

Our Ref: M190009

13 December 2023

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

**STATEMENT OF ENVIRONMENTAL EFFECTS
DEVELOPMENT APPLICATION FOR A SUBDIVISION AT
14-29 AND 30-68 OLD CASTLEREAGH ROAD, PENRITH**

1) INTRODUCTION

We act on behalf of Great River NSW Pty Ltd, the applicant, seeking consent for a subdivision by way of changing the shared boundary between two existing lots. The lots are Lot 2 DP 1263486 and Lot 3 DP 1263486.

The purpose of this Statement is to address the planning considerations and to demonstrate there will be no impacts of the development with consideration to the requirements of section 4.15 of the EP&A Act.

2) SITE DESCRIPTION

The subject site is Lot 2 DP 1263486 (No.14-29) Old Castlereagh Road and Lot 3 DP 1263486 (No.30-68) Old Castlereagh Road, North Penrith (see Figure 1). The site area is 36.833 hectares.

The land is adjacent to the North Penrith industrial precinct and within the south-eastern corner of the Penrith Lakes Scheme area. The site is bounded to the north by Old Castlereagh Road, with rural residential properties located on the northern side of Old Castlereagh Road. To the east and south-east is an area of existing industrial development. The Nepean River is located to the south-west of the site. To the west of the site, and further north, is other land within the Penrith Lakes Scheme. The subject site was previously used as a tailings pond for the Penrith Lakes Scheme. Approved rehabilitation works are currently underway on the site.

3) HISTORY

DA9876 was approved by the Land and Environment Court on 31 March 2022, for *“the Torrens title subdivision of three lots at 14-98 Old Castlereagh Road, Castlereagh, into four environmental lots and one residual lot, and the subdivision of the residual lot into 93 Community title lots and one community association lot, across 13 development stages with associated earthworks, road works and landscaping.”*

This development application will have no impact on the implementation of, and final form of, DA9876. DA9876 is being concurrently modified to match this DA.

4) DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development seeks consent for the subdivision of Lot 2 DP 1263486 and Lot 3 DP 1263486 by changing the common boundary between the two lots. The existing subdivision is shown in Figure 1 and the proposed subdivision is shown in Figure 2.

The proposed subdivision is sought to facilitate the commencement of Stage 1 works in accordance with DA9876. This will be achieved by ensuring Stage 1 of the community title subdivision is contained entirely within proposed Lot 2 (coloured orange in Figure 2).



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A letter from HFW Australia is provided in **Annexure A**, confirming the subdivision will have no impact on the approved subdivision scheme under DA9876 in that the subdivision will not change the site to which DA9876 applies.

