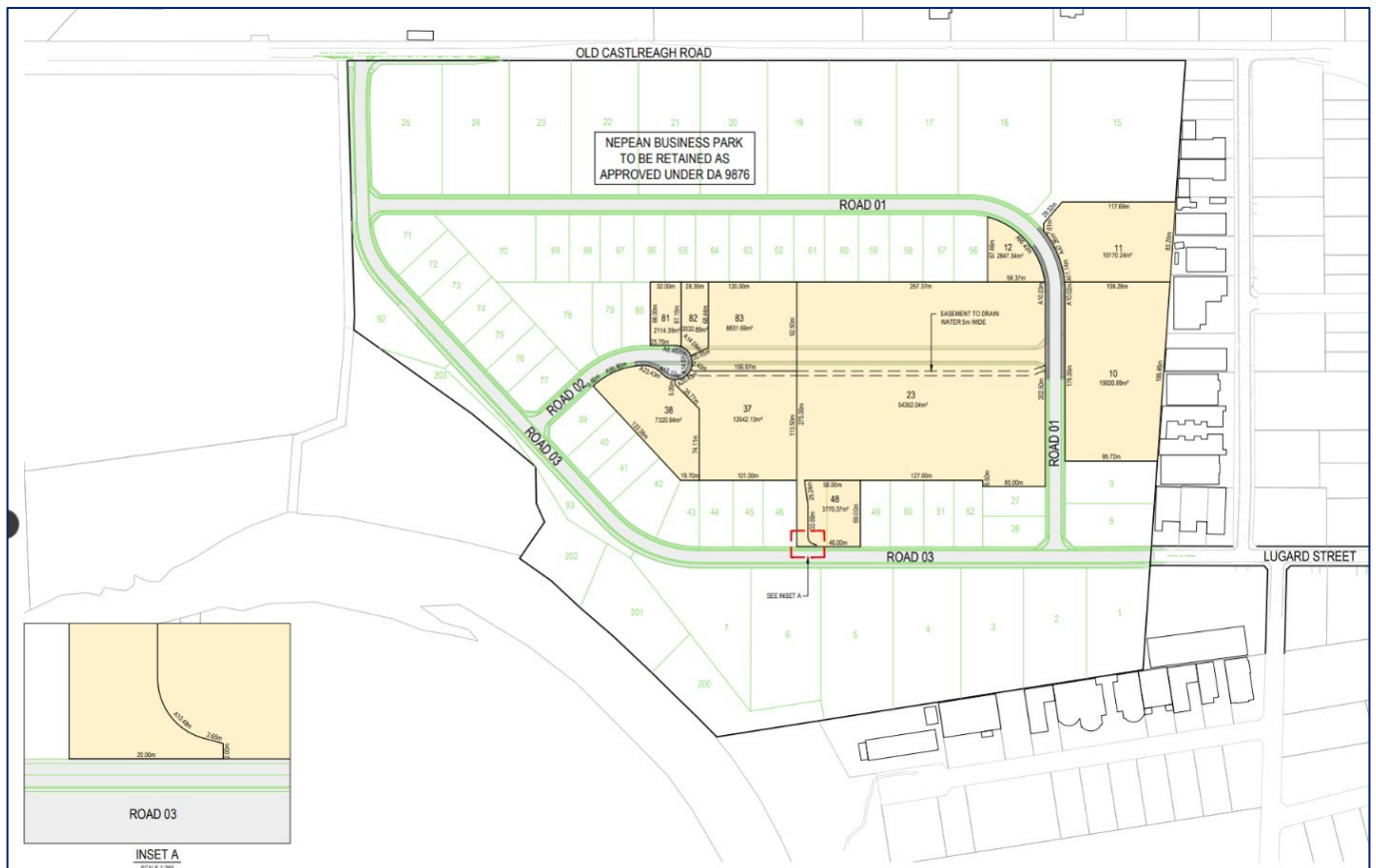


Nepean Business Park – Amending DA

Development Application Assessment Report (DA 25/5786)

October 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Nepean Business Park – Amending DA (DA 25/5786) Assessment Report
Published: October 2025

Cover image: Proposed development (Source: Subdivision plan by Enspire Solutions Pty Ltd, 2025)

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the development application for the Nepean Business Park Amending DA located at 14-98 Old Castlereagh Road, Penrith, lodged by Great River NSW Pty Ltd. The report includes:

- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether consent for the project should be granted and any conditions that should be imposed.

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1 Introduction

1.1 The proposal

On 31 March 2022, Great River NSW Pty Ltd (the applicant) sought and was granted consent by the Land and Environment Court for the Nepean Business Park (DA 9876), comprising 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; across thirteen (13) development stages; associated earthworks, roadworks, landscaping and signage.

The applicant is now seeking an amending development application (DA) to amend DA 9876 (as modified) to allow for a partially revised subdivision layout. The proposed amending subdivision scheme involves:

- consolidation of 32 approved Community title lots to create 10 larger Community title lots
- associated subdivision works, including changes to internal road layout, drainage and landscaping
- changes to approved construction staging.

1.2 Project location

The subject Site is located at 14-98 Old Castlereagh Road, Penrith in the Penrith City local government area (LGA) and within the Western Sydney region of NSW (see **Figure 1** and **Figure 2**).

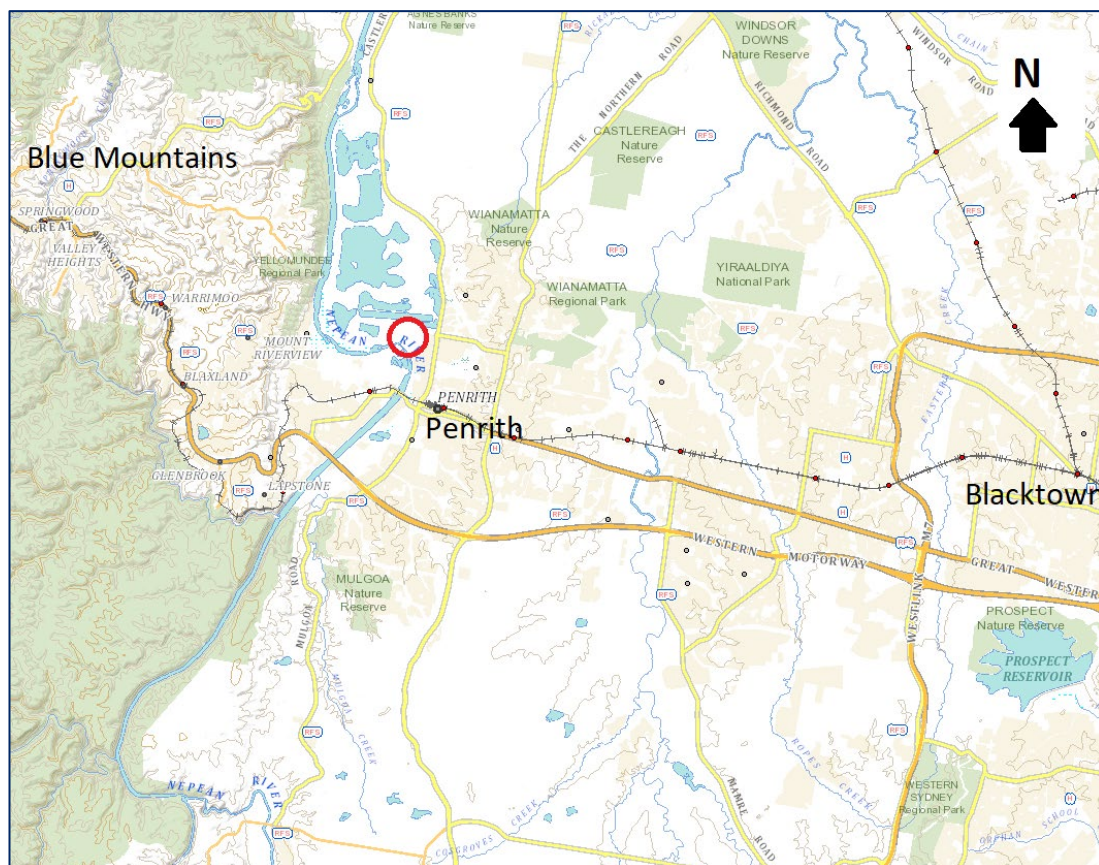


Figure 1 | Regional context map, subject site highlighted in red (Source: ePlanning Spatial Viewer)

The Site is legally known as Lots 1, 2 and 3 in Deposited Plan 1263486. It is irregular in shape and has an area of approximately 49 hectares. The Site is bound by Old Castlereagh Road to the north, existing industrial developments and Lugard Street to the east, existing industrial developments and the Nepean River to the south and vacant land associated with the Penrith Lakes Scheme to the west. The Site is highly disturbed and has recently been filled in the course of rehabilitation works, which are occurring on the Site following its previous use as a tailings pond for quarrying.

The Site is zoned 'Employment' under *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* (Western Parkland SEPP).



Figure 2 | Local context map (Source: NearMap)

1.3 Penrith Lakes Scheme

The Site is located in the Penrith Lakes Scheme (the Scheme). The Scheme is a 30-year quarrying and rehabilitation proposal being undertaken by Western Sydney Lakes (formerly the Penrith Lakes Development Corporation (PLDC)) in accordance with a Deed of Agreement, dated 11 August 1987 (amended 14 August 1989), with the NSW Government. The extent of the Scheme is identified in **Figure 3**.

The Scheme is located within the Nepean River floodplain. It is being transformed from a sand and gravel quarry into a water-oriented recreation park, with land suitable for rural, tourism and employment uses. Quarrying activities on the site ceased in September 2015. Since then, Western Sydney Lakes has been progressively rehabilitating the Scheme.

Development on the Penrith Lakes Scheme is governed by the Western Parkland SEPP. The Scheme comprises approximately 80 hectares (ha) of waterways, 110 ha of parklands, 118 ha of environmental area, 33 ha of employment area and 52 ha of tourism area, and 1,330 ha of unzoned

land subject to future land use planning, following the completion of flood investigations and community consultation.



Figure 3 | Penrith Lakes Scheme boundary outlined in red (Source: Google Maps)

1.4 Related projects and works

1.4.1 DA 9876 (Nepean Business Park)

On 31 March 2022, development consent was granted by the Land and Environment Court for the development of the Penrith Lakes Employment Lands Subdivision (DA 9876).

- torrens title subdivision of the site into 5 lots including four environmental lots and one residual lot
- community title subdivision of the residual lot into 93 lots and 1 community title lot across 13 stages
- construction of associated roads, stormwater, earthworks and landscaping.

The torrens title subdivision of the Site and community title lot layout, as approved by DA 9876 (as modified), are identified in **Figure 4** and **Figure 5** below.

There have been 6 modification requests to DA 9876 (**Table 1**).

