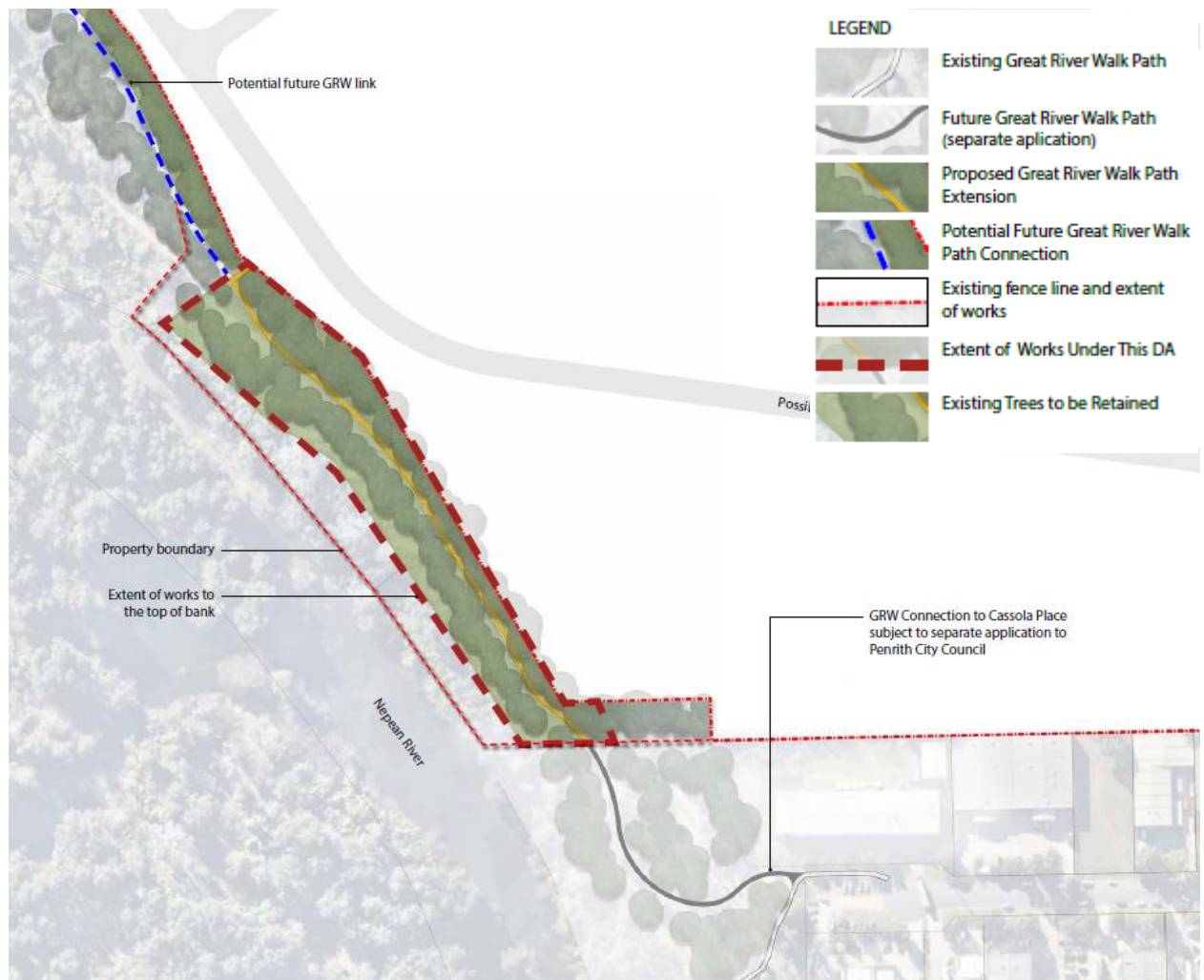


Figure 7. Proposed extension of the Great River Walk

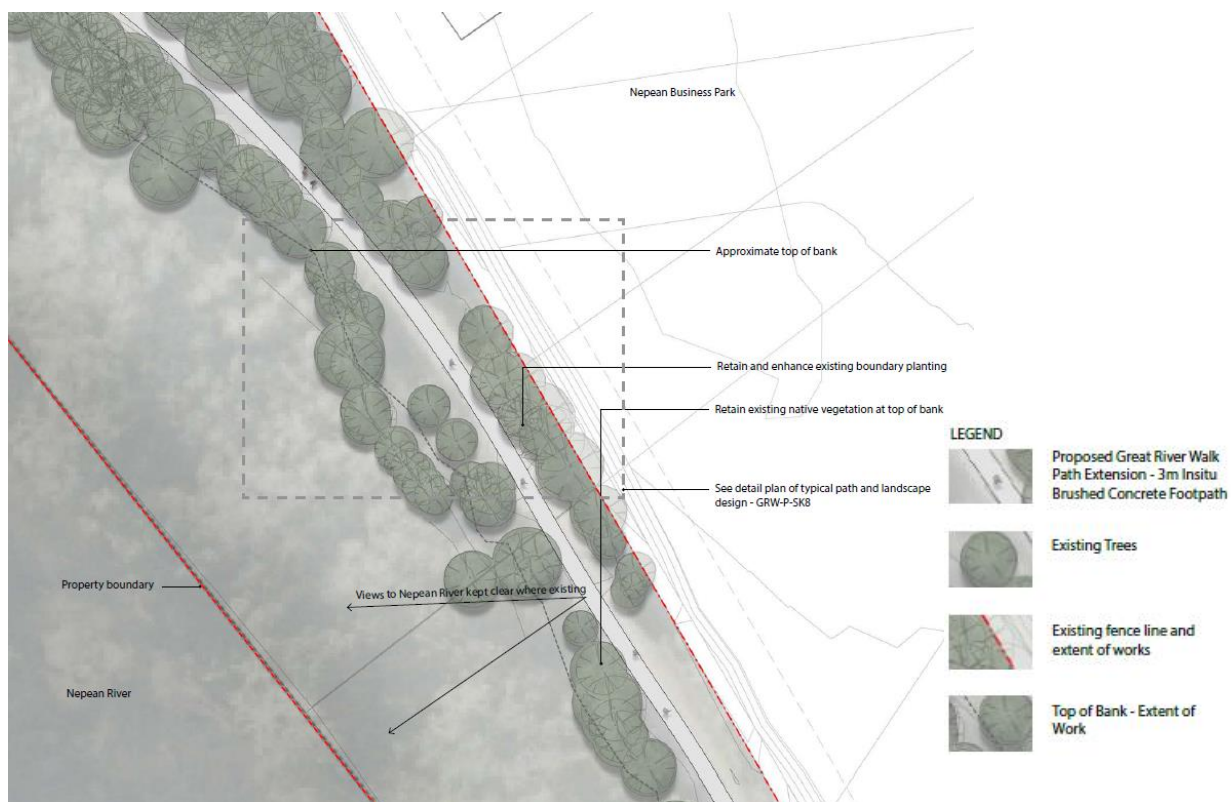


