



STATEMENT OF ENVIRONMENTAL EFFECTS

Amending Development Application to an approved community title subdivision (DA9876) to provide 71 community title lots, revised road layout, drainage, landscaping and staging

14-29 & 30-68 Old Castlereagh Road
Penrith

Prepared for: Nepean Business Park

REF: M190009

DATE: 11 April 2025





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1. Introduction

1.1 OVERVIEW

We act on behalf of the applicant for the approved community title subdivision at Nos. 14-29 and 30-68 Old Castlereagh Road, Penrith (the site). The development consent under DA 9876, as most recently modified, to which this application relates grants consent for:

- Torrens title subdivision of three lots into four environmental lots and one residual lot;
- subdivision of the residual lot into 93 Community title lots and one community association lot;
- thirteen (13) development stages;
- earthworks to achieve the final site levels;
- construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;
- landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and
- freestanding advertisement signage.

This application is for an amending development application. The proposal is for amendments to an approved subdivision (DA9876) and seeks consent for larger community title lots within the approved subdivision layout. The amending DA will ultimately result in a reduction in community title lots from 93 to 71 and modification to the internal road network, landscaping, drainage and staging. The proposal will seek to deliver a subdivision layout that can accommodate a greater diversity in land uses and better respond to market demand. The remaining portions of the community title subdivision will remain as approved under DA9876.

An Amending DA approval pathway is sought because the larger lots are intended to be created specifically for a future community lot owner.

An amending DA is consistent with Section 4.17 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) which permits amendments to an existing development consent and is discussed in detail under Section 5 of this Statement.

An Amending DA pathway is nominated rather than a modification application under Section 4.55 because the amending DA pathway is more suited to the circumstances whereby the original DA and the amending DA each have a well defined footprint and scope of works, both are compatible to the end-point of the subdivision and works can be implemented distinctly under each consent. The window of time to amend the original DA will also be suited to the arrangements for finalisation of agreed works with the specific future lot owner.

Works in accordance with DA9876 have begun at the site, largely consisting of bulk earthworks and site rehabilitation works. No works have occurred over that part of the site to be subject to this Amending DA.

The proposal is compliant with the provisions of State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The application has been made pursuant to the provisions of Chapter 5 of *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* (Western Parkland City SEPP) which governs development within the Penrith Lakes Scheme area. According to the Western Parkland City SEPP, the consent authority for the proposal is the Minister for Planning.





1.2 ENVIRONMENTAL ASSESSMENT

Consent for the amending subdivision scheme is sought in accordance with the Western Parkland City SEPP. Several active development consents apply to the subject site and several applications are currently under assessment.

This amending consent will authorise works, namely the carrying out of work shown in the drawings submitted for approval as part of this development application.

Development consent DA9876 will continue to apply to the site.

The two development consents applying to development on the same land need to be read together to ascertain the development that is authorised to be carried out on the land.

To avoid any inconsistency this application also seeks that a requirement be imposed (under the new consent) that DA9876 must be modified in accordance with condition 4.17(1)(b) and section 4.17(5) of the EP&A Act. The modification must be affected prior to the issue of any Subdivision Works Certificate for the amending DA. This will ensure that there are no inconsistencies between the two concurrent development consents for community title subdivision.

Explanation of section 4.17(1)(b)

Section 4.17(1)(b) allows a condition to be imposed as part of a new consent which requires 'the modification ... of a consent'. This provision exists to deal with the possibility that more than one development consent may be in operation on a site at a given point in time as established by *Waverley Council v C M Hairis Architects* [2002] NSWLEC 180 at [30].

The planning purpose of a condition imposed under section 4.17(1)(b) is to eliminate the inconsistencies that would otherwise exist if multiple consents applied to the site (*Lindsay Bennelong Developments v City of Sydney Council* [2016] NSWLEC 1064 at [45]).

Section 4.17(1)(b) of the EP&A Act, so far as it relates to modification, operates independently of section 4.55 of the Act as found in *Hairis Architects* at [25]. The 'substantially the same' test does not apply (*Hairis Architects* at [27]).

The procedure for giving effect to a condition imposed under section 4.17(1)(b) and section 4.17(5) is set out in section 67 of the *Environmental Planning and Assessment Regulation 2021*. The modification of an existing development consent is achieved by delivery of a notice to the consent authority: *Hairis Architects* at [26].

The consequence is that an earlier consent may be modified, under these provisions, without any necessity for there to be an application under section 4.55 to the earlier consent. *Hairis Architects* at [27].

This streamlined procedure for modification necessitates that there should be a great deal of certainty about the actual modification that will be effected when a notice is given to the consent authority under section 67.

The terms of the new development consent

There are two ways that the proposed amending DA could be approved:

- **Option 1:** The amending development consent could be granted on the basis that it **directly** approves the carrying out of the proposed subdivision scheme under that **new** development consent. With this option, the balance of the works not approved under the amending DA would be carried out under the base development consent DA9876).





The newer development consent would include a condition requiring the modification of the earlier consent (DA9876) to make it clear that the earlier consent operates subject to the later consent. The procedure for the giving effect to such a condition is set out in section 67 of the *Environmental Planning and Assessment Regulation 2021*.

This option would require separate Subdivision Works Certificate(s) under **each** of the development consents that are applicable to the land.

- **Option 2:** With this option, the consent authority could impose a condition under the new consent requiring **the base consent (DA9876)** to be modified in accordance with section 4.17(1)(b) and section 4.17(5) of the EP&A Act **so that the base consent expressly authorises the works that are the subject of the amending DA**. (Again, the procedure for the giving effect to such a condition is set out in section 67 of the *Environmental Planning and Assessment Regulation 2021*).
- The benefit of this option is that it avoids the need for separate Subdivision Works Certificate(s) to be issued under the base consent and the amending consent.

The second option set out above has been applied by the Land and Environment Court, for example in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2023] NSWLEC 1107; *Lateral Estate Pty Ltd v Council of the City of Sydney* [2020] NSWLEC 1381 and *Season Group Pty Ltd v Council of the City of Sydney* [2019] NSWLEC 1588.

It is requested as part of this development application that the consent authority adopt the second option detailed above. This will avoid the practical difficulties of having separate Subdivision Works Certificates issued under two (2) different development consents over the same site.

An outline of the key conditions for the amending consent (if granted under option 2, as requested) is set out in **Annexure C**.

1.3 HISTORY

As identified above, this application is submitted as an amending Development Application consistent with Section 4.17 of the EP&A Act. The amendments are proposed to DA9876 as approved and most recently modified.

Other works for the site are subject to different applications as set out in Section 3.1 and relate to signage, batter and revegetation works, boundary adjustments, and a boardwalk along the Nepean River. In addition, a Planning Proposal has recently been submitted to enable additional permitted uses at the subject site. Consents have not been issued for these applications and therefore no other development consents require amendment.

A s4.56 modification application is under assessment in relation to DA9876 to alter the future ownership of internal roads from public to private, to be managed under the Community title scheme. Given the s4.56 modification application is yet to be determined, this amending development application is made to DA9876 only.

The timing of potential approval of the Section 4.56 modification for private roads may need to be considered with the assessment of this amending DA. This is discussed further in Section 3 of this Statement.

1.4 SUPPORTING DOCUMENTS

The amending DA is supported by a series of consultant reports and plans, listed below at **Table 1**.

Table 1 Supporting Documentation	
Document	Author
Civil Plans	Enspire





Table 1 Supporting Documentation

Civil Letter	<i>Enspire</i>
Bushfire Assessment	<i>Bushfire Planning Australia</i>
Traffic Assessment	<i>TTPP Transport Planning</i>
Flood Impact Assessment	<i>Martens</i>
Landscape Plan	<i>Clouston Associates</i>

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 S.4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

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



2. Site Analysis and Context

2.1 THE SITE

The subject site is located at Nos. 14-28, 30-69 and 70-98 Old Castlereagh Road, Penrith. The site is adjacent to the North Penrith industrial precinct and is in the south-eastern corner of the Penrith Lakes Scheme area. The lots comprising the site are legally identified as Lots 1, 2 and part lot 3 DP 1263486. The site has an area of approximately 49 hectares. The site is identified in the aerial image provided at **Figure 1**. Works presently underway at the site are related to rehabilitation and subdivision in accordance with DA9876 which was approved by the Land and Environment Court on 31 March 2022. No works in accordance with DA9876 have been undertaken within the footprint the subject of this amending DA.



Figure 1 Aerial image indicating the site outlined dashed yellow (Source: Nearmap)

The site is located between Old Castlereagh Road to the north and Nepean River to the south. The site is mapped as containing biodiversity values and is bushfire prone. Existing vegetation on site that has not been disturbed by the ongoing works and is limited to mature trees that line Old Castlereagh Road and vegetation along the bank of the Nepean River. No permanent buildings or structures currently exist on the site.



Figure 2 View looking west along Old Castlereagh Road with the subject site on the left side of the photo

2.2 SURROUNDING DEVELOPMENT

DA9876 (as modified) granted consent for Torrens title subdivision, 93 lot community title subdivision and one community associated lot, thirteen (13) development stages, bulk earthworks, construction of roads, shared paths and other infrastructure, landscaping works and advertising signage. This consent is operative.

The site is adjoined to the north by Old Castlereagh Road, rural residential lots and Penrith Regatta Centre, to the south by Nepean River, to the east by employment and industrial lands, to the west by vacant land within the Penrith Lakes Scheme.

The site is located within the Penrith Lakes Scheme. The Penrith Lakes Development Control Plan states the intended visions for Penrith Lakes as follows:

“Penrith Lakes is planned to be a large water-based parkland and a signature piece of regional open space in the Western Parkland City, with a world-class sporting and recreational identity. Penrith Lakes includes a range of land-use zones, including Employment and Tourism, which supports the environmental context and social and economic values of the Penrith area.”

3. Background

3.1 PLANNING HISTORY

The following is a summary of the subdivision development history of the site for DA9876:

Table 2 Site History		
Consent Reference	Description	Decision Date
DA9876	Development Application for: <ul style="list-style-type: none">• Torrens title subdivision of three lots into four environmental lots and one residual lot;• subdivision of the residual lot into 93 Community title lots and one community association lot;• thirteen (13) development stages;• earthworks to achieve the final site levels;• construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;• landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and• freestanding advertisement signage.	Approved - 4/04/2022 (LEC)
DA 9876 MOD 1	Removal of a deceleration lane on Castlereagh Road into Lugard Street per condition C23(b) of DA 9876.	Approved – 29/08/2024
DA 9876 MOD 2	Torrens title subdivision of site into 4 environmental lots and 3 residual lots, and the subdivision of the residual lot into 93 Community title lots and one community lot, across 13 stages	Approved – 19/19/2023
DA 9876 MOD 3	Modification of subdivision approval to avoid the consolidation of the residual lots during the staged development of the approved commercial and industrial precinct.	Approved – 13/02/2024
DA 9876 MOD 4	It is proposed to modify DA9876 to change all internal roads in the subdivision from being publicly dedicated to private ownership, to be managed under the community title scheme.	Under Assessment

3.2 SECTION 4.56 AND AMENDING DA WITH LEC

As identified above, a s4.56 modification is under assessment. As the Section 4.56 application has yet to be determined, the amending DA is made only to DA9876. Should the Section 4.56 be approved, this application will be amended pursuant to *Clause 37 Amendment of development application* of the *Environmental Planning and Assessment Regulation 2021*. Importantly, the extent of amendments will be minor and will not compromise the intent of the not yet approved modification.

4. Description of the proposal

4.1 EXISTING DEVELOPMENT

The approved subdivision layout in accordance with DA 9876 (as modified) is depicted in **Figure 3**. DA 9876 (as modified) was approved for the following:

- Torrens title subdivision of three lots into four environmental lots and one residual lot;
- subdivision of the residual lot into 93 Community title lots and one community association lot;
- thirteen (13) development stages;
- earthworks to achieve the final site levels;
- construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;
- landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and
- freestanding advertisement signage.

The works approved by DA9876 have commenced.