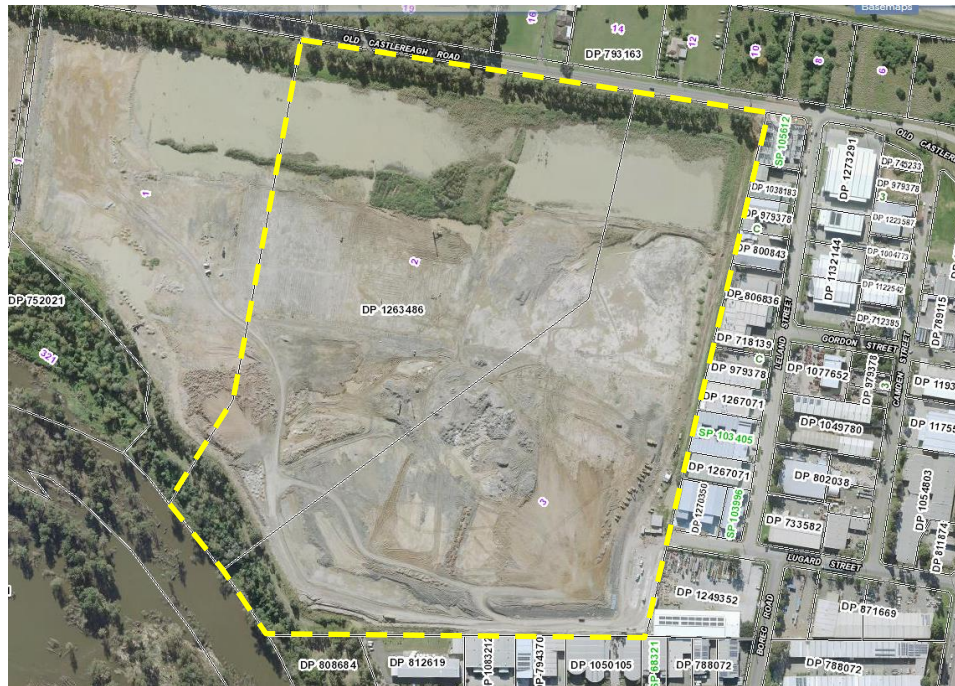


Figure 1: Existing subdivision layout with the site outlined dashed yellow (Source: www.maps.six.nsw.gov.au)

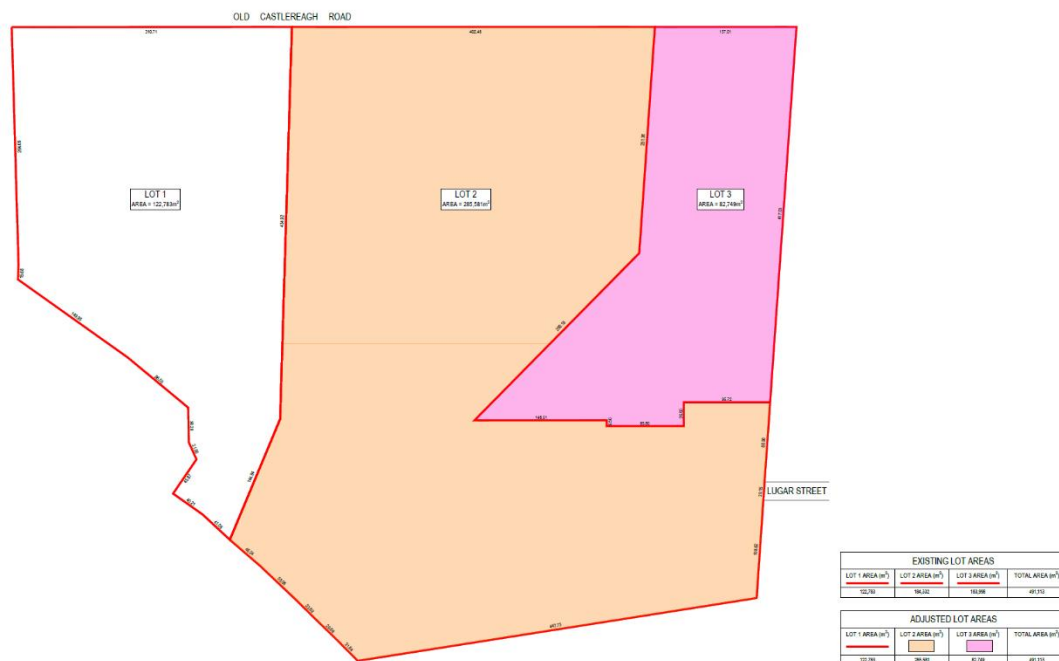


Figure 2. Proposed subdivision layout for Lots 2 and 3



5) STATUTORY CONSIDERATION

5.1 SECTION 4.15 OF THE EP&A ACT 1979

Part 4 of the EP&A Act states that, in determining a development application for consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the proposed development application against the relevant provisions of Section 4.15(1) is provided in the following sections of this Statement.

5.1.1 STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – WESTERN PARKLAND CITY) 2021 [SECTION 4.15(1)(A)]

The original application DA9876 was assessed under *State Environmental Planning Policy (Penrith Lakes Scheme) 1998* (Penrith Lakes SEPP) and found to be satisfactory. Since 3 March 2022, the Penrith Lakes SEPP has been superseded by *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP) with the provisions of the former SEPP being integrated into Chapter 5 of the new SEPP. Chapter 5 of the Western Parkland City SEPP aims to permit the implementation of the Penrith Lakes Scheme through development controls to protect heritage, identify land for future land uses, and ensure the ongoing operation of Olympic legacy infrastructure. The proposal has no impact on heritage and Olympic legacy infrastructure.

