



STATEMENT OF ENVIRONMENTAL EFFECTS

Concept and Early Works Development Application for a staged a tourism-oriented development comprising three (3) buildings across separate lots, including a hotel, an indoor recreation facility with two (2) drive-through restaurants, and a registered club. The proposal also includes associated vehicle access, on-grade and above-ground parking, and site infrastructure.

39-65 Old Castlereagh Road,
Castlereagh, NSW

Prepared for: Morson Architects Pty Ltd

REF M240417
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1. Introduction

1.1 OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared on behalf of Morson Group to accompany a Concept Development Application ('Concept DA') submitted to the Department of Planning, Housing and Infrastructure (DPHI) under Division 4.4 (Section 4.22) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The application seeks consent for approval for a tourism-oriented development comprising three (3) buildings across separate lots, including a hotel, an indoor recreation facility with two (2) drive-through restaurants, and a registered club. The proposal also includes associated vehicle access, on-grade and above-ground parking, and site infrastructure, comprising:

- Three (3) building envelopes;
- At-grade and structured car parking, providing approximately 491 spaces.
- Associated roads, pedestrian pathways, landscaping, and public domain works.

The application also seeks consent for early works on the site relating to demolition of existing structures, tree removal and drainage works to prepare the site for future development and address the alleviation of existing stormwater and flood issues on the site. No grade works are proposed in this application.

The building envelopes are intended to accommodate the following developments which will be subject to separate future DAs:

- A seven (7) storey hotel with 147 rooms, restaurant, gym, spa, pool, and associated facilities and parking (subject to a separate DA);
- A 5,713 m² indoor recreation facility, including two (2) drive-through restaurants and parking; and
- A 5,177 m² club building and parking.

The Concept DA establishes a framework for staged development, seeking approval for site planning and early works preparation, essential service, parking and vehicle crossings and building envelopes (including the building height and gross floor area) for development on the site. Whilst consent for some early works is sought, this application does not seek consent for detailed building and landscaping works associated with the concept building envelopes.

The proposed development has been designed to respond to the site's Tourism zoning, topography, flood planning constraints, street frontage, access requirements, neighbouring land uses, and servicing infrastructure. The design process has included multiple iterations, incorporating feedback from the NSW State Design Review Panel (SDRP) and consultation with the Deerubbin Local Aboriginal Land Council (DLALC) to deliver a high-quality built form and public domain that enhances the precinct's tourism character while ensuring amenity for future occupants and visitors.

The Concept DA proposes building envelopes which create:

- Building heights ranging from 3 to 7 storeys (up to 47.5 m AHD), with massing carefully modulated to respect views to the Blue Mountains escarpment and surrounding landscape character;
- A total GFA of approximately 21,898 m², equating to a site-wide FSR of 0.8:1.



In accordance with Section 4.23 of the EP&A Act, this Concept DA is submitted in lieu of a masterplan and provides sufficient information to satisfy the objectives of Clause 5.2.2 of the Penrith Lakes DCP – Stage 1. A Design Excellence Strategy (DES) prepared by Audax Urban (December 2024) accompanies this application, outlining the design team procurement approach, design review process, and integration of Connecting with Country principles. The proposal has been reviewed by the SDRP at two stages, with recommendations incorporated into the final Concept DA.

The development cost is estimated at \$98.89 million (RIC-QS, June 2025), confirming it remains below the \$100 million State Significant Development (SSD) threshold, but in accordance with Clause 5.7 of Chapter 5 Penrith Lakes Scheme of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP 2021), the Department of Planning, Housing and Infrastructure (DPHI) will be the consent authority.

1.2 ENVIRONMENTAL ASSESSMENT

Under Clause 4.22(5) of Division 4.4 of the EP&A Act 1979, when considering a Concept DA, the consent authority is required to assess the likely impacts of the concept proposal itself and any first stage under Section 4.15 but does not need to consider the impacts of future stages which have been nominated to proceed with subsequent detailed development applications. Accordingly, this Statement assesses the potential impacts of the proposed Concept DA, including site planning and preparation, land uses, building envelopes, lead-in essential services and conceptual future land uses.

Notably, in accordance with Clause 4.22(4)(b), a consent granted for the determination of a concept development only authorises the carrying out of early works where the requisite details of those works are provided with the concept development application. In accordance with this clause, this application seeks consent for early works on the site relating to demolition of existing structures, tree removal and site preparation, lead in essential services and drainage works to prepare the site for the future development and address and alleviate existing stormwater and flood issues on the site relating to the International Regatta Centre, and for building envelopes. The necessary details and documentation to support the request for said work have been provided with this application.

The proposal has been presented with consideration to the Precincts SEPP 2021 and is consistent with the objectives of the Tourism zone. The objectives are to:

- *Provide for diverse tourist and visitor accommodation and activities that promote tourism in Penrith utilising the Penrith Lakes Scheme; and*
- *Create an appropriate scale that maintains important views to and from the Nepean River and the Blue Mountains escarpment.*

The proposed uses: tourist and visitor accommodation (hotel), indoor recreation facility, registered club, food and drink premises, and car parking, are permissible with consent in the Tourism zone and align with the abovementioned objectives.

The proposal also generally aligns with the objectives and controls of the Penrith Lakes Development Control Plan – Stage 1 (PLDCP), including those applicable to the Tourism South Precinct. While the proposal includes a variation to the PLDCP's 22m building height control, this exceedance is the result of detailed design development and rigorous urban design testing to deliver:

- An appropriate landmark tourism development consistent with the strategic intent for the precinct;
- High-quality built form and public domain outcomes that respond sensitively to the site's topography, landscape character; and
- Enhanced amenity for future occupants, visitors, and the surrounding locality.





The proposal has been reviewed by the NSW State Design Review Panel (SDRP) at two stages, with recommendations incorporated to ensure high quality design outcomes and integration of Connecting with Country principles. It is supported by a Design Excellence Strategy, Urban Design Strategy, Connecting with Country Report, Flooding and Evacuation Assessments, and other technical studies demonstrating that environmental impacts have been appropriately addressed at this Concept DA stage.

Importantly, the proposed concept development will contribute to the availability of high-quality tourist and visitor accommodation and recreational facilities within an accessible location, well-connected to the Penrith City Centre, the Sydney International Regatta Centre, and regional public transport networks.

1.3 SUPPORTING DOCUMENTS

This application is accompanied by the following supporting information:

- Architectural Drawings - prepared by *Morson Group*
- Site Analysis and Urban Design Strategy - prepared by *Morson Group*
- Landscape Design Strategy and Landscape Architectural Drawings - prepared by *Distinctive Living Design*
- Survey Plan – prepared by *Richard Hogan & Co.*
- Estimated Development Cost – prepared by *RIC-QS*
- Arborist Report – prepared by *Naturally Trees*
- Preliminary Site Investigation – prepared by *Banksia*
- Traffic Impact Assessment – prepared by *Stanbury Traffic Planning*
- Waste Management Plan – prepared by *Colliers*
- Stormwater and Civil Drawings – prepared by *Smart Structures Australia*
- Water Cycle Management Report – prepared by *Smart Structures Australia*
- Design Excellence Strategy – prepared by *Audax Urban*
- Aboriginal Archaeological Due Diligence Assessment – prepared by *Virtus Heritage*
- Aboriginal Cultural Heritage Assessment – prepared by *Virtus Heritage*
- Sewer and Water Services Feasibility Statement – prepared by *Qalcheck*
- Electricity Services Feasibility Statement – prepared by *ACME*
- Connecting with Country Report – prepared by *Virtus Heritage*
- Flood Impact Assessment Report – prepared by *Water Technology*
- Flood Evacuation Modelling Assessment – prepared by *Water Technology*
- Flood Emergency Response Plan (FERP) – prepared by *Water Technology*
- Geotechnical Investigation Report and associated appendices – prepared by *Morrow Geotechnics*
- State Design Review Panel (SDRP) Advice and Recommendations – *SDRP*
- Section 10.7 Planning Certificates – *Penrith City Council*

- Title Search – *NSW Land Registry Services*
- Before You Dig Australia Search – prepared by *Before you Dig Australia*
- Department of Housing and Infrastructure (DPHI) Correspondence – *DPHI*
- Office of Strategic Lands (OLS) Easement Correspondence – *OLS*

1.4 PURPOSE OF STATEMENT

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into six (6) sections. The remaining sections include a locality and site analysis; background; a description of the proposal; an environmental planning assessment; and a conclusion.



2. Site Analysis and Context

2.1 THE SITE

The address of the subject site is No. 39-65 Old Castlereagh Road, Castlereagh. The site is comprised of three allotments and is legally identified as Lot 12, 14 and 16 in DP793163.

Figure 1 below illustrates the location of the subject site (outlined red).



Figure 1 Subject site (outlined in red) and surrounds. Source: Near Map.

Figure 2 shows the zoning of the subject site which is identified as Tourism in accordance with Chapter 5 of the SEPP (Precincts – Western Parkland City) 2021.



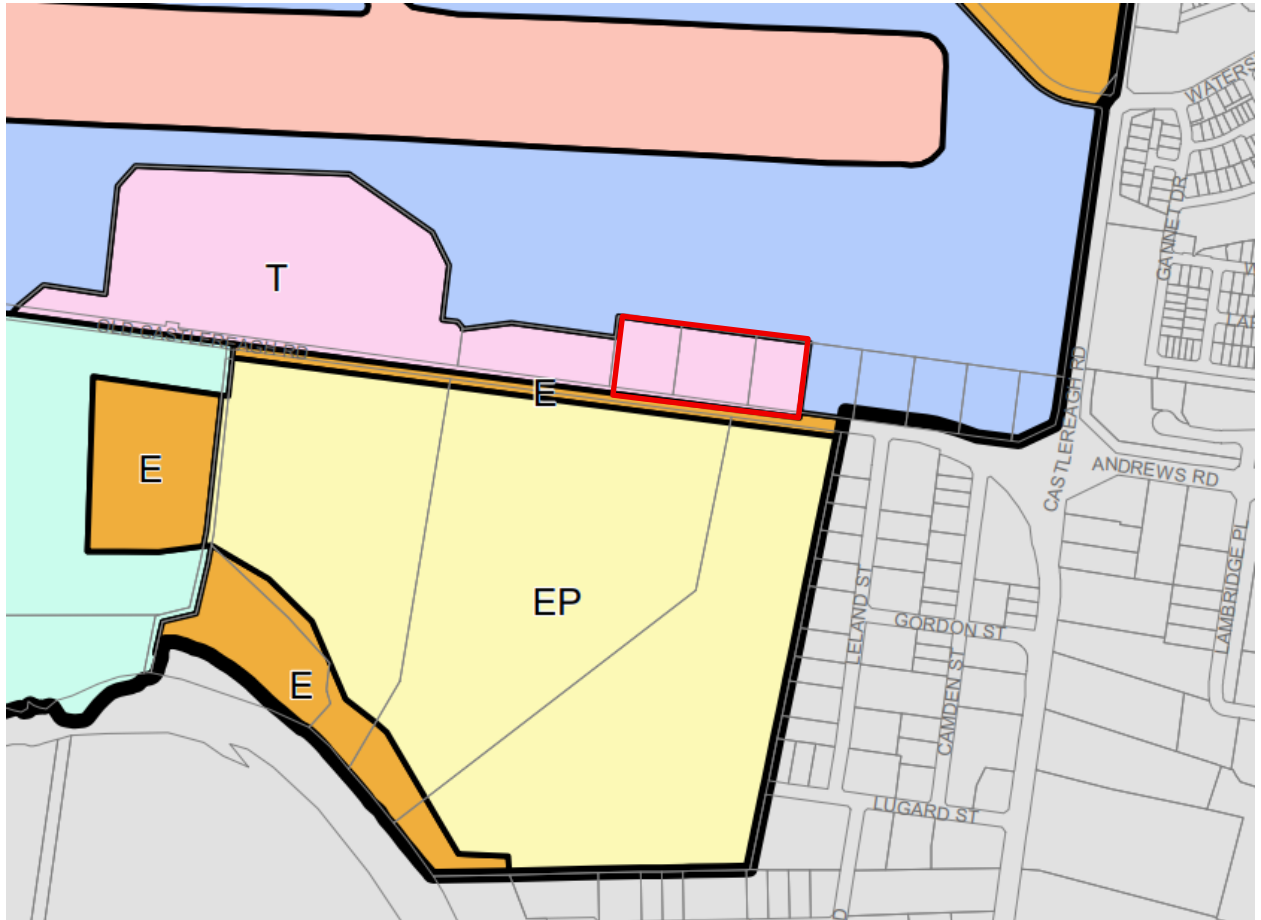


Figure 2 Land Zoning Map (source: NSW Planning Portal)

The site is located on the northern side of Old Castlereagh Road, with a combined street frontage of 274.39 metres. Its eastern boundary extends 99.97 metres, the northern combined boundary measures 274.39 metres, and the western boundary is 100 metres in length. The total area of the site is 27,330m².

The site has a gentle slope falling generally from southwest to northeast, with existing ground levels ranging from approximately 26.9 m AHD (southwest corner) to 22.5 m AHD (northeast corner). The site is identified as flood prone land, affected by both overland flow flooding and regional flooding under the Hawkesbury-Nepean floodplain mapping. Flood risk considerations, mitigation measures, and finished surface levels have been addressed in the accompanying Flooding Assessment and Flood Evacuation Modelling reports.

The site is currently occupied by a number of existing dwellings and structures. Existing at No. 39-45 Old Castlereagh Road (Lot 12 in DP793163) is a single storey brick dwelling with tile roof, metal carport, metal shed to the rear including garden and fountain. A number of trees are located along the frontage and side boundaries. Existing at No.47-65 Old Castlereagh Road (Lot 14 and 16 in DP793163) is a single storey brick dwelling with tile roof, carport, brick garage and metal shed, and large concrete paved area. Multiple garden beds exist within the front setback of the site. Two separate concrete driveway crossings exist off Old Castlereagh Road. A brick gazebo with tiled roof and concrete tank under exists within Lot 14 DP793163. Access is currently provided via two separate concrete driveway crossings from Old Castlereagh Road.

An aerial view of the subject site is provided in **Figure 3** below.



Figure 3 Aerial view of the subject site, depicting existing structures (Source: Morson Group)

Images of the subject site as viewed from the street are provided in **Figure 3** to **6** below.



Figure 4 39-45 Old Castlereagh Road, as viewed from Castlereagh Road (Source: Google Street view)



Figure 5 47-65 Old Castlereagh Road, as viewed from Castlereagh Road (Source: Google Street view)



Figure 6 Existing dwelling at 47-65 Old Castlereagh Road, as viewed from Castlereagh Road (Source: Google Street view)





2.2 SURROUNDING DEVELOPMENT

The site is strategically located within the Penrith Lakes Tourism South Precinct. The locality encompasses a mix of land uses, including R1 General Residential, E4 General Industrial, Tourism Zones, Parkland Zones, Employment Zones, Waterway Zones and Environmental Zones. It's also noted that a substantial area of Unzoned land exists to the north, east and south of the site. A number of recreational and tourism facilities such as Jetpack Adventures and the Model Boat Club are located immediately to the north of the site. Further north of the site is the Sydney International Regatta Centre, including Penrith White Water Stadium to the north and outdoor recreational spaces featuring parks and walking tracks. These amenities form part of a cluster of major recreational and tourism facilities in close proximity to the site.

To the south, the Nepean Business Park, will feature a diverse range of uses including commercial, industrial, business and recreational uses. Further south-west, before the Castlereagh Road intersection is an industrial area comprised of mainly two-storey buildings. To the west, the surrounding area consists of mainly undeveloped recreational land and detention basin areas.