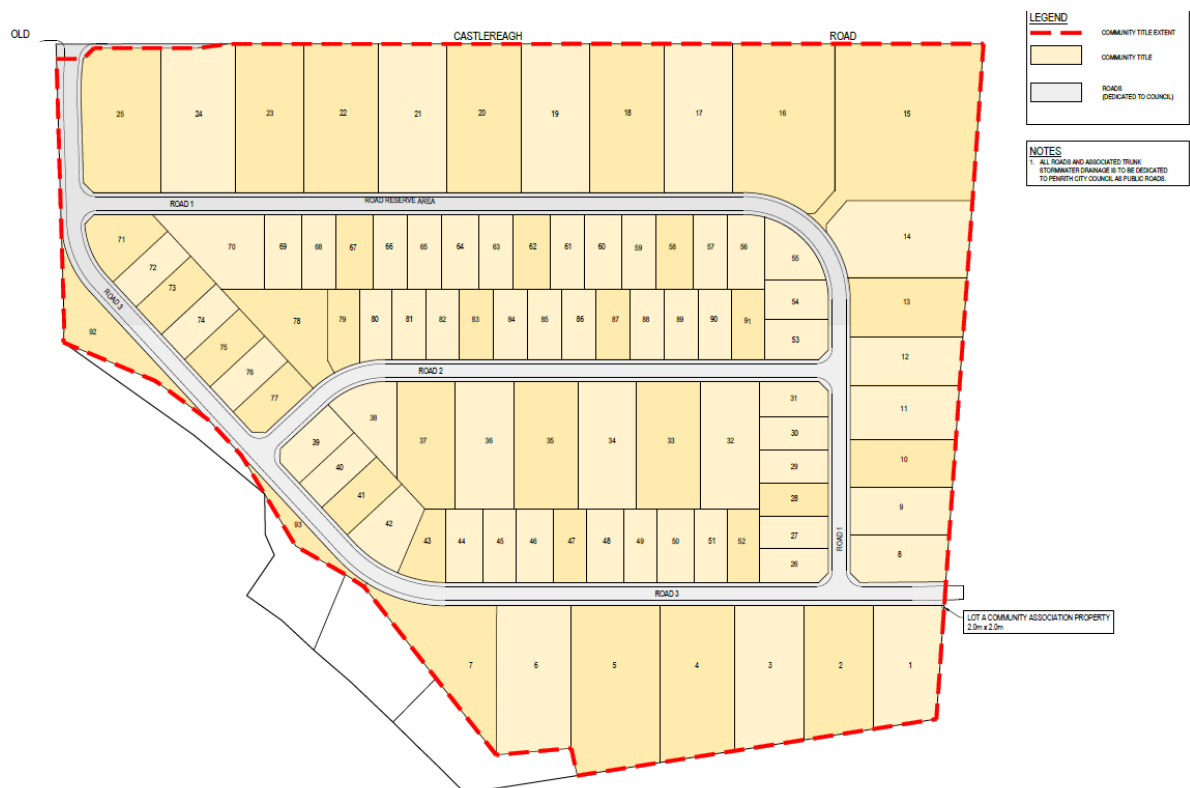


Figure 3 DA 9876 (as modified) subdivision layout (Source: Enspire)



4.2 PROPOSAL OBJECTIVES AND COMPATIBILITY

The objectives of the proposal are to:

- allow for increased lot sizes to better accommodate market demand and diversity;
- provide for a subdivision layout that remains consistent with the Penrith Lakes SEPP; and
- ensure the proposed amendments do not have adverse bushfire, flooding or traffic impacts.

The proposed amendment has been pursued to create larger lots in response to market demand without compromising the overall intent of the approved subdivision under DA9876. The proposal does not intensify any environmental impacts or change the management of constraints to the site or interfere with environmental mitigation measures approved under DA9876. As such, the amending DA is compatible with DA9876.

4.3 PROPOSED DEVELOPMENT

This development application seeks consent to amend DA9876 (as modified) and to allow for a partially revised subdivision layout, as depicted in **Figure 4**. The overall subdivision scheme would result in 71 Community title lots, a reduction from the former 93 lots. The amending scheme does not change the Torrens subdivision to create environmental lots and development lots as approved by DA9876.

The footprint of the amending DA is contained within the original layout of the Community title subdivision approved with DA9876.

A summary of the key changes compared to the scheme approved under DA9876 is below:

- Road 02 (East-west Road) shortened approximately 390m to a cul-de-sac.
- Associated consolidation and update to the subdivision layout. (32 lots consolidated into 10 lots).
- Minor regrading of Road 01 to relocate the sag location to align with future proposed driveways.
- Minor earthwork adjustments, resulting in an increase of imported fill 8,750m³ due to the removal of a section of Road 02.
- Stormwater trunkline C adjusted, and portions of the box culvert updated to 1050mm diameter pipes where minimum cover and grade were achievable. The overall catchment splits remain consistent with the original DA approval. An easement over the proposed lot(s) will be required.
- Removal of stormwater stub connections to consolidated lots.
- All associated roads are to be privately owned.



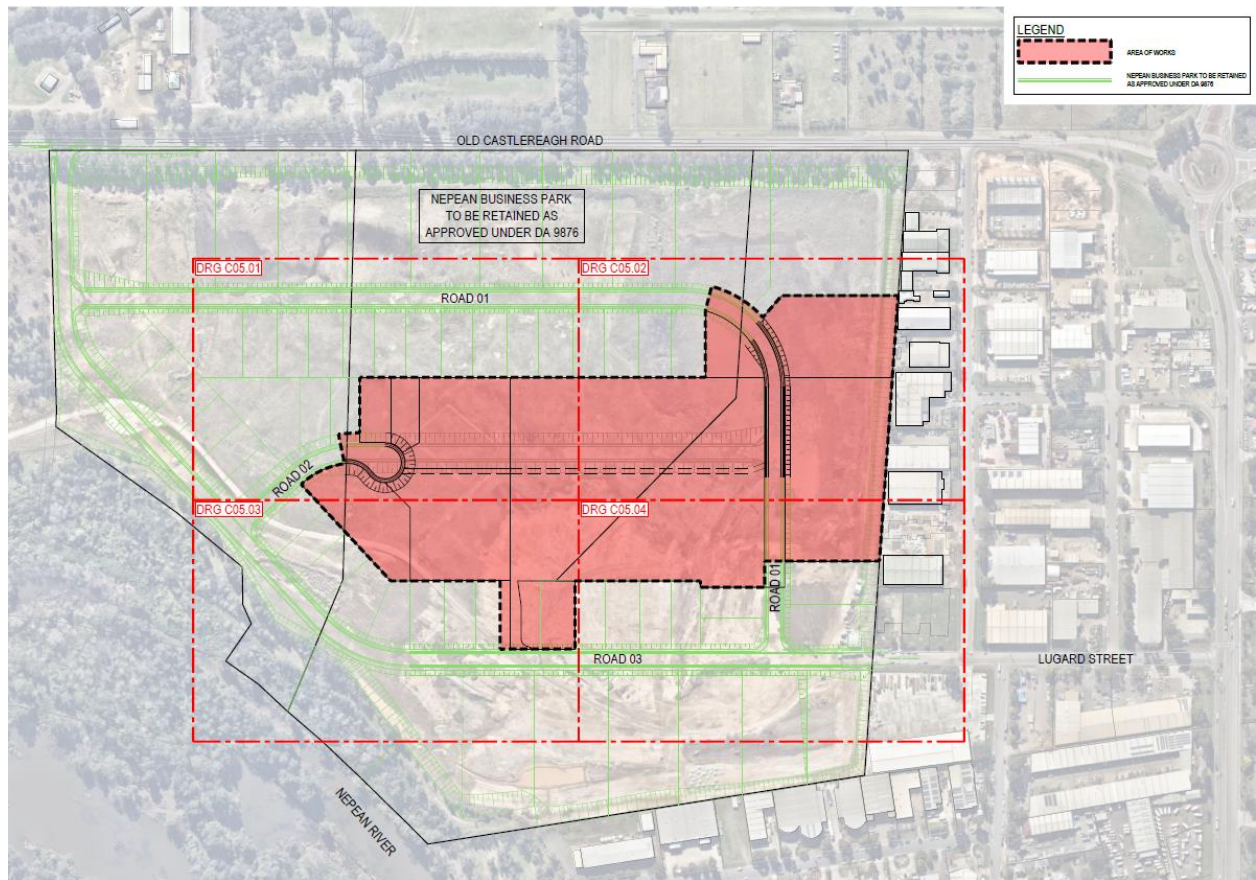


Figure 4 Limit of works associated with Amending DA (Source: Enspire)

As a result of the larger lot scheme, adjustments have been made to the internal road layout, drainage, landscaping and staging. Proposed Road 02 is a *cul-de-sac* providing access to Lots 81,82,37 and 38. As approved under DA9876 (as modified) Road 02 would provide a connection between Road 03 and Road 01, servicing the formerly smaller lots. The approved Road 02 alignment and proposed alignment is show in **Figure 5**. The revised bulk earthworks plan is shown in **Figure 6**. The works include minor fill level adjustments to suit the revised layout and ensure continuity and compatibility with the remainder of the subdivision approved under DA9876.

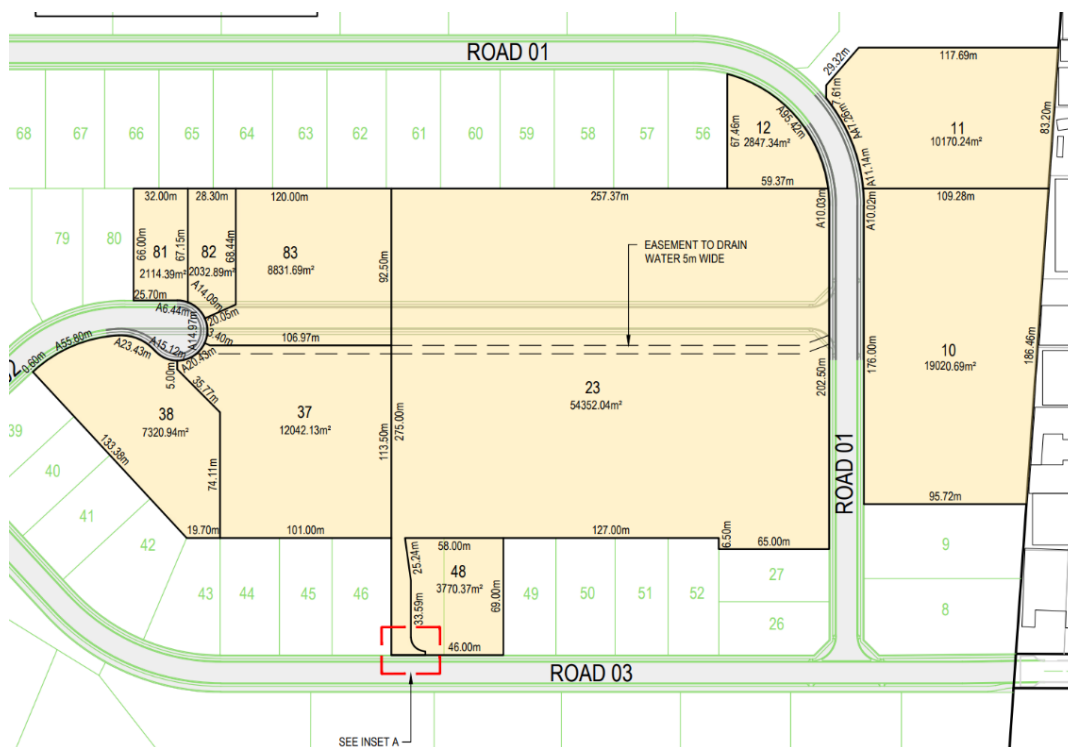


Figure 5 Proposed Road layout (Source: Enspire)

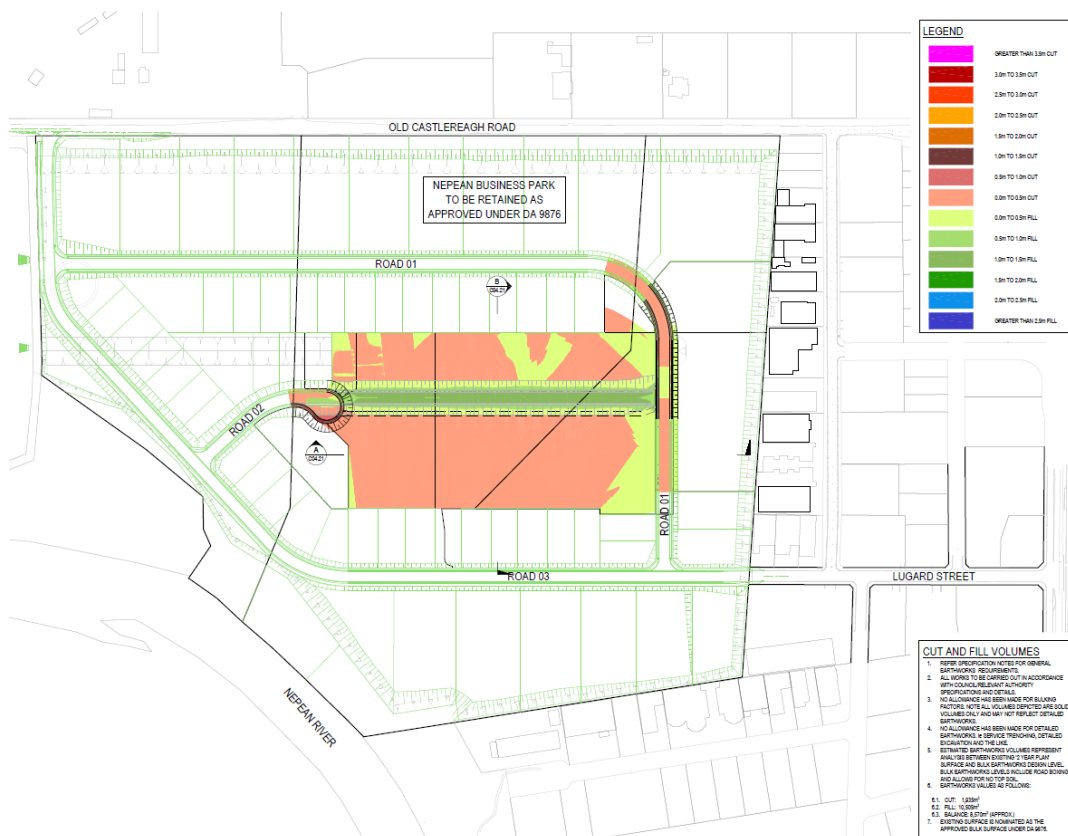


Figure 6 Proposed bulk earthworks plan (Source: Enspire)



The proposed scheme intends to provide an easement for drainage to run from the Road 02 *cul-de-sac* to Road 1. This will ensure adequate stormwater drainage can be achieved to Lots 23, 37 and 82. A breakdown of the proposed lots subject to this amending DA are outlined in **Table 3**.