Table 1 | Summary of Modifications to DA 9876

Modification	Description	Decision maker	Type	Date
Mod 1	Delete condition related to road upgrade works	Department	4.56	Refused - 10 January 2024
Mod 2	Modification to allow for 24/7 construction works	Department	4.56	Withdrawn
Mod 3	Torrens Title Subdivision amendment	Department	4.56	Approved – 19 September 2023
Mod 4	Remove the need for the consolidation of lots prior to the Community Title subdivision taking place	Department	4.56	Approved – 13 February 2024
Mod 5	Demolish and replace fence to Lot 12. Defer the delivery of the deceleration lane to Stage 11	Land and Environment Court	4.55(8)	Approved – 29 August 2024
Mod 6	The dedication of all internal roads as private roads, managed under the Community title scheme.	Department	4.56	Approved – 29 May 2025



Figure 4 | Approved torrens title subdivision (as per DA 9876 Mod 3). Environmental lots in green (Source: DA 9876-Mod-3 Stamped Plans)

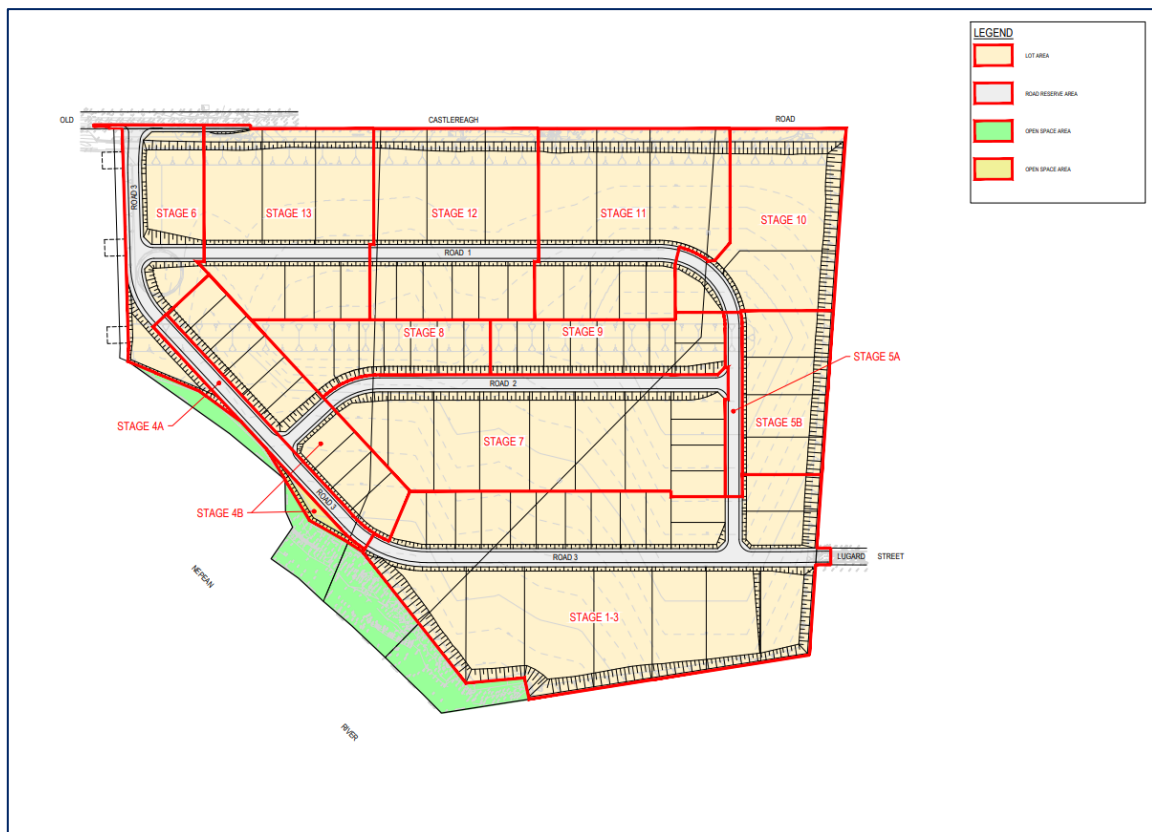


Figure 5 | Approved staging plan under DA 9876 as modified (Source: Enspire)

2 Proposed development

2.1 Project overview

The applicant seeks consent for 10 subdivision lots, consolidating 32 subdivision lots approved under DA 9876. The applicant also seeks consent to reconfigure Road 02 to a cul-de-sac, and make minor changes to stormwater infrastructure, landscaping and imported fill.

The key aspects of the project are outlined in **Table 2** and shown in **Figure 6** - **Figure 8**.

Table 2 | Key aspects of the project

Aspect	Description
Project area	Approximately 11 hectares of the 49-hectare Nepean Business Park, located at 14-98 Old Castlereagh Road, Penrith (see Figure 6).
Lots	32 community title lots consolidated into 10 community title lots
Road configuration	• Road 02 (East-west Road) shortened by approximately 390m to a cul-de-sac • as a result of Road 02 being a cul-de-sac instead of a connector road, an additional 8,329m³ imported fill would be required compared to DA 9876 • minor regrading of Road 01 to relocate the sag location to align with future proposed driveways. • all associated roads are to be privately owned.
Stormwater	• 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 9876 consent. An easement over the proposed lot(s) will be required. • removal of stormwater stub connections to consolidated lots.
Landscaping	• existing Landscaping Plan revised to reflect changes to Road 02
Staging	The number of stages for construction of Nepean Business Park would increase from 13 to 14. The amending DA area would be constructed in Stages 3, 6A, 6B, 6C, 7, 8 and 13. The revised staging is shown in Figure 8 .

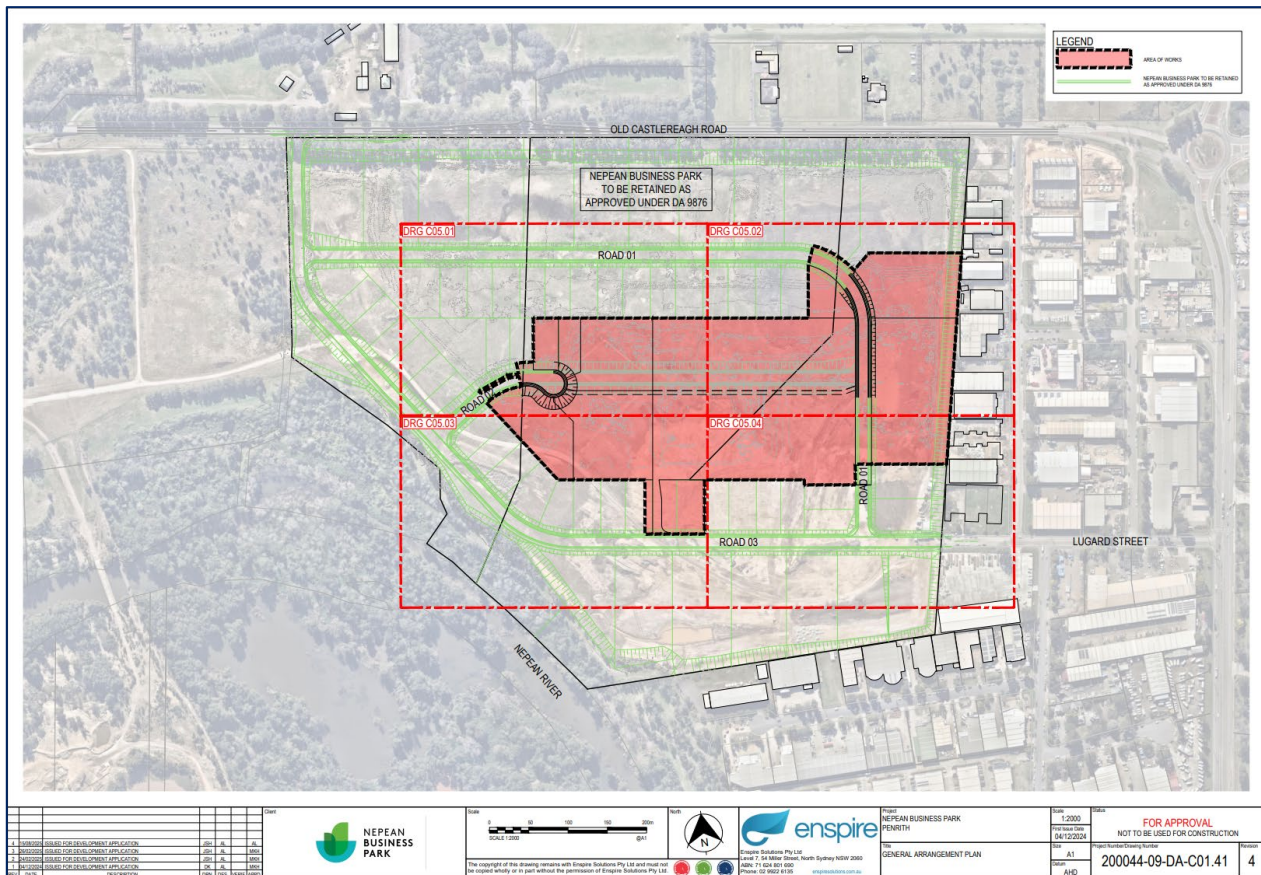


Figure 6 | Amending DA area (Source: General Arrangement Plan)

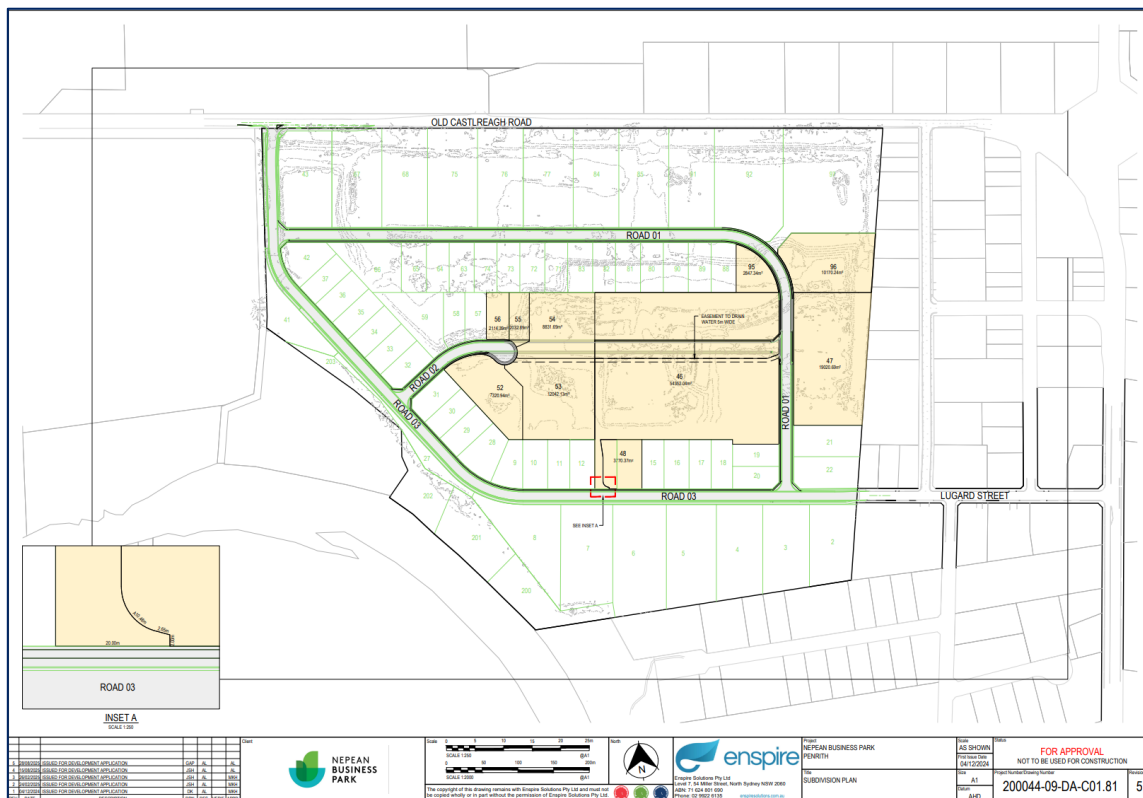


Figure 7 | Proposed subdivision plan (Source: Subdivision Plan)