2.3 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

The site is located approximately 3.1 km from Penrith Train Station, which is serviced by the Blue Mountains Line (BMT) and T1 (North Shore & Western Line) providing convenient access to key destinations such as Blacktown, Parramatta, and the Sydney CBD to the east, as well as Penrith, the Blue Mountains, Lithgow, and Bathurst to the west. Penrith Station is also a major bus interchange serviced by multiple routes connecting to the broader Western Sydney region. Bus stops are situated within 600 metres along Castlereagh Road offer access to various locations, including Penrith, Cranebrook, Windsor, Llandilo, and Jordan Springs.

2.4 HERITAGE

The site is not identified as a heritage item nor is it identified within a heritage conservation area under the SEPP (Precincts – Western Parkland City) 2021. However, the site is located near several heritage-listed items listed in **Table 1**.



Figure 8 Extract of Penrith LEP 2010 Heritage Map

Table 1 Surrounding Heritage Items			
Address	Item Name	Item Number	Significance
Castlereagh Road	Castlereagh Road Alignment	261	Local
41–43 Camden Street	Weatherboard Cottage	695	Local
2068 Castlereagh Road	Edwardian Cottage	158	Local
48–56 Leland Street	The Lodge	159	Local
2083–2089 Castlereagh Road	Victorian House	160	Local
34–40 Borec Road	“Craithes”, dwelling, trees, outbuildings and carriage loop	161	State



3. Background

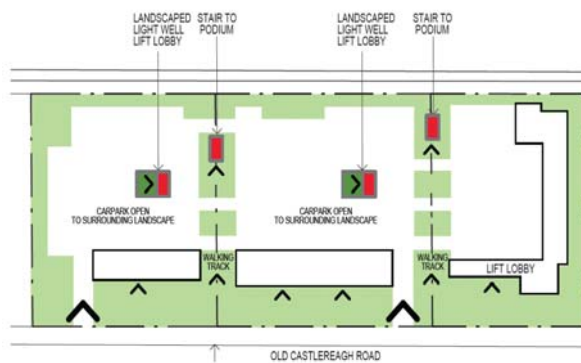
3.1 DESIGN DEVELOPMENT AND ITERATIVE PROCESS

As evidenced in the Architectural Drawings and the Urban Design Strategy (Morson Group), and Design Excellence Strategy (Audax Urban), the proposed development has undergone a rigorous and iterative design process, incorporating multidisciplinary inputs and reviews to reach the current Concept DA outcome.

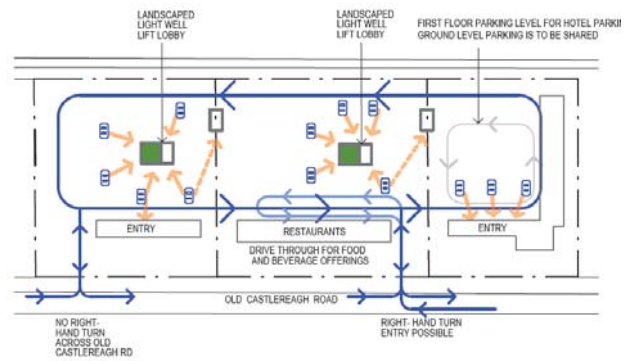
Key elements informing the urban and architectural design include:

- Establishment of appropriate building envelopes, typologies, heights (up to 7 storeys / RL 47.5 m AHD), and floor areas that respond to the Tourism zone objectives and strategic role of the precinct.
- Integration of Connecting with Country principles, informed by consultation with Deerubbin Local Aboriginal Land Council (DLALC) and Virtus Heritage, ensuring cultural narratives and site significance are embedded in design outcomes.
- Location and alignment of internal roadways, vehicle access points, and pedestrian thoroughfares, optimising movement, wayfinding, and connectivity to surrounding recreation uses.
- Consideration of topography and flood planning constraints, including building placement and floor levels to achieve resilience and compliance with flooding assessments.
- Relationships to neighbouring uses, such as the Sydney International Regatta Centre and future tourism and recreation development within the Penrith Lakes precinct.
- Assessment of noise intrusion from Old Castlereagh Road and nearby activities, informing building orientation and facade treatments.
- Site orientation and solar access to maximise amenity for hotel rooms, recreation spaces, and public domain areas.
- Future staging, enabling delivery of the hotel, indoor recreation facility, and club as discrete yet integrated development phases.
- Vehicular and pedestrian access design, ensuring safety, efficiency, and compliance with council and TfNSW standards.
- Design Review Panel recommendations, with two SDRP meetings conducted and feedback incorporated to ensure high quality design outcomes, sustainability, and integration with Country.

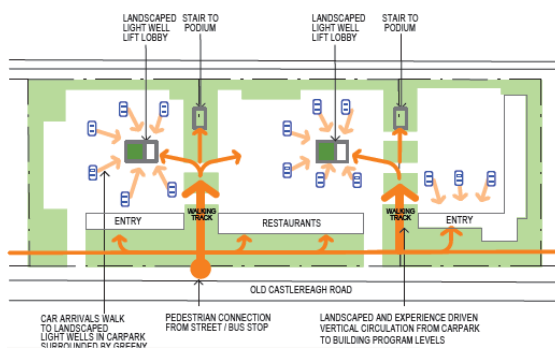




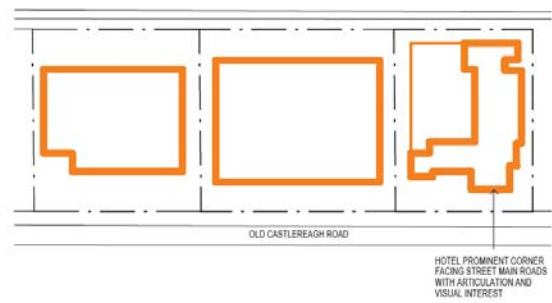
Landscaping



Connection



Public Realm



Urban Design



Sustainability

Figure 9 Excerpts of Proposed functionality and Urban Integration by Morson Group

The proposal has undergone extensive revisions and iterative testing to ensure alignment with the site's constraints, opportunities, and the objectives and controls of both the SEPP (Precincts - Western Parkland City) 2021 and the Penrith Lakes Development Control Plan Stage 1 (PLDCP). As detailed in the Urban Design Strategy, Design



Excellence Strategy, and throughout this Statement, the final building configuration and site arrangement present a considered and optimal response to the site's topography, flooding constraints, Tourism zoning objectives, and cultural context.

The proposed approach delivers high quality design outcomes through integration of Connecting with Country principles, a high-quality public domain, appropriate built form massing and character, and enhanced amenity for future occupants, visitors, and the surrounding locality. As shown in Figure 10, the proposed site arrangement is consistent with the DCP built form controls, supporting the strategic vision for the Penrith Lakes Tourism South Precinct.

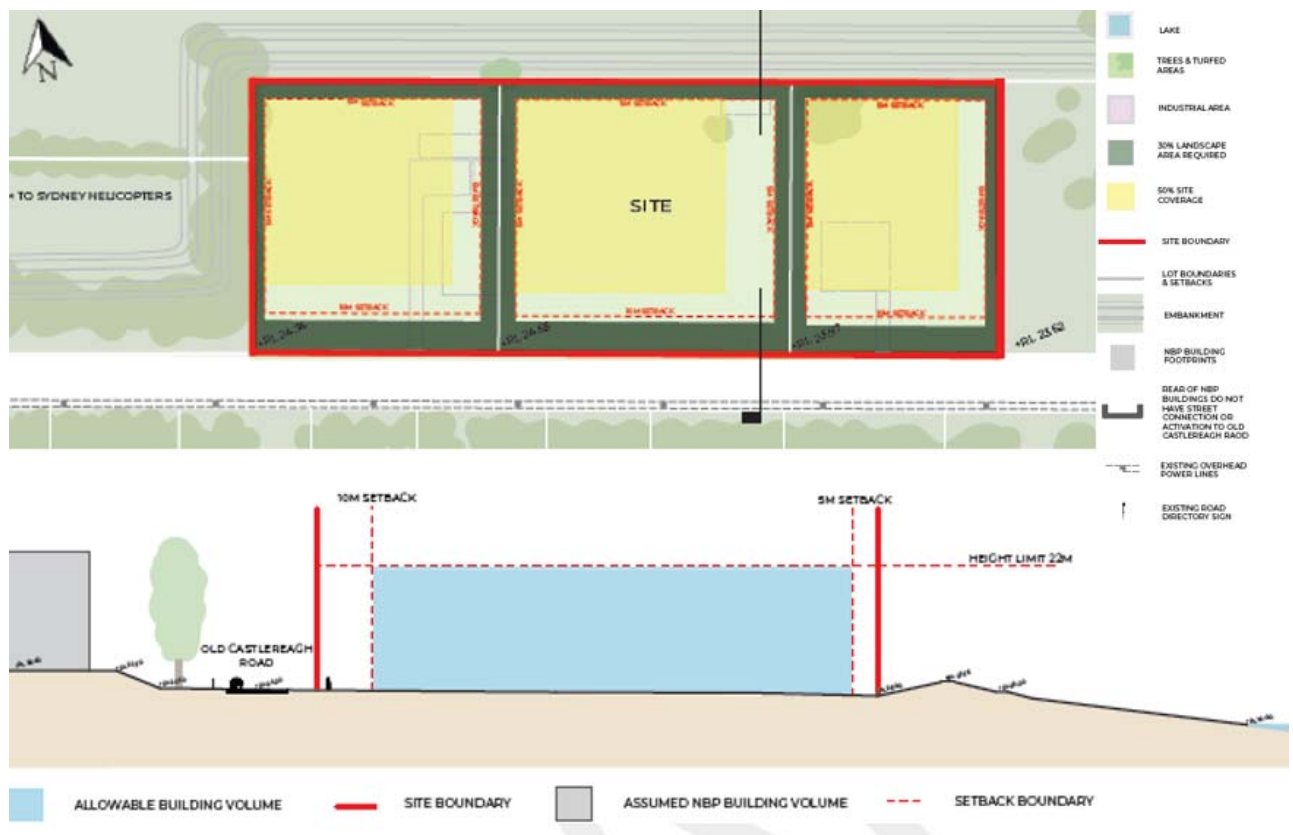


Figure 10 Proposed Site Arrangement





4. Description of the Proposal

4.1 OVERVIEW

The application seeks development consent for the concept approval at 39–65 Old Castlereagh Road, Castlereagh for a tourism-oriented development comprising three (3) buildings across separate lots, including a hotel, an indoor recreation facility with two (2) drive-through restaurants, and a registered club. The proposal also includes associated vehicle access, on-grade and above-ground parking, and site infrastructure comprising of:

- Three (3) building envelopes;
- At-grade and structured car parking, providing approximately 491 spaces.
- Associated roads, pedestrian pathways, landscaping, and public domain works.

This Concept DA also seeks consent for early works on the site relating to demolition of existing structures, tree removal and drainage works to prepare the site for future development and alleviate existing stormwater and flood issues on the site.

The building envelopes are intended to accommodate the following developments which will be subject to separate future DAs:

- A seven (7) storey hotel with 147 rooms, restaurant, gym, spa, pool, and associated facilities (subject to a separate DA);
- A 5,713 m² indoor recreation facility, including two (2) drive-through restaurants; and
- A 5,177 m² club building.

The proposed development features building envelopes ranging in height from 3 to 7 storeys, incorporating 147 hotel rooms. The building envelopes and forms have been strategically arranged and oriented to enhance the amenity of the public domain, improve open spaces, and contribute positively to the streetscape character. Additionally, the design fosters a strong relationship between the development and both the immediate and broader locality. The extent of physical works proposed as part of this application are detailed below under the relevant headings and on the DA documentation prepared to accompany this Concept DA.

The Concept mixed-use development comprises three (3) separate future stages and three (3) separate future DAs to result in a mixture of tourism and indoor recreational uses with parking. Specifically, the concept involves the provision of three separate blocks with a GFA in accordance with the submitted Architectural Drawings for tourist and visitor accommodation, food and drink premises, registered club and recreation facility (indoor) uses.

The remainder of Section 4 of this Statement is divided as follows:

- [Section 4.2](#): Staging and Design Excellence Strategy;
- [Section 4.3](#): Earthworks and Excavation;
- [Section 4.4](#): Site Arrangement and Envelopes;
- [Section 4.5](#): Proposed Uses;
- [Section 4.6](#): Access, Parking and Services;
- [Section 4.7](#): Trees and Landscaping;
- [Section 4.8](#): Public Art;



- [Section 4.9](#): Water Management;
- [Section 4.10](#): Waste Management;
- [Section 4.11](#): Project Data – Envelopes;

The proposed envelopes and reference scheme are depicted on the plans prepared by *Morson Group*, which are included with the development application and described in detail below. This Concept DA does not seek consent for detailed physical works associated with the future buildings, which be addressed through subsequent detailed development applications consistent with the proposed staging. This Concept DA establishes the development framework for the site, informed by the Urban Design Strategy, Design Excellence Strategy, Connecting with Country Report, Flooding and Evacuation Assessments, and two stages of review by the NSW State Design Review Panel (SDRP).

4.2 STAGING AND DESIGN EXCELLENCE STRATEGY

The proposal seeks consent for a staged concept development, including three (3) future stages to facilitate the orderly delivery of the hotel, indoor recreation facility, and club components. Each stage will be progressed through subsequent detailed Development Applications (DAs), ensuring design quality and construction sequencing are coordinated with infrastructure, landscape, and public domain works.

Notably, early works proposed under this application will be undertaken prior to any physical works in future stages which will be subject to future detailed DAs.

Design Excellence Strategy

A Design Excellence Strategy (DES) has been prepared by Audax Urban (December 2024), in accordance with Clause 2.5 of the Penrith Lakes DCP – Stage 1. The DES outlines:

- Procurement of a multidisciplinary design team, including urban design, architecture, landscape architecture, and heritage consultants.
- A design review program, incorporating two formal reviews by the NSW State Design Review Panel (SDRP), with feedback integrated into the current Concept DA.
- Ongoing design review processes to maintain design integrity during detailed DA stages.

The staged design and delivery process is illustrated in an excerpt at **Figure 11** below, with further details provided in the supporting Design Excellence Strategy, Urban Design Strategy, and architectural staging plans submitted with this application.

