

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA23/17598 Penrith Lakes Employment Lands Boundary Adjustment
Applicant	Great River NSW Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director of Regional Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

25 March 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this.

The key reasons for granting consent to the development application are as follows:

- the project would facilitate the development of the site for an employment generating land uses under a separate development consent.
- the project is permissible with development consent,
- the development will have negligible impacts as no physical works are required.
- no concerns were raised by the community during consultation
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Development Application was placed on exhibition from 17 January 2024 until 30 January 2024 (14 days). One (1) submission was received providing comment of the project.

The key issues raised in the submission and considered in the department's assessment report and by the decision maker include the consistency of this development with other development consents on the site, bushfire, consistency with the DCP, the site suitability and certification of earthworks.

<i>Issue</i>	<i>Consideration</i>
<i>The proposal should ensure it is consistent with the controls and objectives of the Penrith Lakes Development Control Plan and State Environmental Planning Policy (Precincts – Western Parkland City).</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has undertaken an assessment of the development against the relevant aspects of the SEPP and DCP. It is noted that no physical works are proposed under this consent, and the boundary adjustment seeks to facilitate subdivision work under a separate consent. The Department is satisfied that the development is consistent with SEPP and DCP.
<i>The boundary adjustment should be checked against the approvals on the site(s) to consider whether it aligns and is consistent with the staging plan for the development (if staging forms part of the consent approvals).</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has reviewed the proposed boundary adjustment against the existing approvals on the lot and is satisfied that the development is wholly compatible with the subdivision works under DA9876.
<i>The proposal should consider whether there are any implications to outstanding land contamination, bulk earthworks and/or geotechnical compaction matters occurring on the site, ensuring there are no implications to any outstanding subdivision work certificate applications and the like..</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The development does not seek approval for any physical works or a future land use on the site and seeks to undertake a paper subdivision to facilitate the subdivision works under DA9876. The Department is satisfied that the subject site is suitable in its current state for the development sought.
<i>As both Lots 2 and 3 are bushfire prone land (entirely), a Bushfire Assessment report prepared by a suitably qualified person should be prepared.</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has considered the development against the provisions of Planning for Bushfire Protection pursuant to s4.14 of the EP&A Act and is satisfied that the development does not compromise the ability for compliance with PBP to be achieved. Approval from the RFS is not warranted as no residential or Special Fire Protection Purposes are proposed.
<i>The DCP references the need for access from Lugard Street, yet the proposed boundary adjustment will remove Lugard Street access for Lot 3.</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The boundary adjustment is required to facilitate Stage 1 of the community title subdivision approved with DA9876. Stage 1 will create publicly accessible road connection to Lugard Street. The proposed boundary adjustment will not change the alignment of, or connectivity to, publicly accessible roads and future connections to essential services and utilities as approved with DA9876.
<i>The existing earthworks on the site under a separate consent should be certified prior to the release of a subdivision certificate</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The development does not seek approval for any physical works or a future land use on the site, and seeks to undertake a paper subdivision to facilitate the subdivision works under DA9876. The Department is satisfied that the subject site is suitable in its current state for the development sought.