Figure 8. Typical detail plan of proposed walk extension

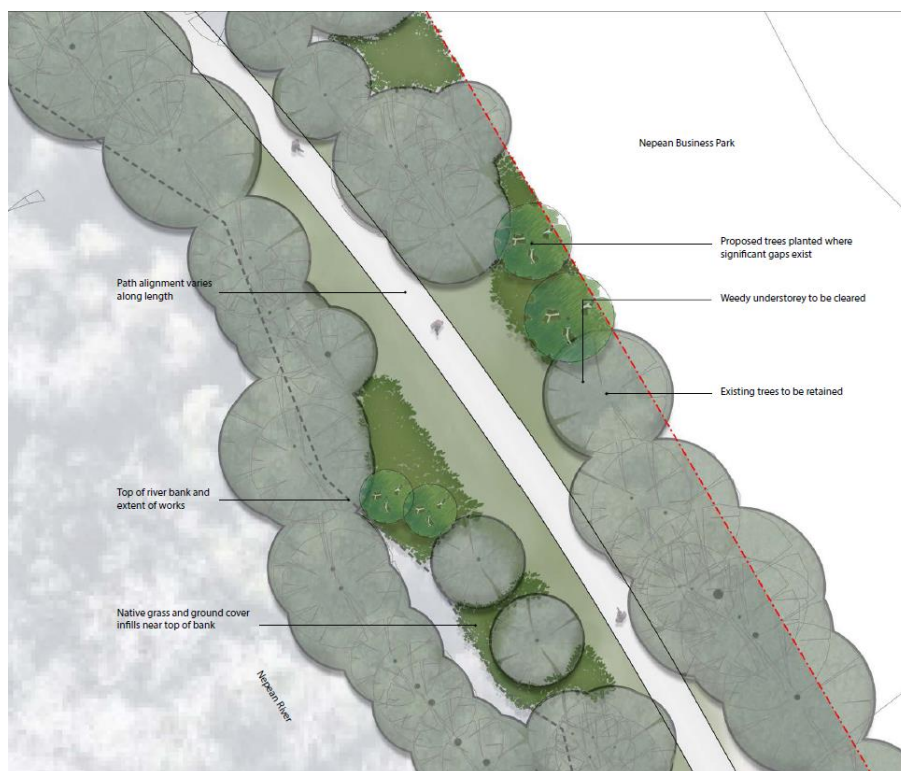


Figure 9. Typical path and landscape design