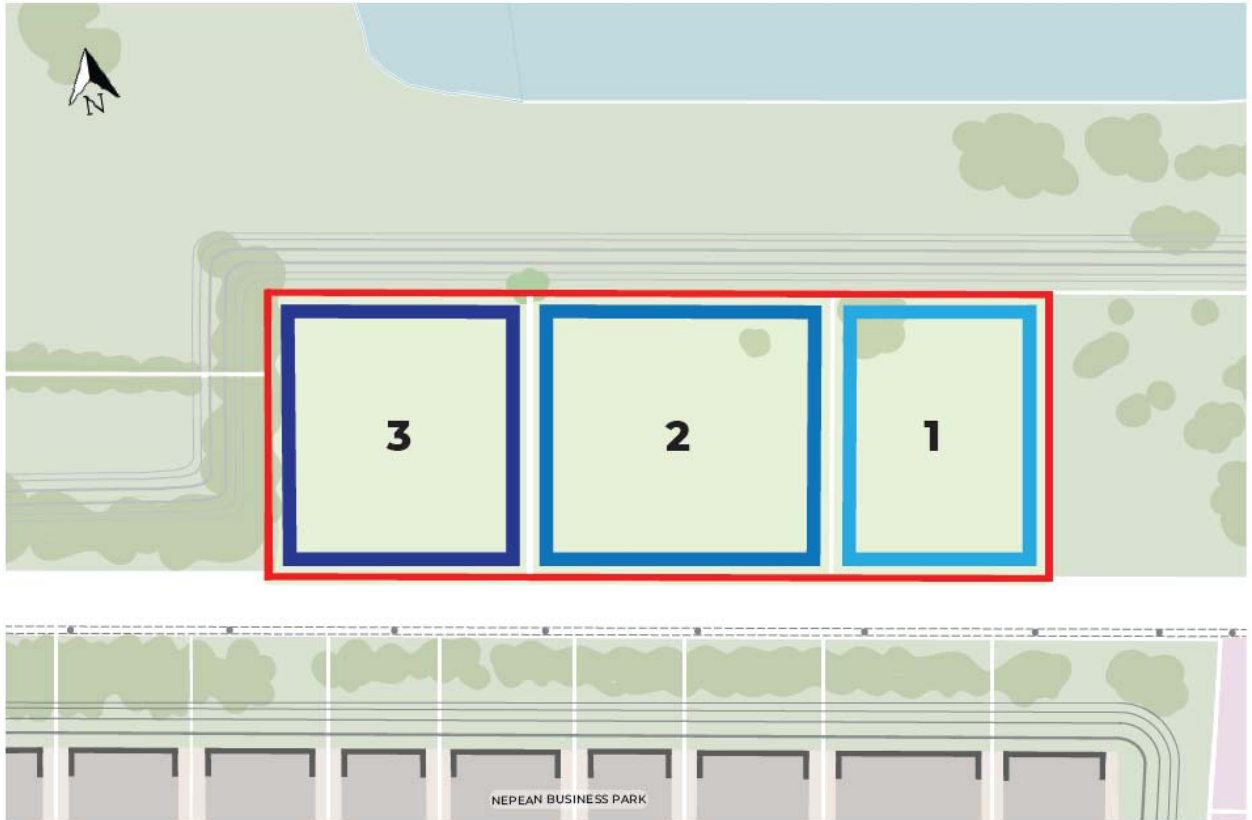


Figure 11 Excerpt of proposed staging

4.3 EARTHWORKS AND EXCAVATION

As demonstrated in the submitted plans, earthworks will be required in subsequent stages to establish building pads, landscape areas, and vehicle and pedestrian accessways. However, this Concept DA seeks consent only for the building envelopes and site layout, and therefore detailed excavation design will be addressed in subsequent detailed Development Applications (DAs) for each stage of the development.

This application will require early works to accommodate the proposed drainage works on the site to address existing stormwater and flood issues. Excavation for drainage will be limited to accommodating new drainage pits, one (1) per lot, and new pipework connections through to the existing pits on the adjoining land to the north. The stormwater drawings provided with this application identify the Early Works associated with this Concept Stage.

The proposed building envelopes and at-grade parking arrangements have been strategically designed to minimise future earthworks by aligning with the site's natural topography, thereby reducing cut and fill where practicable and ensuring an appropriate interface with:

- Neighbouring properties,
- Old Castlereagh Road, and
- The broader public domain and landscape setting.

Flooding considerations have also informed pad levels and envelope placement to ensure compliance with the Flood Planning Levels (FPLs) identified in the Flooding Assessment (Water Technology, June 2025) while maintaining accessible and functional building entries.

Future excavation and earthworks will facilitate:

- Formation of building pads and ancillary structures,
- Vehicular accessways and car parking areas, and
- Pedestrian pathways and public domain connections throughout the site.

A Geotechnical Investigation Report prepared by Morrow Geotechnics (May 2025) accompanies this application, confirming that the site's soil and bedrock conditions are suitable to support the proposed development. Recommendations for excavation methods, foundation design, and construction staging will be implemented in future detailed DA documentation to ensure compliance with engineering best practice and safety standards.

Furthermore, where relevant to the proposed physical works for demolition, tree removal and drainage works, recommendations of the Geotechnical Investigation Report will be implemented.

4.4 SITE ARRANGEMENT AND ENVELOPES

This Concept DA seeks consent for a staged development across three (3) building envelopes, each designed to respond to the site's unique constraints and opportunities, including its Tourism zoning, topography, flooding affectation, and cultural landscape context. The proposed envelopes are oriented to maximise engagement with the Old Castlereagh Road frontage, enhance visual and physical connections to the Penrith Lakes and Blue Mountains escarpment, and provide clear internal pedestrian and vehicle circulation. The envelopes accommodate hotel accommodation, indoor recreation, food and drink premises, and club uses, aligned with the strategic objectives for the Tourism South Precinct:

- Stage 1: is located fronting Old Castlereagh Road (Lot 12) and will accommodate hotel accommodation comprising 147 rooms, along with a restaurant, gym, external terrace, pool, and spa facilities. The building envelope is proposed to be seven (7) storeys in height, with a maximum RL of approximately 47.5 m AHD, and will include two levels of structured parking integrated within the building podium. The total GFA for Stage 1 is approximately 9,711 m²;
- Stage 2: is also fronting Old Castlereagh Road (Lot 14) and will include an indoor recreation facility with a floor area of approximately 5,713 m², as well as two (2) drive-through restaurants with a combined area of 1,298 m². The building envelope for this stage is proposed to be three (3) storeys in height, including one level of structured parking. The total GFA for Stage 2 is approximately 6,995 m²;
- Stage 3: is located on Lot 16 fronting Old Castlereagh Road and will accommodate a registered club within a building envelope of three (3) storeys, including one level of structured parking. The total GFA for Stage 3 is approximately 5,177 m².

The site arrangement has been developed to address and activate the Old Castlereagh Road frontage, enhancing the public domain experience, while maintaining visual connections to the open water bodies and reservoir to the north and ensuring compatibility with the built form and landscape character of neighbouring properties. The proposal integrates appropriate setbacks, podium articulation, and landscape buffers to enhance amenity and streetscape character. It also responds sensitively to flood planning levels, site topography, and geotechnical conditions, ensuring safe and functional building entries and circulation throughout the development.

The proposed scheme has undergone multiple design iterations, informed by detailed site analysis, feedback from the NSW State Design Review Panel (SDRP), and assessment against the Penrith Lakes DCP – Stage 1. This process has ensured the minimisation of potential adverse impacts on surrounding properties and public spaces, the provision



of building envelopes that contribute positively to the urban environment and tourism precinct character, and the delivery of a development framework that ensures high levels of amenity for future occupants, visitors, and the broader community.

4.5 PROPOSED USES

As discussed above, this Concept DA seeks approval for 'umbrella' tourist and visitor accommodation, food and drink premises, registered club and recreation facility (indoor) uses. That is, given the overall scale of the development and provision of three separate detailed stages, flexibility in use is required to ensure the timely and efficient redevelopment of the site. Specifically, the proposal will include the following:

- **Tourist and visitor accommodation** with a total GFA of approximately **9,711 m²**, accommodating a hotel with 147 rooms and associated amenities such as restaurant, gym, pool, and spa facilities.
- **Food and drink premises** with a total GFA of approximately **1,298 m²**, including two (2) drive-through restaurants integrated within the indoor recreation facility building envelope.
- **Indoor recreation facility** with a total GFA of approximately **5,713 m²**, providing flexible recreation, leisure, and entertainment uses.
- **Registered club** with a total GFA of approximately **5,177 m²**, providing hospitality, function, and community facilities to support the tourism precinct.

This land use mix aligns with the objectives of the Tourism zone under the SEPP (Precincts - Western Parkland City) 2021, facilitating the creation of a diverse and integrated tourism development that contributes positively to the Penrith Lakes precinct and broader regional economy.

4.6 ACCESS, PARKING AND SERVICING

This Concept DA seeks approval for the site access and circulation framework, enabling the provision of vehicular crossings, internal roads, parking areas, and pedestrian pathways, to be delivered in accordance with the three proposed stages detailed under Section 4.2 of this Statement.

The proposed public domain works have been designed to integrate seamlessly with Old Castlereagh Road, aligning with existing and future streetscape conditions as envisaged within the Penrith Lakes DCP – Stage 1, while enhancing connectivity and legibility across the site. Specifically, the proposed public domain works will include:

- Two (2) primary vehicular entrances from Old Castlereagh Road, providing access to internal roads, parking areas, and loading bays.
- A shared pedestrian footpath parallel to the site frontage along Old Castlereagh Road, enhancing pedestrian safety and accessibility.
- Pedestrian pathways linking the Old Castlereagh Road footway to:
 - The hotel lobby;
 - The club lobby; and
 - The drive-through restaurants within the indoor recreation facility building.
- New elevated through-site links, providing safe pedestrian circulation across the development, enhancing permeability and access to public domain spaces and adjacent recreation areas.

The proposed Concept DA enhances movement networks for pedestrians, cyclists, vehicles, and emergency services, ensuring compliance with accessibility standards and Council's design guidelines. To maintain efficient traffic flow and

accessibility, the proposed two driveway entrances are strategically located to provide direct access to each development stage, minimise conflict points, and ensure operational flexibility during construction and ongoing use.

Parking provision will include at-grade and structured car parking, accommodating approximately 491 spaces across the three stages, with final parking layouts, servicing arrangements, and swept path assessments to be confirmed in future detailed DAs, consistent with the concept circulation plan.

Figures 12 and 13 below provide an excerpt of the access proposed.

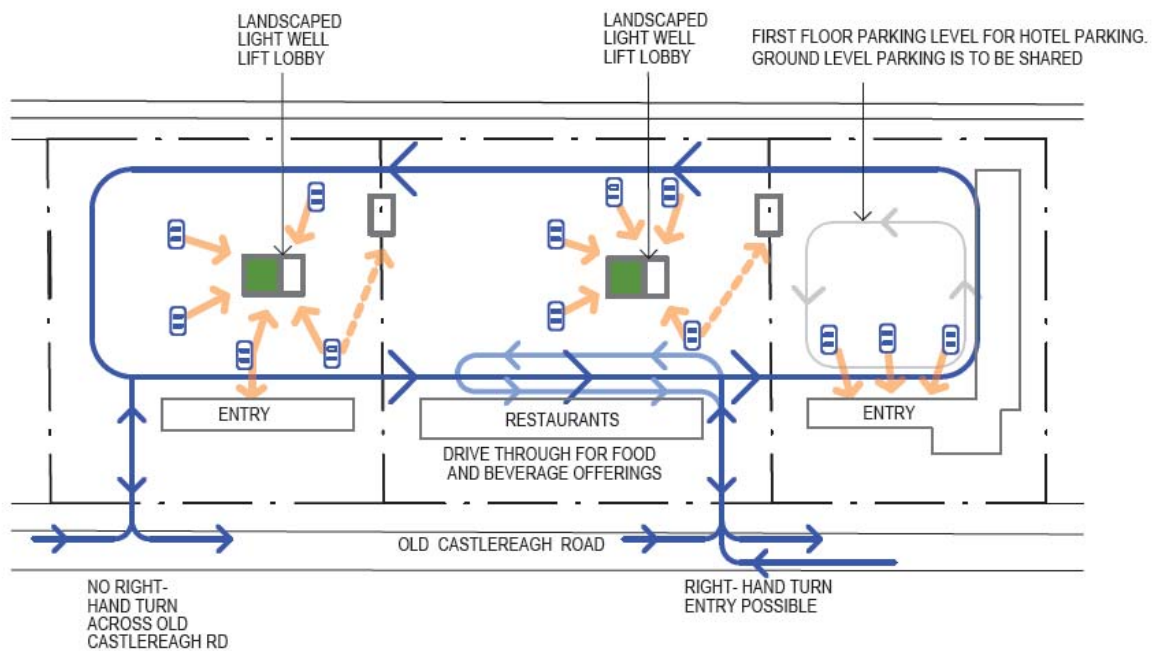


Figure 12 Excerpt of proposed vehicle access (Morson Group)

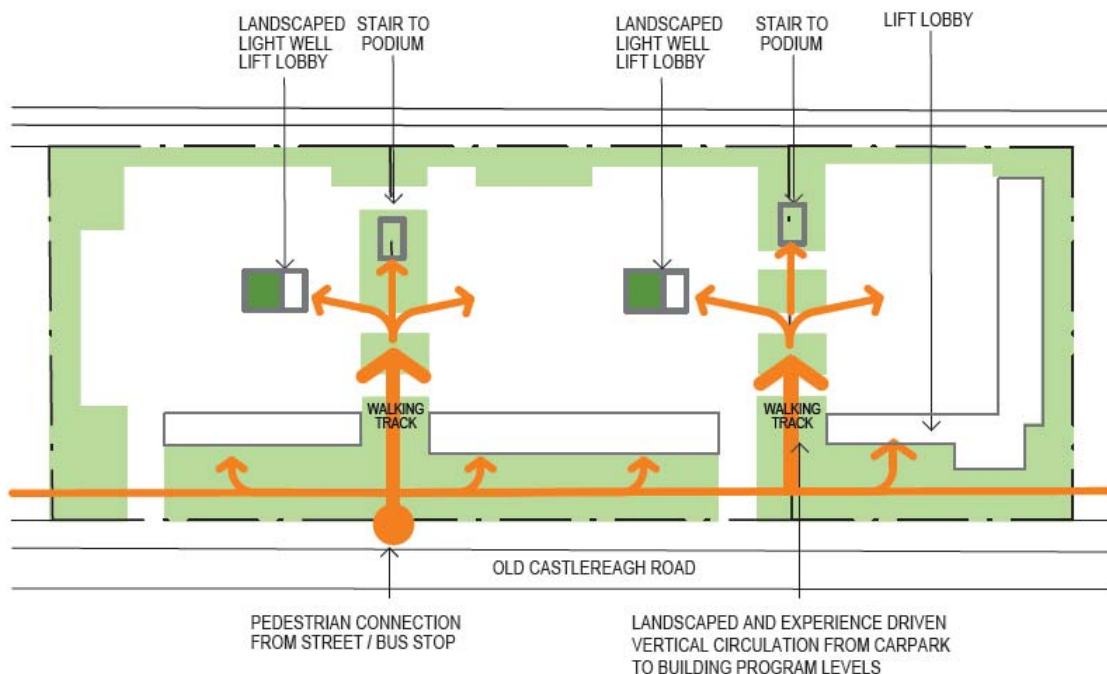


Figure 13 Excerpt of proposed pedestrian access (Morson Group)

In addition, this Concept DA seeks approval for the building envelopes and footprints of the proposed above-ground parking structures, which will accommodate parking rates, facilities, and services necessary for the operation of each building. While vehicular access points and parking arrangements are indicated in the concept scheme, detailed design, parking layouts, and compliance with applicable parking rates will be confirmed through subsequent staged Development Applications. In this regard, a Traffic Impact Assessment prepared by *Stanbury Traffic Planning* is submitted with this application.

4.7 TREES AND LANDSCAPING

This application seeks consent for tree removal in accordance with the Arborist Report prepared by Naturally Trees, submitted with this Concept DA. As per the Report, a total of eleven (11) trees are required for removal on the site to prepare for the future development and allow for initial stormwater drainage works, as proposed under this application. Where necessary, recommendations for tree protection made within the Arborist Report will be implemented during the construction of the preliminary works proposed under this application.

Details of the proposed landscaping are shown in the Landscape Concept Plan prepared by Distinctive Living Design (June 2025), submitted with this Concept DA. The landscape strategy incorporates extensive native planting, deep soil zones, and culturally significant species, creating an integrated and meaningful landscape outcome that responds to the site's Connecting with Country objectives.

The landscape design:

- Concentrates deep soil planting throughout the site, including along the Old Castlereagh Road frontage, between building envelopes, and within communal open space areas to enhance biodiversity, canopy cover, and microclimate regulation.

- Provides a balance between natural and built elements, supporting the integration of built form within the existing landscape character and improving visual amenity from the public domain and surrounding recreation areas.
- Incorporates cultural interpretation elements, including Dharug language signage, public art opportunities, and planting palettes that reflect local endemic species and cultural narratives, as recommended in the Connecting with Country report.