Table 3 Lot Data		
Lot	Area (m ²)	Access
10	19,020.69	Road 01
11	10,170.24	Road 01
12	2,847.34	Road 01
23	54,352.04	Road 01 + access handle to Road 03
37	12,042.13	Road 02
38	7,320.94	Road 02
48	3,770.37	Road 03
81	2,114.39	Road 02
82	2,032.89	Road 02
83	8,831.69	Road 02

The development will not make any changes to areas outside of the limit of works, as depicted in **Figure 3**.

4.4 LANDSCAPING

A revised Landscape Package has been prepared *Clouston Associates* to reflect the partially revised subdivision layout. The planting schedule (refer to **Figure 7**) depicts large street trees along all internal roads consisting of *Corymbia eximia* and *Eucalyptus saligna*. Smaller trees will intersperse large trees, consisting of *Agonis flexuosa*, *Angophora bakeri*, *Backhousia citriodora* and *Elaeocarpus reticulatus*.

This landscaping will be provided alongside that proposed under DA24/8535 (under assessment) for batter and revegetation works along the site frontage to Old Castlereagh Road.



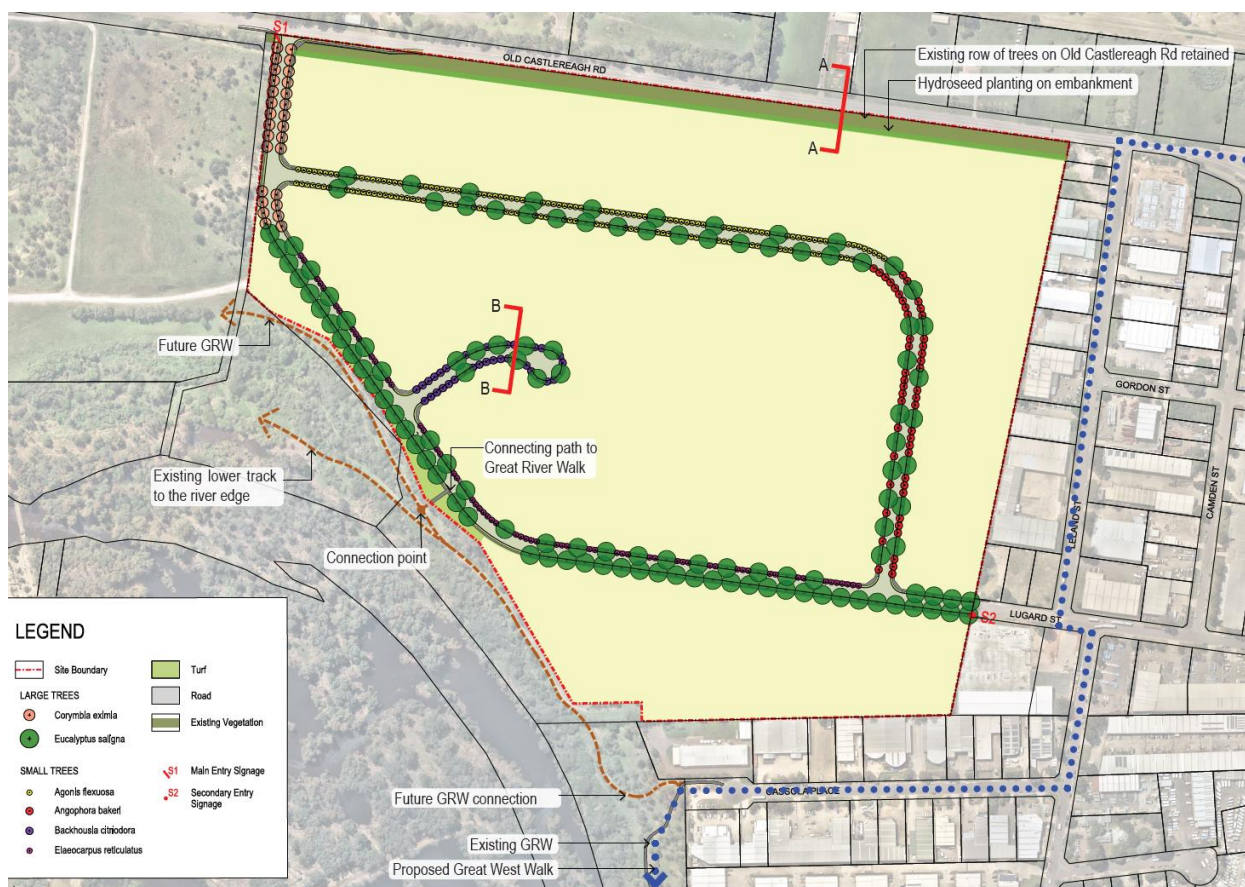


Figure 7 Proposed Landscape Plan (Source: Clouston Associates)

4.5 ACCESS AND INTERNAL ROADS, PATHWAYS AND CYCLEWAYS

The proposed subdivision layout deletes a portion of Road 02, which contributes to the area of proposed Lots 23, 81 and 82. Road 02 has been amended to a cul-de-sac to permit U-turn manoeuvres. This results in Road 02 no longer providing a road link to Road 01 and Road 03.

As existing, Road 02 will feature a 20.6m wide road reserve, comprising a 13m roadway with 3.8m verges each side. This is consistent with the approved scheme under DA9876.

The remaining internal roads, being Road 01 and Road 03, remain aligned with that approved under DA 9876.

Pathways and cycleways are consistent with that of DA 9876, with the exception of the pathway along Road 02. This has been shorted in line with the amended road alignment.

A Modification to DA 9876 is currently being assessed by The Department to enable all internal roads to be privately owned and managed under the community title scheme, as opposed to publicly dedicated.

4.6 STORMWATER AND DRAINAGE

The Civil Plans by *Enspire* outline the stormwater management regime for the proposed development. Stormwater will be managed at Road 02 via a kerb inlet pit (on grade) at the beginning of the cul-de-sac. This will be linked to the to a



trunk drainage line within the drainage easement. Small amendments are made to Road 01 and 03 with the addition of stormwater drainage lines and inlet pits.

Minor adjustments are proposed to the approved stormwater layout, including an adjustment to stormwater trunkline C and the removal of stormwater sub connections to consolidated lots.

The remainder of the stormwater drainage network is consistent with that approved under DA9876.

4.7 STAGING

The amended lot layout has varied the development staging, as depicted in **Figure 8**. The number of stages have been increased from 13 to 14 stages. The staging, as illustrated in the Civil Plans by *Enspire*, is described below.

- Stage 1 – construction of 7 lots, formation of the eastern site entrance at Lugard Street, and roads within the stage boundary as indicated on the staging plan
- Stage 2 – construction of 4 lots, and roads within the stage boundary
- Stage 3 – construction of 10 lots
- Stage 4A – partial construction of Road 03
- Stage 4B - construction of 11 lots, and roads within the stage boundary
- Stage 5 – construction 3 lots, formation of the northern site entrance, and roads within the stage boundary
- Stage 6A – partial construction of Road 01
- Stage 6B – construction of 1 lot
- Stage 6C – Construction of 1 lot
- Stage 7 – construction of 2 lots and roads within stage boundary
- Stage 8 – construction of 6 lots
- Stage 9 – construction of 6 lots and roads within stage boundary
- Stage 10 – construction of 7 lots, and roads within the stage boundary
- Stage 11 – construction of 6 lots, and roads within the stage boundary
- Stage 12 – construction of 5 lots, and roads within the stage boundary
- Stage 13 – construction of 3 lots, and roads within the stage boundary



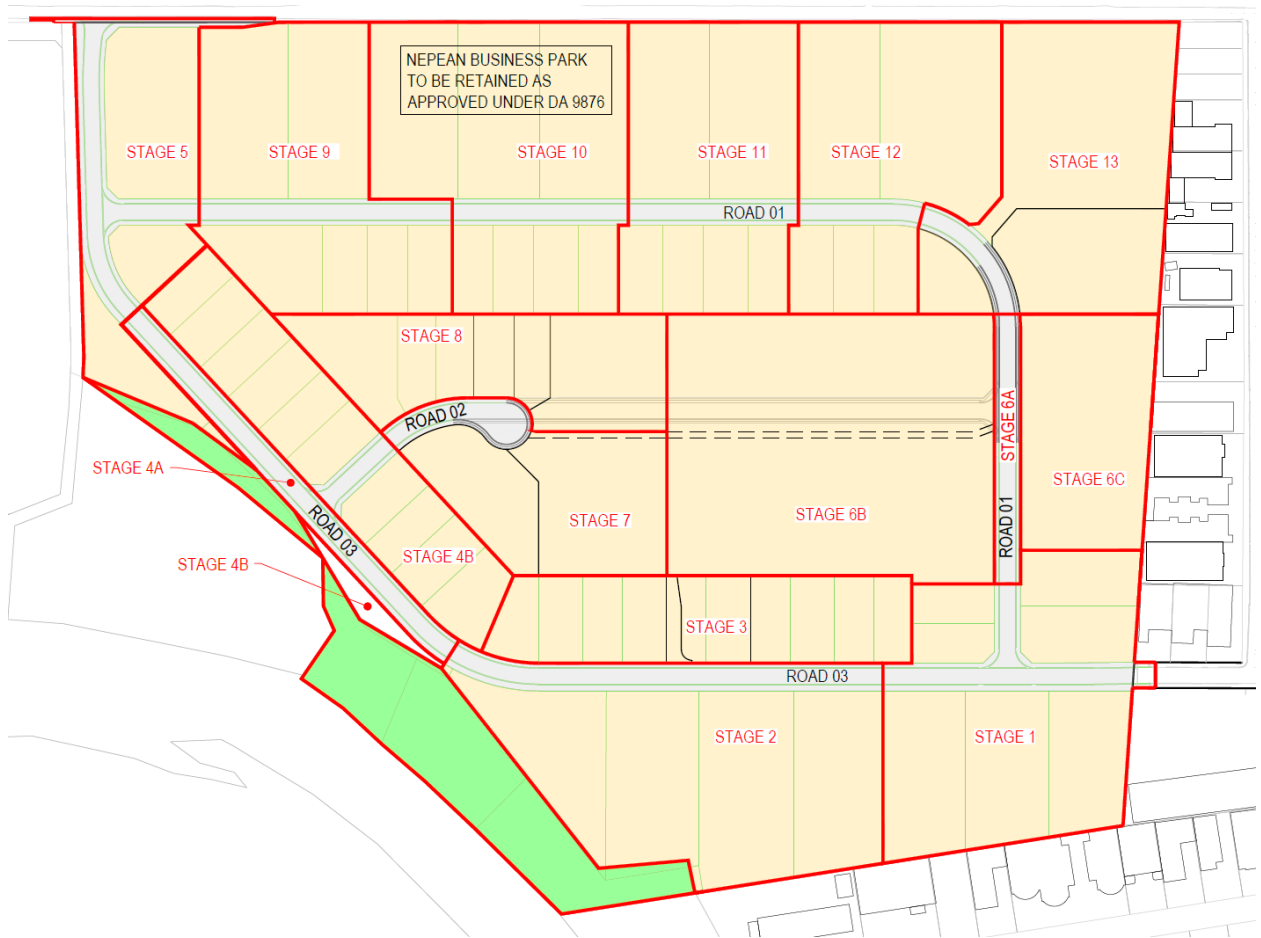


Figure 8 Proposed Staging Plan (Source: Enspire)

4.8 UTILITIES AND SERVICES

The site will be appropriately serviced to accommodate the proposed future uses. All services are currently located adjacent to the site and connections will be made with each service authority.