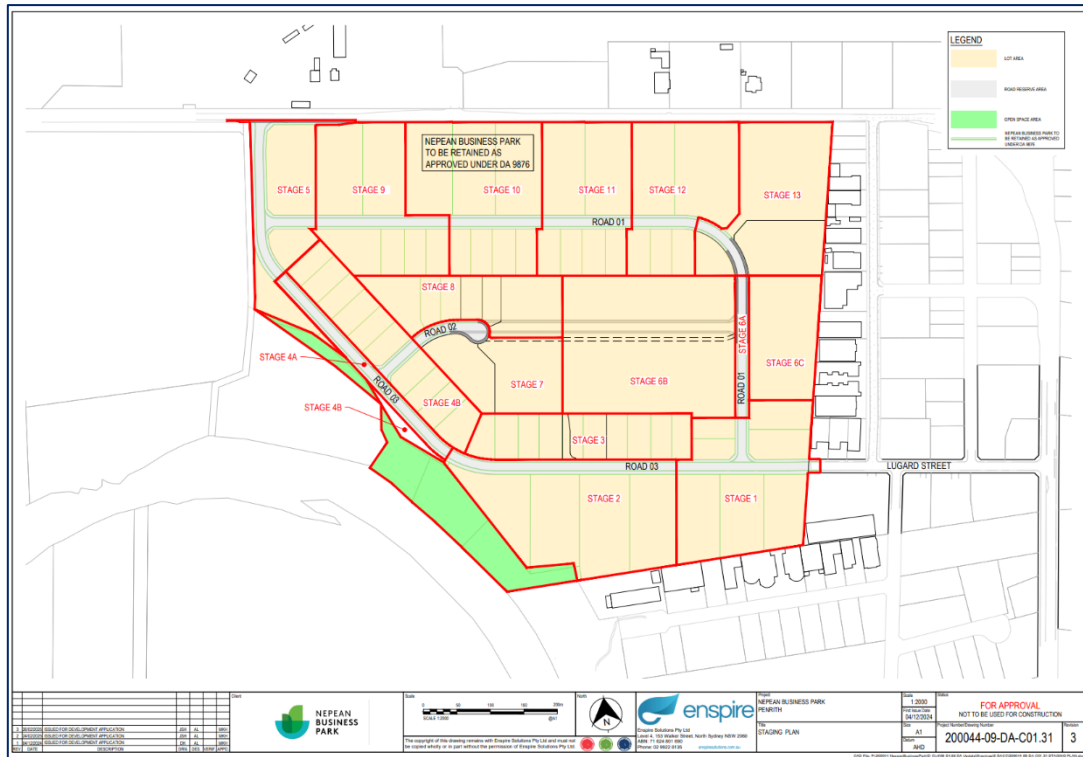


Figure 8 | Proposed staging plan (Source: SEE, 2025 (fig. 8))

2.2 Relation to DA 9876

Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) confirms a condition of consent may be imposed if it requires the modification of a consent granted under the EP&A Act and/or modification of a development carried out on land.

This Amending DA relies upon the approved DA 9876 (as modified) and seeks consent to consolidate several subdivision lots, internal road re-configuration and associated works. It would not change the Torrens subdivision to create environmental lots and development lots as approved by DA 9876. The footprint of the Amending DA is contained within an approximately 11-hectare area within the original layout of the Community Title subdivision approved by DA 9876.

If approved, the Department has recommended conditions be imposed on the development consent requiring the modification of the DA 9876 development consent in order to remove inconsistencies between DA 9876 and the Amending DA. A revised consolidated instrument would also need to be prepared for DA 9876 that shows the amendments because of this Amending DA, and to be submitted to the Department for review to ensure all the inconsistencies between the two DAs has been resolved.

3 Statutory context

3.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the project are provided in **Table 3** below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	Part 4 Development Application Great River NSW Pty Ltd lodged the application pursuant to Section 4.12 of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act). The application will be assessed under Part 4 of the EP&A Act.
Consent authority	Minister for Planning and Public Spaces The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under Clause 5.7(a) of the <i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i> (Western Parkland SEPP).
Decision-maker	Director, Transport and Water Assessments In accordance with the Minister's Instrument of Delegation dated 9 March 2022, the Director, Transport and Water Assessments may determine the application if: - the relevant local council has not made a submission by way of an objection; - the development application is not made by a person who has disclosed a reportable political donation in connection with the development application; - there are less than 15 public submissions in the nature of objections.
Permissibility	This proposal is permissible under the Western Parkland SEPP The subject site is zoned 'Employment' under the Western Parkland SEPP. The objectives for the Employment zone include: to provide a range of office and light industrial uses and to provide employment opportunities relating to health, high order technology, culture and sports. The Nepean Business Park would be operated as commercial and industrial employment land, as approved under DA 9876.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 4** below.

Table 4 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments (EPIs), proposed instruments, development control plans (DCPs) & planning agreements	The relevant EPIs and development control plans are: 1. State Environmental Planning Policy (Precincts - Western Parkland City) 2021 2. Penrith Lakes Development Control Plan – Stage 1 2022 (PLDCP) 3. State Environmental Planning Policy (Resilience and Hazards) 2021 Detailed consideration of the relevant provisions of the EPIs and DCP is provided in Appendix B. The Department is satisfied that the development generally complies with the relevant provisions of the environmental planning instruments and development control plan.
EP&A Regulation	Subject to any other references to compliance with the EP&A Regulation 2021 cited in this Assessment Report, the requirements for fees (Part 13) have been complied with.
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 5 - Assessment
Public submissions	Section 4 - Engagement & Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment & Section 6 - Evaluation

3.2.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B, Table B - 1**. The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

4 Engagement

4.1 Exhibition of the SEE

4.1.1 Public exhibition of the SEE

After accepting the development application and Statement of Environmental Effects (SEE), the Department:

- publicly exhibited the project from 30 May 2025 until 13 June 2025 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from Penrith City Council.

4.1.2 Summary of council submissions

Penrith City Council (Council) provided comments on the project. A summary of the issues raised by council is provided in **Table 5** below.

Table 5 | Summary of issues raised by council

Council	Submission summary
Penrith City Council	• Clarify the rationale for the amending DA, including how it relates to the existing approval, current Planning Proposal and whether the purpose is to accommodate different land uses on the larger lots • Concerned about the replacement of Road 02 with a cul-de-sac, and associated implications for access, travel paths, on street parking, street tree planting and lot widths • Lots 81 and 82 would be limited in size and frontage, and consideration should be given to consolidating these two lots • Query the reason for the access handle to Road 03 from Lot 23, whether this lot is designed for a pre-determined land use • Quantity of additional fill material should be limited • The Flood Impact Statement accompanying the SEE is marked 'DRAFT' and does not reference the current proposed subdivision plan

4.1.3 Summary of public submissions

The Department received one public submission objecting to the proposal. The submission is summarised as follows:

- Concerned with the flooding impact of earthworks approved by DA 9876.

4.2 Response to submissions

Following the public exhibition period, the Department required the applicant to respond to the issues raised by Penrith City Council (Council) in its submission. The applicant provided a response to the Department on 24 June 2025 (see **Appendix A**).

The Department published the applicant's response on the NSW Planning Portal and forwarded the response to Council for information on 24 June 2025.

Council reviewed the applicant's response and provided several comments to the Department on 8 July 2025. The Department's consideration of Council's comments and the Applicant's response are provided in Section **5.1** below.

5 Assessment

5.1 Issues

Table 6 | Assessment of issues

Issue	Findings and conclusions	Recommended conditions
Suitability of the site	Council raised concerns that proposed frontages of Lots 55 and 56 would be 14.09m and 25.07m respectively, which is below the minimum 30m frontage for employment subdivisions outlined in Section 5.4.3 of the Penrith Lakes DCP (PLDCP). The Department accepts that, despite non-compliance with the PLDCP, proposed Lots 55 and 56 would have similar frontages and dimensions to several lots approved under DA 9876. The proposed development also responds to objective (b) in Section 5.4.3 of the PLDCP by providing a greater variety of subdivision lot sizes and dimensions for employment land. The Department's consideration of the relevant provisions of the PLDCP is provided in Table B - 4. Further, Council raised concern that the proposed subdivision layout is intended to accommodate land uses which are not permissible on the Site. The applicant's response stated that the Amending DA does not propose to change the permissible uses of the Site; and noted that existing smaller lots in Nepean Business Park would not be able to effectively accommodate several currently permissible uses under the Western Parkland SEPP that typically require larger lot sizes. The Department considers the consolidation of lots to accommodate a greater variety of uses is acceptable. Further, the Amending DA would not change the permissible uses of the Site under Part 5.3 of the Western Parkland SEPP. The Department's consideration of the relevant provisions of the Western Parkland SEPP, including the objectives for employment land, is provided in Table B - 3.	N/A

Issue	Findings and conclusions	Recommended conditions
Traffic and transport	The applicant provided a traffic impact assessment which concluded that the proposed amended community title subdivision would not materially alter the traffic impacts as assessed under DA 9876. This Amending DA involves shortening of Road 02 to a cul-de-sac, which would result in Road 02 no longer providing a road link between Road 01 and Road 03. This would not significantly change traffic flows as Road 02 was to be an internal road, and the number of access points to Old Castlereagh Road and Lugard Street would remain the same. The requirement to construct two left turn deceleration lanes and a shared pedestrian and bicycle pathway near the Site would remain in the conditions of consent for DA 9876.	The proposed development will be subject to the Construction Traffic and Pedestrian Management Sub-Plan associated with DA 9876, unless the applicant submits an equivalent sub-plan for this Amending DA. Construction parking must be contained within the site boundary of DA 9876.
Flooding	The applicant provided a flood impact assessment confirming that the proposal would not change site population and traffic generation, and that the minor increases in imported fill are located entirely above the 1% AEP flood level. Council also noted that the changes in proposed finished levels are negligible and that there appears to be no impact on the findings in the Flood Emergency Response Plan or Evacuation Report. The flood impact assessment stated that the proposed shortening of Road 02 to a cul-de-sac would not significantly change traffic generation or flood risk management for the Nepean Business Park as vehicles access points to Old Castlereagh Road and Lugard Street would remain the same. The Department is satisfied that the proposed development would not materially impact flood risk and would remain consistent with the Flood Emergency Response Plan approved under DA 9876.	The Flood Emergency Response Plan approved as part of DA 9876 must be updated to account for this consent. A consolidation plan is considered appropriate because it will ensure consistency across the two consents.

Issue	Findings and conclusions	Recommended conditions
Biodiversity	The site was cleared during construction activities approved under DA 9876. No additional tree or vegetation removal is proposed in this Amending DA. The existing vegetation along Old Castlereagh Road and in the south-west portion of the site is managed through the approved Vegetation Management Plan, and is located outside the extent of this Amending DA. The applicant provided an updated Landscaping Plan. While the removal of Road 02 will reduce street tree planting, the landscaping plan incorporates a balance of locally-native and Australian native trees suitable for characteristics of the Site.	The proposed development must be completed in accordance with the updated Landscaping Plan.
Bushfire	The applicant provided a Bushfire Assessment Report (the Report) which applies the site assessment methodology in <i>Planning for Bushfire Protection</i> (RFS, 2019). The Report identifies the remaining vegetation in the south-west portion of the Nepean Business Park to the Nepean River as the primary bushfire hazard. However, the Report considers this to be low-medium threat vegetation as it is sparse and has a managed understorey. The Report concludes that the bushfire risk of the proposed development is acceptable, subject to the implementation of the recommended mitigations listed in the Report.	The Department is satisfied that the bushfire risk for the proposed development is acceptable, subject to the mitigation measures and the recommended conditions regarding bushfire planning which are consistent with the DA 9876 conditions of consent.
Stormwater	In accordance with the Penrith Lakes Water Management Plan Stage 2, the stormwater design approved under DA9876 discharges surface water westward to the Southern Wetlands. This Amending DA proposes minor changes to the drainage infrastructure to accommodate the lot reconfiguration, including the realignment of the trunk drainage line between Road 01 and Road 02 via a 5m wide easement. The applicant provided a letter from Enspire Solutions stating that the Amending DA would have no adverse impact on the overall performance of the drainage	No recommended conditions.