The detailed landscape design will be developed further in subsequent staged Development Applications, ensuring compliance with relevant planning controls, including the Penrith Lakes DCP – Stage 1 requirements for landscaping, deep soil zones, and tree canopy targets. These detailed designs will maintain the overarching vision established in the Concept DA and ensure high-quality public and private domain outcomes that contribute positively to the Tourism South Precinct character.

4.8 PUBLIC ART

The Concept DA provides a framework for a future Public Art Strategy that aligns with Clause 4.7 of the Penrith DCP, Council's expectations, and feedback received from the State Design Review Panel (SDRP). While detailed artworks are not proposed at this stage, the indicative site planning includes key zones where public art could be incorporated as the site is delivered in stages. These zones are shown on the DA07 plans prepared by Morson Group.

The future Public Art Strategy will draw upon several rich and layered narratives embedded in the site and broader Penrith Lakes context, including:

- *Connection with Country:* Incorporating Dharug cultural knowledge, stories, and language as guided by the Connecting with Country Report and Aboriginal community consultation.
- *Cultural Heritage:* Acknowledging the Aboriginal heritage of the site as well as the site's transformation over time – from grassy floodplains to agriculture, sand mining operations, Olympic legacy uses (e.g. SIRC), and its emerging identity as a regional tourism and recreation precinct.
- *Landscape and Hydrology:* Reflecting the site's unique topography, water bodies, and proximity to the Nepean River, and its relationship to water as a natural and cultural element.
- *Contemporary Identity:* Recognising the role of the Tourism South Precinct within the Penrith Lakes Scheme as a landmark destination for visitors and the local community.

A comprehensive Public Art Strategy will be submitted with future detailed Development Applications. This will include a detailed methodology and engagement framework, as well as procurement, delivery and maintenance mechanisms.

Table 2 Public Art – Indicative Approach

Theme / Narrative	Indicative Locations	Possible Expression Methods	Delivery Stage
Dharug Country and Cultural Knowledge	Entry plazas, pedestrian links, landscape nodes	In-ground artworks, signage, language inlays, sculpture, integrated landscape interpretation	DA with public domain/landscape works
Historical Evolution of Site Use	Key pedestrian corridors, building foyers, shared public realm	Sculptural pieces, digital/interactive installations, illustrated panels	DA with club/hotel/retail components



Table 2 Public Art – Indicative Approach

Olympic Legacy and SIRC Proximity	Interfaces near SIRC or waterbody connections	Timeline artworks, paving inlays, Olympic references in built form design	DA with open space and public domain
Natural Landscape and Water	Public forecourts, wayfinding zones	Water-inspired sculptural forms, kinetic artworks, water-sensitive planting design	DA with landscape and access works
Contemporary Use and Future Vision	All building facades and gathering areas	Integrated art lighting, façade screening with graphic overlays, community-commissioned murals	Building-specific DAs

This approach ensures that the public art strategy is grounded in place and meaningfully evolves with each stage of development. Community and stakeholder collaboration particularly with Aboriginal artists and knowledge holders will be essential to its success.

4.9 WATER MANAGEMENT

This application seeks consent for stormwater drainage and management works on the site to eliminate stormwater issues on the site created by the Penrith Lakes Scheme, prior to the detailed development stages for the site. Stormwater and Civil Drawings and a Water Cycle Management Report have been prepared by Smart Structures Australia and are submitted with this Concept DA. The stormwater management system has been designed to accommodate the proposed concept building envelopes and will ensure that the site is suitably serviced to support the future development stages.

The extent of physical works for stormwater management sought under this application are limited to the provision of new drainage pits on the site, one (1) per lot, and new pipework connections through to the existing pits on the adjoining land to the north. These works are proposed to resolve the sites flood concerns, noting that water quality and OSD requirements are necessary given that the Final Basin within the Penrith Lakes Scheme is not considered a regional detention facility.

These extent of physical works for drainage which we request consent for are shown on the submitted Stormwater and Civil Drawings and indicated clearly in **Figure 14** to **16** below.



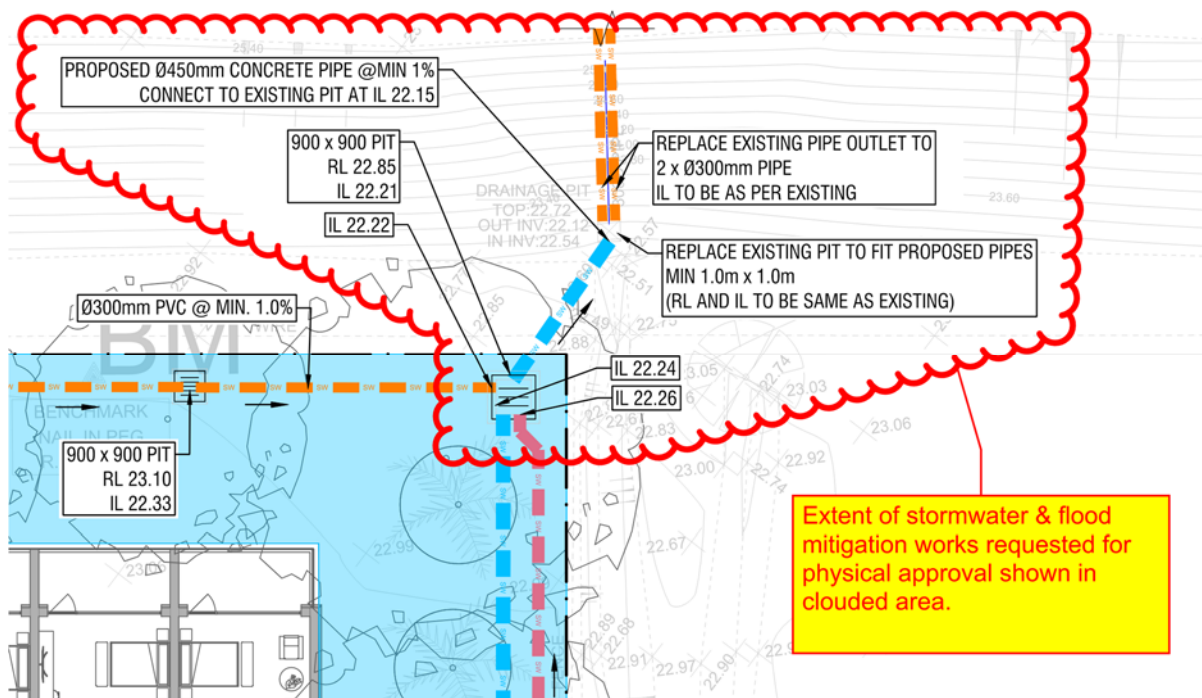


Figure 14 Extract from Stormwater and Civil Drawings – Ground Level, Lot 12.

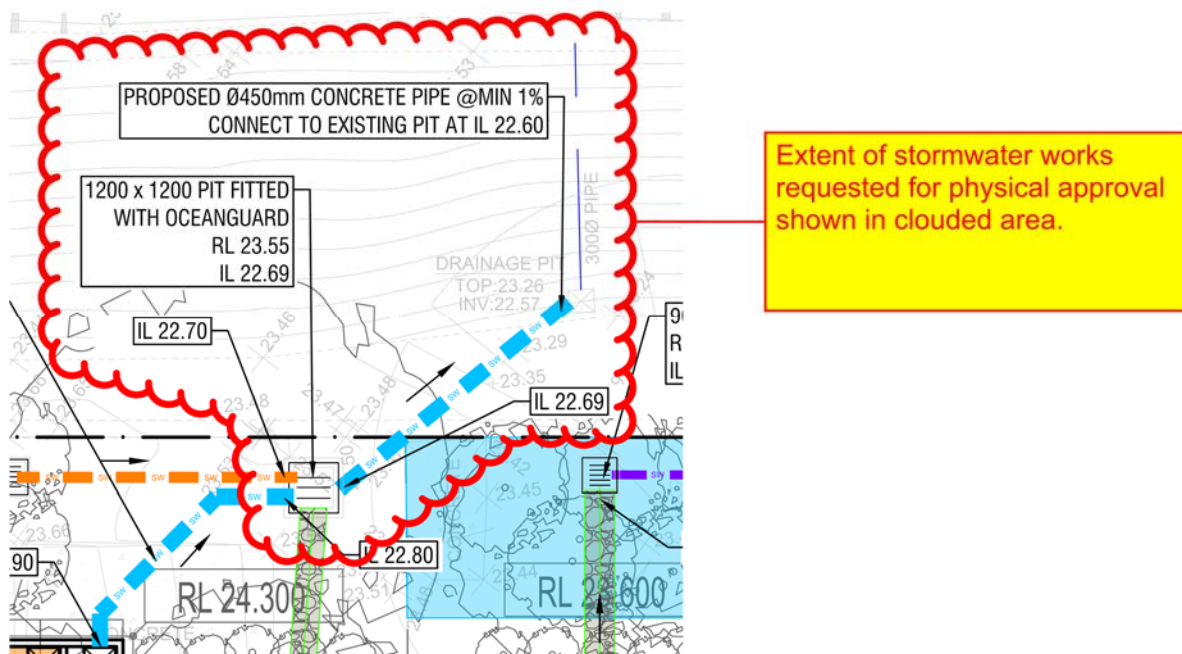


Figure 15 Extract from Stormwater and Civil Drawings – Ground Level, Lot 14.

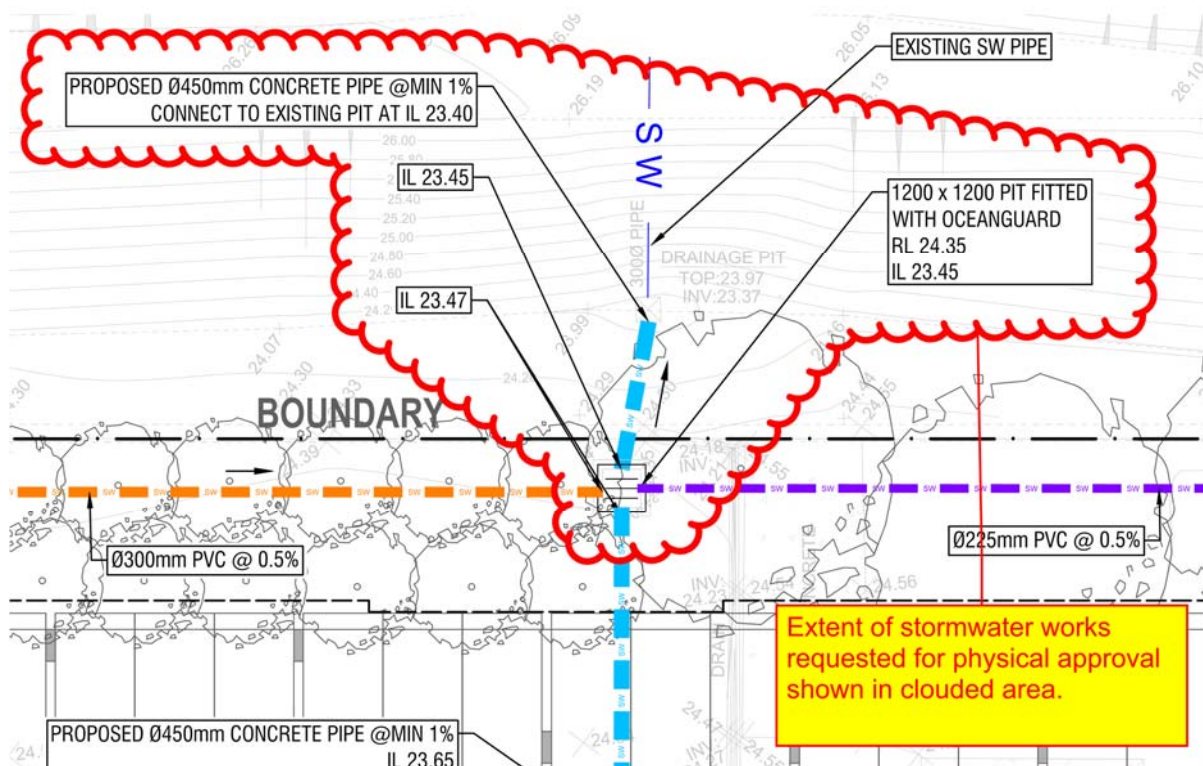


Figure 16 Extract from Stormwater Drawings – Ground Level, Lot 16.

It is noted that the new pipework connections are proposed within land owned by the Office of Strategic Lands (OLS). Discussions have been undertaken with OLS with regard to the drainage works on their land. Whilst discussions have been positive, OLS have advised that they will not be able to provide their consent for the works until this DA has been formally lodged.

As such, it is understood that OLS will assess any the proposed requests for easements for access to drain water, access for recreational use and the mitigation of flood issues on the proposed development site.

Furthermore, the proposed water management strategy incorporates Water Sensitive Urban Design (WSUD) measures, including:

- Rainwater harvesting tanks for non-potable reuse (irrigation, toilet flushing);
- Gross pollutant traps and Psorb storm filters to meet pollutant reduction targets for gross pollutants, TSS, TP, and TN; and
- On-site detention (OSD) tanks sized to ensure post-development flows do not exceed pre-development conditions across all catchments, in accordance with Penrith Lakes DCP – Stage 1 requirements.

These measures will be implemented at the detailed design stages.

A Flood Impact Assessment and Flood Evacuation Modelling Report have been prepared by Water Technology (June 2025), assessing the site's flooding constraints under regional and local flood conditions. The assessments confirm that:

- The site is affected by flooding from the Hawkesbury-Nepean floodplain, and

- Proposed finished floor levels, building pad heights, and evacuation strategies have been developed to ensure flood resilience and safety for occupants and visitors.

These flood planning levels and management recommendations will inform subsequent detailed design stages, ensuring compliance with Council and NSW Floodplain Development Manual requirements. Further detailed flood modelling and stormwater infrastructure designs will be submitted with future detailed Development Applications for each stage.

4.10 WASTE MANAGEMENT

A Waste Management Plan (WMP) has been prepared by Colliers International Engineering & Design (TTMC) and is submitted with this Concept DA. The WMP addresses demolition, construction, and operational waste management, with tailored strategies for each lot's intended land use and scale. For the purposes of this Concept DA, this section summarises the operational waste management arrangements across the three proposed development lots.

Across all three lots, the combined weekly waste generation volumes are as follows:

- General Waste: 91,955 L/week
- Food Waste: 20,121 L/week
- Commingled Recycling: 79,226 L/week
- Paper/Cardboard: 4,943 L/week

These volumes equate to daily site-wide waste generation of approximately 13,136 L/day of general waste, 2,874 L/day of food waste, 11,318 L/day of recycling, and 706 L/day of paper/cardboard.

Waste will be stored on-site in dedicated waste rooms and managed in accordance with the following equipment and collection regime:

- General Waste: 37 × 1,100L bins; serviced 3 times/week
- Food Waste: 25 × 240L bins; serviced 4 times/week
- Recycling: 31 × 1,100L bins; serviced 3 times/week
- Paper/Cardboard: 2 × 1,100L bins; serviced 3 times/week

Total collection vehicle movements per week vary depending on the waste contractor arrangement:

- If collection contracts are coordinated across the site: 13 total movements/week
- If lots operate independently: 33 total movements/week

Each lot will operate independently, with no precinct-wide waste management. Responsibilities for bin transfer, cleaning, collection scheduling, and disposal will be allocated to each lot's operator in line with the WMP. Day-to-day management tasks and system improvements will also be determined at the lot level.

Detailed waste room layouts, waste equipment specifications, and collection management plans will be provided with subsequent staged Development Applications, ensuring operational efficiency and sustainable waste practices are embedded in the final design.

