

Department of Planning and Environment

Our ref: DOC23/737821
Your ref: DA 23/9236

Meg D'souza
A/Senior Planning Officer, Regional Assessments
Planning & Assessment | Department of Planning and Environment

31 August 2023

Subject: Notice of Exhibition: Change of Use – Café and Wine Bar - 100 Old Castlereagh Road, Castlereagh (DA 23/9236)

Dear Meg,

Thank you for your email dated 23 August 2023 seeking the Environment and Heritage Group (EHG) comments on the Proposed Change of Use from the existing disused dwelling house to a Café and Wine Bar at 100 Old Castlereagh Road, Castlereagh (DA 23/9236). EHG understands that no construction works are proposed except to install a commercial kitchen and the proposed hours of operation are between 7am-10pm every day, with maximum 6 staff on site.

EHG has reviewed the Statement of Environmental Effect (prepared by Stimson Urban and Regional Planning), the Flood Evacuation Management Plan (prepared by J Wyndham Prince, dated 29 May 2023) and the Flood Assessment Report (prepared by Northrop dated 11 May 2023) and provide the following comments.

The development application (DA23/9236) at 100 Old Castlereagh Road, Castlereagh is related to an existing cottage at 89-151 Old Castlereagh Road, Castlereagh which was subject to a separate development application known as Penrith Lake Tourism zoned land Helipad Penrith Lake (DA21/15298). EHG has previously provided flood risk management comments related to (DA21/15298) in November 2021.

Flood Risk Assessment Report (Northrop, May 2023)

The flood risk assessment prepared by Northrop, May 2023 has a limited scope of work and is considered inadequate to provide sound understanding of the flood behaviour, risk and constraints to allow for the consideration of all aspects of the flood constraints including emergency management constraints.

The report discusses compliance with *Penrith Development Control Plan 2011*. However, EHG understands that the *Penrith Lakes Development Control Plan – Stage 1 (DCP)* guides development on tourism and employment zoned land at Penrith Lakes, as required under Chapter 5 Penrith Lakes Scheme of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. Accordingly, the development application should ensure consistency with its provisions.

Therefore, the assessment in its status:

- (1) does not address consistency with the provisions of the relevant Development Control Plan - *Penrith Lakes Development Control Plan – Stage 1 (DCP)*
- (2) does not correctly address compliance to the requirements of Chapter 5 'Penrith Lake Scheme' Clause 5.38 'Flood planning' of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*; and
- (3) does not satisfy the basic requirements of a flood impact and risk assessment.

Flood Evacuation Management Plan (JWP, May 2023)

The consultant prepared a Flood Evacuation Management Plan (FEMP) (JWP, May 2023) that incorporates both (DA21/15298) and (DA23/9236), which is acknowledged.

EHG advises that, the proposed FEMP must be provided to the State Emergency Service (SES) for its review to ensure it demonstrates consistency with the SES emergency management strategy for the North Penrith sub-sector in the context of the Hawkesbury-Nepean Valley regional evacuation strategy.

The FEMP should consider the impact of the local flooding on the proposed evacuation routes such as Andrews Street. This information can be found in the Cranebrook Overland Flow Flood Study and can be obtained from Penrith City Council.

It is also prudent to ensure that the flood assessment and the FEMP consider the *Hawkesbury-Nepean Valley Draft Flood Study 2022* information prepared by Hawkesbury-Nepean Flood Risk Management Directorate and provided to relevant stakeholders as an interim data for their appropriate use.

If you have any queries please contact Liz Peterson, Senior Conservation Planning Officer via elizabeth.peterson@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "S. Harrison".

Susan Harrison

**Senior Team Leader Planning
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