Issue	Findings and conclusions	Recommended conditions
	network and would be consistent with the overall stormwater and earthworks strategies approved under DA9876.	

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, and submissions from local council and the community.

If approved, this Amending development application will enable the applicant to amend development consent DA 9876 (as modified) to consolidate 32 community title lots into 10 larger lots, and enable minor changes to earthworks, drainage, landscaping and staging.

The Department has recommended a number of conditions to manage potential residual environmental impacts.

The Department has formed the opinion the Amending development application is acceptable as:

- it complies with relevant statutory provisions and remains consistent with the EP&A Act
- it provides for a greater variety of subdivision lots in Nepean Business Park
- it would not significantly change the environmental impacts of the Nepean Business Park project.

As such, the Department recommends the Amending development application should be approved, subject to the recommended conditions.

7 Recommendation

It is recommended that the **Director, Transport and Water Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Nepean Business Park – Amending DA (DA 25/5786)
- **signs** the attached development consent (**Appendix C**).

Recommended by:



Daniel Neely

Planning Officer

Transport and Water Assessments

Recommended by:



Daniel Gorgioski

A/Team Leader

Transport and Water Assessments

8 Determination

The recommendation is ~~adopted/not adopted~~ by:

A handwritten signature in blue ink, appearing to be 'M. Young', written in a cursive style.

Michael Young

A/Director

Transport and Water Assessments

Glossary

Abbreviation	Definition
Council	Penrith City Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
LEP	Local environmental plan
Minister	Minister for Planning
PLDCP	Penrith Lakes Development Control Plan – Stage 1 (2022)
Western Parkland SEPP	<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEE	Statement of Environmental Effects
SEPP	State environmental planning policy

Appendices

Appendix A – Submissions

All submissions can be found here: <https://www.planningportal.nsw.gov.au/daex/under-consideration/nepean-business-park-amending-da-da255786>

Appendix B – Statutory considerations

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table B - 1** below.

Table B - 1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed development seeks to maximise the use of the site and provides social and economic benefits by providing a greater variety of subdivision lot sizes to cater to a broader range of industrial and commercial land uses. The proposed development would not unreasonably impact on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The potential environmental impacts of the proposed development have been considered by the Department. The proposed development is not anticipated to have adverse impacts on flora or fauna, including threatened species, populations and ecological communities, and their habitats as the site is devoid of vegetation. The proposed development is unlikely to have significant impacts on the social or economic environment. As such, the Department considers that the proposed development would not adversely impact on the biophysical or social environments, and that the principals of ESD have been appropriately considered.
(c) to promote the orderly and economic use and development of land,	The proposed development involves the economic use of land by facilitating larger subdivision lots which better respond to market demand.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable as the proposed application does not relate to residential development.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants,	The proposed development is not anticipated to have adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats, as the site was cleared during construction activities approved under DA 9876.

Object	Consideration
ecological communities and their habitats,	No additional tree or vegetation removal is proposed in this amending DA.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	There are no significant built or Aboriginal cultural heritage features at the site that will be impacted by the proposed development, as the primary function of this DA is to amend the subdivision lots under the approved DA 9876. Majority of the earthworks have already been undertaken under the approved DA 9876. Earthworks for this DA are to shape the new subdivision lots.
(g) to promote good design and amenity of the built environment,	Not applicable as the proposed development consists of a community title subdivision and associated works, including earthworks, landscaping and stormwater drainage infrastructure.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development does not involve construction of buildings.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department invited comment from Penrith City Council during the exhibition of the proposed development. Council's submission is detailed in Section 4 and considered in Section 5 .
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The development application was exhibited on the Department's State DA Portal from 30 May 2025 until 13 June 2025. Written notification of the exhibition was provided to adjacent and nearby landowners, and Penrith City Council. Submissions received from Penrith City Council and one community member have been considered by the Department in its assessment of the proposed development and the recommended conditions adopted.

Section 4.15 of the EP&A Act - Matters for Consideration

In determining a development application, a consent authority is to take into consideration the matters specified in section 4.15 of the EP&A Act where they are of relevance to the development

which is the subject of the development application. A summary of the Department's consideration of the Matters for Consideration (found in s.4.15 of the EP&A Act) are provided in **Table B - 2**.

Table B - 2 | Matters for consideration under section 4.15 of the EP&A Act

Matter	Consideration
a. the provisions of:	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment are provided below.
i. any environmental planning instrument, and	
ii. any proposed instrument	There are no applicable proposed instruments.
iii. any development control plan, and	The proposed development generally meets the relevant/applicable considerations of the Penrith Lakes Development Control Plan Stage 1 as addressed in Table B - 4 .
(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the proposed development in accordance with the relevant matters prescribed by the regulations, the findings of which are contained in this report.
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent and management measures proposed by the applicant.
c. the suitability of the site for the development,	The development is permissible with consent as it is located on land zoned 'Employment' under the Western Parkland SEPP. The development does not adversely impact on surrounding uses and is a suitable development for the location (refer Section 5).

d. any submissions made in accordance with this Act or the regulations,	Submissions were received from Penrith City Council and one community member, summarised in Section 4 . Consideration of the submissions is provided in Section 5 .
e. the public interest.	The Department considers the proposed development to be in the public interest as the revised subdivision layout will allow for a variety of industrial and commercial uses (refer Section 6).

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Precincts - Western Parkland City) 2021
- Penrith Lakes Development Control Plan – Stage 1 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland SEPP)

The primary EPI that applies to the site is State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Chapter 5. The proposal is consistent with the aims of the Western Parkland SEPP and has been assessed against relevant provisions of the SEPP as outlined in **Table B - 3**.

Table B - 3 | Chapter 5 of the Western Parkland SEPP

Requirement	Comment	Compliance
-------------	---------	------------

Part 5.1 Preliminary

5.1 Aims of the chapter	The proposal satisfies the aims of the Chapter as it seeks to undertake works to permit development that would not impact the implementation of the Penrith Lakes Scheme. The proposal would not detrimentally impact the ongoing operation of Olympic legacy infrastructure.	Yes
--------------------------------	---	-----

Requirement	Comment	Compliance
5.7 Consent Authority	The site is located on land zoned 'Employment' and as such, the Minister is the consent authority.	Yes
Part 5.2 Development control		
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 Chapter applies.	The proposal is permissible with consent under the Policy and would contribute to the Employment zone and the implementation of the Penrith Lakes Scheme.	Yes
(2) The consent authority shall grant consent to development to which this section 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, (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 considered to implement the Scheme as it provides for employment-oriented development.	Yes
(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 section 1 of Schedule 5 and addressing the	A Statement of Environmental Effects has been submitted and adequately addresses the matters specified in clauses 1 and 2 of Schedule 2.	Yes

Requirement	Comment	Compliance
matters specified in section 2 of that Schedule.		
(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,	The Study outlines the creation of lakes, recreational land and tourism sites within the Penrith Lakes Scheme. The proposal would provide an employment use within Penrith Lakes and, subject to management measures, would not detrimentally affect waterways or the quantity or quality of recreational spaces within Penrith Lakes.	Yes
(b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,	No technical working party was required to be established to make recommendations on this application.	Not applicable
(c) the statement of environmental effects accompanying the application,	The SEE was reviewed and considered.	Yes
(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.	Yes – under a separate approval process
(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,	The land is being used to provide employment opportunities within the region.	Not applicable
(f) the management and control of water resources including – (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,	The management and control of water resources will remain generally consistent with the flooding, stormwater and earthworks plans endorsed for DA 9876.	Yes – under a separate approval process

Requirement	Comment	Compliance
(iii) the water quality of any lake (including the aquatic ecosystem), (iv) water treatment facilities, (v) water depth of any lake, (vi) flood control, (vii) storm water control, (viii) the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement, (ix) lake usage, (x) staged development of the lakes and their usage during stage development, (xi) the need to monitor the water quality of the lakes having regard to their intended use, and (xii) the effect upon the Hawkesbury/Nepean River system,		
(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,	The amending DA does not propose any vegetation clearing and would not affect the existing vegetated areas in the southwest of the Nepean Business Park site. The Landscape Plan confirms that the internal roads would be landscaped with small and large native trees.	Not applicable
(h) access to, the supply of water from any existing source to, and the supply of and access to municipal and utility services to,	Utilities are available in adjoining areas, and connections would be subject to separate approvals.	Not applicable – addressed

Requirement	Comment	Compliance
land to which this Chapter applies, other than that part of that land the subject of the application,		under an alternative planning pathway
(i) any item of the environmental heritage listed in Schedule 6,	No identified heritage item would be impacted by the proposal.	Not applicable
(j) the effect upon a locality, place or building not listed in Schedule 6 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations, and	No identified locality, place or building listed in Schedule 6 would be impacted by the proposal.	Not applicable
(k) the need and frequency to monitor the implementation of the subject development.	If approved, the Department would have an ongoing role in monitoring, and if necessary, enforcing the conditions of consent.	Yes

Part 3 Permitted or prohibited development on zoned land

5.17 Zone objectives and Land Use Table		
(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.	Land to which this Chapter applies may be subdivided, but only with development consent.	Yes
5.18 Subdivision – consent requirements Land to which this Chapter applies may be subdivided, but only with development consent.	The proposal seeks development consent for subdivision.	Yes

Part 5.4 Development standards for certain zoned land

5.26 Preservation of trees or vegetation (1) The objective of this section is to preserve the amenity of the area, including biodiversity	Bulk earthworks have been undertaken in accordance with DA 9876. There is no vegetation located in the area subject to this amending DA.	Not applicable
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Requirement	Comment	Compliance
values, through the preservation of trees and other vegetation.		

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 Nepean Business Park as amended by this DA remains consistent with the Penrith Lakes Water Management Plan: Stage 1 and 2 as considered under DA 9876.	Yes
(b) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,	The applicant provided a traffic assessment which concludes that proposed development would not change traffic impacts of the Nepean Business Park from what was assessed under DA 9876.	Yes
(c) whether a stable foundation exists or can be developed for the development,	A stable foundation can be developed for the site, as assessed under DA 9876. This amending DA proposed a minor increase in fill due to the reconfigured road and subdivision lot layout.	Yes
(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,	Rehabilitation and earthworks approved by DA 9876 will ensure the site sits above the 1% AEP.	Yes
(e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and	The proposed development is consistent with the assessment of geotechnical conditions under DA 9876.	Yes

Requirement	Comment	Compliance
for the geotechnical conditions present at the site to prevent excessive total and differential settlement.		

Part 5.6 Miscellaneous provisions

5.36 Earthworks (1) The objective of this section 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.	The proposed development involves minor changes to earthworks for Nepean Business Park approved under DA 9876.	Yes
(2) Development consent is required for earthworks unless — (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 Chapter or to development for which development consent has been given.	Earthworks for Nepean Business Park have commenced in accordance with DA 9876. The applicant proposes a minor increase in imported fill of 8,750m ³ due to the reconfiguration of an internal road.	Yes
5.38 Flood planning (1) The objectives of this section are as follows — (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,	Flood planning was considered under DA 9876. The proposed development would not materially change the flooding risk of the Nepean Business Park. The Flood Emergency Response Plan and Flood Evacuation Report approved under DA 9876 would continue to apply for the Nepean Business Park site.	Yes

Requirement	Comment	Compliance
(c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood, (e) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events.		
(2) Development consent must not be granted to development on land the consent authority considers to be below the level of a probable maximum flood unless the consent authority is satisfied the development – (a) is compatible with the flood function and behaviour on the land, and (b) will not significantly adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not significantly adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of evacuation routes for the Hawkesbury-Nepean Valley floodplain in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not 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 (f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	Earthworks have commenced on site which will ensure the site is located entirely above the 1% AEP flood level. Flooding impacts of the Nepean Business Park were assessed and approved under DA 9876. The proposed development would not significantly affect flood behaviour or flood evacuation management, subject to the implementation of appropriate mitigation measures. The Flood Emergency Response Plan prepared under DA 9876 would continue to apply to the site.	Yes

Requirement	Comment	Compliance
(3) In deciding whether to grant development consent to the erection of a building on land the consent authority considers to be below the level of a probable maximum flood, the consent authority must consider the following – (a) whether the building will be affected by projected changes to flood behaviour resulting from climate change, (b) the intended design and scale of the building, (c) whether the design of the building incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove the building if the Hawkesbury-Nepean Valley floodplain is impacted by flooding.	The proposed development is consistent with flood planning assessed under DA 9876. This amending DA would involve minor changes to the subdivision layout and associated works.	Yes

Penrith Lakes Development Control Plan – Stage 1 2022 (Penrith Lakes DCP)

The proposed development is located on land that, consequent to Section 4.15(3)(c) of the EP&A Act, the consent authority must consider the requirements of the Penrith Lakes DCP. The relevant sections of the Penrith Lakes DCP are considered in **Table B - 4**.