4.11 PROJECT DATA - ENVELOPES

Table 3 Project Data – Envelopes

Site Area	Total: 27,330m ²
Gross floor area	Total GFA: 21,898m ² Tourist and visitor accommodation GFA: 9,711m ² Indoor recreational facility GFA: 5,713m ² Food and drink premises GFA: 1,298m ² Club GFA: 5,177m ²
FSR	Floor space ratio of 0.8:1
Stage 1 DA	7 storeys in height; 9,711m ² hotel accommodation; 2 levels of above ground parking;
Stage 2 DA	3 storeys in height; 5,713m ² Indoor recreational facility, 1,298m ² food and drink premises; 1 levels of above ground parking;
Stage 3 DA	3 storeys in height; 5,177m ² club; 1 levels of above ground parking;

5. Environmental Planning Assessment

5.1 PREAMBLE

This Concept Development Application (DA) has been prepared pursuant to Division 4.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which enables staged development applications. The proposal satisfies the statutory requirements under the Act, including:

- Section 1.3 (Objects of the Act): The proposal aligns with the objects of the EP&A Act, particularly in promoting orderly and economic use of land, sustainable development, protection of the environment (including flood-resilient design), and facilitating ecologically sustainable tourism development.
- Section 1.7 (Application of Part 7 Biodiversity Conservation Act 2016 and Part 7A Fisheries Management Act 1994): The land is not identified on the Biodiversity Values Map, and the proposal is unlikely to trigger entry thresholds under the Biodiversity Offset Scheme. This will be confirmed at subsequent detailed application stages.
- Section 4.15 (Evaluation of Development Applications): This SEE provides a full assessment of the proposed development in accordance with the matters for consideration under s4.15, including environmental, social, and economic impacts, suitability of the site, and the public interest.

5.2 STATUTORY AND POLICY COMPLIANCE

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

Table 4 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S4.15(1)(a)(i)	State Environmental Planning Policy (Resilience and Hazards) 2021	√	√	
"	State Environmental Planning Policy (Transport and Infrastructure) 2021	√	√	
"	State Environmental Planning Policy (Biodiversity and Conservation) 2021	√	√	
"	State Environmental Planning Policy (Planning Systems) 2021	√	√	
"	State Environmental Planning Policy (Sustainable Buildings) 2022	√	√	
"	State Environmental Planning Policy (Precincts - Western Parkland City) 2021	√	√	
S4.15 (1)(a)(iii)	Penrith Lakes Development Control Plan Stage 1 2021	√	√	
S4.15 (1)(a)(iv)	Any other prescribed matter N/A			√



The matters identified in the above table as requiring specific comment are discussed below. The primary statutory planning document relating to the subject site and proposed development is the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. The primary non-statutory planning document is the *Penrith Lakes Development Control Plan – Stage 1 (2021)*. The relevant provisions of these documents, along with other applicable SEPPs and planning controls, are summarised below, and the proposal's compliance with them is assessed in this Statement.

Other Relevant Legislation

- Biodiversity Conservation Act 2016 – addressed in Section 1.7 compliance above.
- Fisheries Management Act 1994 – not applicable as the site is not proximate to a water body supporting fish habitat.
- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) – a referral is not considered necessary as the development is not expected to have a significant impact on matters of national environmental significance. This will be reviewed further in future applications if required.

5.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) came into effect on the 3 March 2021, repealing and replacing three SEPPs related to coastal management, hazardous and offensive development and the remediation of land. Of relevance to the proposal is Chapter 4 – Remediation of Land.

Chapter 4 Remediation of Land

Chapter 4 of the Resilience and Hazards SEPP 2021 provides planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. The site appears to have a history of use as farmland, prior to subdivision to rural residential property. A review of aerial photographs indicates that this use has remained relatively unchanged since the subdivision to the present day.

A Preliminary Site Investigation (PSI) was undertaken by Banksia EnviroSciences (May 2025) and is submitted with this application. The PSI included intrusive soil sampling and laboratory analysis and provided the following conclusions and recommendations:

- *“The results of the intrusive soil investigation indicate no risk of chemical contamination of any concern across the site.*
- *It is recommended that the following steps be undertaken prior to the demolition of the existing structures and general commencement of earthworks (as appropriate):*
 - *Consideration should be given to the undertaking of a Soil Salinity Assessment of the site to better inform potential impacts on vegetation and the choice and suitability of proposed construction materials associated with the development*
 - *Unexpected Finds Protocol: An unexpected finds protocol to be prepared and implemented during site works to address any potentially impacted / contaminated fill identified beneath structures, paved areas or outside of test locations (e.g. asbestos contamination);*
 - *Hazardous Building Materials Survey: As some of the buildings on the site are likely to contain hazardous building materials given their age, a hazardous material building survey and subsequent appropriate removal and clearance certification of any identified hazardous materials in accordance*

with relevant legislation and guidelines is to be undertaken prior to demolition (if not already undertaken); and

- o *Waste Classification: Any soils requiring offsite disposal will require a formal waste classification to be undertaken to inform the lawful disposal of excess spoil. The waste classification must be undertaken in accordance with the POEO Act (1997), and the NSW EPA Waste Classification Guidelines (2014)*
- *It is considered the site is suitable for the proposed development associated with the construction of a tourism hub without the need for further investigations relating to contamination."*

In accordance with the requirements of Chapter 4 of the SEPP, the site has been found suitable in its present state for the proposal and does not require remediation.

5.2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to ensure that developments are supported by adequate infrastructure and that the impact on traffic and essential services is appropriately managed. It focuses on streamlining the planning and assessment process for infrastructure provision, ensuring developments integrate with transport networks, utilities, and other services. The policy promotes sustainable growth by addressing potential traffic impacts, improving infrastructure coordination, and ensuring developments contribute to the long-term resilience and liveability of urban and regional areas. In the context of a development proposal, it ensures infrastructure needs are met without negatively affecting surrounding environments

. Of relevance to the proposed development are the following chapter(s):

- *Chapter 2 Infrastructure.*

Chapter 2 Infrastructure

Chapter 2 Infrastructure seeks to facilitate the effective and timely delivery of infrastructure and protect existing infrastructure from incompatible development. The development has been assessed against the relevant Clauses of Chapter 2, as outlined below.

Table 5 Chapter 2 Infrastructure – Clause 2.121

Clause	Requirement	Proposal
Cl 2.122	(2) In this section, relevant size or capacity means— (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or	Clause 2.122 applies to the proposed development as it involves the provision of more than 200 car parking spaces. Under Schedule 3 of the SEPP, the development is classified as traffic-generating development. Accordingly, the consent authority is required to refer the application to Transport for NSW (TfNSW) for review and must consider any feedback received, including potential impacts on traffic safety, road congestion, and parking. A Traffic Impact Assessment prepared by Stanbury Traffic Planning (June 2025) accompanies this application. The assessment confirms the development can be accommodated within the existing and planned road network, with no adverse traffic or parking impacts anticipated.

Table 5 Chapter 2 Infrastructure – Clause 2.121

	capacity specified opposite that development in Column 3 of the Table to Schedule 3.	
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The Traffic and Parking Impact Assessment specifically addresses the Reference Scheme's traffic generation, site access, parking provision, and internal circulation, ensuring the proposal complies with Transport for NSW guidelines and Council's road design standards.

5.2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) commenced on 1 March 2022, repealing and replacing 11 previous SEPPs.

Of relevance to the proposed development are the following chapters:

- *Chapter 2 Vegetation in Non-rural Areas*

Chapter 2 Vegetation in Non-rural Areas

Chapter 2 replaces the former SEPP (Vegetation in Non-Rural Areas) 2017 and establishes a framework for the protection and management of trees and vegetation in non-rural zones. It operates in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016, regulating clearing of native vegetation that is not ancillary to development requiring consent.

In this instance, the removal of trees is ancillary to development requiring consent under this Concept DA. An Arborist Report prepared by *Naturally Trees* (June 2025) accompanies the application, identifying existing vegetation and assessing potential impacts. As detailed within the Report, a total of eleven (11) trees are to be removed from the site to allow for the proposed stormwater drainage works and to facilitate the future building envelopes.

Whilst detailed replacement planting proposals will be provided in subsequent staged Development Applications the Landscape Concept Plan (Distinctive Living Design, June 2025) submitted with this application includes extensive replacement planting, deep soil zones, and culturally significant species selection to ensure no net loss of canopy cover or biodiversity value across the site.

As such, Chapter 2 does not trigger separate approval requirements under the Biodiversity and Conservation SEPP for this application, with tree removal to be assessed as part of the integrated future development assessment process.

5.2.4 State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to state and regionally significant development, Aboriginal land and concurrence authority for certain development.

Of relevance to the proposed development are the following chapter(s):

- *Chapter 2 State and regional development.*

Chapter 2 State and Regional Development

Part 2.4 Regional Significant Development of Chapter 2 identifies what development is regionally significant. Clause 2.20 stipulates the following:

2.20 Concept development applications

If—

(a) development specified in Schedule 6 is described in that Schedule by reference to a minimum estimated development cost, other minimum size or other aspect of the development, and

(b) development the subject of a concept development application under Part 4 of the Act is development so specified,

any part of the development that is the subject of a separate development application is development specified in Schedule 6, but only if that part of the development exceeds the minimum value or size or other aspect specified in that Schedule for the development.

Under Schedule 6, non-residential development with an EDC exceeding \$30 million is classified as Regionally Significant Development (RSD).

The proposal has an estimated development cost of \$98.89 million (RIC-QS, June 2025) and therefore constitutes Regionally Significant Development.

Notwithstanding this, the consent authority for this application is DPHI in accordance with Clause 5.7 under Chapter 5 Penrith Lakes Scheme of the Precincts SEPP 2021 as detailed below.

5.2.5 State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. However, as this application seeks approval for a Concept DA only, a BASIX Certificate or non-residential Section 3.10 Sustainability Statement is not required at this stage. These requirements will be addressed in subsequent detailed Development Applications, where compliance with the relevant provisions of the Sustainable Buildings SEPP, including energy efficiency, thermal performance, and operational emissions reduction standards, will be demonstrated.

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

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP 2021) was notified in December 2021 and commenced on 1 March 2022.

The Policy consolidated the provisions of several similar themed Policies into a single instrument. The provisions of Chapter 5 are relevant to the proposed development.

Chapter 5 Penrith Lakes Scheme

This chapter applies to land within the Penrith Lakes Scheme, including the subject site. Under the Precincts SEPP 2021, the subject site is within Zone Tourism. The proposal is characterised as a mixed-use development comprising of tourist and visitor accommodation, food and drink premises, recreation facility (indoor), registered club and car park, all of which are permitted with consent.

Specifically, 3 *Permitted with consent* and 4 *Prohibited* of the Precincts SEPP 2021 is reproduced below:

3 Permitted with consent

*Amusement centres; Boat launching ramps; Boat sheds; **Car parks**; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; **Food and drink premises**; Function centres; Health services facilities; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; **Recreation facilities***

*(indoor); Recreation facilities (major); Recreation facilities (outdoor); **Registered clubs**; Roads; Service stations; Signage; **Tourist and visitor accommodation**; Water recreation structures*

4 Prohibited

Any development not specified in item 2 or 3

In accordance with the Reference Scheme, the uses including *tourist and visitor accommodation, food and drink premises, recreation facility (indoor), registered club and car park* are permitted with consent.

The objectives of Zone Tourism are as follows:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme.*
- *To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.*

The proposed concept development supports a variety of tourist-oriented and related uses, including hotel accommodation, a club, and recreation facilities. It provides for diverse tourist and visitor accommodation and activities that align with the strategic tourism vision for Penrith Lakes and has been designed to respond sensitively to the site's topography, flood constraints, and landscape character, maintaining important views to the Blue Mountains escarpment while enhancing connections to the surrounding precinct.

In accordance with Clause 5.7 of Chapter 5 Penrith Lakes Scheme under the Precincts SEPP 2021, the consent authority for land zoned Tourism is the Minister, making DPHI the delegated authority.

A compliance table which considers the proposal against the provisions of Precincts SEPP 2021 is provided at **Annexure A**. Overall, the proposed development satisfies the objectives and controls of the Precincts SEPP 2021 and will improve the supply of tourist and visitor accommodation and compatible recreation activities within the Penrith Lakes area and the wider LGA.

5.2.7 Penrith Lakes Local Environmental Plan 2010

The Penrith Lakes Local Environment Plan 2010 (PLEP 2010) applies to land within the Penrith Local Government Area (LGA). However, the subject site is mapped as a "Deferred Matter" (DM) area under the Land Application Map of the PLEP 2010.

Clause 1.3(1A) of the PLEP 2010 stipulates that the Plan does not apply to land mapped as Deferred Matter, meaning the site is excluded from the operation of the LEP. Accordingly, the planning provisions applicable to the site are contained within the State Environmental Planning Policy (Precincts – Western Parkland City) 2021, which is assessed in detail in Section 5.2.6 above.

5.2.8 Penrith Lakes Development Control Plan – Stage 1 2021

The Penrith Lakes Development Control Plan - Stage 1 2021 applies to the subject site. In accordance with Section 4.15(3) of the Environmental Planning & Assessment Act, 1979, a consent authority is to consider DCP variations on merit, as outlined below (our emphasis added):

*"(3A) **Development control plans** If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*

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

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

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

The provisions of the DCP that apply to the proposal are contained in **Annexure B** along with an assessment of the performance of the proposal with those controls. Where there are variations, they are generally addressed within the compliance table at **Annexure B**, or below.

(1) Height of Buildings

Control 5.2.4 in Section 5 of the PLDCP stipulates the following in relation to building height:

“ Figure 4. Height of buildings (Tourism South precinct) shows the maximum building heights.

The predominant maximum building height is 22 metres, with the exception of land depicted in

1) that is within 50 metres of the precinct boundary, which has a maximum height of 10 metres.

2) Development is to step down with the topography and present with a lower building height along the northern edge fronting the Regatta Lake.

Note - building height is to be measured from final approved ground level.”

Under the PLDCP, a maximum building height of 22m applies to the subject site. Refer **Figure 17**.