Connections to utilities and services were considered and approved under DA9876.

4.9 RELATIONSHIP OF DEVELOPMENT TO THE PENRITH LAKES SCHEME

Item 2(a) of Schedule 2 of the Penrith Lakes SEPP requires consideration of *“the relationship and extent of the proposed development to the completed scheme”*.

The proposed development is for the purpose of implementing the Penrith Lakes Scheme, noting that the purpose of the Scheme as per Schedule 1 of the Penrith Lakes SEPP.

The relationship of the overarching subdivision was assessed in accordance with DA9876. The key relationship of the proposal with the remainder of the Penrith Lakes Scheme is with regards to stormwater disposal. The amendments do not impact the stormwater disposal regime approved under DA9876. Civil works for the amending DA have been integrated into the approved design of the civil works under DA9876.



5. Environmental Planning Assessment

5.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

5.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 4 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S4.15(1)(a)(i)	SEPP (Resilience and Hazards) 2021	✓	✓	
"	SEPP (Biodiversity and Conservation) 2021	✓	✓	
"	SEPP (Transport and Infrastructure) 2021	✓	✓	
"	State Environmental Planning Policy (Planning Systems) 2021	✓	✓	
"	State Environmental Planning Policy (Precincts – Western Parkland City) 2021	✓	✓	
S4.15(1)(a)(iii)	Penrith Lakes Development Control Plan 2022	✓	✓	

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory document that relates to the subject site and the proposed development is the *State Environmental Planning Policy (Western Parkland City) 2021*. The primary non-statutory plan relating to the subject site and proposed development is the *Penrith Lakes Development Control Plan 2022*. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

5.2.1 SEPP (Resilience and Hazards) 2021

This SEPP was notified in December 2021 and came into effect on 1 March 2022. The Policy consolidated the provisions of several State Policies including the Coastal SEPP, Hazardous Industry SEPP and SEPP No 55.

All contamination has been adequately investigated in the original development application (DA9876). Remediation works have been undertaken at the site in accordance with DA9876.

The amending application does not raise any issues that were not dealt with in the original application in this regard. The conditions of the existing development consent in respect of contamination will continue to apply and the site can be made suitable for the use.



5.2.2 SEPP (Biodiversity and Conservation) 2021

The original development application had regard to Chapter 2 of the SEPP, Vegetation in non-rural areas. The proposed amendments to the approved development (as modified) do not affect the findings of the original DA assessment in respect of its impact on existing trees on the land. Works in association with DA9876 have commenced on site and no additional tree or vegetation removal is proposed.

Chapter 6 – Water Catchments applies to the subject site. The subject site is located within the catchment of the Hawksbury Nepean which is a regulated catchment under the provisions of the SEPP. The approved development provided a satisfactory outcome in terms of its impact on water quality within the catchment.

The proposed changes to the approved development (as modified) do not have any significant impacts on the findings of the original assessment and the conditions imposed on the DA approval.

5.2.3 SEPP (Transport and Infrastructure) 2021

This SEPP was notified in December 2021 and came into effect on 1 March 2022. The Policy consolidated the provisions of several State Policies including the Infrastructure SEPP and the Education SEPP.

The approved development application has considered Chapter 2 of the SEPP. The proposed changes to the approved development do not have any impacts on the findings of the original assessment or the conditions imposed on its operation.

5.2.4 SEPP (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 was notified on 2 December 2021 and came into force on 1 March 2022. The provisions of the SEPP relevant to the proposal are set out in Schedule 6. The proposed amendments are anticipated to be comparative to that of DA 9876. The amending development application is a state development application and will be determined by The Minister.

5.2.5 SEPP (Precincts – Western Parkland City) 2021

Chapter 5 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP) applies to the subject site.

The aims of Chapter 5 of the Western Parkland City SEPP are 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 Minister is the consent authority for the development application.

The subject site contains land in the Employment and Environment zone. The extent of land (pertaining to the amendment), the subject of this DA is within the Employment Zone under the Western Parkland City SEPP, (refer **Figure 9**).

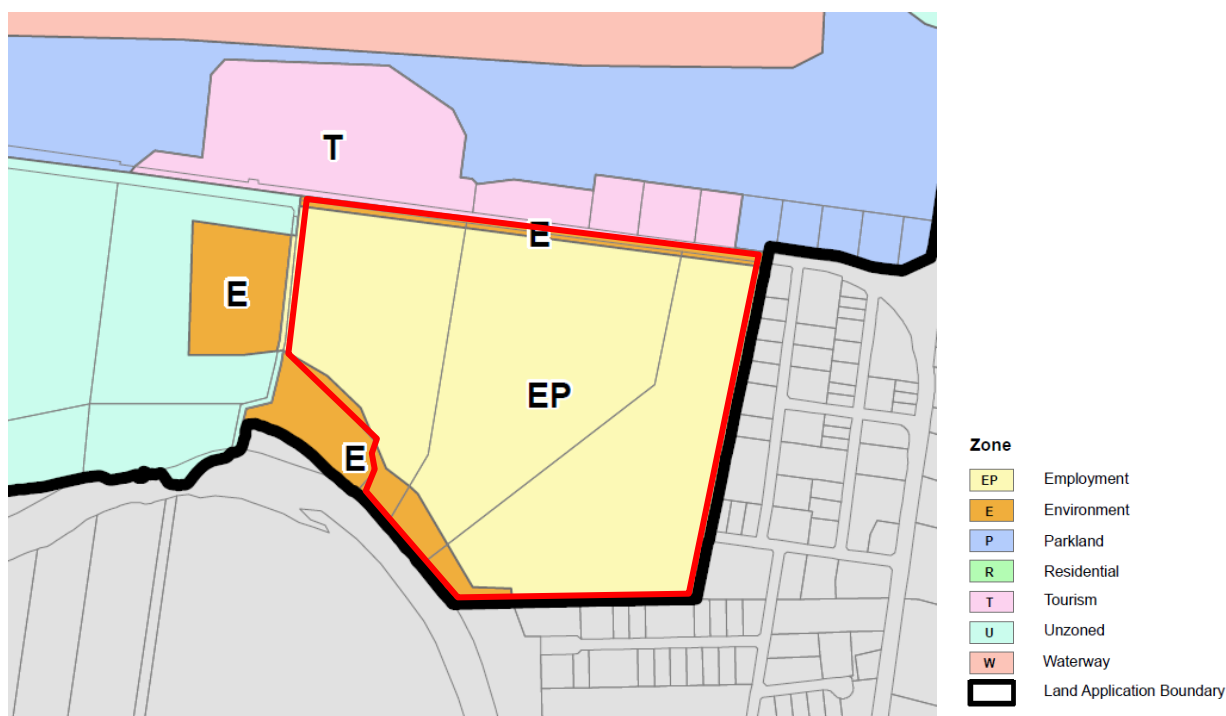


Figure 9 The site zoning (site outlines in red) (Source: NSW Spatial Viewer accessed December 2023)

The objectives for all development in the Employment Zone are shown below.

Employment

1 Objectives of zone

- To provide a range of office and light industrial uses and to provide employment opportunities relating to health, high order technology, culture and sports.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for a range of higher order job opportunities including health, cultural and high technology industries.
- To incorporate appropriate water quality management measures to ensure that development does not detrimentally impact on the implementation of the Penrith Lakes Scheme and the operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.
- To encourage the development of business incubators, and other employment opportunities relating to tourism and water-based sport and recreation.

The amended proposal remains to align with the Employment zone objectives as adequately addressed in DA 9876.

A detailed response to the requirements of the SEPP is provided at **Annexure A**, where it is demonstrated that the proposed development is consistent with the relevant provisions of the SEPP.

5.2.6 Penrith Lakes Development Control Plan 2022

The provisions of *Penrith Lakes Development Control Plan 2009* (PLDCP) provide planning controls which apply to the Penrith Lakes Precinct and subject site. The approved development was assessed having regard to the provisions of the relevant controls within PLDCP 2022. The proposed amendments to the approved development do not significantly alter the assessment and conclusions from the original development application assessment report which are still valid.

In relation to strict numerical compliance, attention is drawn to Section 4.15(3A) of the EP&A Act, 1979 which states as follows:

"(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application"

Subclause (b) is of most relevance as it emphasises that there may be alternatives to strict numeric compliance in achieving the objectives of a DCP control. It compels the consent authority to be flexible in the application of DCP controls where the objectives of that control are met.

A Compliance Table is provided in **Annexure B** addressing the LCDCP.

5.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

5.3.1 Topography & Scenic Impacts

The proposal will, to a minor extent, change the volume of excavation, cut and fill as approved by DA 9876 however those minor changes in earthwork levels will not have any impact on views.

The amended lot layout and civil works results in a minor earthworks adjustment, an increase of imported fill (8,750m³) due to the removal of a portion of Road 02 under the original scheme. This additional fill results in a negligible impact to the overall balance of cut and fill required at the site.

In terms of scenic impacts, there will be no additional impacts beyond those assessed in DA 9876. The amended proposal does not contain any built form elements and strictly relates to the subdivision of land inclusive of earthworks, infrastructure (roads) and landscaping.

5.3.2 Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

5.3.3 Water & Air Quality Impacts

The proposed development will have no significant impact on air or water quality in the locality. The completed project will continue to incorporate areas of landscaping across the site which will assist in absorbing and filtering rainwater, thereby improving water quality.

Utility connections are aligned with those considered and approved under DA 9876.

5.3.4 Flora & Fauna Impacts

A revised Landscape Package has been prepared by *Clouston Associates*. The revised landscaping provides a revised street tree arrangement in line with the amendment to Road 02 into a cul-de-sac. Street tree planting, as described in Section 4.2, proposed a composition of large and small trees that line each of the internal roads. The revegetation of the environmentally zoned corridor along Old Castlereagh Road is the subject of a separate Development Application.

There are no additional impacts to flora and fauna at the site that have not already been considered and approved under DA9876. Bulk earthworks including tree clearing have already commenced at the site.

5.3.5 External Appearance & Design

The proposed amending DA will not significantly change the anticipated external appearance and character to that considered and approved under DA 9876.

5.3.6 Aural & Visual Privacy

The proposed amendments will not result in any privacy impacts, similar to that of DA9876, given industrial/employment nature of the area and nil built form proposed. As such, no further consideration is required.

5.3.7 Flooding

As documented in DA9876, the site is flood affected given its proximity to the Nepean River. Extensive flood documentation was provided and during the assessment of DA9876 that was ultimately deemed sufficient. However, given the amendment to the road layout, a Flood Advice Letter has been prepared by *Martens Consulting Engineers*.

The Flood Advice Letter states the following:

"The following reports relevant to flood risk management at the Site were approved as part of the DA (the Approved Reporting) (Attachment 2):

- 1. Amended Flood Emergency Response Plan Version 6.2 prepared by Molino Stewart Pty Ltd dated March 2022.*
- 2. Flood Evacuation Report (Draft) prepared by Molino Stewart Pty Ltd dated 5 November 2021.*

The Approved Reporting noted the following in respect of flood risk management:

- 1. In the event occupants are onsite during a major flood event, evacuation is the primary emergency response.*
- 2. Sufficient road capacity is available for Site occupants to evacuate safely and evacuate without adversely impacting the evacuation outcomes of the larger subsector.*
- 3. Each business within the Site will need to develop its own flood emergency response plan consistent with the overarching approach and principles documented in the Approved Reporting.*



In respect of the Proposed Modification, we note there will be no changes to the approved site population or traffic generation. Hence:

- 1. The development as proposed to be modified does not materially alter required flood risk management on the Site.*
- 2. The development as proposed to be modified remains consistent with the Approved Reporting."*

The Flood Advice Letter confirms there is no additional flood impact or barrier to excavation as a result of the amended proposal.

5.3.8 Bushfire

As documented in DA9876, the site is bushfire affected. Bushfire documentation was provided during the assessment of DA9876 that was ultimately deemed sufficient. However, given the proposed amendments to the subdivision layout, bushfire impacts have been re-assessed.

A Bushfire Assessment has been prepared by *Bushfire Planning Australia*. The Bushfire Assessment provides the following conclusion and recommendations:

"A hazard assessment has been completed and found the site was exposed to a moderate bushfire hazard located to the south-west of the site. The predominant vegetation surrounding the site is consistent with a forested wetland, specifically Coastal Floodplain Wetland, as described in the NSW Rural Fire Service document Planning for Bushfire Protection 2019 (PBP 2019).