Table B - 4 | Penrith Lakes Development Control Plan – Stage 1 2022 (relevant sections)

Clause	Comments	Compliance
2 Penrith Lakes context		
2.2 Landscape In order to maintain and protect the landscape setting of the Penrith Lakes, all development will be consistent with the following planning principles:	The applicant has prepared an updated landscaping plan for the Nepean Business Park which demonstrates that native-tree planting would be integrated into the streetscape design.	Yes

Clause	Comments	Compliance
1. Landscaping promotes understanding of the connection of Aboriginal people to Country and the importance of the site as a meeting place. 2. Ensure restoration of the landscape and natural systems of the Western Parkland City; 3. Protect and frame the expansive views of the parkland and waterways and the character of Penrith Lakes; 4. Integrate landscape design and planning as part of a holistic approach to site development; 5. Landscaping is designed appropriate to the context of the wider Penrith Lakes landscape setting and endemic vegetation; 6. Ensure development contributes towards the Greater Sydney canopy cover target of 40% by retaining existing trees, where possible, and planting new trees that are supported by sufficient deep soil for canopy growth; 7. Ensure sustainable biodiversity and ecological conservation through the protection of watercourses, wetlands and riparian corridors; 8. Encourage the use of stormwater and recycled water for maintaining landscaping and minimising the demand on potable water; and 9. Reinforce the distinct landscape character areas that build on the existing landscape features.		
2.3 Views and vistas Penrith Lakes is an important visual, landscape and recreational asset to Penrith, the Western Parkland City and Greater Sydney. The following planning principles identify the visual planning for Penrith Lakes: 1. Protect the Penrith Lakes character of visual openness to the surrounding landscape; 2. Maintain significant views to the Blue Mountains, escarpment and the surrounding lakes; and	The proposed development is consistent with the planning principles for views and vistas. In particular, the western view corridor from Lugard Street to the Nepean River is not impacted by this DA.	Yes

Clause	Comments	Compliance
3. Preserve views of important landscape elements and heritage items. The following key view sheds are important to the visual experience of Penrith Lakes and should be protected: a) North–south views from Castlereagh Road and Penrith Lakes; b) View corridors from Old Castlereagh Road to the Nepean River; c) Western view corridor from Lugard Street to the Nepean River; and d) Views between Penrith Lakes and the Methodist Church Group (including the church, school and cemetery) on Old Castlereagh Road. In order to maintain and protect the views and vistas all development: 4. Must not unreasonably obstruct key external views of Penrith Lakes from Castlereagh Road, the Nepean River and the Blue Mountain. 5. Is located and designed to minimise impacts on key views and vistas. 6. Ensures building design and landscaping plans are to have regard for view corridors and minimise any impacts.		
2.4 Movement and access Penrith Lakes is bound by Castlereagh Road to the east, a busy regional connector road; Smith Road to the north, a local access road; and the Nepean River along its western and southern boundary. There are two primary publicly accessible entrances to Penrith Lakes. One is the entry into the Penrith Whitewater Stadium off McCarthy’s Lane, and the other is the main access point into the Sydney International Regatta Centre located along Old Castlereagh Road. Around the Regatta Lake is a 5 kilometre loop path that serves as a walking and cycling circuit. The Green Grid link is a planned walking and cycling trail along the Nepean River.	The proposed development would remove Road 02 and construct a cul-de-sac instead as part of its internal road network. The proposed development would not affect Road 01, Road 03, the Great River Walk or public road and pedestrian access works required by DA 9876 conditions of consent.	Yes

Clause	Comments	Compliance
There is the potential to connect it to other circuits and natural trails around Penrith Lakes. The site and surrounding residential development east of Castlereagh Road have limited or no access to public transport. There are four bus routes that pass along Castlereagh Road and Cranebrook Road at the southeast corner of the site. The nearest bus stops for these routes are located to the east of the site at a distance of between 500 metres and 1 kilometre. To encourage access and movement around and through Penrith Lakes all development will incorporate the following planning principles: 1. New roads and connections to improve accessibility and permeability for all users; 2. Ensure of a shift towards active transport uses through high-quality and safe pedestrian and cycling access; 3. Minimise the visual impact of all access roads, parking areas and services; 4. Integrate pedestrian access within primary roads; 5. Improve walking and cycling access to and along the river's edge; and 6. Improve access between adjoining areas within Penrith Lakes.		
2.5 Design excellence strategy In addition to its unique setting, Penrith Lakes also has items of post-contact heritage significance, including the Castlereagh village and homestead sites, and the Sydney International Regatta Centre and Penrith Whitewater Stadium, legacies of the Sydney 2000 Olympic Games exemplifying the high design standards for which the Olympics are known. Given the proximity of proposed precincts to these sites and landscapes, all precinct master plans must include an approved design excellence strategy, that will:	An Urban Design Study and Master Plan for the site was approved under DA 9876. This document included an urban design excellence strategy, which would continue to apply to the site.	Yes

Clause	Comments	Compliance
• ensure development is informed by an understanding of Country, in accordance with traditional owners and knowledge holders; • ensure new development is well integrated into and complements this context; • promote best practice in the design of precincts and individual buildings; • protect Olympic legacies; and • protect significant views. Controls 1) A design excellence strategy is to be submitted to the consent authority for approval prior to preparation of a master plan. 2) The design excellence strategy will require: a) procurement of suitably qualified and experienced urban design, architectural and landscape design professionals to lead the process and ensure the design quality of the master plan; and b) design review program including frequency of design review coordinated with key hold points in the master plan design process. 3) The design excellence strategy must be approved prior to any master plan or development consent on land to which this DCP applies. 4) The consent authority must consider the recommendations of the NSW State Design Review Panel (SDRP) prior to any development consent. In this section, the SDRP means a panel established consistent with the NSW State Design Review Panel guidelines and convened by the NSW Government Architect.		
3 Environmental considerations The provisions in this section apply to development of land in the Employment and Tourism zones unless specified in the relevant section.		
3.1 Flood planning and evacuation <u>Objectives</u>	The proposed development is consistent with the flood planning and evacuation for the	Yes

Clause	Comments	Compliance
a) Ensure development on the floodplain is consistent with the NSW Government's Flood Prone Land Policy and the principles in the NSW Government's Floodplain Development Manual. b) Minimise flood risk to life of the users of the development in the full range of flooding, including the 5% annual exceedance probability (AEP), 1% AEP, 0.5% AEP, 0.2% AEP and the probable maximum flood (PMF). c) Maintain the flood function of the floodplain to minimise impacts of development on flood behaviour and adverse impacts to community. d) Enable safe evacuation from the land and ensure development does not adversely impact the evacuation capacity of the existing Hawkesbury-Nepean community. e) Allow development that is compatible with the flood hazard and flood function of the land. f) Avoid significant adverse impacts on flood behaviour and the environment. g) Manage changing flood risk due to climate change. <u>Controls</u> 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 flood evacuation requirements outlined in Section 3.1.1 of the DCP. 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 flood evacuation requirements in Section 3.1.1 of the DCP. The following controls apply to land below the flood planning level: 3) A flood and drainage investigation that overlays the 20%, 5%, 1%, 0.2% AEP and PMF level and any overland flows must be submitted with a development application. The levels on	Nepean Business Park as assessed under DA 9876. The approved Flood Emergency Response Plan would continue to apply to the site.	

Clause	Comments	Compliance
the survey are required to be verified during construction by a survey certificate. 4) The drainage investigation must acknowledge and mitigate the effects of flood on proposed infrastructure. 5) Development must not adversely impact flood behaviour for the full range of floods (up to and including the PMF) and is to consider cumulative impacts of development on surrounding land, including: a) loss of flood storage; b) loss of or changes to flood flow paths; c) acceleration or obstruction of flood flows; d) increase in the depth, duration or velocity of floodwaters; and e) any reduction in flood warning times elsewhere on the floodplain. 6) The applicant must demonstrate that: a) the development will not increase the flood hazard or risk to other properties; b) all structures are designed and constructed to ensure structural integrity up to the 0.2% AEP, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification must be provided confirming the above; c) the proposed building materials are flood-compatible; d) the buildings are sited in the optimum position to avoid floodwaters and allow safe flood evacuation; and e) the development will not expose any occupants of the land to unacceptable levels of risk. 7) Development, excluding temporary structures, in high flood hazard areas, floodways' and land below the 1% AEP should be avoided. 8) Development must demonstrate that any overland flow is maintained for the 1% AEP overland flow.		

Clause	Comments	Compliance
9) Consent will not be granted to filling of floodways or high flood hazard areas. 10) Development shall be consistent with the following guidelines: a) Managing Flood Risk Through Planning Opportunities — Guidance On Land Use Planning In Flood Prone Areas (Hawkesbury–Nepean Floodplain Management Steering Committee); b) Reducing Vulnerability of Buildings to Flood Damage — Guidance On Building In Flood Prone Areas (Hawkesbury–Nepean Floodplain Management Steering Committee); and c) Designing Safer Subdivisions — Guidance On Subdivision Design In Flood Prone Areas (Hawkesbury–Nepean Floodplain Management Steering Committee). 11) Development must avoid significant adverse effects on the floodplain environment that would cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the riverbank or watercourse. 12) All electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed, located above the flood planning level, or both. 13) Hazardous or potentially polluting materials must not be stored below the 0.2% AEP level unless adequately protected from floodwaters in accordance with industry standards. 14) Adequate flood signage and exits must be installed to facilitate safe and orderly evacuation from flooding without reliance upon the State Emergency Service or other authorised emergency services personnel. 15) Fencing must not impede the flow of floodwaters or increase flood affectation on surrounding land. 3.1.1 Flood evacuation considerations 1) Development that will increase the number of people on the land below the probable maximum flood (PMF) level at Penrith Lakes covered by this DCP must be consistent with		

Clause	Comments	Compliance
the Early Flood Evacuation Guideline (if available), or the objective to achieve early site evacuation and/or non-attendance in the event of a flood or probable flood. 2) Development consent must not be granted to development on land below the PMF level that will increase the number of people on the land, unless the consent authority is satisfied that: a) appropriate systems and processes will be in place to ensure the efficient evacuation of the site and surrounding area and will not adversely impact on the evacuation routes in the Hawkesbury-Nepean Valley floodplain in the event of a flood; and b) a flood emergency management plan has been prepared. 3) The flood emergency management plan must address the following matters: a) an overview of the flood risk and resilience of the site and the surrounding area; b) details the requirements for governance and documentation of flood preparedness and response at Penrith Lakes; c) measures to be undertaken by occupants of the site to manage the risk to life in the event of a flood; d) measures to be undertaken by occupants of the site to ensure the efficient evacuation of people in the event of an early flood warning; e) immediate flood relief and recovery actions to be undertaken by occupants of the site following a flood event or false alarm of a flood event; and f) long-term review of systems and processes to ensure the efficient evacuation of the site and recovery measures to be undertaken by occupants of the site following a flood event or false alarm of a flood event. 4) Only strata or community title subdivision is permitted, unless measures compliant with provisions 2 and 3 can otherwise be demonstrated.		