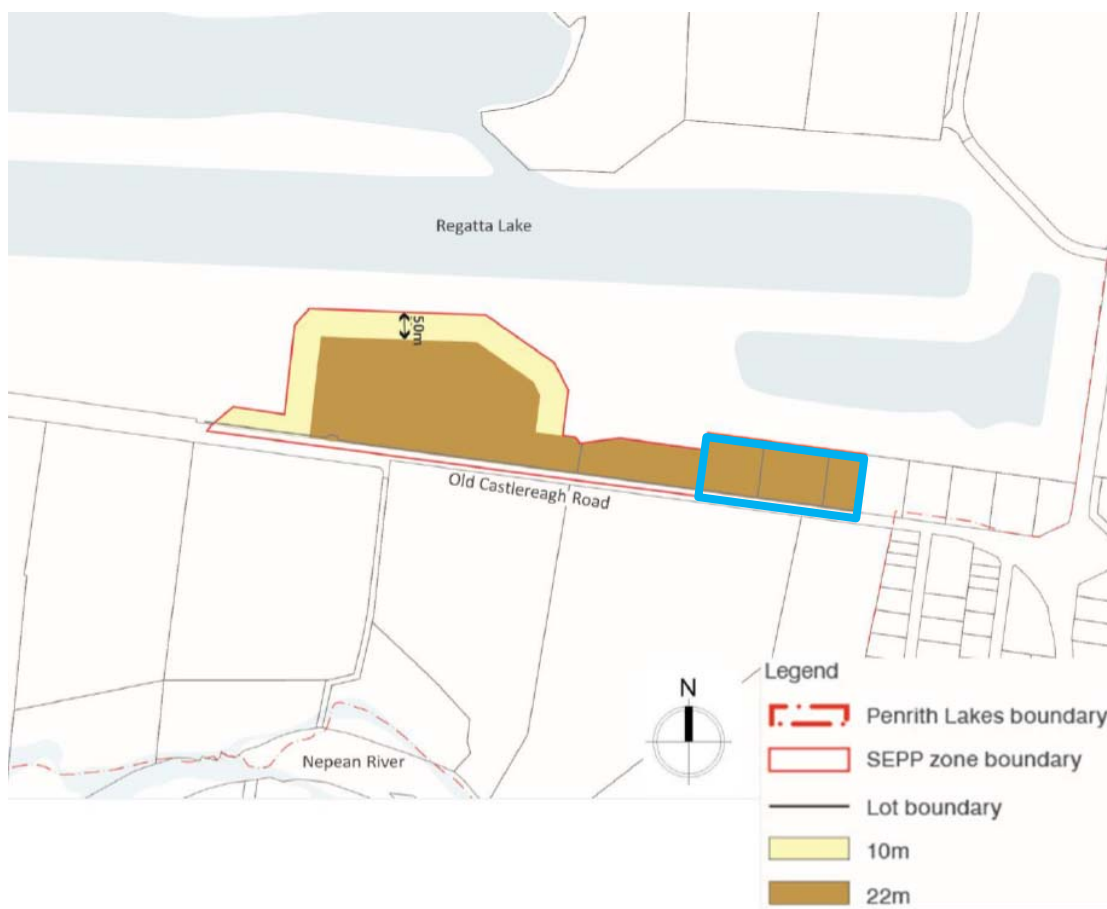


Figure 17 Height of buildings (Tourism South precinct) (Subject site outlined blue)

The uppermost level of the proposed hotel exceeds the height of building control by approximately 2.6m. This represents a 11.8% variation to Control 5.2.4 of the PLDCP. The extent of the variation is depicted in **Figure 18** below.

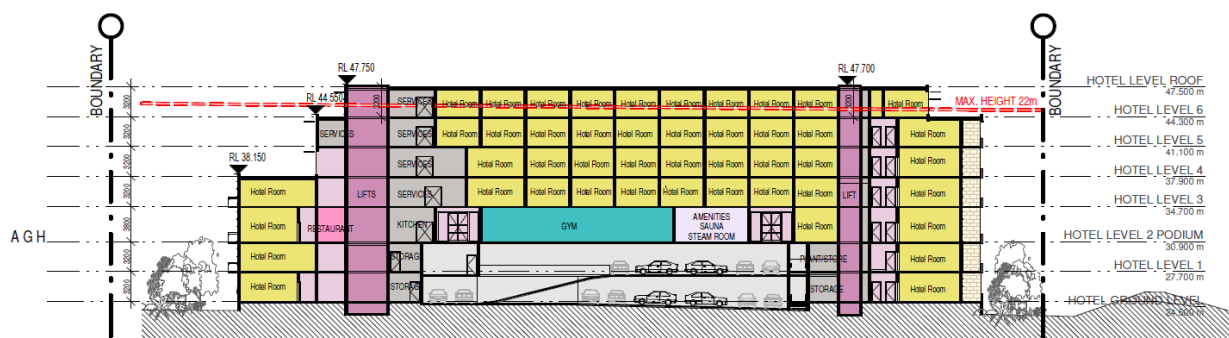


Figure 18 Proposed hotel section, depicting height of building line dashed red

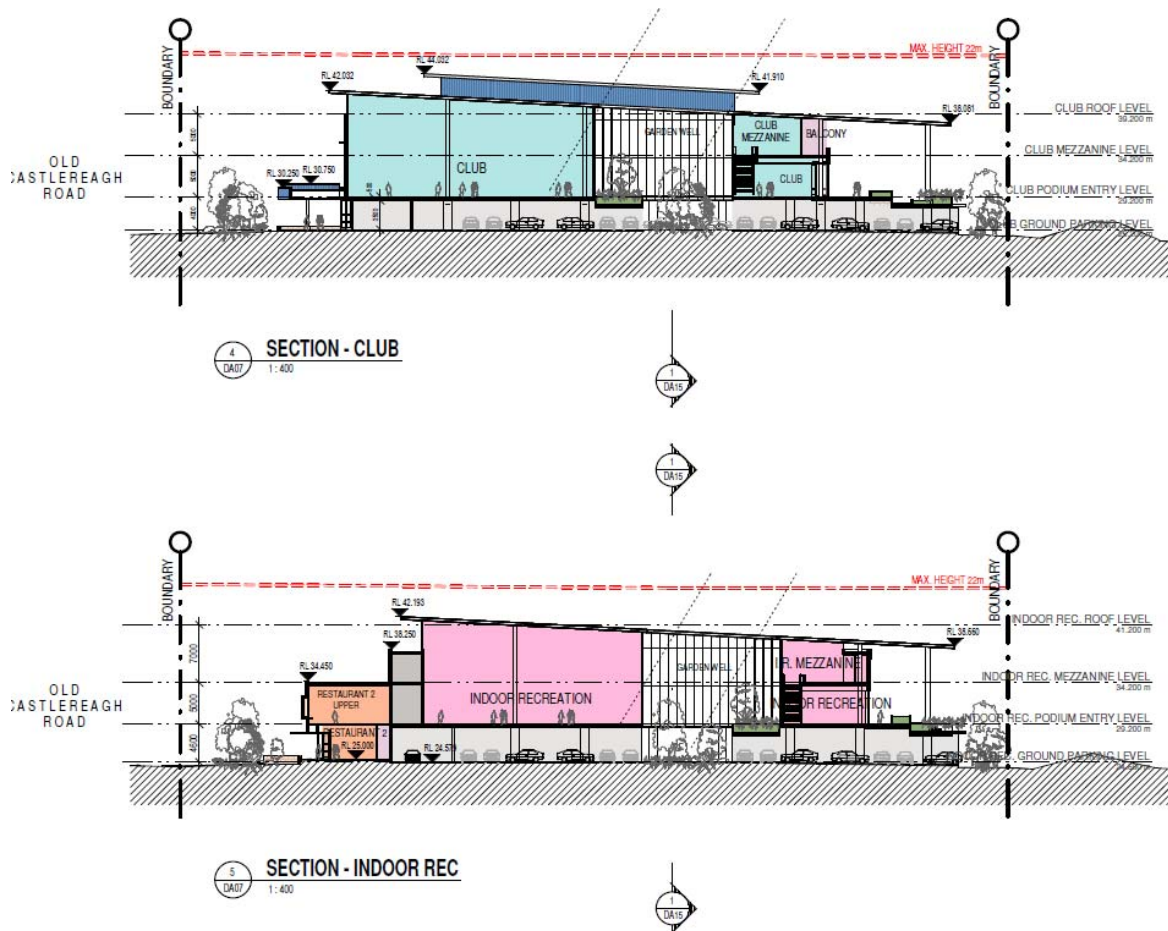


Figure 19 Proposed club and indoor recreation section, depicting height of building line dashed red

As depicted above, the remainder of the concept scheme (Stages 2 and 3) are sited well below the maximum building height control, with only a portion of the uppermost level of Stage 1 (hotel building) encroaching upon the 22 metre height limit. Despite this minor exceedance, the proposed scheme will not appear visually jarring or incompatible when viewed in the context of the existing and future anticipated built form within the Penrith Lakes precinct.

Importantly, upon completion, the proposal will deliver a landmark tourism development within the Penrith Lakes Tourism South Precinct, establishing an architectural benchmark for future development. As one of the first developments within the precinct, it will catalyse activation and investment while aligning with the strategic vision for the area.

A more detailed justification of the building height variation will be provided with the future detailed Development Application. In any event, the proposed variation satisfies the objectives of Control 5.2.4 (Building Height) of the PLDCP, as outlined in Table 6 below:

Table 6 Objective for building height (5.2.4 of PLDCP)	
Objective	Assessment Response
a) Ensure building heights respond to the site's topography, natural features and view sheds.	The proposed concept scheme has been designed to respond to the site's natural topography, flood planning levels, and surrounding landscape features. Building envelopes are sited to optimise landform compatibility while maintaining key view sheds to the Blue Mountains escarpment and Regatta Lake.
b) Provide an appropriate height transition and step down with the topography, with lower buildings fronting the Regatta Lake.	The proposed development provides an appropriate height transition relative to the site's overall topography, which slopes from the south-western to north-eastern corner. The buildings on Lot 14 and Lot 16 range in height from 17.5 m to 18.8 m, while the hotel building on Lot 12 reaches 24.6 m (noting a 2.6 m variation to the 22 m control). Although the transition does not step down directly towards the lake, the design incorporates extensive landscaping to soften built form impacts when viewed from the Regatta Lake. Furthermore, as the precinct develops, the proposed heights will integrate seamlessly with future built form, ensuring the development does not appear visually jarring or obtrusive when viewed from Old Castlereagh Road or the lake.
c) Preserve views from Old Castlereagh Road to the Regatta Lake.	The proposal maintains view corridors to the Regatta Lake by breaking up built form into three distinct building envelopes with adequate separation distances. While partial view obstruction is unavoidable with any development between Old Castlereagh Road and the lake, the scheme ensures views are retained between buildings and through landscaped areas, consistent with the planning controls and the intended future character of the Tourism South Precinct.
d) Ensure building heights sit below the tree canopy and preserve significant vegetation views.	There is no significant tree canopy existing on the site. The Key Views map confirms no explicit significant vegetation views are present within the development footprint. However, the proposal integrates a high-quality landscaping strategy with extensive tree planting and deep soil areas to ensure an appropriate built form presentation and improved landscape character within the precinct.

The proposal achieves the objectives of the building height control notwithstanding the minor non-compliance. As such, the proposed building form represents a reasonable alternative solution in accordance with Section 4.15(3A)(b) of the EP&A Act 1979, and a variation to the control is therefore considered warranted and appropriate.

(2) Flooding

Control 3.1 of Section 3 of the Penrith Lakes DCP – Stage 1 2021 establishes requirements for flood evacuation to ensure development does not pose an unacceptable risk to life, hinder regional evacuation capacity, or compromise the safety of future occupants.

The subject site is located within the probable maximum flood (PMF) extent for the Penrith Lakes Scheme and has been assessed in the context of regional evacuation requirements. A Flood Evacuation and Risk Management Plan (FERP) has been prepared by Molino Stewart, supported by a Flood Compliance Report by BG&E (May 2024), which together confirm the development's ability to achieve compliance with the DCP's evacuation and access provisions.

The proposed development has been designed to avoid adverse impact on flood conveyance, and to ensure safe and efficient evacuation can be achieved in the event of a major flood event, including the PMF. Site access will be maintained via Old Castlereagh Road, which remains passable during all but extreme flood events. Flood-compatible design measures—including the elevation of key floor levels, safe refuge areas, and provision of emergency management protocols—will be refined during subsequent detailed design stages to ensure compliance is maintained.

A more detailed justification of the flooding and evacuation requirements will be provided with the future detailed Development Applications. As outlined below and in the table in Annexure B, each of the requirements under Clause 3.1 has been directly addressed, demonstrating the proposal's consistency with the objectives of the DCP and its capacity to manage flood risk to life and property to an acceptable standard.

Table 7 Objective for Flooding and Evacuation (3.1 of PLDCP)	
Objective	Assessment Response
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.	The proposed development is consistent with the objectives and principles of the NSW Government's Flood Prone Land Policy and Floodplain Development Manual (2005). The submitted Flood Impact Assessment (FIA) prepared by Molino Stewart has considered the full range of flood behaviours and demonstrates that the development can be safely constructed, operated and evacuated without adverse flood impacts. The FIA applies the merit-based approach to floodplain risk management, consistent with the Manual's principles, including the assessment of hydraulic behaviour, climate change resilience, evacuation feasibility and environmental outcomes.
Minimise flood risk to life of the users of the development in the full range of flooding, including the 5% AEP, 1% AEP, 0.5% AEP, 0.2% AEP and the PMF.	The Flood Impact Assessment prepared by Molino Stewart confirms that the proposed development has been designed with consideration of all relevant flood events, including the PMF. The site layout ensures that evacuation is feasible in advance of flood isolation, and

Table 7 Objective for Flooding and Evacuation (3.1 of PLDCP)	
	the design avoids high hazard areas. All proposed buildings can be constructed to meet required flood planning levels with appropriate structural integrity and emergency management provisions. The Early Works stage includes stormwater infrastructure to manage overland flows, contributing to risk mitigation.
Maintain the flood function of the floodplain to minimise impacts of development on flood behaviour and adverse impacts to community.	The Flood Impact Assessment demonstrates that the proposed development avoids interference with major flood flow paths and preserves the floodplain's natural function. No buildings are located within high hazard areas or designated floodways, and the concept layout accommodates overland flow and stormwater through engineered flood mitigation measures. The proposal will not result in adverse off-site impacts or increased flood affectation to neighbouring land.
Enable safe evacuation from the land and ensure development does not adversely impact the evacuation capacity of the existing Hawkesbury–Nepean community.	A Flood Emergency Response Plan (FERP) has been prepared to guide staged development and ensure future operations implement early evacuation procedures. The site benefits from direct access to Old Castlereagh Road, a designated evacuation route, and evacuation modelling confirms the proposal will not impede or reduce capacity for broader community evacuation during a flood event.
Allow development that is compatible with the flood hazard and flood function of the land.	The proposed built form is located outside of floodways and avoids areas of high hazard. A staged approach enables development to proceed in locations with the lowest flood risk. Flood modelling confirms no obstruction of overland flow paths, and the design incorporates appropriate finished floor levels, evacuation measures, and flood-resilient construction techniques consistent with the site's flood hazard classification.
Avoid significant adverse impacts on flood behaviour and the environment.	The proposal avoids development within designated floodways and does not alter the flood storage capacity of the site. As confirmed in the Flood Compliance Report, the development will not obstruct flows, increase velocity, or exacerbate inundation risks to surrounding areas. Environmental impacts have been minimised through sensitive site planning, and no



Table 7 Objective for Flooding and Evacuation (3.1 of PLDCP)

	adverse impacts on riparian areas or bank stability are expected.
Manage changing flood risk due to climate change.	The proposed development has adopted conservative flood planning levels that account for projected changes in flood behaviour associated with climate change, including increased rainfall intensity and sea level rise. Design measures embedded in the concept, such as finished floor levels and drainage infrastructure, support long-term resilience. These will be further detailed in future Development Applications

5.3 STRATEGIC PLANNING FRAMEWORK

5.3.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The proposed development is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, which identifies the Western City as a key growth area centred around the Western Sydney Aerotropolis and major regional destinations such as Penrith Lakes. The concept proposal supports the objectives of the Plan by delivering a mix of tourism, recreation and entertainment uses that contribute to a strong and resilient local economy, activate underutilised land, and enhance access to open space and leisure opportunities. The development will improve Penrith's role as a strategic hub within the Western Parkland City and aligns with key directions of the Plan, including promoting a city supported by infrastructure, jobs and services, and fostering healthy, connected and inclusive communities.

5.3.2 Western City District Plan

The Western City District Plan identifies 22 Planning Priorities which support the vision of a thriving, liveable and productive Western Parkland City. These priorities aim to align local strategic planning with the NSW Government's metropolitan strategy *A Metropolis of Three Cities*. The Planning Priorities most relevant to the subject site at 39–65 Old Castlereagh Road, Castlereagh include:

- W1 Planning for a city supported by infrastructure, by coordinating growth with infrastructure investment in areas like Penrith Lakes, which has long-term strategic importance for tourism and employment.
- W3 Providing services and social infrastructure to meet people's changing needs, which supports developments such as clubs and recreation facilities that meet emerging leisure demands.
- W4 Fostering healthy, creative, culturally rich and socially connected communities, consistent with the proposed development's activation of the Penrith Lakes area.
- W5 Providing housing supply, choice and affordability with access to jobs, services and public transport, relevant in that the proposal supports jobs and tourism close to residential areas.
- W6 Creating and renewing great places and local centres, and respecting the District's heritage, particularly important given the development's role in shaping the future character of the Castlereagh tourism precinct.
- W11 Maximising freight and logistics opportunities and planning and managing industrial and urban services land, as the precinct sits adjacent to important freight corridors.