Asset Protection Zones

- 1. All areas of the site zoned 'EP' Employment shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones.*
- 2. Any required Asset Protection Zones or setbacks for future structures are able to be provided within each lot.*

Construction Standards

- 3. A Bushfire Attack Level (BAL) certificate shall be prepared for any future development demonstrating the proposed building is not exposed to BAL-40 of BAL-FZ and that the development is able to confirm with the specifications and requirements of PBP 2019. Alternatively, a development application shall be submitted to the relevant consent authority supported by a Bushfire Assessment Report (BAR).*
- 4. All hazardous materials to be stored on land within 100m of any designated bushfire prone land shall be stored in a secure enclosure away from the bushfire hazard.*

Access

- 5. Public access roads are to be constructed in accordance with Table 5.3b of PBP 2019 and as shown of the development plans contained in Appendix A of the Bushfire Assessment.*

Water Supply

- 6. All lots are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and Table 5.3c of PBP 2019.*





Landscaping

7. Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site."

The Bushfire Assessment confirms, subject to the implementation of the recommendations, the amended subdivision layout is acceptable.

5.4 ECONOMIC & SOCIAL IMPACTS

The proposed development will have limited overall economic and social impacts given the likeness of the proposed development with that approved under DA9876. The proposed amendments will ultimately provide for a positive economic and social impact due to the expansion of some lot sizes to better attract a greater variety of businesses within Nepean Business Park.

The updated bushfire and flood advice confirm there are no increased environmental impacts as a result of the amendments. This therefore also works in favour of providing a greater social impact.

Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

5.5 THE SUITABILITY OF THE SITE

5.5.1 Access to Services

All service connections have been addressed in the approval under DA9876.

5.5.2 Parking and Access

A Traffic and Parking Assessment Letter has been prepared by *TTPP Transport Planning* to address the amendments to the existing subdivision pattern and internal road layout.

The proposed layout also results in more than half of an internal road, Road 2, being absorbed into three new larger lots, with a cul-de-sac proposed to allow U-turn manoeuvres. Although Road 2 no longer provides a public road link between Road 1 and Road 3, an easement for drainage is retained through the larger lots, which would largely offset any increased developable area created by the amalgamations.

The Traffic and Parking Assessment letter provides the following findings:

"Given this is a subdivision lot amalgamation assessment, all the assumptions in Figure 1 are still relevant, including that 55% of the total land area should be considered as GFA. With the total land area remaining the same, there would be no increase in the assumed GFA expected as a result of the subdivision lot amalgamation hence no increase in traffic generation would be expected based on the GHD methodology.

On this basis, the subdivision lot amalgamation is not expected to result in any additional impact on the surrounding road network compared to that assessed for the approved subdivision from a traffic generation and impact perspective.

The proposed subdivision lot amalgamation does require a new cul-de-sac to be introduced for Road 2, with the suitability of the design to be confirmed by the civil engineers for all relevant design vehicles as part of this amalgamation proposal.





Overall, there would be no adverse traffic impacts resulting from this subdivision lot amalgamation proposal given there is no increase in total land area, hence no change to potential GFA achievable based on the GHD methodology to determine traffic generation. Therefore, the proposal can be supported from a traffic perspective."

There is no specified parking requirement given no built form is proposed as part of this amending application.

5.5.3 Hazards

The site is an area recognised by Council as being subject to flooding and bushfire, as addressed above. Reference should be made to Section 5.3.7 and 5.3.8 for details regarding these constraints.

All environmental constraints have been adequately assessed and remediated where required under DA9876.

5.6 THE PUBLIC INTEREST

The proposal is designed to deliver high quality amendments to the approved development under DA9876.

The proposed modifications has also been designed to protect the amenity of neighbouring properties, as well as to provide a high degree of amenity for residents. The proposed development is in an accessible location, with good access to local amenities, employment and services. Overall, the proposal will provide a high-quality development which will both improve the character of the locality.

The proposal is consistent with the relevant provisions and is considered to have largely positive social and economic impacts, and manageable impacts on the environment. As such, the proposed development is considered to be in the public interest.





6. Conclusion

This statement of Environmental Effects accompanies an amending development application in conjunction with an approved subdivision under DA9876 and seeks consent for adjustments to the subdivision and road layout for part of the site. The proposal will seek to deliver 71 Community title lots, a reduction in the number of lots approved under DA9876.

The amendment only relates to a portion of the approved subdivision layout, with DA9876 continuing to apply to the remainder of the site.

The proposed development has been presented in light of Section 4.15 of the EP&A Act, 1979, the relevant State Environmental Planning Policies, namely the Western Parklands SEPP and Penrith Lakes DCP.

A re-assessment against key environmental constraints to the site including bushfire and flooding have been provided, as outlined in Section 5 and supported by specialist studies submitted with the amending DA.

Given the alteration to the road layout, traffic advice has been sought as outlined in Section 5.5. Likewise, a revised Landscape Package has been submitted to reflect the revised street tree planting layout.

Proposed conditions have been provided in **Annexure C**, should the proposal be approved, that deal with the nuance between DA9876 (as modified) and the proposed development application.

The proposed amendments will positively contribute to the Nepean Business Park and will have manageable impacts on both the environment and amenity of the locality, as discussed in this Statement. Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's support.



ANNEXURE A

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Compliance Table



SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Chapter 5 Penrith Lakes Scheme			
5.1 Aims of Policy	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme, (b) to identify and protect items of the environmental heritage, (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, (d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme, (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>The proposal is 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. 	✓
5.7 Consent authority	<p>The consent authority for the purposes of this Policy is (subject to the Act):</p> <ul style="list-style-type: none"> (a) for unzoned land and land zoned Employment, Environment, Parkland, Tourism or Waterway—the Minister, and (b) for any other land to which this Policy applies—the council 	<p>The site is located in the Employment and Environment zones. The extent of amendments are located in the 'Employment' zone, the Minister is the consent authority for this application.</p>	✓
Part 5.2 Development control			
5.11 Development generally	<p>A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.</p>	<p>Noted. The proposal can be supported under this policy.</p>	✓

5.12 Development for the purposes of implementing the Penrith Lakes Scheme	(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 development is for the purpose of implementing the Penrith Lakes Scheme and consistent with the zoning under the Penrith Lakes SEPP.	✓
	(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:		
	(i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates,	The proposed subdivision is consistent with this provision as it implements the Penrith Lakes Scheme on the subject site.	✓
	(ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or (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. Refer to comment against the Schedule 2 requirements at the end of this table.	✓
	(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	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	(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,	All extraction operations at Penrith Lakes ceased in 2015. Rehabilitation is underway at the site, subject to a separate approval.	✓
	(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,	Not applicable.	✓
	(f) the management and control of water resources including: <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, 	<p>The management and control of water resources for the Penrith Lake Scheme will be as per the endorsed Water Management Plan Stage 1 and Stage 2. Proposed drainage for the subdivision is in accordance with the Water Management Plan.</p> <p>The water management requirements for the site within the Penrith Lakes Scheme are minimal and are limited to discharge points from the site into the Scheme to the west of the site. The parameters controlling that water entry are outlined in the Water Management Plan.</p> <p>The Penrith Lakes Scheme itself has a substantial water storage capacity. The discharge flow rates from the development site will be negligible by comparison to the significant capacity available in the Penrith Lakes Scheme and ultimate receiving waterbody being the Nepean River.</p> <p>Civil Plans have been provided under separate cover.</p>	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	(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,		
	(g) the rehabilitation and reconstruction of the land including: (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, (iv) soil conservation, and (v) revegetation,	Refer to Landscape Plans submitted with the application. Extensive Geotechnical reporting was assessed and approved in accordance with DA9876. No works to the Nepean River embankment are proposed. 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 are available in the adjoining industrial areas. Formal applications will/have be made to service providers in accordance with DA9876.	✓
	(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 site is not listed in Schedule 3.	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	(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	✓
Part 5.3 Permitted or prohibited development on zoned land			
5.17 Zone objectives and Land Use Table	<p>(1) The Land Use Table at the end of this Part specifies for each zone:</p> <ul style="list-style-type: none"> (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 (d) development that is prohibited. <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> <ul style="list-style-type: none"> (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 (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>(4) This clause is subject to the other provisions of this Policy.</p>	<p>The majority of the subject site is zoned 'Employment'. The remainder of the site is zoned 'Environment'.</p> <p>The proposed subdivision is consistent with the objectives of these zones as it will allow for the future development of the site as a light industrial commercial estate (within the Employment zone) and allows for the protection of the Environment zoned areas of the site and future use for the Great River Walk.</p>	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

5.18 Subdivision - consent requirements	Land to which this Policy applies may be subdivided, but only with development consent.	Noted. This application seeks consent for subdivision.	✓
Part 5.4 Development standards for certain zoned land			
5.26 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— 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> <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>Bulk earthworks have been undertaken in accordance with DA9876.</p> <p>There is no vegetation located in the area subject to this amending DA.</p>	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	<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> <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>		
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SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	<p>(iii) authorised by a development consent or a property vegetation plant 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 5.5 Additional provisions for zoned land			
5.27 Development on land zoned Employment	Development consent must not be granted for development on land zoned Employment unless the consent authority has considered the following:		
	(a) a water quality management plan and water operations plan for the Penrith Lakes Scheme that are endorsed by the Planning Secretary as being appropriate for the Scheme,	The proposal is consistent with the endorsed Water Management Plan Stage 1 and Stage 2 that applies to the Penrith Lakes Scheme.	✓
	(b) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,	Traffic Advice has been provided with this application.	✓
	(c) whether a stable foundation exists or can be developed for the development,	The stability of the foundation was adequately considered under DA 9876. There is not proposed change to the existing foundation under this amendment.	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	(d) whether the existing development platform (including subgrade) is or can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,	Following rehabilitation of the site, already under construction in accordance with DA 9876, the site will sit above the 1% AEP.	✓
	(e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.	The geotechnical conditions of the site were adequately considered under DA 9876.	✓
5.28 Development on land zoned Environment	Development consent must not be granted for development on land zoned Environment unless the consent authority has considered the following— (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,	The area subject to this amendment is not located in the Environment zone.	✓
	(b) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and 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	The area subject to this amendment is not located in the Environment zone.	✓
Part 5.6 Miscellaneous provisions			
5.36 Earthworks	(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Noted.	✓ ✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	<p>(2) Development consent is required for earthworks unless:</p> <ul style="list-style-type: none"> (a) the earthworks are exempt development under an applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Policy or to development for which development consent has been given. <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>The proposed development includes earthworks to form the final levels for the site to allow for future development which include minor level changes from the approved plans. These earthworks have commenced under DA9876.</p> <p>Earthworks throughout the site were approved under DA9876 and works have commenced.</p>	✓
5.38 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, 	<p>Flooding was extensively considered in DA9876. Bulk earthworks are underway to raise the final levels above the 1% AEP. A Flood Advice Letter has been submitted alongside this application confirming the</p>	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	<p>(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,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <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> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(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</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(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</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <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>	<p>proposed amendment does not materially alter the required flood risk management on the site.</p>	
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Part 5.7 Urban release areas

5.40 Public utility infrastructure	<p>(1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p> <p>(3) In this clause: public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. 	There is no proposed change to the approved <i>Concept Services Infrastructure Coordination Plan</i> under DA 9876.	✓
5.41 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, 	<p>Noted.</p> <p>The Penrith Lakes Development Control Plan – Stage 1 (last amended June 2022), as prepared by The Department, applies to the site.</p> <p>The DCP achieves each of the requirements under subclause (3).</p>	✓

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	<p>(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,</p> <p>(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,</p> <p>(d) a network of active and passive recreation areas,</p> <p>(e) stormwater and water quality management controls,</p> <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>		
		Subclause (4) does not apply to the proposal.	