Clause	Comments	Compliance
5) Despite any other provision in the DCP, the consent authority must not grant consent to a development application for development on land below the PMF in the Penrith Lakes precinct unless provisions 1, 2 and 3 are satisfied.		
3.2 Water-sensitive urban design and stormwater management <u>Objectives</u> a) Ensure that development does not result in the pollution of waterways (including the Nepean River and the lakes). b) Ensure that development does not generate stormwater discharges that exceed the capacity of the drainage network. c) Minimise nuisance flows of stormwater to adjoining properties. d) Minimise hardstand and impervious areas on developed land to minimise run-off. e) Ensure an integrated approach to water cycle management and drought management through the use of water-sensitive urban design principles, including maximising onsite detention and stormwater reuse. <u>Controls</u> 1) A stormwater management plan must be submitted with development applications (excluding minor alterations and additions). The plan must provide details of the management of stormwater and the measures proposed to mitigate changes in water quality, run-off volume and peak flow of stormwater on adjoining or downstream sites, both during and after construction. This plan must provide details demonstrating that the drainage systems have adequate capacity. a) The plan is to demonstrate that development can achieve the following: • 90% reduction in the post-development mean annual load total gross pollutant (greater than 5 mm);	The applicant has submitted a stormwater management plan with the development application. In addition, the applicant has submitted a supporting letter from its civil engineer confirming that the proposed development would have no adverse impact and remains consistent with the overall stormwater and earthworks strategies approved under DA 9876.	Yes

Clause	Comments	Compliance
• 85% reduction in the post-development mean annual load of total suspended solids; • 65% reduction in the post-development mean annual load of total phosphorus; • 45% reduction in the post-development mean annual load of total nitrogen; • 90% reduction in free oils and grease with no visible discharge; and • 75% of all stormwater harvested onsite. b) Modelling for determining the mean annual loads from land use must be undertaken in Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and in accordance with the NSW MUSIC Modelling Guidelines (Greater Sydney Local Land Services). The Penrith City Council MUSIC-link is appropriate for model configuration. c) Mitigation of changes to the flow rate and flow duration within the receiving waterways as a result of the development is required. Natural flow paths, discharge points and run-off volumes from the site should also be maintained. Where this is not possible, justification of the changes must be provided to the satisfaction of the consent authority. d) The developed 1% AEP peak flow must be reduced to predevelopment flows by incorporating stormwater detention and management devices. 2) Development must be consistent with the following guidelines: a) Penrith City Council's Stormwater Drainage Specification for Building Developments; and b) Penrith City Council's WSUD Technical Guidelines. 3) Stream erosion index for all development must ensure that the post-development duration of stream-forming flows shall be no greater than 3.5 times the predeveloped duration of stream-forming flows. 4) The following general stormwater provisions apply:		

Clause	Comments	Compliance
a) Run-off must not be discharged into environmentally sensitive areas, including threatened ecological communities. b) Pipe outlets must have stormwater energy dissipaters, except where waters enter a formed channel or similar structure that is unlikely to be damaged by water flowing in at high velocity. c) Permeable ground surfaces are to be maintained, and, where suitable conditions exist, stormwater infiltration must occur onsite. d) The development of any lot must account for the existing drainage arrangements of the area, including any localised ponding, and whether the proposed development is likely to affect: • access to the site; • drainage on adjoining properties; • localised nuisance flooding on adjoining properties; or • natural overland flow or drainage paths. Provision must be made in the design of drainage systems for all upstream catchments, including a future connection point and adequate capacity for a fully developed upstream catchment. e) In areas where there is no defined drainage system, the applicant shall liaise with the adjoining owners regarding the construction of a drain or channel to an existing watercourse. This may include the provision of drainage easements. f) Drainage constraints must be assessed in a report prepared by a qualified engineer to ensure that: • where capacity may be limited, appropriate drainage measures, including possible onsite detention, is provided; • the proposed development will not overload trunk drains during peak storm events or cause localised flooding; • if the proposed development will result in additional pollutant loading (and the appropriate licences have been obtained from the relevant government authorities), then		

Clause	Comments	Compliance
those pollutants and run-off will comply with the water quality requirements referred to in this plan; and • where easements are required across neighbouring properties, the adjoining owners' consent is submitted with the development application. g) If the site does not have access to Penrith City Council's stormwater drainage system, all drainage shall be designed to ensure that the intensity, quantity and quality of surface run-off does not adversely affect downstream properties and watercourses. A legal point of discharge will be required. h) If the site has access to Penrith City Council's stormwater drainage system, all stormwater must be collected from the site, and either be recycled for use or discharged into Council's stormwater drainage system. No stormwater will be permitted to discharge across Council's footways or reserves or to enter adjoining land. 5) The following stormwater detention controls apply to sites that do not discharge by gravity through regional detention facilities: a) Adequate stormwater systems must be designed and constructed to ensure that, development does not increase stormwater peak flows in any downstream area, for all rainfall events up to the 1% AEP event. b) Onsite stormwater detention systems cannot include rainwater tanks, water retention basins or dams. c) Detention systems to be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. d) Onsite detention systems must be designed using a catchment-wide approach. e) Onsite stormwater detention mechanisms must have a maintenance program in place. f) Onsite stormwater detention mechanisms must be placed on the title of the relevant allotment or property to ensure their retention and maintenance.		

Clause	Comments	Compliance
g) Restriction as to user and Positive Covenant must be registered against the title of the relevant allotment or property to ensure their retention and maintenance of onsite stormwater detention. 6) The following stormwater design standard must be applied: a) Any new piped drainage system must be designed to control minor stormwater flows under normal operating conditions for a 20% AEP storm event. b) Any new drainage system must be designed to control major stormwater flows under normal operating conditions for a 1% AEP storm event. 7) Development must provide an integrated approach to water cycle management that addresses water conservation, efficiency, stormwater management and drainage through a coordinated process. 8) Onsite measures must be implemented to maintain water quality, to control the volume of stormwater run-off and to ensure that the rate at which stormwater leaves the site is at or less than predevelopment volume and rate.		
3.2.1 Special stormwater controls for the Employment zoned land 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. <u>Controls</u> 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:	The proposed development is unlikely to adversely impact the stormwater drainage network as approved under DA 9876. If approved, the conditions of consent would require stormwater management controls to be consistent with DA 9876.	

Clause	Comments	Compliance
a) total suspended solids – 70%; b) total phosphorous – 30%; and c) gross pollutants (greater than 5 mm) – 98%. 2) All connections to the Southern Wetlands must satisfy the consent authority in consultation with the entity operating the Southern Wetlands. 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. 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. 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 Section 3.2 of this DCP.		
3.3 Water conservation and reuse Objective a) Ensure development maximises use of non-reticulated water.		N/A
3.4 Tree preservation	Not applicable as the site has been cleared under DA 9876.	N/A
3.5 Riparian corridors, lakes and water bodies	The site is not located within 40 metres of the Nepean River. The proposed development involves minor changes to stormwater and earthworks plans approved under DA 9876 and would not have additional adverse impacts on water quality or vegetation within riparian corridors.	N/A

Clause	Comments	Compliance
3.6 Bushfire management Objectives a) Ensure risks to life and property associated with bushfire are appropriately managed. b) Minimise the impacts of development in relation to bushfire. c) Ensure bushfire risk is managed in connection with the preservation of ecological values. Controls 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. 2) Development on bushfire-prone land must be accompanied by a bushfire risk assessment report. 3) Siting of buildings, lot layout and building design must provide for the safety of people and property by mitigating bushfire risk. 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. 5) The asset protection zone must be outside areas of ecological value.	Bushfire risk for the site was assessed under DA 9876 as being acceptable. The applicant provided a bushfire assessment report stating that the site has a low/moderate bushfire risk which can be appropriately managed through mitigation measures.	Yes
3.7 Heritage conservation	Not applicable as there are no heritage items on site or in surrounding vicinity.	N/A
3.8 Aboriginal cultural heritage Objectives a) Preserve and enhance items and sites of Aboriginal cultural and archaeological significance located within Penrith Lakes.	All Aboriginal archaeological investigations were carried out under DA 9876. The site has been significantly disturbed due to ongoing remediation and bulk earthworks approved under DA 9876.	Yes

Clause	Comments	Compliance
b) Ensure all development considers and addresses the potential impacts on Aboriginal cultural heritage significance and potential archaeological sites. Controls 1) All development is to be informed by an understanding of Country, through consultation with traditional owners. 2) All development is to be in accordance with the relevant provisions of the National Parks and Wildlife Act 1974 and the (former) Department of Environment, Climate Change and Water's Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.		
3.9 Contamination <u>Objective</u> a) Manage and mitigate the impacts of potential contaminated land on development and use of land. <u>Controls</u> 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. 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. 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. 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	All contamination investigations were carried out under DA 9876. Remediation of the site has commenced under DA 9876.	Yes

Clause	Comments	Compliance
National Environment Protection (Assessment of Site Contamination) Measure. 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.		
3.10 Trading/Operating hours of premises <u>Objectives</u> a) Ensure that the amenity of adjoining properties, especially residential and rural areas, is preserved. b) Ensure development has the flexibility in trading/operating hours to ensure it is competitive and productive. <u>Controls</u> 1) Construction works shall generally be restricted to the following hours: a) Monday to Friday, 7 am to 6 pm; b) Saturday, 7 am to 1 pm; and c) Sundays or public holidays, no work. 2) The hours of operation for premises involved in any type of employment-generating activity shall be considered on merit, having regard to the potential impact on the amenity of adjoining properties.	The Department has recommended a condition restricting construction works to the hours set out in this clause, consistent with the conditions of development consent for DA 9876.	Yes
3.11 Waste management <u>Objectives</u> a) Facilitate sustainable waste management practices during the demolition, construction and operational phases of development. b) Minimise the environmental impacts of waste through waste avoidance, minimisation, reuse and recycling. <u>Controls</u> 1) A waste management plan must be lodged with a development application, including demolition, construction,	The Applicant has prepared a Waste Management sub-plan under DA 9876. This sub-plan will continue to apply unless the Applicant prepares a specific waste management sub-plan for the Amending DA.	Yes

Clause	Comments	Compliance
changes of use or a combination of these. The plan must include details regarding: a) the types and volumes of waste and recyclables generated during the demolition, construction and operational phases; b) details of onsite storage, treatment of waste, or both during the demolition, construction and operational phases; c) disposal of waste generated during the demolition and construction phases that cannot be re-used or recycled; d) ongoing management of waste during the operational phase of the development, including collection regime; and e) waste minimisation techniques, including recycling.		
3.12 Noise and vibration <u>Objectives</u> a) Ensure that development and traffic associated with development do not adversely impact the amenity of surrounding land uses. b) Ensure appropriate noise mitigation measures are incorporated into development. <u>Controls</u> 1) Development must be designed with integrated noise control measures to minimise the impact of noise on adjoining land uses. 2) Development applications for noise-generating uses must be accompanied by a noise impact assessment from a suitably qualified acoustic consultant that demonstrates compliance with the noise and vibration controls contained within the relevant Australian Standards and State Government Guidelines relating to noise, including but not limited to: a) Protection of the Environment Operations Act 1997; b) NSW Environment Protection Authority's Noise Policy for Industry c) (former) NSW Department of Environment, Climate Change and Water's NSW Road Noise Policy;	The proposed development would not change the noise and vibration impacts of the Nepean Business Park as assessed under DA 9876.	Yes

Clause	Comments	Compliance
d) (former) NSW Department of Environment, Climate Change and Water's Interim Construction Noise Guideline; e) State Environmental Planning Policy (Infrastructure) 2007; f) (former) NSW Department of Planning Development near rail corridors and busy roads – Interim Guideline; and g) relevant Australian Standards. 3) When development may have a vibration impact on adjoining land uses, a vibration impact assessment is to be prepared by a suitably qualified consultant and submitted with the development application. This assessment is to be carried out with consideration of the former NSW Department of Environment and Conservation's Assessing Vibration: a Technical Guideline either no impact or that impacts will be mitigated by suitable measures.		
3.13 Air quality <u>Objectives</u> a) Ensure air quality is maintained at acceptable levels. b) Minimise the risk of dust or odour impacts on adjoining land uses. c) Ensure emissions are minimised from plant, equipment and machinery. <u>Controls</u> 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. 2) Development is to provide air quality control measures both during and after construction.	The proposed development would not change the air quality impacts of the Nepean Business Park as assessed under DA 9876.	Yes

Clause	Comments	Compliance
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4 Urban design and built-form controls

Throughout this DCP, all numeric built-form controls are provided as a maximum, with floor space ratio and building height as the primary controls. It should be understood that the maximum of each built-form control may not be achieved.