The Concept DA aligns with these priorities by facilitating high-quality development that promotes economic diversification, community benefit and place-making within the Penrith Lakes area.

5.3.3 Future Transport Strategy 2056

The Future Transport Strategy 2056 sets out the NSW Government's long-term vision for a fully integrated transport system that supports the land use objectives of the *Greater Sydney Region Plan*. The strategy outlines the development of a 30-minute city, where people can access jobs, education and services within 30 minutes by public or active transport.

The subject site at 39–65 Old Castlereagh Road, Castlereagh supports the goals of the Strategy by enabling a tourism-focused development adjacent to the Penrith Lakes Precinct, which is identified as a Regionally Significant Precinct in the Western Parkland City. The development capitalises on its strategic location near major road corridors (Castlereagh Road, Northern Road and the M4 Motorway), enhancing accessibility and supporting sustainable regional tourism.

The proposal also aligns with key transport directions under the Strategy by:

- Encouraging trip generation outside peak hours, associated with recreation, hospitality and tourism uses.
- Supporting the concept of a polycentric city, where multiple centres such as Penrith serve as hubs of activity.
- Integrating with future public and active transport opportunities envisioned for the Western Parkland City, especially in connection with the Western Sydney Aerotropolis and the North–South Rail Link.

In this context, the proposed development is consistent with the Future Transport Strategy 2056 and contributes to the broader aim of creating a connected, productive, and liveable Greater Sydney.

5.3.4 Penrith LSPS 2020

The Penrith Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use in the Penrith Local Government Area, identifying key planning priorities to manage growth, deliver infrastructure, and enhance liveability and resilience.

The proposed tourism development at 39–65 Old Castlereagh Road, Castlereagh aligns with several key directions and planning priorities of the LSPS, particularly in its support of the Penrith Lakes precinct as a regionally significant tourism and recreation destination. Relevant planning priorities include:

PLANNING PRIORITY 1: Align development, growth and infrastructure

The proposed development aligns with Planning Priority 1 by supporting the orderly delivery of new development in a location that is strategically serviced by existing and planned infrastructure. The subject site is located adjacent to Old Castlereagh Road and within proximity to existing urban areas of Penrith, enabling integration with the broader transport and utility network.

The proposal comprises a staged Concept Development Application for a regionally significant tourism and recreation destination, which is well timed to coincide with infrastructure planning for the Penrith Lakes Precinct. The site is also positioned to benefit from broader State infrastructure investment in the Western Sydney region, including future upgrades to road capacity and connectivity to the Western Sydney Airport and North–South Rail Link corridor.

The staged approach to development, beginning with civil works and key enabling infrastructure (including stormwater and flood mitigation), ensures infrastructure is sequenced appropriately and does not place unplanned demands on Council or State utility services. This aligns with the LSPS objective to ensure development is integrated with infrastructure delivery and supports sustainable growth.



PLANNING PRIORITY 2: Work in partnership to unlock our opportunities

The proposed development supports Planning Priority 2 by contributing to the early activation of the Penrith Lakes Precinct in collaboration with key public and private stakeholders. The concept proposal for a mixed-use tourism, recreation, and hospitality destination establishes a benchmark for high-quality development in an area identified for long-term economic and cultural investment.

The project has been informed by ongoing consultation with Penrith City Council and is supported by a suite of technical studies that ensure alignment with strategic planning directions for the Lakes Precinct. In doing so, it demonstrates a proactive and cooperative approach to land use planning, one which is consistent with the LSPS emphasis on shared responsibility for unlocking economic and community benefit.

By investing in essential enabling infrastructure such as stormwater connections, flood mitigation, and road access—the proposal paves the way for future public and private development in the precinct, representing a clear partnership approach to realising the long-term vision for the area.

PLANNING PRIORITY 6: Ensure our social infrastructure meets the changing needs of our communities

The proposed development supports Planning Priority 6 by delivering a multi-faceted tourism and recreation destination that will contribute to the social infrastructure offering of the Penrith Lakes area. The inclusion of an indoor recreation facility, public club, and hotel accommodation provides both local and regional community benefits, responding to increasing demand for accessible, inclusive, and flexible community and recreational spaces.

The development enhances liveability in the broader LGA by introducing new social infrastructure within proximity to emerging residential communities in Castlereagh, Cranebrook and Jordan Springs. The design of the proposal ensures safe access, high-quality landscaping, and public domain improvements that align with Council's long-term vision for socially cohesive and healthy communities.

By contributing to Penrith's evolving network of community-focused destinations, the proposal supports the intent of this Priority to provide infrastructure that reflects population growth, demographic diversity, and changing recreational needs.

PLANNING PRIORITY 7: Enrich our places

The proposal supports Planning Priority 7 by delivering a high-quality built form and public domain that contributes to the evolving character of the Penrith Lakes Precinct. The concept design has been informed by site topography, views to the Blue Mountains, and the natural setting of the Regatta Lake, resulting in a landmark tourism development that reinforces the site's unique identity within Penrith's landscape.

The proposal introduces new built form that is both architecturally expressive and sensitive to the surrounding environment, ensuring a balanced relationship between buildings, open spaces, and natural features. Publicly accessible areas, such as pedestrian links, landscaped edges, and communal gathering spaces, are proposed to activate the interface between private and public realms and encourage community interaction.

Through thoughtful design and placemaking, the development creates a distinct destination that supports Penrith's identity as a regional hub for tourism, sport, and leisure, thereby enriching the experience of place for both visitors and the local community.

PLANNING PRIORITY 11: Support the planning of the Western Sydney Aerotropolis





The proposed development aligns with Planning Priority 11 by supporting the broader strategic planning framework for the Western Sydney Aerotropolis and Greater Penrith to Eastern Creek Growth Area. While located outside the Aerotropolis boundary, the subject site plays an important complementary role in supporting the economic, tourism and employment objectives of Western Sydney's transformation.

By delivering a regionally significant tourism and recreation destination that includes hotel accommodation, indoor recreation and club uses, the proposal will attract local and international visitors, and enhance the service offerings available within proximity to the future Western Sydney International Airport.

The proposal is consistent with the LSPS vision to promote Penrith's role as a gateway to the Aerotropolis, leveraging its lakeside setting, existing infrastructure, and strategic location. In doing so, it supports economic diversification, contributes to local job creation, and reinforces the site's position as a key destination within the future Western Parkland City.

PLANNING PRIORITY 12: Enhance and grow Penrith's economic triangle

The subject site is located adjacent to one of the key arms of Penrith's Economic Triangle, connecting Penrith City Centre with the emerging Western Sydney Aerotropolis and the Northern Gateway. The proposed development supports this planning priority by introducing a mixed-use tourism and recreation destination that complements regional employment and economic goals.

The development will deliver a 7-storey hotel, club and indoor recreation facility, as well as ancillary drive-through restaurants, contributing to a high-quality visitor economy offering. The proposal will generate direct and indirect employment opportunities during construction and operation, stimulate local business activity, and broaden Penrith's leisure and hospitality base.

By unlocking the potential of underutilised land and providing tourism infrastructure in close proximity to key transport routes and natural assets like the Regatta Lake, the proposal enhances the economic productivity of the northern precinct of Penrith and supports the strategic intent of growing the Economic Triangle as a connected, diverse and competitive economic corridor.

PLANNING PRIORITY 14: Grow our tourism, arts and cultural industries

The proposed development strongly aligns with Planning Priority 14 by delivering a purpose-built, regionally significant tourism and leisure destination that leverages Penrith's natural setting, recreational assets, and growing visitor economy. The hotel, indoor recreation centre, and licensed club will serve as a catalyst for tourism activation at Penrith Lakes, providing accommodation, entertainment, and recreation offerings that attract both local and regional visitors.

The proposal complements Council's vision to position Penrith as a vibrant tourism hub, diversifying the city's economic base and capitalising on its proximity to the Blue Mountains, Western Sydney Aerotropolis and key infrastructure corridors. By integrating with the natural landscape and responding to place-based identity, the development supports cultural engagement and promotes Penrith as a destination for leisure, events, and short-stay tourism.

Through job creation, improved visitor services, and a unique waterside setting, the project will contribute meaningfully to the growth of Penrith's tourism, arts and cultural sectors.





PLANNING PRIORITY 19: Create an energy, water and waste efficient city

The proposed development supports Planning Priority 19 by incorporating sustainable design principles aimed at minimising environmental impact through efficient use of energy, water, and materials. The Concept DA has been informed by a suite of technical reports including the Waste Management Plan and Stormwater Management Strategy which demonstrate that energy and water efficiency measures and best-practice waste management will be integrated into the final development design.

Future stages will implement energy-efficient building systems, incorporate rainwater harvesting, and manage operational waste through segregated streams for recycling, organics, and general waste. Waste storage and collection have been designed to be practical, safe and accessible, reducing reliance on landfill and aligning with the NSW EPA Better Practice Guidelines.

By embedding sustainability into its infrastructure and operations from the outset, the proposal aligns with Council's vision for a low-carbon, climate-resilient city that responsibly manages growth while preserving environmental resources

PLANNING PRIORITY 20: Manage flood risk

The subject site is located within an area subject to both overland and riverine flooding, with parts of the site falling below the Probable Maximum Flood (PMF) level. In support of Planning Priority 20, the proposed development has been comprehensively designed to address and manage flood risk through both strategic siting and technical mitigation.

Flood modelling and a Flood Impact Assessment have been prepared by Water Technology and submitted with the Concept DA. These confirm that the development can be safely accommodated on the site with appropriate mitigation and design responses. A Flood Emergency Response Plan (FERP) has also been prepared, outlining safe evacuation procedures and demonstrating compliance with the Penrith Lakes DCP, including Section 3.1.1 relating to flood evacuation.

The development will not obstruct floodways or materially alter flood behaviour. All buildings will be designed to respond to flood planning levels, with critical infrastructure located above the relevant thresholds. The proposed stormwater system and flood relief infrastructure have been designed to ensure the site remains operational and safe in extreme events, while not adversely impacting surrounding properties or evacuation routes.

Through these measures, the proposal directly supports Council's priority to minimise flood risk to life, property, and infrastructure, while enabling appropriate development that is compatible with the flood function of the land.

5.3.5 Penrith Community Strategic Plan 2022

The proposed tourism and mixed-use development at 39–65 Old Castlereagh Road aligns with the vision and priorities of the Penrith Community Strategic Plan 2022, which seeks to foster a liveable, sustainable and resilient city that provides economic and lifestyle opportunities for all. The project contributes to the objectives of a thriving and connected community by supporting the local visitor economy, enhancing recreation opportunities, and delivering a landmark development that complements the natural character of the Penrith Lakes area.

In particular, the proposal aligns with the Strategic Plan's goals to diversify the local economy, strengthen tourism and cultural infrastructure, and ensure sustainable urban growth that responds to environmental constraints such as



flooding. The integration of flood-resilient design, sustainable building practices and community-focused land uses supports the Strategic Plan's emphasis on environmental sustainability and preparing for future challenges such as climate change. By delivering high-quality development in a strategic location, the proposal represents a strong response to the aspirations of the community as outlined in the Plan.

5.4 APPLICATION REQUIREMENTS TABLE

This Concept Development Application has been prepared having regard to the *Application Requirements – March 2022* published by the Department of Planning and Environment, as required under the Environmental Planning and Assessment Regulation 2021. The proposed development has been assessed against the relevant clauses and requirements, including regard for Concept Das, Flood-prone land, and the documentation requirements. A detailed response to the applicable provisions is provided in the table below:

Table 8 EP&A Act & March 2022 Regulation Summary	
Requirement	Response
Section 4.12 of the EP&A Act – Form and content of applications.	The Concept DA has been prepared and lodged via the NSW Planning Portal in accordance with the approved form and includes all mandatory documentation, including a Statement of Environmental Effects, site plans, and supporting technical reports.
Section 33 of the EP&A Regulation – Concept development applications	The application includes a written description of the development concept, including indicative building envelopes, proposed land uses, floor space, access and parking arrangements, and the staging of development. Environmental impacts have been assessed to support future detailed applications.
Flood risk and other environmental risks	A Flood Impact Assessment and Flood Emergency Response Plan prepared by Water Technology demonstrate the proposal's compatibility with flood risk management principles. The documentation satisfies sections by addressing the development's impact on flood behaviour, evacuation, and public safety.
Section 35 – Development on flood-prone land	As the land is below the PMF level and subject to riverine and overland flooding, the SEE and supporting flood reports address Section 35. The application demonstrates that the development is compatible with flood function, does not adversely affect evacuation capacity, and avoids environmental impacts such as erosion or loss of riparian vegetation.
Required documents	All required documentation has been submitted, including: – Site plans and building envelopes – Cost Report prepared by a registered quantity surveyor – SEE



Table 8 EP&A Act & March 2022 Regulation Summary

	– Urban Design Report – Civil, servicing, access and traffic assessments – Environmental reports covering flood, ecology, and visual impact
Statement of Environmental Effects (SEE)	This SEE addresses the environmental impacts of the concept proposal, the strategic and statutory framework, and identifies matters requiring detailed assessment at future stages.
Division 5.1 of the EP&A Act – Environmental Impact Assessment (EIS)	An EIS is not required for this Concept DA. The SEE and technical studies provide sufficient environmental analysis to support staged assessment under a concept proposal.

5.5 ABORIGINAL CULTURAL HERITAGE

The subject site at 39–65 Old Castlereagh Road, Castlereagh, lies within the traditional lands of the Dharug people, and holds significance in terms of its landscape setting adjacent to the Nepean River, and its history of land use prior to and following European settlement.

In accordance with Clause 3.8 of the Penrith Development Control Plan (DCP), all development is to be informed by an understanding of Country and undertaken in accordance with the National Parks and Wildlife Act 1974 and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

Assessment Approach and Documentation

The applicant has undertaken a comprehensive Aboriginal Cultural Heritage assessment, supported by the following documentation:

- Aboriginal Cultural Heritage Assessment Report (ACHA)
- Aboriginal Due Diligence Assessment Report (AA)
- AHIMS Search Results – confirming known sites within and around the study area
- Connecting with Country Report – articulating opportunities for cultural values and landscape connections to inform site planning
- Appendix B – Consultation Register – detailing early and ongoing engagement with Registered Aboriginal Parties (RAPs)

These documents demonstrate a methodical, staged approach consistent with the NSW Office of Environment & Heritage's recommended methodology.

Consultation

Meaningful engagement was undertaken with Aboriginal community stakeholders. The consultation process adhered to the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW and included:

- Invitations to RAPs under Clause 80C of the NPW Regulation 2009



- Site inspections and information sharing
- Ongoing engagement to incorporate cultural perspectives into the ACHA and design response

The Consultation Register (Appendix B of the ACHA) records all communications, meetings, and outcomes.

Findings

The ACHA confirms that the site does not contain any recorded Aboriginal objects or declared Aboriginal Places under the AHIMS database. However, the broader landscape is acknowledged as culturally significant.

The AA concludes that the project is unlikely to cause harm to Aboriginal cultural heritage and that no further assessment or AHIP (Aboriginal Heritage Impact Permit) is required at this stage. Notwithstanding this, a series of cultural heritage management recommendations have been made.