Clause 5.7 of the Western Parkland City SEPP provides that the Minister is the consent authority for the proposed application.

The site contains land in zones Employment and Environment under the Western Parkland City SEPP.

The subdivision is consistent with the objectives for development in the Employment Zone because it facilitates the delivery of DA9876 which will result in a community title subdivision to accommodate the future Nepean Business Park. The subdivision is also consistent with the objectives of the Environment Zone because it facilitates the delivery of DA9876 which includes the creation of new lots containing the land in the Environment Zone adjacent to the Nepean River. This land will be subject to a vegetation management plan.

The proposed subdivision is permitted with consent in accordance with Clause 5.18 of the Western Parklands City SEPP.

Clause 5.27 outlines additional provisions for development on land zoned Employment. The proposed subdivision will have no impact on the site and therefore is considered appropriate.

Clause 5.28 outlines additional provisions for development on land zoned Environment. The proposed subdivision will have no impacts to the site, as no physical works are proposed or required. It is therefore consistent with Clause 5.28.

Both lots retain the same frontage to Old Castlereagh Road and the same connectivity arrangements for all essential services via Old Castlereagh Road as the existing subdivision layout. No easements, restrictions or rights of way are required.

Overall, the proposed development is considered consistent with the provisions of the Western Parklands City SEPP, Chapter 5 – Penrith Lakes Scheme.



5.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 [SECTION 4.15(1)(A)]

Chapter 4 to State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to be satisfied that the site is suitable for the proposal with consideration to the potential for contamination. As stated above, approved remediation works are currently underway to make the site suitable for works approved with DA9876. The proposed subdivision does not include any works and does not change the current use of the site and the validity and implementation of approved development. The site is considered suitable.

5.1.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 [SECTION 4.15(1)(A)]

The proposed development does not comprise any physical works. As such, there would be no measurable impact to the existing ecological and biodiversity values of the site. No vegetation will be impacted. There will be no change to the flow of surface and groundwater through the site and no changes to the Hawkesbury Nepean catchment. The proposed subdivision is consistent with the provisions of the SEPP.

5.1.4 PENRITH LAKES DEVELOPMENT CONTROL PLAN

Control 5.4.3 Subdivision Design of the Penrith Lakes Development Control Plan requires a minimum lot size of 1,500m² and a minimum lot frontage of 30m for lots created in the Employment Zone. The proposed lots exceed these minimum requirements.

5.1.5 LIKELY IMPACTS OF THE DEVELOPMENT [SECTION 4.15(1)(B)]

There are no works. There are no environmental, economic or social impacts.

5.1.6 SUITABILITY OF THE SITE [SECTION 4.15(1)(C)]

The proposed development is suitable for the site due to its zero impacts and consistency with DA9876. In fact, it is essential to the facilitation of DA9876.

5.1.7 THE PUBLIC INTEREST [SECTION 4.15(1)(E)]

The proposed subdivision does not result in environmental, infrastructure, visual or amenity impacts and is consistent with the adopted provisions of the relevant environmental planning instruments. Therefore it is in the public interest.

6) CONCLUSION

The proposed development seeks consent for a subdivision of Lot 2 DP 1263486 (No.14-29) Old Castlereagh Road and Lot 3 DP 1263486 (No.30-68) Old Castlereagh Road, North Penrith to adjust the shared boundary between the lots. The proposed development is sought to facilitate Stage 1 works associated with DA9876. Legal advice from HFW Australia confirms the proposal will have no impact on DA9876.

The proposed development has been assessed against the requirements of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021* and is consistent with all relevant provisions.

An assessment against Section 4.15 of the *Environmental Planning and Assessment Act 1979* has confirmed the proposal will have no impacts.

Accordingly, we respectfully request that the Minister approve the proposed subdivision.





ATTACHMENTS

A. Legal Advice from HFW Australia