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	<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>		
5.42 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.	✓
Schedule 5 Matters to be included in the statement of environmental effects			
1	<p>The following matters—</p> <p>(a) justification of the proposed development in the context of <i>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</i>,</p> <p>(b) a full description of the proposed development,</p> <p>(c) a statement of the objectives of the proposed development,</p> <p>(d) a full description of the existing environment likely to be affected by the proposed development if carried out,</p> <p>(e) identification and analysis of the likely environmental interactions between the proposed development and the environment,</p> <p>(f) analysis of the likely environmental impacts or consequences of carrying out the proposed development (including implications for use and conservation of energy),</p> <p>(g) justification of the proposed development in terms of environmental, economic and social considerations,</p>	<p>Included in Section 5.2.5 and Appendix A.</p> <p>Included in Section 4 of the SEE.</p> <p>Included in Section 4.2 of the SEE.</p> <p>Included in Section 2 of the SEE.</p> <p>Included in Section 5.3 of the SEE.</p> <p>Included in Section 5.3 of the SEE.</p> <p>Included in Section 5.3 and 5.4 of the SEE.</p>	✓

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	<p>(h) measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of those measures,</p> <p>(i) energy requirements of the proposed development,</p> <p>(j) any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter, and</p> <p>(k) the consequences of not carrying out the proposed development.</p>	<p>Included in Section 5.3 of the SEE.</p> <p>Included in Section 4.8 of the SEE.</p> <p>Included in Section 4.2 of the SEE.</p> <p>Included in Section 4.2 of the SEE.</p>	
2	<p>In addition to the matters listed in clause 1, particular regard must be given to the following matters—</p> <p>(a) relationship and extent of the proposed development to the completed scheme,</p> <p>(b) where appropriate, the integration of the proposed development with development previously carried out,</p> <p>(c) the sequence of extraction and rehabilitation where the proposed development is for or includes an extractive industry,</p> <p>(d) unless the land is to be dedicated to the Crown, the proposed control and management of the land,</p> <p>(e) the management and control of water resources including—</p> <p>(i) the source of water in order to fill any lake (including the quality and quantity of water from that source),</p> <p>(ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River,</p> <p>(iii) the water quality of any lake (including the aquatic ecosystem),</p> <p>(iv) water treatment facilities,</p> <p>(v) water depth of any lake,</p>	<p>Addressed in Section 4.9 of the SEE.</p> <p>The relationship of the proposed development to DA 9876 is provided in Section 4.</p> <p>Not applicable</p> <p>Management of the site is in accordance with DA 9876.</p> <p>Not applicable – proposal does not include filling of any lake.</p> <p>Not applicable – proposal does not include water reticulation systems from the Nepean River</p> <p>Water quality is addressed in DA 9876.</p> <p>Water quality is addressed in DA 9876.</p> <p>Water depth is addressed in DA 9876.</p>	✓

SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	<ul style="list-style-type: none"> (vi) flood control, (vii) storm water control, (viii) the effect that development would have upon the quantity and quality of the existing groundwater as well as the level of the existing groundwater table, (ix) lake usage, (x) staged development of the lakes and their usage during staged 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, (f) the rehabilitation and reconstruction of the land including— <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, (iv) soil conservation, and (v) revegetation, (g) any 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, (h) measures to be taken to conserve and preserve items of environmental heritage listed in Schedule 3 including, where appropriate, a conservation plan, and 	<p>Addressed in Section 5.3.7 of the SEE.</p> <p>Addressed in Section 5.4 of the SEE</p> <p>Not applicable – the proposal will not impact on any groundwater resource.</p> <p>Not applicable – proposal does not include use of any lake</p> <p>Not applicable – proposal does not include development of or use of any lake</p> <p>Not applicable – proposal does not include development of or use of any lake</p> <p>Potential impacts on water resources are addressed in DA 9876.</p> <p>Not applicable to the subject application – rehabilitation of the site approved under separate consent</p> <p>Not applicable – no such items in the vicinity of the site and/or that would be impacted by the proposal</p> <p>Not applicable – the site / proposed development is not in the vicinity of any environmental heritage listed item in Schedule 3</p>	
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SEPP (PRECINCTS – WESTERN PARKLAND CITY) 2021 – COMPLIANCE TABLE

	(i) access to, the supply of water from any existing service 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.	Addressed in DA9876.	
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ANNEXURE B


Penrith Lakes Development Control Plan – Stage 1 – Compliance Table



PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

Clause / Control	Requirement	Proposal	Complies?
Part 2 Penrith Lakes Background			
2.2 Landscape strategy	<p>All development will have regard to:</p> <ul style="list-style-type: none"> the connection of people to Country and restoration of the landscape and natural systems of the Western Parkland City; the protection and framing of the expansive views of the parkland and waterways and the character of Penrith Lakes; the promotion of landscape design and planning as part of a fully integrated approach to site development; ensuring that all landscaping is designed in the context of the wider Penrith Lakes landscape setting; increasing canopy cover towards the Greater Sydney Region Plan's identified target of 40% tree canopy, to help cool the area and increase resilience to a changing climate; the promotion of biodiversity and ecological conservation through the protection of watercourses, wetlands and riparian corridors; and the creation of distinct landscape character areas that build on the existing landscape features. 	<p>An Urban Design Study and Master Plan for the Employment land was submitted with DA 9876, which takes into consideration the matters within this provision.</p> <p>The proposed amendment does not significantly alter the landscape character established in DA9876. Revised Landscape Plans have been submitted alongside this application.</p>	✓
2.3 Views and vistas	<p>All development will have regard to:</p> <ul style="list-style-type: none"> the protection of the Penrith Lakes character of visual openness to the surrounding landscape; the maintenance of significant views to the Blue Mountains and the surrounding lakes; and the preservation of views of important landscape elements and heritage items. 	<p>The key internal viewshed shown in Figure 1 of the DCP which occurs on the subject site is preserved, with the internal connector road from Lugard Street running in this alignment.</p> <p>The proposed amendment would have no impact on this significant view corridor.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>Any development in Penrith Lakes must preserve the key views and vistas identified in Figure 1. Development must not unreasonably obstruct key external views of Penrith Lakes from Castlereagh Road, the Nepean River and the Blue Mountains.</p> <p>Development is to be located and designed to minimise impacts on key views and vistas. Building design and landscaping plans are to have regard for view corridors and minimise any impacts.</p> <p>Figure 1 extract:</p> 		
2.4 Movement strategy	<p>All development will have regard to, facilitate or provide for:</p> <ul style="list-style-type: none"> • new roads and connections to improve accessibility and permeability for all users; • the encouragement of a shift towards active transport uses through high-quality and safe pedestrian and cycling access; • the minimisation of the visual impact of all access roads, parking areas and services; • the promotion of pedestrian access to primary roads; 	<p>The proposed amendment seeks to shorten Road 02 forming a cul-de-sac. All other internal roads, pedestrian pathways and cycleways will be retained in accordance with DA 9876. Despite the shortening of Road 02, pedestrian pathway swill remain to be provided as outlined in Section 4.5.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<ul style="list-style-type: none"> the improvement of walking and cycling access to and along the river's edge; and access between adjoining areas within Penrith Lakes. 		
2.5 Design excellence strategy	<p>All precinct master plans must include an approved design excellence strategy, which will:</p> <ul style="list-style-type: none"> ensure that new development is well integrated into and complements this context; promote best practice in the design of precincts and individual buildings; protect Olympic legacies; protect significant views; and ensure that development is informed by an understanding of Country, in accordance with traditional owners and knowledge holders. <p>Design excellence strategies should outline the process for achieving design excellence, including:</p> <ul style="list-style-type: none"> procurement of suitably qualified and experienced urban, architectural and landscape design professionals; and design review program including frequency of design review coordinated with key hold points in the master plan design process. <p>All precinct master plans must be reviewed by the NSW State Design Review Panel (SDRP). The consent authority must consider the recommendations of the SDRP prior to approving the design excellence strategy. The design excellence strategy must be approved prior to any development consent on land to which this DCP applies.</p>	These studies were submitted with DA9876.	✓

Part 3 Environmental Considerations

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

3.1 Flood planning and evacuation	<p>1) Development on land below the level of the PMF that will increase the number of people on the land must be consistent with the Penrith Lakes Flood Response Guideline (in preparation).</p> <p>2) All development that will increase the number of people on the land must submit a flood emergency management plan prepared in accordance with and to demonstrate compliance with the Penrith Lakes Flood Response Guideline (in preparation).</p>	Detail Flood Assessments were assessed and approved under DA 9876. An updated Flood Advice Letter has been prepared and submitted under separate cover.	✓
3.2 Water-sensitive urban design and stormwater management	A number of requirements including a stormwater management plan to be submitted with development applications (excluding minor alterations and additions).	Refer to Civil Plans submitted under separate cover.	✓
3.2.1 Special stormwater controls for the Employment zoned land	<p>All development in the Employment zoned land must be accompanied by a report, prepared by a suitably qualified expert, that demonstrates compliance with the following controls.</p> <p>Controls</p> <p>1) Provided the stormwater from the Employment zoned land drains into the identified receiving area of the bioretention treatment train of the constructed and operational Southern Wetlands, the stormwater quality requirements for all development types must meet the following pollutant reductions before connection and discharge into the Southern Wetlands:</p> <ul style="list-style-type: none"> a) total suspended solids—70%; b) total phosphorous—30%; and c) gross pollutants (greater than 5 mm)—98%. 	<p>Refer to Civil Plans submitted under separate cover.</p> <p>A Stormwater Report was submitted with DA 9876. Despite the minor proposed change to the stormwater arrangement, the conclusions within the approved stormwater reporting remains consistent.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>2) All connections to the Southern Wetlands must satisfy the consent authority in consultation with the entity operating the Southern Wetlands.</p> <p>3) To minimise erosion and scour of the Southern Wetlands, all connections to the Southern Wetlands must be treated with measures to dissipate stormwater velocity, such as a low-gradient rocky channel.</p> <p>4) Post development discharge from the Employment zone to the Southern Wetlands must primarily be at a flow-rate that is suitable for the Southern Wetlands treatment train to accept and must not be more than pre-development flow rates from the Employment zoned land.</p> <p>5) If any stormwater from the Employment zoned land does not discharge into the Southern Wetlands treatment train, stormwater treatment must meet the standards defined in Control (1) of Clause 3.2 of this DCP.</p>		
3.4 Tree preservation	<p>1) The prescribed trees or other vegetation that are protected by Clause 21 of Penrith Lakes SEPP are:</p> <p>a) any tree or other vegetation that has one or more of the following:</p> <ul style="list-style-type: none"> • height greater than 3.5 metres; • canopy spread greater than 4 metres; and • primary trunk diameter greater than 400 millimetres when measured 1 metre above the base of the tree. <p>b) any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.</p> <p>2) Development must seek to retain existing trees. Any tree loss shall be offset with replacement plantings at a ratio of at least 2:1 (new to existing).</p>	No trees are proposed to be removed as part of this application.	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

<p>3.5 Riparian corridors, lakes and water bodies</p>	<p>1) Development within 40 metres of the Nepean River must be avoided. Where development is unavoidable, the applicant is to demonstrate that potential impacts on water quality, aquatic habitat and riparian vegetation will be negligible and that the design enhances or restores natural riparian corridor features.</p> <p>2) Development must provide a buffer to protect the ecological, hydrological and water quality values of wetlands, lakes and water bodies. The buffer area must be vegetated with native plants that are largely indigenous to the area.</p> <p>3) Activities within the riparian corridor, such as cycleways and paths, detention basins, stormwater management devices and essential services must comply with the riparian corridor matrix in the Natural Resources Access Regulator's Guidelines for controlled activities on waterfront land—Riparian corridors. Activities in the vegetated riparian zone should be avoided, where possible, and must not result in the removal or disturbance of native vegetation.</p> <p>4) A managed buffer zone outside the vegetated riparian zone must be provided, where possible, to provide an additional buffer between development and the vegetated riparian zone. This buffer must be vegetated with native plants that are largely indigenous to the area. Land uses within the managed buffer zone could include roads, paths, playgrounds and stormwater management devices.</p> <p>5) Asset protection zones must be located outside vegetated riparian corridors.</p> <p>6) All riparian corridors must comprise a vegetated riparian zone along each side of the waterway and, where possible, this should enhance or restore remnant native riparian vegetation.</p>	<p>The proposed amendments are not within 40m of the Nepean River.</p>	<p>N/A</p>
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PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	7) Appropriate widths for vegetated riparian corridors should follow the Natural Resources Access Regulator's Guidelines for controlled activities on waterfront land—Riparian corridors.		
3.6 Bushfire management	<p>1) Development must be in accordance with the Rural Fires Act 1997, the Rural Fire Service's Planning for Bushfire Protection (2019) and Australian Standard AS3959—Construction of buildings in bushfire-prone areas.</p> <p>2) Development on bushfire-prone land must be accompanied by a bushfire risk assessment report.</p> <p>3) Siting of buildings, lot layout and building design must provide for the safety of people and property by mitigating bushfire risk.</p> <p>4) Bushfire protection measures must be located wholly within the development site. All proposed asset protection zones must be within the property and incorporated into affected lots, within the existing or proposed road reserve, or a combination of both.</p> <p>5) The asset protection zone must be outside areas of ecological value.</p>	An updated Bushfire Assessment Report has been provided alongside this application.	✓
3.8 Aboriginal cultural heritage	<p>1) All development is to be informed by an understanding of Country, through consultation with traditional owners.</p> <p>2) All development is to be in accordance with the relevant provisions of the <i>National Parks and Wildlife Act 1974</i> and the (former) Department of Environment, Climate Change and Water's <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>.</p>	<p>All Aboriginal Archaeological investigations were carried out under DA 9876.</p> <p>Bulk earthworks have commenced on the site.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