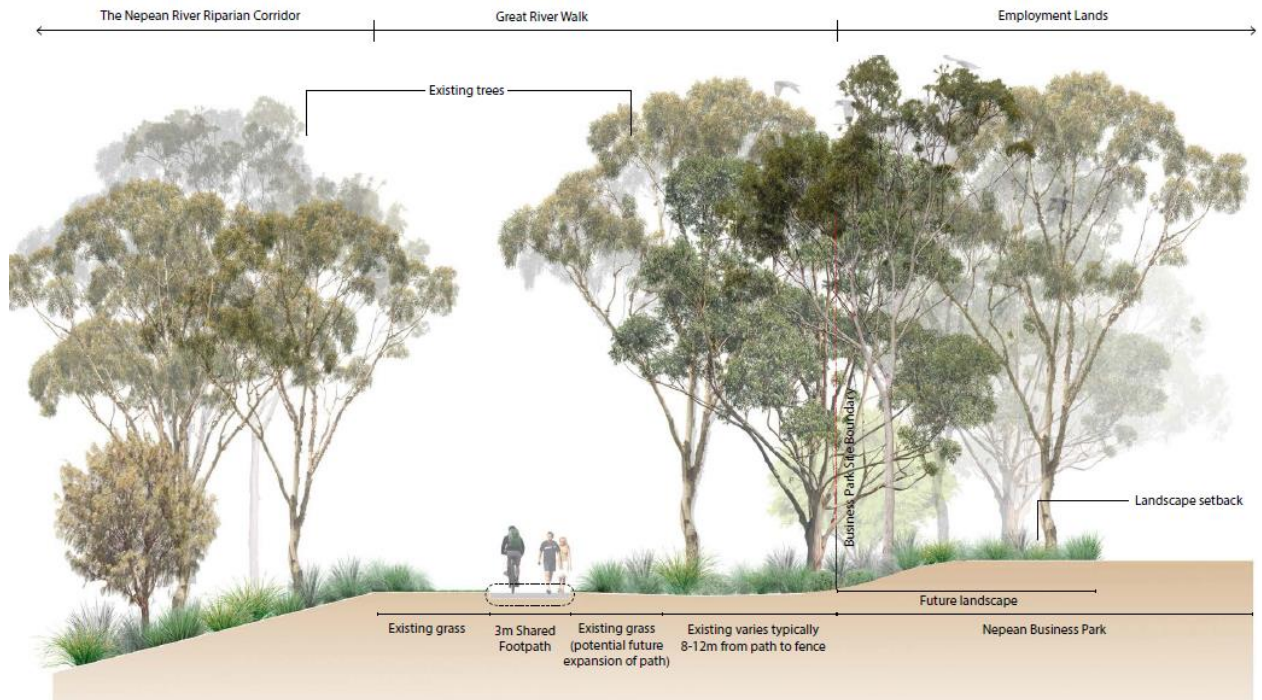


Figure 10. Typical path section

3.3 SUPPORTING DOCUMENTS

The application is accompanied by the following documentation:

Table 1 Supporting Documents

Document	Prepared By
1. Site Survey	Citisurv
2. Landscape Design Statement	Clouston Associates
3. Site Audit Statement & Report	Enviroview





4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development against the relevant statutory requirements.

4.2 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, which would be applicable to the proposed works.

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.*

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, and thus is not defined as “work”.

In terms of the removal of vegetation, as referenced by (b), there is an exemption to the need for controlled activity approval for removal of vegetation if the activity does not involve the removal of large woody debris (reference Cl. 25 of Schedule 4 of the *Water Management (General) Regulation 2018*). The proposal does not include the removal of any large woody debris.

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



4.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

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

Table 2 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		✓	✓

The primary statutory document applying to the proposed development is the *State Environmental Planning Policy (Penrith Lakes Scheme) 1998*. The relevant provisions are summarised below and the proposal's compliance with them assessed.

4.3.1 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.

The subject site comprises land that is zoned 'Environment'. Permitted uses in the Environment zone include "recreation areas" under which the works would best be classified. Recreation areas are defined by reference to the Standard Instrument definitions as:

"a place used for outdoor recreation that is normally open to the public, and includes—

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)".

The objectives of the 'Environment' zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic value.*
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.*
- To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.*

The proposed development is consistent with the objectives of the Environment zone as it will protect, manage, restore and enhance the environmental values of the area and allow for appreciation of these values by members of the public.

A full assessment of the relevant provisions of the SEPP is provided in Appendix A. The proposed development complies with all relevant provisions.



It is noted that a development control plan (DCP) is not required for the application to be determined, as the site is zoned 'Environment' and is therefore not part of an "urban release area" for which a DCP must be in place prior to determination of any development application.

4.3.2 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 report and statement which covers the subject site is submitted with the application. The report and statement confirms that the land is suitable for more sensitive uses such as residential use. The proposed use for a recreation area is therefore deemed suitable. Furthermore, the proposed works involve only minimal disturbance of the ground surface for the pathway formation.

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

4.3.3 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. The proposed development is set back from the river bank and is not likely to have any direct or indirect impact. The further landscaping of the area may provide positive benefit in terms of soil and water management.

The proposal will allow for the extension of the Great River Walk and will improve the amenity of the area adjacent to the Hawkesbury-Nepean River.

4.3.4 SEPP (Infrastructure) 2007

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

4.4 IMPACTS ON NATURAL AND BUILT ENVIRONMENT

4.4.1 Vegetation

The proposed walk will be located adjacent to the Nepean River. The proposed site currently includes a cleared unmarked trail and the proposed pathway will generally follow this existing route.

Vegetation in the area of the proposed development includes planting that is mostly self-regenerated. No tree removal is proposed, and supplementary landscaping is proposed to further enhance the existing environmental values of the area.

The proposed development will protect, manage, restore and enhance the environmental values of the area and allow for appreciation of these values by members of the public. Therefore, the proposed development is consistent with the objectives of the Environment zone.

4.4.2 Contamination

The site audit report and statement submitted with the application confirms that the land in its present state is suitable for residential land use and other sensitive land uses such as employment. Accordingly, it is considered that the





proposed development is also a suitable land use. Furthermore, the proposed works involve only minimal disturbance of the ground surface for the pathway formation.

4.4.3 Bushfire

The proposed development is within an area identified as being bushfire prone. However, since the proposal is not for any buildings, there are no particular bush fire performance requirements that apply. The proposal will improve access along the river for emergency services by providing a 3m wide paved path.