4.1 Site planning <u>Objectives</u> a) Improve the social, economic and environmental sustainability of development. b) Ensure that development addresses the key site planning principles, urban design and design excellence by: • responding to the natural topography and landform of the site; • protecting areas of scenic or visual importance in the Penrith Lakes; • adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact; • incorporating safety and security measures within site design; • providing for active living and connectivity through the provision of healthy, walkable, green built environments, including quality public open space, community facilities and walkable streets; • using, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and • incorporating the principles of universal design to maximise accessibility for all people <u>Controls</u> 1) Detailed site analysis is required for lots above 1 hectare or sites that have not been developed previously for urban development. 2) A view impact analysis will be required for development which impacts the identified view corridors identified in Section 2.3.	The proposed development would provide for a greater variety of economic uses on site and would have negligible additional adverse impacts. The proposed development would not impact on identified view corridors.	Yes
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Clause	Comments	Compliance
4.2 Building design	Not applicable as buildings are not included in the proposed development.	N/A
4.3 Active frontage <u>Objectives</u> a) Promote pedestrian activity and safety in the public domain. b) Create an attractive streetscape which supports local economies and an activated frontage to the Nepean River. c) Ensure corner lots and street frontages with good physical and visual connections between buildings and the public domain. <u>Controls</u> 1) Buildings must have openings, including main entries and windows, to the street and public domain that aim to provide activation, passive surveillance and an overlook of the public domain. 2) Transparency and openings are to be maximised. Buildings must be activated by incorporating glazing, office administration areas, and building entries. Large, blank wall surfaces are not permitted. 3) Fire exits and building services elements are to be minimised to the street facade. 4) Buildings are to be designed to create an attractive and activated edge to the Nepean River. 5) Setback areas must provide interest and maximise opportunities for casual surveillance. 6) Development on corner sites and lots with dual street frontage must address both street frontages. 7) Facades must be articulated so that they address the primary and any secondary street frontage and add visual interest.	The proposed approach to pedestrian activity and streetscape design is consistent with DA 9876.	Yes

Clause	Comments	Compliance
8) Screening must be provided for any plant and mechanical equipment.		
4.4 Landscaping and open space This section only applies to the Tourism zone.	Not applicable	N/A
4.5 Deep soil and tree canopy Objectives a) Provide developments with a high level of amenity and landscape character. b) Retain existing tree canopy and encourage future canopy increase. c) Reduce urban heat and improve resilience by increasing tree canopy as part of development. Controls 1) For Tourism zone, a minimum 20% of the site must be provided as deep soil to allow sufficient area for tree planting. A reduced area of deep soil may be considered, but only where it can be demonstrated that appropriate tree canopy cover will be achieved. 2) For Employment zone, a minimum of 10% of the site must be provided as deep soil to allow sufficient area for tree planting. 3) Deep soil zones must be a minimum of 3 metres wide. Where appropriate, deep soil zones shall be provided in one continuous area. 4) 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. 5) For development applications, the consent authority shall consider: a) the proponent's approach to incorporating and protecting existing trees as part of the development design to enhance	The Nepean Business Park site has been cleared under DA 9876, with the exception of the residual lots to the south-west which are subject to a vegetation management plan. The Applicant provided an updated Landscaping Plan. While the removal of Road 02 would reduce street tree planting, the landscaping plan incorporates a balance of locally-native and Australian native trees suitable for the site.	Yes

Clause	Comments	Compliance
urban amenity and provide established urban canopy across the development; b) whether an efficient water source for trees has been incorporated into the development design; c) 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; and d) potential impacts on underground services. 6) Structural work or excavations that may restrict vegetation growth will not be permitted in deep soil zones (including, but not limited to, car parking and hard paving).		
4.6 Staging <u>Objectives</u> a) Ensure the orderly development of the land and the timely and efficient delivery of services and infrastructure. b) Provide flexibility for future development and the delivery of development lots within zoned precincts. <u>Controls</u> 1) Development must ensure that adequate services and public access, including roadways, are provided in the initial stage of development. 2) Any subdivision or development application for subdivision on land of more than 5,000 m² is required to submit a staging plan. 3) The staging plan is to be endorsed by the relevant consent authority. 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. 5) Development must not result in isolated lots.	The Applicant has submitted a revised staging plan for the Nepean Business Park which provides for access roads to subdivision lots as they are constructed.	Yes

Clause	Comments	Compliance
4.7 Public art <u>Objectives</u> a) Integrate urban art within the public domain and key development sites. b) Encourage a consistent art and design theme throughout Penrith Lakes. c) Enrich the public domain through the installation of artworks in the open space network. <u>Controls</u> 1) A public art strategy must be submitted with any development application on sites of more than 10,000 m2, within the Tourism zoned land, excluding development applications limited to rehabilitation, temporary uses, or minor alterations and additions. 2) For Employment zoned land a public art strategy is to be submitted with the initial masterplan. 3) 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: 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.	The applicant prepared a Public Art strategy for the Nepean Business Park under DA 9876.	Yes
4.8 Access and movement <u>Objectives</u> a) Facilitate access and future connections between adjoining precincts.	The proposed development would remove Road 02 as a through road and construct a cul-de-sac instead. However, the proposed development would not affect Road 01, Road 03, the	Yes

Clause	Comments	Compliance
b) Minimise vehicular access points from Old Castlereagh Road. c) Improve permeability and pedestrian access between precincts, the Nepean River and recreation areas. d) Provide new road connections and walking and cycling connections to service development and minimise conflict between pedestrians and vehicles. e) Regulate the key characteristics of new roads to provide traffic safety and efficient traffic flow, appropriate parking, appropriate pedestrian and cycle paths, and suitable verge and road reserve widths in accordance with each road's function and use within the general road hierarchy. f) Ensure public safety from criminal elements by considering the NSW Police 'Safer By Design' or 'Crime Prevention Through Environmental Design' principles and protocols. g) Minimise construction and maintenance costs and avoid the need for future property acquisition to provide for public roads. h) Maintain flexibility to allow for future changes in land-use patterns. i) Ensure noise from all road and traffic sources is within acceptable limits. j) Incorporate appropriate traffic-calming measures. <u>Controls</u> 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 management of traffic impacts on the local road network. 2) A clear street hierarchy must be established using existing public roads (upgraded as necessary) and new collector roads and local streets. 3) Additional access points and driveways from Old Castlereagh Road shall be minimised and allowed only where	Great River Walk or public road and pedestrian access works required by DA 9876 conditions of consent. The Department considers the loss of an internal road to be acceptable as the remaining internal road network provides adequate permeability and pedestrian access. Further, proposed Lot 46 would have a secondary pedestrian and vehicle access point to the south.	

Clause	Comments	Compliance
they are approved as part of the traffic and transport plan prepared for the development. 4) Development shall provide new pedestrian connections, as appropriate, to the Nepean River, including new connections from Lugard Street and Old Castlereagh Road. 5) Roads will be designed to the 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. 6) Roads are to be designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments. 7) 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. 8) 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. 9) Roads shall be designed in accordance with the following principles: 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; b) Verge widths must be sufficient to meet the requirements for utilities, street tree planting, footpaths, shared paths and urban design outcomes; c) Adequate turning paths must be provided for all vehicles at intersections and for property access; and d) Sufficient width must be provided for drainage functions and water-sensitive urban design measures. 10) Development shall, where appropriate, be designed to:		

Clause	Comments	Compliance
a) allow all vehicles to either leave or enter the site in a forward direction; b) accommodate heavy vehicle parking and manoeuvring areas; c) avoid conflict with staff, customer and visitor vehicular movements; and d) ensure satisfactory and safe operation with the adjacent road system. 11) The suitability of manoeuvring areas provided for large vehicles is to be designed to comply with Australian Standard – AS2890 series. 12) 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. 13) New streets are to have a strong landscaped character. 14) Verge treatments are to be designed to reflect the intended use of the street activity and function. 15) Vehicle and pedestrian entry points are to be appropriately marked and signposted. 16) Paved surfaces must be designed to delineate between different uses, including pedestrian areas, car parking spaces and driveways. 17) Development must deliver a permeable and walkable local street network. Pedestrian paths are required on new and upgraded roads. 18) Development must ensure that pedestrian and cycle facilities in public spaces are safe, well-lit, clearly defined, functional and accessible to all users. 19) The minimum width is 1.5 metres for pedestrian footpaths and 3 metres for shared cycle/pedestrian paths. All new roads are to include pedestrian footpaths on both sides. Shared paths are encouraged on one side of new roads. 20) Pedestrian paths and cycleways, as well as pedestrian refuge islands, are to be designed so that they are fully		

Clause	Comments	Compliance
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). 21) 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.		
4.9 Parking	The proposed development does not include parking or built form elements which would be subject to a subsequent application under the EP&A Act for future development on site.	N/A
4.10 Signage	The proposed development includes three traffic signs on the cul-de-sac. Signage for the Nepean Business Park is approved under DA 9876. In addition, a signage masterplan for the Nepean Business Park is currently under consideration by the Department (DA24/17555).	Yes
4.11 Solar access <u>Objective</u> a) Protect solar access and minimise overshadowing to public open space, recreation areas, heritage items and adjoining properties. <u>Controls</u> 1) All open space and public recreation areas must achieve a minimum of 3 to 4 hours of solar access from 9 am to 3 pm on 21 June (midwinter). 2) Development must not result in any overshadowing to heritage items.	Not applicable as the proposed development amends an internal subdivision lot configuration.	N/A

Clause	Comments	Compliance
3) For Tourism zone, shadow diagrams for 9 am, 12 pm and 3 pm during the winter solstice are to be submitted with any development application where: a) a building of two storeys or more is proposed; and b) development adjoins open space, a public recreation area, or a heritage item.		
4.12 Utility services <u>Objectives</u> a) Ensure that adequate services are available and provided suitably to facilitate development. b) Ensure that development will not place unreasonable pressure on servicing authorities in terms of timing and extent of supply. <u>Controls</u> 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. 2) All development applications are to provide evidence that arrangements satisfactory to Sydney Water have been made for water supply and sewer services to the development. 3) Electricity services are to be provided in accordance with the relevant energy services provider. 4) 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. 5) Electricity infrastructure is to be placed underground and may be in shared trenches and must be safe for extended floodwater immersion when located at or below the flood planning level extent.	The proposed development would not significantly change utility servicing needs for the Nepean Business Park as approved under DA 9876.	Yes