3.9 Contamination	<p>1) Where development is proposed on land identified as being potentially contaminated, a preliminary site investigation report must be prepared and submitted with a development application.</p> <p>2) Where a site has been remediated with the involvement of a NSW Accredited Site Auditor, applications for initial subdivisions or initial use of the land must be supported by a Site Audit Statement, Site Audit Report and any documentation prepared to address the conditions of the Site Audit Statement.</p> <p>3) Should additional potentially contaminating activities be found to have occurred after the issue of the Site Audit Statement (e.g. unauthorised filling activities) or should a Stage 1 Preliminary Site Investigation identify potential or actual site contamination, then a Stage 2 Detailed Site Investigation must be prepared. If remediation works are required, a remedial action plan must be submitted.</p> <p>4) All reports are to be prepared by a suitably qualified land contamination consultant with consideration of the relevant NSW Environment Protection Authority guidelines and the National Environment Protection (Assessment of Site Contamination) Measure.</p> <p>5) Prior to granting development consent, the consent authority must be satisfied that the site is suitable, or can be made suitable after remediation, for the proposed use.</p>	<p>All Contamination Investigations were carried out under DA 9876.</p> <p>Bulk earthworks and remediation have commenced at the site.</p>	✓
3.10 Trading/Operating hours of premises	<p>1) Construction works shall generally be restricted to the following hours:</p> <p>a) Monday to Friday, 7 am to 6 pm;</p> <p>b) Saturday, 7 am to 1 pm; and</p>	Noted.	-

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	c) Sundays or public holidays, no work.		
3.13 Air quality	<p>1) Where development may adversely affect air quality, an air quality impact assessment as prepared by a suitably qualified environmental consultant in accordance with the relevant NSW Environment Protection Authority guidelines, must accompany a development application.</p> <p>2) Development is to provide air quality control measures both during and after construction.</p>	An Air Quality Assessment report accompanied DA 9876. The proposed amendments would not intensify the air quality impacts as documented in the Air Quality Assessment report.	✓
Part 4 Urban Design and Built Form Controls			
4.1 Site planning	1) Detailed site planning is required for lots above 1 hectare or sites that have not been developed previously for urban development.	The site is currently being development for urban development (DA 9876). As such, detailed site planning is not required under this application.	N/A
4.5 Deep soil and tree canopy	3) Any approved tree clearing must be replaced at a ratio of at least 2:1 (new to existing) to contribute to the 40% tree canopy target in the Greater Sydney Region Plan.	No trees are proposed to be removed as part of this application.	✓
	<p>4) For development applications, the consent authority shall consider:</p> <p>a) the opportunity to provide new trees and retain existing trees on the proposed development site to contribute to the 40% tree canopy target in the Greater Sydney Region Plan;</p> <p>b) the proponent's approach to incorporating and protecting existing trees as part of the development design to enhance urban amenity and provide established urban canopy across the development;</p>	<p>As identified in the landscape plans submitted with the application, the proposed subdivision will integrate a strong urban tree canopy throughout the site and seeks to optimise canopy cover to reduce urban heat island impacts.</p> <p>A landscaping scheme is proposed for the site, as detailed in the concept landscape plans submitted with the application.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>c) whether an efficient water source for trees has been incorporated into the development design; and</p> <p>d) potential opportunities for alternative water supplies, including stormwater capture, sewer harvesting and the like, to ensure adequate soil moisture during warm months and drought conditions.</p>	<p>The proposed landscaping will establish a landscape character throughout the estate, which will be further reinforced with landscaping to individual lots which will be required as part of future development applications for use of the lots.</p> <p>The draft Greener Places Design Guide, developed by the NSW Government Architects Office, was intended to provide strategies and recommendations for implementing green infrastructure across urban areas in New South Wales. This guide aimed to support the proposed Design and Place State Environmental Planning Policy (SEPP) by offering detailed guidance on enhancing public open spaces, urban tree canopies, and the connectivity of bushlands and waterways. However, in April 2022, NSW Planning Minister Anthony Roberts announced the decision to abandon the Design and Place SEPP.</p>	
4.6 Staging	<p>1) Development must ensure that adequate services and public access, including roadways, are provided in the initial stage of development.</p> <p>2) Development applications for subdivision or development of more than 5,000 m² are required to submit a staging plan.</p> <p>3) The staging plan is to be endorsed by the relevant consent authority.</p> <p>4) Development applications for subdivision must consider road connections and services for the site and surrounding land and demonstrate their adequate provision in the first stage of development.</p> <p>5) Development must not result in isolated lots.</p>	<p>A staging plan is submitted with the application. Adequate services and public access, including roadways, are to be intermittently developed to service nearby lots.</p> <p>The roads for each stage will be provided within the stage boundary as indicated on the staging plan.</p> <p>This provides for appropriate road access to service the lots as they are released. The road and lot layout enables the staging of the development which will naturally begin at the Lugard Street entry and works its way towards Old Castlereagh Road and towards the middle of the site.</p>	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

4.7 Public art and design	<p>1) A public art strategy must be submitted with any development application on sites of more than 10,000 m², excluding development applications limited to rehabilitation, temporary uses, or minor alterations and additions.</p> <p>2) The public art strategy is to be relevant and relate to the surrounding area and the broader context of Penrith Lakes and is to address:</p> <ul style="list-style-type: none"> a) context of precinct within the Penrith Lakes; b) community and public artist engagement; c) location of installations and artwork; d) themes and narrative; e) procurement strategies; f) maintenance strategies; and g) decommissioning strategies. 	Public art has been adequately considered in DA 9876.	N/A
	<p>3) Any outdoor signage used within the precinct is to be consistent with the overarching Penrith Lakes design theme (in preparation).</p>	<p>Signage is proposed in line with DA9876.</p> <p>Further signage is proposed under a separate DA being assessed by The Department.</p>	n/a
4.8 Access and movement	<p>1) A traffic and transport plan is to be submitted as part of a development application plan (excluding minor development), detailing site access, movement and traffic impacts on the local road network.</p>	Traffic Advice has been prepared in support of the proposed amendments to the road layout.	✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>2) A clear street hierarchy must be established using existing public roads (upgraded as necessary) and new collector roads and local streets.</p> <p>3) The road classification requirements for new developments are set out in Section 10.4 of the Penrith Development Control Plan 2014. Roads are generally to be located above the 1% AEP level and provide rising road access to Castlereagh Road.</p> <p>4) Road networks must provide adequate circulation for local traffic, bus routes and emergency vehicle access but must also consider the servicing of pedestrian and cycle movement.</p> <p>5) The road network must be designed to allow efficient access to key destination nodes throughout Penrith Lakes, providing appropriately planned access and egress intersections to the adjoining major road network of Castlereagh Road to distribute traffic demands.</p> <p>6) Where new streets are proposed, a public domain plan is to be submitted with a development application that details the design, maintenance and management of streets.</p> <p>7) Roads shall be designed in accordance with the following principles:</p> <p>a) Road and lane widths must allow for two-way movement and turning movements of vehicles, including consideration for buses, heavy vehicles, garbage trucks and emergency vehicles;</p>	<p>The proposal has no impact on the internal to external road connections.</p> <p>Roads are to be located above the 1% AEP.</p> <p>Adequate circulation is provided.</p> <p>DA9876 includes a connector road from Lugard Street through to Old Castlereagh Road.</p> <p>The civil plans submitted with the application provide details for the public domain.</p> <p>The proposed roads are consistent with these principles.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>b) Verge widths must be sufficient to meet the requirements for utilities, street tree planting, footpaths, shared paths and urban design outcomes;</p> <p>c) Adequate turning paths must be provided for all vehicles at intersections and for property access; and</p> <p>d) Sufficient width must be provided for drainage functions and water-sensitive urban design measures.</p> <p>8) Roads are to be designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments.</p> <p>9) Development shall, where appropriate, be designed to:</p> <p>a) allow all vehicles to either leave or enter the site in a forward direction;</p> <p>b) accommodate heavy vehicle parking and manoeuvring areas;</p> <p>c) avoid conflict with staff, customer and visitor vehicular movements; and</p> <p>d) ensure satisfactory and safe operation with the adjacent road system.</p> <p>10) The suitability of manoeuvring areas provided for large vehicles is to be designed to comply with Australian Standard – AS2890 series.</p> <p>11) Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas must be screened from the road.</p> <p>12) New streets are to have a strong landscaped character.</p>	<p>The proposed roads meet these guidelines.</p> <p>The proposed roads allow for these guidelines to be met.</p> <p>The proposed roads allow for the Standard to be met.</p> <p>To be addressed on individual lots as part of future development applications.</p> <p>The proposed landscaping scheme, as detailed in the landscape plans submitted with the application, includes street trees throughout the subdivision comprising native indigenous river plain species.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

		This is not an appropriate control for the Employment precinct. Access and parking entrances will be necessary from the internal roads.	-
	13) Unless otherwise stated in this DCP, all vehicular access and entries to parking are to be located on secondary streets or at the rear of buildings.	No additional access points / driveways from Old Castlereagh are proposed.	✓
	14) Additional access points and driveways from Old Castlereagh Road shall be minimised and allowed only where they are approved as part of the traffic and transport plan prepared for the development.	Can comply	✓
	15) Vehicle and pedestrian entry points are to be appropriately marked and signposted.	Can comply	✓
	16) Verge treatments are to be designed to reflect the intended use of the street activity and function.	Can comply	✓
	17) Paved surfaces must be designed to delineate between different uses, including pedestrian areas, car parking spaces and driveways.	Can comply	✓
	18) Development must deliver a permeable and walkable local street network. Pedestrian paths are required on new and upgraded roads.	DA9876 includes a connection from the site to the Great River Walk on the south-western boundary.	✓
	19) Development shall provide new pedestrian connections, as appropriate, to the Nepean River, including new connections from Lugard Street and Old Castlereagh Road.	Can comply	✓
	20) Development must ensure that pedestrian and cycle facilities in public spaces are safe, well-lit, clearly defined, functional and accessible to all users.	Complies, shared paths along Road 02 are 1.5m wide.	✓
	21) The minimum width is 1.5 metres for pedestrian footpaths and 3 metres for shared cycle/pedestrian paths. All new roads are to include		

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	<p>pedestrian footpaths on both sides. Shared paths are encouraged on one side of new roads.</p> <p>22) Pedestrian paths and cycleways, as well as pedestrian refuge islands, are to be designed so that they are fully accessible by all users in terms of access points and gradients, in accordance with Australian Standard – AS1428 (parts 1 to 4—Design for Access and Mobility).</p> <p>23) The road cross-sections to be adopted will need to be further developed, with consideration given to land-use planning and support for active transport opportunities.</p>	<p>Can comply</p> <p>Noted</p>	<p>✓</p> <p>-</p>
4.10 Signage	<p>1) The siting and design of all signage are to be sympathetic to the landscaped character of the area and minimise any visual impacts to adjoining properties.</p> <p>2) All advertising is to be:</p> <ul style="list-style-type: none"> a) visually interesting; b) constructed of high-quality, durable materials; c) considered in conjunction with the design and construction of buildings; d) restricted to only one sign per street frontage; and e) contained wholly within the site. <p>3) Signage proposals are to consider existing signs on buildings as well as the streetscape to ensure that any new signage does not result in visual and physical clutter.</p>	Signage is consistent with DA9876.	✓

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	<p>4) Corporate colours, logos and other graphics are to achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building or site to which the sign relates.</p> <p>5) Illuminated signs are generally discouraged, unless it can be demonstrated that the illuminated sign will be minimal and simple and have limited impact on the amenity or landscaped character setting and pedestrians or vehicles.</p>		
4.12 Utility services	<p>1) All development applications are to address the existing and proposed provision of services, utilities, or both to a site and whether there is satisfactory capacity to address the required demand of the proposal.</p> <p>2) Satisfactory arrangements are to be made with the relevant servicing authorities for providing services to the property.</p> <p>3) Development consents will include a condition requiring the applicant to provide evidence that arrangements satisfactory to Sydney Water have been made for water supply and sewer services to the development.</p> <p>4) Electricity services are to be provided in accordance with the relevant energy services provider.</p> <p>5) Applicants will be required to obtain a certificate from the energy service provider outlining their notification of arrangements for servicing the site, including the provision of street lighting.</p> <p>6) Electricity infrastructure is to be placed underground and may be in shared trenches and must be safe for extended floodwater emersion when located at or below the flood planning level extent.</p>	Utility servicing is consistent with DA9876.	✓