4.4.4 Flooding

The site is adjacent to the Nepean River and has the potential to flood during extreme flood events on the River. The site is on the outside of a bend in the Nepean River at a level of around 26m AHD compared to the river normal river level which is at about 12m AHD. The largest flood recorded in the Nepean River occurred in 1867 and would have reached a level of about 26.5m AHD in the river adjacent to the site. This flood had about a 1 in 200 chance of occurring per year and would cause shallow flooding on the site. The largest flood which could possibly occur is the Probable Maximum Flood (PMF) and this could reach 31.1m AHD.

Requirements for flood planning are outlined in Clause 33 of the Penrith Lakes SEPP, and requires consideration that the development is compatible with the flood hazard of the land. The proposed development is for a formalised pathway and landscaping which will have no impact on flood behaviour nor adverse environmental impacts which may result in erosion and sedimentation or impact on the stability of the river bank. Given the nature of the proposed development, for a walkway, it is not subject to particular flood mitigation requirements and will continue in the same manner as the Great River Walk to the south.

4.4.5 Visual Impacts

The proposed development will provide positive benefits in terms of visual impacts by providing a discrete pathway and supplementary planting to complement the existing vegetation in the area.

4.5 ECONOMIC AND SOCIAL IMPACTS

The proposed path will allow residents, workers and tourists to enjoy the environmental aspects of the Nepean River and provide associated social benefits.

Undertaking the construction works of the walk will also have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

4.6 THE SUITABILITY OF THE SITE

The site is considered suitable for the proposed development due to its location between the current terminus of the Great River Walk and the future walkway network planned for the Penrith Lakes area. The site already contains an existing informal track which means that there is no requirement to clear any trees to implement a walking path.

For these reasons, and others outlined in this Statement, the site is considered suitable for the proposed development.

4.7 THE PUBLIC INTEREST

The proposed development will provide direct public benefit with the provision of a walking path that will connect into and extend the existing Great River Walk, allowing residents, workers and tourists to enjoy the environmental aspects of the Nepean River.





Given the type of development, its general compliance with the applicable planning controls, how the objectives are satisfied, the contribution to the future provision of a public walkway and the suitability of the site it is considered that the proposed development is in the public interest.





5. Conclusion

The proposed development has been assessed against the requirements of the *Environmental Planning and Assessment Act 1979* and the *State Environmental Planning Policy (Penrith Lakes) 1989* (Penrith Lakes SEPP) and is considered to represent a form of development that is acceptable.

The location of the site provides an ideal opportunity to extend the existing Great River Walk through the site, allowing for a future continuous path through to SIRC and Penrith Lakes. The proposed development will provide direct public benefit with the provision of a walking path that will connect into and extend the existing Great River Walk, allowing residents, workers and tourists to enjoy the environmental aspects of the Nepean River.

The proposal is consistent with the applicable planning controls and the proposed works will not result in any unacceptable impact on the environment or any adjoining properties.

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

Accordingly, we respectfully request that the Minister approve the development application as described within this document.



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>	Given the site is zoned 'Environment', the Minister is the consent authority for this application	✓
Part 2 Development control			
7 Development generally	A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.	Noted. The proposal can be supported under this policy.	✓
8 Development for the purposes of implementing the	(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.	The proposed extension of the Great River Walk is consistent with this provision as it is for the purpose of implementing the Penrith Lakes Scheme, given the proposal is in accordance with the zoning of the site under the Penrith Lakes SEPP.	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