Clause	Comments	Compliance
6) Gas services, when provided, are to be provided in accordance with the requirements of the relevant services provider based on the specific demand by specific users. 7) Gas supply infrastructure, where provided, must be installed underground in shared trenches. 8) Telecommunications services are to be provided in accordance with the requirements of the relevant services provider. 9) 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.		
4.13 Fencing <u>Objectives</u> a) Address the security needs of developments and avoid unacceptable visual impacts on the streetscape and landscape design. b) Ensure that the design and location of fencing integrates with the development and are suitable for its purpose and setting. c) Ensure that fencing is of a consistent high quality of construction and uses appropriate materials. d) Define site boundaries and give definition to building envelopes. <u>Controls</u> 1) Fencing shall integrate with the overall design of the development and associated security structures, where possible. 2) The solid component of front fencing must not be higher than 1.2 metres. 3) The location and design of fences, including the materials used to construct the fencing, should:	Not applicable as the proposed development involves internal subdivision lot reconfiguration.	N/A

Clause	Comments	Compliance
a) be constructed of natural materials and finishes that integrate into the landscape character of Penrith Lakes; b) be consistent in design and style with the building; c) complement the streetscape, landscaping and open spaces; d) maximise natural surveillance from the street to the building and from the building to the street; e) not impede the natural flow of stormwater drainage or floodwaters; and f) not impede servicing and easement requirements for utilities. 4) Fencing along boundaries adjacent to open spaces, including waterways and water bodies, is to integrate with the landscaping of the development. 5) Fencing is not permitted in setback areas. 6) Solid, metal sheet fencing is not permitted. 7) Where site security is required, security fencing shall generally be of an 'open' nature and of a dark colour, such as green or black plastic-coated mesh fencing.		
4.14 Lighting <u>Objectives</u> a) Design and locate general and security lighting that improves the safety, security and amenity of the uses and the public domain. b) Design and locate general and security lighting for business establishments to ensure no adverse offsite impacts, particularly to residential and rural areas. <u>Controls</u> 1) External lighting to comply with Australian Standard AS4282 (Control of the obtrusive effects of outdoor lighting).	Not applicable as the proposed development does not include lighting. Lighting for the site was approved under DA 9876, subject to conditions in that consent.	N/A

Clause	Comments	Compliance
2) Street lighting along internal roads is to be provided in accordance with the Australian Standard AS1158 series (Lighting for roads and public spaces). 3) Lighting design must address NSW Police's principles of 'Crime Prevention Through Environmental Design', having regard to the operating hours of individual tenants and any safety and security issues. 4) Adequate lighting must be provided to meet security requirements without excessive energy consumption. Lighting powered by solar batteries or other renewable energy sources is encouraged. The use of sensor lighting, both internally and externally, is encouraged.		
5.4 Employment precinct		
<u>Objectives</u> a) Provide for a range of local employment opportunities within the Penrith Lakes areas. b) Identify and provide public amenities and service infrastructure to accommodate development. c) Ensure development is well-located and designed to minimise visual impacts and protect views. <u>Desired future character</u> All development applications are to demonstrate consistency with the following desired future character objectives: a) a new business park and innovative employment uses in a landscape setting that creates a key connector to Penrith city centre and recreational amenities to the north; b) improved connections and views to the Nepean River and the Great River Walk; c) a new entry off Lugard Street that creates a sense of arrival and a new 'front door' to the precinct, complementing Old Castlereagh Road as a key gateway to the precinct; and d) generous landscape setbacks.	The proposed development would provide for a greater variety of employment uses and would have negligible additional adverse impacts.	Yes

Clause	Comments	Compliance
5.4.2 Employment precinct master planning Before any subdivision application in the Employment precinct, a master plan is required, which should be adopted by the consent authority. <u>Objectives</u> a) Ensure that development in the precinct occurs in an orderly manner. b) Ensure that infrastructure, services and amenities are sufficient to support growth and development in the precinct. c) Ensure high quality design. <u>Controls</u> 1) Before any development or subdivision application in the Employment precinct an adopted master plan for the site is required. 2) All precinct master plans must be reviewed by the NSW State Design Review Panel (SDRP) to ensure consistency with the design excellence strategy. 3) All development applications are to be generally in accordance with the adopted master plan. 4) 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. 5) The primary entry to the Employment precinct is to be maintained from Old Castlereagh Road. 6) The master plan must address stormwater treatment and processes and discharge to manage flow rates. 7) When assessing development applications, the consent authority will consider the extent to which the proposed development is consistent with the master plan, including	An Urban Design Study and Master Plan for the Nepean Business Park has been approved under DA 9876. The applicant has proposed relocating the 'secondary hub' assigned for Lot 23 in the Master Plan to a nearby Lot. The Department has recommended a condition of consent requiring the 'secondary hub' to be developed in accordance with the Masterplan, including locating the 'secondary hub' in the eastern section of the Nepean Business Park. The Department considers the proposed development to be generally in accordance with the Master Plan.	Yes

Clause	Comments	Compliance
cumulative and precedent implications for the planned infrastructure, and services and amenities provision. 8) The 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, where relevant. 9) The landscape design shall complement the proposed built form and minimise the impact of scale, mass and bulk of the development in its context. 10) The landscape design shall maximise permeable design solutions, including permeable paving to minimise stormwater run-off. 11) The landscape plan developed for the master plan must demonstrate how the development of the precinct will 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. 12) 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.		
5.4.3 Subdivision design <u>Objectives</u> a) Achieve maximum flexibility for siting and location of buildings and to achieve an appropriate density of development. b) Provide opportunities for parcels of land of varying size and dimensions to satisfy market demand and the needs of the development industry. c) Minimise the number of road entry points to Old Castlereagh Road, thereby allowing more efficient traffic management.	The proposed development provides for a greater variety of lot sizes within the Nepean Business Park. The proposed development would not increase the number of road entry points to Old Castlereagh Road. The proposed development would not significantly change flood evacuation considerations	Partial

Clause	Comments	Compliance									
d) Create the opportunity for individual design solutions and innovative and efficient subdivision layout. e) Ensure that land to be developed is of an adequate size and shape to accommodate development and provide amenity for occupants of the site and surrounding areas. f) Support the evacuation system established in the Penrith Lakes as outlined in Section 3.1.1- Flood evacuation considerations. Controls 1) Variations to subdivision controls will be considered for lots created solely for the purpose of 'utility installations' or 'utility undertakings'. 2) Only strata or community title subdivision is permitted, unless measures compliant with flood evacuation provisions outlined in Section 3.1.1 can otherwise be demonstrated. 3) Table 6 outlines the subdivision controls for Employment precinct. Table 6. Subdivision controls (Employment precinct) <table> <tr> <th>Item</th><th>Area</th><th>Control</th></tr> <tr> <td>Minimum allotment size</td><td>Employment zone</td><td>1,500 m²</td></tr> <tr> <td>Minimum frontage</td><td>Employment zone</td><td>30 m</td></tr> </table>	Item	Area	Control	Minimum allotment size	Employment zone	1,500 m ²	Minimum frontage	Employment zone	30 m	for the Nepean Business Park, as assessed under DA 9876. The frontages of proposed Lots 56 and 55 would be 25.07m and 14.09m respectively, which is non-compliant with the minimum 30m frontage outlined in the DCP controls. The Department accepts that proposed Lots 56 and 55 would have similar frontages and dimensions to several lots approved under DA 9876. Further, the proposed development better responds to the DCP objectives by providing a greater variety of subdivision lot sizes and dimensions.	
Item	Area	Control									
Minimum allotment size	Employment zone	1,500 m ²									
Minimum frontage	Employment zone	30 m									
5.4.4 Building height	Not applicable as the applicant does not seek approval for buildings as part of this DA.	N/A									
5.4.5 Floor space ratio	As above – N/A	N/A									
5.4.6 Site Coverage Objectives a) Limit the density of development. b) Encourage the provision of open space and landscaping on development sites. Controls	As above – N/A	N/A									

Clause	Comments	Compliance
1) Site coverage for any lot is not to exceed 60% of the area of the lot (only include Employment zoned land for lot area calculation).		
5.4.7 Building setbacks <u>Objectives</u> a) Provide a consistent design and landscaped transition to the future Great River Walk extension. b) Provide an open streetscape with substantial areas for landscaping. c) Enhance the visual quality of development and the urban landscape. d) Screen undesirable views and minimise the visual impact of hard surface areas. e) Ensure new development retains existing trees or significant stands of vegetation in the overall site layout. f) Minimise the impact of overshadowing to adjoining buildings and open space.	This application does not seek approval for built form. The landscaping plan for DA 9876 has been updated to reflect the proposed road configuration. This application would not impact the environmental lots which are managed under a vegetation management plan.	N/A
5.4.8 Landscaping and open space <u>Objectives</u> a) Ensure development contributes to the landscape character of Penrith Lakes. b) Maximise permeable surface areas for stormwater management. c) Ensure sufficient space for landscaping and open space that will complement buildings and enhance landscape character. d) Screen undesirable views. e) Provide usable and shaded private and communal open space areas which are welcoming, safe and accessible for workers and visitors. <u>Controls</u>	The applicant provided an updated Landscaping Plan for the Nepean Business Park to reflect the subdivision lot and road layout changes proposed in this application. The landscaping plan proposes street planting with a mix of locally native and Australian plant species, including large and small trees. The applicant has not confirmed whether the site will achieve minimum landscaping and deep soil controls. Built form will be subject to a separate development application, as this	Generally compliant

Clause	Comments	Compliance
1) A landscape plan, prepared by a qualified landscape architect, must be submitted with any development application. 2) A minimum of 15% of the lot area is to be landscaped, and a minimum of 10% of the lot area is to be deep soil to allow sufficient area for tree planting. 3) Landscaped areas shall be consolidated to maximise space for deep soil, tree growth and aesthetic opportunities. 4) Deep soil zones must be a minimum of 3 metres wide. Where appropriate, deep soil zones should be provided in one continuous area. 5) Landscaped front setbacks must include canopy trees whose mature height is in scale with the proposed development and sufficient space is to be made available to allow trees to grow to maturity. 6) Outdoor recreation areas for staff shall be integrated into landscaped areas, where possible, to provide shade for amenity and comfort. 7) Tree planting in island planter beds shall be provided at a rate of one planter bed per 10 car spaces within car parks to reduce the heat effect and soften hard surfaces. 8) Planting with evergreen shrubs and trees is required to screen car parks, vehicular manoeuvring areas, garbage areas and storage areas from the street frontage. 9) The selection of proposed trees and other landscaping plants is to consider: a) the preferred trees identified in Council's Street and Park Tree Management Plan; 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; c) the re-use of native plants or topsoil removed during subdivisions works or earthworks;	proposal is only for the consolidation of subdivision lots.	

Clause	Comments	Compliance
d) the contribution to the management of soil salinity, water levels and soil erosion; e) low-maintenance and drought-tolerant tree species; and f) the capacity of the species to contribute to tree canopy cover. 10) Ground covers should be considered as a grass alternative in areas not specifically designed for pedestrian use.		
5.4.9 Building design <u>Objectives</u> a) Encourage innovation and a high standard of architectural design, using quality materials and finishes. b) Ensure development achieves a high level of sustainability and environmental performance. c) Encourage articulated and varied frontages and roof lines to minimise perceived bulk and scale, particularly where facing or visible from public roads. d) Ensure that new development contributes to creating a visually cohesive urban environment. e) Support passive surveillance of the adjoining public realm.	Not applicable as the application does not include the construction of buildings.	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021 (Reliance and Hazards SEPP)

The applicant did not submit a contamination assessment with the application. Notwithstanding, the Department has considered the suitability of the site for the proposed development and notes that remediation has commenced under DA 9876.

Appendix C – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/daex/under-consideration/nepean-business-park-amending-da-da255786>