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	<p>7) Gas services are to be provided in accordance with the requirements of the relevant services provider based on the specific demand by specific users.</p> <p>8) Gas supply infrastructure must be installed underground in shared trenches.</p> <p>9) Telecommunications services are to be provided in accordance with the requirements of the relevant services provider.</p> <p>10) Telecommunications services shall be funded by the applicant, including completion of consultation and design certification required to provide a ready pit and pipe in accordance with National Broadband Network (NBN) guidelines.</p>		
Part 5 Precinct Controls			
5.4 Employment precinct			
5.4.2 Employment precinct master plan	<p>Before any subdivision application in the Employment precinct, a precinct master plan is required, which the consent authority should adopt.</p> <p>The master plan forms the basis for urban development in the precinct by setting out:</p> <ul style="list-style-type: none"> the major road network and potential access points; the open space and drainage networks and any precinct-scale basins or water quality treatment measures; the existing physical and environmental features of the site; the general indication of the phasing of development; the proposed site layout, including an indicative road layout; an urban design and landscape strategy; 	An Urban Design Study and Master Plan has been approved in line with DA9876.	✓

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	<ul style="list-style-type: none"> • a design excellence strategy for the precinct; • location of communal open space, its function and landscaping; • design principles based on analysis of the site and its context; • identification of gateway sites and corridors; • pedestrian, vehicular and cycle road access and circulation networks and facilities; • remediation of any site contamination; and • any other major infrastructure, such as transmission lines, trunk sewage or water supply lines. 		
	1) Development must provide a new secondary entry off Lugard Street that runs along the southwest boundary of the precinct and connects with Old Castlereagh Road. The reserve for this road shall be provided at the first stage of development as a 22 metre road reserve to provide for a 13 metre roadway with 4.5 metre verges on each side of the southwestern perimeter of the site.	DA9876 includes an internal road connecting Lugard Street to Old Castlereagh Road, with a 22m road reserve, which runs along the southwestern boundary of the precinct.	✓
	2) The primary entry to the Employment precinct is to be maintained from Old Castlereagh Road.	There is no change to the main entrance.	✓
	3) All development applications are to be generally in accordance with the adopted master plan.	The development application is generally consistent with the Urban Design Study and Master Plan submitted for the Employment zoned land. The Urban Design Study and Master Plan envisaged that the connection from Lugard St to Old Castlereagh Road would be delivered and that the balance of the site and other roads are indicative and subject to market demand.	✓

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4) The applicant must undertake a design review of the master plan throughout its preparation, in accordance with the design excellence strategy prepared in accordance with this DCP.	Noted	-
5) The master plan must address stormwater treatment and processes and discharge to manage flow rates.	The approved Urban Design Study and Master Plan identifies stormwater management areas.	✓
6) When assessing development applications, the consent authority will consider the extent to which the proposed development is consistent with the master plan, including cumulative and precedent implications for the planned infrastructure, and services and amenities provision.	Noted	-
7) The precinct master plan must include a landscape plan prepared by a suitably qualified consultant and include preferred tree species and canopy size. The Landscape plan shall include details on areas of public domain within the precinct, if appropriate.	Refer to landscape plans prepared by landscape architect Clouston and Associates. Refer to the approved landscape strategy contained within the Urban Design Study and Master Plan.	✓
8) The precinct landscape design shall complement the proposed built form and minimise the impact of scale, mass and bulk of the development in its context.	The landscape design meets these principles.	✓
9) The landscape design shall maximise permeable design solutions, including permeable paving to minimise stormwater run-off.	Refer to landscape plans prepared by landscape architect Clouston.	✓

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	10) The landscape plan developed for the master plan must demonstrate how the development of the precinct would contribute to the 40% tree canopy target in the Greater Sydney Region Plan by preserving existing trees, where possible, and adding to the existing canopy to provide green infrastructure and amenity.	The Draft Greener Places Design Guide, developed by the NSW Government Architect's Office, was intended to provide strategies and recommendations for implementing green infrastructure across urban areas in New South Wales. This guide aimed to support the proposed Design and Place State Environmental Planning Policy (SEPP) by offering detailed guidance on enhancing public open spaces, urban tree canopies, and the connectivity of bushlands and waterways. However, in April 2022, NSW Planning Minister Anthony Roberts announced the decision to abandon the Design and Place SEPP.	✓
	11) The applicant must, to the consent authority's satisfaction, demonstrate that any proposed variations to the general arrangement of the master plan are consistent with the precinct's desired future character.	The proposal is consistent with the approved Urban Design Study and Master Plan for the Employment zoned land.	✓
5.4.3 Subdivision design	1) Variations to subdivision controls will be considered for lots created solely for the purpose of 'utility installations' or 'utility undertakings'.	Not applicable	N/A
	2) Only strata or community title is permitted to facilitate the administration of the flood resilience warning and early response system established in accordance with the Penrith Lakes Flood Response Guideline (in preparation).	The amendments to DA 9876 relate to community title lots.	✓
	3) Table 6 outlines the subdivision controls.	All lots comply with the minimum lot size and frontage.	✓

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Table 6. Subdivision controls

Item	Area	Control
Minimum allotment size	Employment zone	1,500 m ²
Minimum frontage	Employment zone	30 m

5.4.8 Landscaping and open space

1) A landscape plan, prepared by a qualified landscape architect, must be submitted with any development application.

A landscape plan is submitted with the application.

✓

4) Landscape design should contribute to the Greater Sydney Region Plan's canopy cover target of 40%, such as by retaining existing paddock trees, windrows and large canopy trees where possible and adding to the existing canopy.

The Draft Greener Places Design Guide, developed by the NSW Government Architect's Office, was intended to provide strategies and recommendations for implementing green infrastructure across urban areas in New South Wales. This guide aimed to support the proposed Design and Place State Environmental Planning Policy (SEPP) by offering detailed guidance on enhancing public open spaces, urban tree canopies, and the connectivity of bushlands and waterways. However, in April 2022, NSW Planning Minister Anthony Roberts announced the decision to abandon the Design and Place SEPP.

✓

5) For any approved tree clearing, trees are to be replaced at a ratio of at least 2:1 (new to existing) to contribute to the 40% tree canopy target in the Greater Sydney Region Plan.

No tree removal is proposed as part of the application.

✓

10) The selection of proposed trees and other landscaping plants is to consider:

A landscape plan is submitted with the development application which includes an indicative planting palette and schedule. The landscape plan outlines the basis for the selection of trees and other plantings based on

✓

PENRITH LAKES DRAFT DEVELOPMENT CONTROL PLAN – STAGE 1 – COMPLIANCE TABLE

	<p>a) the preferred trees identified in Council's Street and Park Tree Management Plan;</p> <p>b) the use of relevant local native vegetation communities that occur (or once occurred) in the area rather than exotic plant or non-local native species;</p> <p>c) the re-use of native plants or topsoil removed during subdivisions works or earthworks;</p> <p>d) the contribution to the management of soil salinity, water levels and soil erosion;</p> <p>e) low-maintenance and drought-tolerant tree species; and</p> <p>f) the capacity of the species to contribute to tree canopy cover.</p>	the specifics of the site. A balance of locally native trees and other Australian natives are proposed to optimise ecological values and heat island impact mitigation.	
	11) Sufficient space is to be made available to allow trees to grow to maturity.	Sufficient space is available to allow trees to grow to maturity.	✓
	13) Ground covers should be considered as a grass alternative in areas not specifically designed for pedestrian use.	Ground cover has been considered as outlined in the landscaping plans.	✓

ANNEXURE C

Conditions for Consent



PROPOSED CONDITIONS FOR CONSENT

The following are proposed conditions to form part of the amending consent if approved by the consent authority:

1. Modification of Consent for DA 9876

This consent requires the modification of development consent DA 9876 (as modified), originally approved in April 2022 for Torrens and community title subdivision, earthworks and site rehabilitation, public infrastructure and signage.

The modification is to be effected under section 4.17(1)(b) and section 4.17(5) of the *Environmental Planning and Assessment Act 1979* prior to the issue of any Subdivision Works Certificate applying to land the subject of the amending DA.

The required modifications:

- are to be set out in a notice of modification of development consent DA 9876; and
- must be lodged with the consent authority, in compliance with the requirements of section 67 of the Environmental Planning and Assessment Regulation 2021 ("the EP&A Regulation").

In the terms prescribed by any condition of this consent that sets out a required modification to DA 9876.

2. Approved Plans and Documents

The development must be implemented in accordance with the following approved plans and supporting documentation listed except where amended by conditions of this consent.

Civil Drawings prepared by Enspire Engineers			
Drawing	Reference	Date	Revision
General Notes and Legends Sheet 1	DA-C01.21	04/12/2024	1
General Notes and Legends Sheet 2	DA-C01.22	04/12/2024	1
Staging Plan	DA-C01.31	04/12/2024	1
General Arrangement Plan	CA-C01.41	04/12/2024	1
Subdivision Plan	DA-C01.81	04/12/2024	1
Community Title Subdivision Plan	DA-C01.91	04/12/2024	1
Erosion and Sediment Control Plan	DA-C03.01	04/12/2024	1
Erosion and Sediment Control Plan Details	DA-C03.21	04/12/2024	1
Bulk Earthworks Cut and Fill	DA-C04.01	04/12/2024	1
Bulk Earthworks Cut and Fill	DA-C04.21	04/12/2024	1
Siteworks and Stormwater Management Plan Sheet 1	DA-C05.01	04/12/2024	1
Siteworks and Stormwater Management Plan Sheet 2	DA-C05.02	04/12/2024	1
Siteworks and Stormwater Management Sheet 3	DA-C05.03	04/12/2024	1
Siteworks and Stormwater Management Sheet 4	DA-C05.04	04/12/2024	1
Road Longitudinal Sections	DA-C07.01	04/12/2024	1
Pavement, Signage and Line marking Plan	DA-C11.01	04/12/2024	1
Stormwater Long Sections Sheet 1	DA-C13.01	04/12/2024	1



Stormwater Long Sections Sheet 2	DA-C13.02	04/12/2024	1
Siteworks Details	DA-C14.01	04/12/2024	1
Council Details Sheet 1	DA-C14.11	04/12/2024	1
Council Details Sheet 2	DA-C14.12	04/12/2024	1
Council Details Sheet 3	DA-C14.13	04/12/2024	1
Council Details Sheet 4	DA-C14.14	04/12/2024	1
Stormwater Details Sheet 1	DA-C18.01	04/12/2024	1
Stormwater Details Sheet 2	DA-C18.02	04/12/2024	1
Catchment Plan	DA-C22.01	04/12/2024	1
Turning Path Plan	DA-C25.01	04/12/2024	1
Landscape plans prepared by Clouston Associates			
Connections and Opportunities	S18-0072 DA 5	15/01/2025	L
General Arrangement Plan	S18-0072 DA 6	15/01/2025	L
Old Castlereagh Road – Section AA	S18-0072 DA 7	15/01/2025	L
Typical Road - Section BB	S18-0072 DA 8	15/01/2025	L
Entry Signage Concepts	S18-0072 DA 9	15/01/2025	L
Indicative Planting Palette	S18-0072 DA 10	15/01/2025	L
Indicative Planting Palette	S18-0072 DA 11	15/01/2025	L
Indicative Plant Palette	S18-0072 DA 12	15/01/2025	L
Documents			
Description	Document Reference	Date	Prepared by
Bushfire Assessment Report	1854	31 January 2025	Bushfire Planning Australia
Flood Impact Statement	P2108447JC04V01	18 November 2024	Martens
Traffic Statement	24242	11 October 2024	TTPP Transport Planning

It is a requirement of this condition that a new condition A.1A is to be inserted into development consent DA9876 as follows:

Despite any provision of this development consent DA 9876, this consent does not authorise or require anything that is inconsistent with the work approved in accordance with development consent (insert new DA number) and to the extent of any inconsistency the latter consent applies. The terms of development consent (insert new DA number) must be satisfied when carrying out development under this consent.

It is a requirement of this condition that a new condition A.1B is to be inserted into development consent DA 9876 as follows:

Despite condition A.1, the development must be implemented in accordance with the following approved plans and documents as amended by conditions of this consent:

[The table above is to be inserted here]

[Other amendments to conditions in development consent DA 9876 can be inserted here, arising from the approval of the amending DA as appropriate]





C23. *Prior to the commencement of construction for each stage referred to in (a)-(c) below, the Applicant must submit plans and technical specifications for that stage, to the satisfaction of the relevant roads authority, for the following works:*

- (a) left turn deceleration lane from Old Castlereagh Road to the approved northern entry road (Road 3) at Stage 6;*
- (b) left turn deceleration lane from Castlereagh Road to Lugard Street at Stage 9; and*
- (c) shared pedestrian and bicycle pathway on the south side of Lugard Street from the site to Castlereagh Road to be delivered in Stage 1.*