Penrith Lakes Scheme	(2) The consent authority shall grant consent to development to which this clause applies unless:		
	(a) the consent authority is of the opinion that the development the subject of the application:	The proposed development is consistent with this provision as it implements the Penrith Lakes Scheme on the subject site, which is zoned 'Environment'. The proposed development will allow for future use of the site consistent with the zoning of the site under the Penrith Lakes Scheme SEPP.	✓
	(i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,		
	(ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or	The proposal ensures the implementation of the Penrith Lakes Scheme as it is consistent with the objectives of the 'Environment' zone under the Penrith Lakes Scheme SEPP.	✓
	(iii) is not generally in accordance with the structure plan, and	The proposal is generally in accordance with the structure plan.	✓
	(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.	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, as relevant.	✓
	(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:		
	(a) the Penrith Lakes Scheme Regional Environmental Study,	Noted	✓
	(b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,	Noted	✓
	(c) the statement of environmental effects accompanying the application,	Noted. SEE submitted with the development application.	✓
	(d) the proposed sequence of extraction and rehabilitation,	No rehabilitation is required for the proposed works.	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

	(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,	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, (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, 	The proposed development will have no impact on the management and control of water resources for the Penrith Lake Scheme.	✓
	<p>(g) 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, 	<p>Refer to Landscape Plans submitted with the application.</p> <p>Not applicable to this proposal.</p> <p>No works to the Nepean River embankment are proposed.</p>	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

	(iv) soil conservation, and (v) revegetation,	Not applicable to this proposal. Refer to Landscape Plans submitted with the application.	
	(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,	Services not required for the proposed works.	✓
	(i) any item of the environmental heritage listed in Schedule 3,	The subject site does not contain any item of environmental heritage listed in Schedule 3.	✓
	(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	The proposed works are not in the vicinity of any such localities, places or buildings.	✓
	(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 (b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and	The site is zoned 'Environment'. The objectives of the zone are: • <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic value.</i> • <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i> • <i>To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands,</i>	✓

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

	<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><i>groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.</i></p> <ul style="list-style-type: none"> <i>To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.</i> <p>The proposed development is consistent with the objectives of the Environment zone as it will protect, manage, restore and enhance the environmental values of the area and allow for appreciation of these values by members of the public.</p> <p>Permitted uses in the zone include “recreation areas” which are defined by reference to the Standard Instrument definitions as “<i>a place used for outdoor recreation that is normally open to the public, and includes—</i></p> <p>(a) <i>a children’s playground, or</i></p> <p>(b) <i>an area used for community sporting activities, or</i></p> <p>(c) <i>a public park, reserve or garden or the like,</i></p> <p><i>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)”.</i></p>	
Part 4 Development standards for certain zoned land			
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>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>	No tree removal is proposed as part of the works.	N/A

SEPP (PENRITH LAKES SCHEME) 1989 – COMPLIANCE TABLE

	<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> <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>		
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	<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			
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>	<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 against a plan of management, until such time as a plan of management is endorsed by the Planning Secretary.</p>	N/A
	<p>(b) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and</p>	<p>Aboriginal Heritage Impact Permit (AHIP) No. 1131345 (as varied) is in place for the Penrith Lakes area, including the subject site, which</p>	✓

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	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	authorises the harm of Aboriginal objects. The AHIP was supported by an Aboriginal Heritage Assessment prepared by PLDC, dated November 2011. The AHIP remains in force until 12 December 2022, and covers the proposed activity on the site. Notwithstanding, the nature of the works means that it is not anticipated that there would be any impact on any cultural heritage places or objects.	
Part 6 Miscellaneous provisions			
33 Flood planning	<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 (c) incorporates appropriate measures to manage risk to life from flood, and (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 (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	The proposed development is for a formalised pathway and landscaping which will have no impact on flood behaviour nor adverse environmental impacts which may result in erosion and sedimentation or impact on the stability of the river bank.	✓

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	<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>	Not applicable	N/A
Part 7 Urban release areas			
36 Development control plan	<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, 	This requirement does not apply to the proposed works which are within an 'Environment' zone and therefore not within an "urban release area" which is defined in Section 5 as <i>"land in any of the following zones— (a) Employment, (b) Residential, (c) Tourism"</i> .	N/A

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	<p>(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> <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>		
37 Relationship between Part and remainder of Policy	A provision of this Part prevails over any other provision of this Policy to the extent of any inconsistency.	Noted	✓