Cultural Values and Design Response

The Connecting with Country Report provides opportunities to embed cultural values into future development, including:

- Landscape interpretation
- Cultural use of materials
- Wayfinding and storytelling within the public domain
- Recognition of Dharug heritage in naming and signage

These will be integrated into future detailed design stages.

Management Measures

The following measures will be adopted as part of the ongoing planning and development process:

- Ongoing consultation with RAPs at future detailed design stages
- Implementation of cultural heritage training and induction for site works
- Inclusion of design features informed by the Connecting with Country process
- If unexpected finds occur, all works will cease and relevant protocols will be followed under the NPW Act.

This SEE has been informed by the updated Aboriginal Cultural Heritage Assessment (AHMS, 2025), including Appendix B (Consultation Register), Appendix D (AHIMS Search Results), and the Connecting with Country Report. These documents are appended to this application and referenced throughout Section 5.3.12 and the DCP Compliance Table (Clause 3.8)

5.6 IMPACTS ON NATURAL & BUILT ENVIRONMENT

5.6.1 Topography & Scenic Impacts

The proposal requires early works to accommodate building pads, ancillary structures, vehicular accessways, and pedestrian pathways across the site. As detailed throughout this Statement, the site's flood affectation has been a key determinant in the design approach, influencing finished floor levels and building envelope heights to ensure compliance with Flood Planning Levels (FPLs) and safe evacuation requirements.



As a result of the site's flood affectation and current stormwater issues, the proposal seeks consent for physical drainage works to resolve existing issues and prepare the site for future use. The proposed drainage works will require minor early works for pits and stormwater pipe connections; however, these works are relatively minor and will not have any adverse impacts on the topography of the land.

Excavation for the building slabs and public domain areas has been strategically planned to maintain flexibility for detailed design resolution in future staged Development Applications, as outlined in Section 4.2. This approach allows for adjustments to respond to detailed structural, hydraulic, and landscaping design considerations as the project progresses through its implementation stages.

The proposed above-ground parking has been integrated within podium building envelopes, ensuring it does not disrupt the overall aesthetic or functionality of the development and maintaining a consistent urban design outcome along Old Castlereagh Road.

To protect the character of the locality, the site's natural topography has been maintained around the periphery as far as practicable, with at-grade entries provided for buildings fronting the public domain. Integrated landscaping, as detailed in the Landscape Concept Plan (Distinctive Living Design, June 2025), has been incorporated to soften the built form, reduce hard surfaces, maximise permeability, and enhance the public domain experience.

In terms of scenic impacts, the proposed building envelopes are consistent with the desired future character of the Tourism South Precinct, presenting a scale and form of development that is anticipated under the Precincts SEPP 2021 and PLDCP controls. The development will deliver a landmark tourism destination, contributing positively to the emerging built form character of the Penrith Lakes area while respecting important views to the Blue Mountains escarpment and integrating with the surrounding landscape.

Overall, the scenic and topographic impacts of the proposal are considered acceptable, demonstrating a sensitive design response to the site's constraints and opportunities while achieving high-quality built form and public domain outcomes.

5.6.2 Micro-climate Impacts

The proposed development is not anticipated to result in any significant adverse impacts on local micro-climatic conditions. The Water Cycle Management Plan (Smart Structures Australia, June 2025) confirms that the development will not impact surface or groundwater regimes beyond standard urban development effects, ensuring no detrimental changes to site hydrology or associated micro-climate.

The landscape strategy, as detailed in the Landscape Concept Plan prepared by Distinctive Living Design (June 2025), incorporates extensive tree planting, native canopy species, deep soil areas, and integrated WSUD elements to create a pleasant microclimate within public domain and open space areas. These plantings will contribute to urban cooling, reduce heat island effects, and improve comfort for future occupants and visitors.

Overall, the proposal will enhance the site's microclimate through increased vegetation coverage, shaded pedestrian pathways, and well-considered built form massing that facilitates airflow and thermal comfort throughout the precinct.

The proposed landscaping has been designed to achieve a pleasant microclimate for the open space areas and the planting proposed will contribute towards enhancing the urban tree canopy and assist in climate control throughout the site.



5.6.3 Water & Air Quality Impacts

5.3.3.1 Water Quality

As discussed in Section 5.5.3, the site is affected by flood-prone land, and a Flood Impact Assessment prepared by Water Technology (June 2025) has been submitted with this application. This report, in conjunction with the Water Cycle Management Plan (Smart Structures Australia, June 2025), outlines stormwater management that will protect and maintain water quality within the locality following redevelopment.

As part of this Concept DA, preliminary phase of the development, consent for the initial stormwater drainage works is sought so that it can be undertaken on the site ahead of the future development stages, subject to future detailed DAs. These initial works will address current issues on the site in terms of stormwater and flooding on the site. Importantly, these works have been designed to accommodate the proposed building envelope and support the future uses to ensure the site will be adequately serviced in the future.

The extent of physical works for stormwater management sought under this application relate to the provision of new drainage pits on the site, one (1) per lot, and new pipework connections through to the existing pits on the adjoining land to the north. These works are proposed to resolve the sites flood concerns, noting that water quality and OSD requirements are necessary given that the Final Basin within the Penrith Lakes Scheme is not considered a regional detention facility.

It is noted that the new pipework connections are proposed within land owned by the Office of Strategic Lands (OLS). Discussions have been undertaken with OLS with regard to the drainage works on their land. Whilst discussions have been positive, OLS have advised that they will not be able to provide their consent for the works until this DA has been formally lodged.

As such, it is understood that OLS will assess any the proposed requests for easements for access to drain water, access for recreational use and the mitigation of flood issues on the proposed development site.

Upon completion of each development stage, roof and surface water runoff will be captured, treated, and discharged appropriately, incorporating WSUD elements such as rainwater harvesting tanks, gross pollutant traps, and on-site detention tanks to meet pollutant reduction targets in accordance with Council and NSW Government requirements.

During construction, appropriate sediment and erosion controls will be installed and maintained to prevent migration of sediment from the site, consistent with the Blue Book (Managing Urban Stormwater: Soils & Construction). Detailed stormwater management plans, including construction-phase erosion and sediment control measures, will be provided in future staged Development Applications.

Therefore, the proposal is not anticipated to result in any significant adverse impacts on water quality within the locality.

5.3.3.2 Air Quality

During construction, the site will be managed to mitigate potential impacts on air quality, particularly during excavation and early works. Standard environmental management measures, including dust suppression techniques such as water spraying, covering stockpiles, and stabilised site entry/exit points, will be implemented to minimise airborne particulate emissions.

During operation, the proposed uses are not expected to generate significant emissions, odours, or fumes beyond those associated with standard hotel, club, and recreation facility operations. Any uses with the potential to generate unusual odours or emissions will be subject to detailed assessment in future Development Applications to ensure compliance with relevant EPA and Council requirements.



A Wind Impact Assessment will be provided, if required, in future detailed design submissions to ensure pedestrian comfort and safety standards are achieved.

Overall, the proposal is unlikely to result in any notable adverse impacts on air quality during either construction or operation phases.

5.6.4 Flora & Fauna Impacts

An Arborist Report prepared by *Naturally Trees* (June 2025) accompanies this application. The report identifies 34 trees located on the subject site and along Council's footpaths. To accommodate the proposed concept building envelopes, a combination of tree removal, relocation, and retention is proposed.

Of the assessed trees:

- 11 trees are proposed for removal, including 1 tree of high significance.
- 11 trees are proposed for relocation to alternative locations either within or external to the site; these are generally of medium significance.
- 11 trees are proposed to be retained and protected, comprising 2 trees of high significance and 9 trees of medium significance.

Details of tree protection measures are provided in the Arborist Report and will be implemented in accordance with future detailed development approvals and as conditions of consent.

To mitigate the loss of trees on site, extensive replacement tree planting is proposed throughout the development, as detailed in the Concept Landscape Plans prepared by Distinctive Living Design (June 2025). The landscape strategy includes:

- Indigenous canopy tree planting to restore and enhance local biodiversity.
- Additional vegetation and shrub layers within public domain areas, improving visual amenity and microclimatic conditions.
- Species selection that is culturally appropriate and supports habitat creation for local fauna, consistent with the Connecting with Country Report recommendations.

Vegetation within individual building envelopes will be subject to further design resolution in future staged Development Applications. Overall, the proposed landscaping and extensive new native plantings will provide increased habitat opportunities and enhance ecological values within the site and locality.

In summary, the development is considered to have a positive impact on flora and fauna, enhancing biodiversity, urban greening, and ecological resilience within the Penrith Lakes Tourism South Precinct.

5.6.5 External Appearance & Design

As this application seeks approval for concept building envelopes, vehicle access, car parking, and associated landscaping works, a detailed analysis of external appearance and architectural design is not required at this stage. However, Annexure B assesses the proposed building envelopes against the Penrith Lakes DCP - Stage 1, demonstrating that the scheme represents the most suitable response to site constraints, public domain interface, and neighbouring properties.



The building envelopes have been designed with appropriate curtilage and flexibility, facilitating the delivery of high-quality, contemporary architectural outcomes in subsequent detailed Development Applications, consistent with the three proposed stages.

The Urban Design Strategy submitted with this application demonstrates that the buildings can be designed to achieve high-quality architectural forms, providing:

- A suitable relationship at both pedestrian and neighbourhood scales
- Active frontages and public domain integration
- Appropriate massing variations across the site to ensure visual interest and legibility.

Importantly, the proposed building heights and massing have been informed by an understanding of the bulk and scale of neighbouring properties, ensuring a cohesive streetscape and urban form. Subject to future staged applications, the envelopes will be developed into distinctive buildings, each with its own architectural character, providing an appropriate transition to the existing and desired character of the locality.

The concept design allows for the creation of well-articulated buildings, with massing strategies activating the pedestrian realm and upper levels articulated through façade modulation, material variation, and architectural detailing. The flexibility embedded within the envelopes enables high quality design outcomes to be achieved in accordance with the Design Excellence Strategy and SDRP recommendations.

Photomontages of the proposed development is provided in **Figure 20** to **22** below.



Figure 20 Proposed scheme, including club building as viewed from Old Castlereagh Road



Figure 21 Proposed scheme as viewed from Old Castlereagh Road



Figure 22 Proposed scheme as viewed from the lakes

In conclusion, the proposed building envelopes will integrate comfortably within their surroundings, establishing a strong foundation for the delivery of high-quality, modern, and attractive architectural designs, which will be further refined through future detailed Development Applications. Situated in a prominent location within the Penrith Lakes Tourism South Precinct, the proposal is set to deliver a landmark development that fosters tourism uses and creates a vibrant, community-oriented environment featuring high-quality landscaping, public domain improvements, and upgraded road and footpath networks. Overall, the development will align with and contribute positively to the desired future character objectives of the Penrith Lakes Precinct, ensuring meaningful benefits and a lasting positive impact on the local area and its community.

5.6.6 Heritage

The site is located in proximity to various heritage items identified in Section 2.4 of this Statement. However, the site itself is not located within or adjacent to a Heritage Conservation Area (HCA) and the proposed development will have no adverse impacts on the heritage character of the area.

This submission is also accompanied by a Connecting with Country Report prepared by *Virtus Heritage (January 2025)*. The report outlines a framework to ensure that planning, design, and construction adopt a Country-centred approach guided by Aboriginal people, embedding Dharug cultural narratives, knowledge systems, and connection to place within the project's design development.

Key recommendations from the Connecting with Country report have informed the urban design strategy, landscape design, public domain treatment, and interpretation opportunities to ensure the development respectfully acknowledges and celebrates Aboriginal cultural values and heritage associated with the Penrith Lakes area.

5.6.7 Overshadowing & Solar Access

An overshadowing and solar access assessment has not been prepared for this Concept Development Application, and is not considered necessary at this stage for the following reasons:

- The site is zoned SP3 Tourist under the Penrith Local Environmental Plan and is surrounded by land uses that are non-sensitive to overshadowing, including public open space, water bodies, and employment-zoned lands. There are no immediately adjoining residential properties or existing uses that would be adversely affected by overshadowing from future development on the site.
- The Concept DA seeks approval only for indicative building envelopes, land uses, and staging. It does not seek approval for detailed architectural design, final built form, or specific building orientation. As such, overshadowing impacts cannot be precisely determined or meaningfully assessed at this stage. This approach is consistent with Clause 33(1) of the Environmental Planning and Assessment Regulation 2021, which allows concept development applications to establish planning and design principles, rather than detailed design resolution.
- One of the primary reasons overshadowing is assessed in development applications is to preserve solar access to adjoining residential development, in line with principles of amenity and liveability under the Apartment Design Guide (ADG) or residential DCP controls. As no such adjoining residential uses exist in this context, the need for a solar access analysis is not triggered.
- A detailed overshadowing and solar access analysis will be required at the time of future detailed development applications, when specific built form, massing, orientation, and height of individual buildings are known. This will ensure that internal relationships between the proposed built forms (e.g. between the hotel, club, and indoor recreation buildings) are adequately assessed to minimise overshadowing of public domain, pedestrian spaces, or any proposed communal outdoor areas.
- While Penrith DCP 2014 contains overshadowing and solar access controls, these are primarily directed toward residential, mixed-use, and town centre environments. In this case, the subject site's tourism zoning and the absence of overshadowing-sensitive land uses mean those provisions have limited applicability.

In light of the site's zoning, the nature of the proposed development, and the absence of sensitive receivers, overshadowing is not considered a relevant planning constraint for the Concept DA. Nevertheless, the proponent acknowledges the importance of ensuring appropriate solar access to key public or communal spaces within the development and commits to addressing this at the detailed design stage.

5.6.8 Views

The proposed development is not anticipated to result in significant adverse impacts on views from surrounding land uses or recreational centres. The design of the proposed building envelopes has been carefully considered to ensure that the bulk, scale, and form are compatible with existing and future anticipated developments within the Penrith Lakes Precinct and broader locality.

Importantly, the proposal aligns with the Penrith Lakes DCP - Stage 1 guidelines, with the reorientation of massing in the concept design specifically considered in relation to key view corridors to the Regatta Lake and Blue Mountains escarpment. The location, separation, and variation in building heights have been strategically arranged to preserve important views where possible, while delivering a landmark tourism and recreation development consistent with the strategic vision for the precinct.



Any potential view loss resulting from the development is primarily a consequence of the site's current underdeveloped state, which does not reflect the planned bulk, scale, and character envisaged for the Tourism South Precinct under the Precincts SEPP and PLDCP. As such, the extent of view impacts is considered reasonable, justified, and consistent with the intended planning outcomes for the area.

5.6.9 Privacy

5.6.9.1 Visual Privacy

The proposed concept envelopes have been designed to minimise the likelihood of adverse overlooking impacts, both between the proposed tourist and visitor accommodation and other uses within the site, and towards neighbouring properties. Subject to future detailed design, the envelopes allow for appropriate separation distances, orientation, and façade treatments to maintain acceptable levels of visual privacy.

Internal Site Privacy

The building envelopes incorporate sufficient separation and potential design measures to ensure visual privacy is maintained between different uses within the site. Future detailed Development Applications will refine internal layouts, window placements, and screening treatments to achieve compliant and comfortable privacy outcomes, as demonstrated in the Urban Design Strategy.

Neighbouring Property Privacy

The proposed tree planting and landscape buffers along the site boundaries will further mitigate any potential visual privacy impacts between the proposed buildings and adjacent sites. It is noted that:

- The site is wholly within a Tourism zone.
- Land to the south is zoned Employment, and
- The nearest residential land use is located more than 500 metres away.

As such, the potential for privacy impacts on neighbouring residential properties is minimal. The concept design demonstrates that suitable architectural and landscape treatments can safeguard visual privacy for both neighbouring properties and future site users.

5.6.9.2 Aural Privacy

The acoustic privacy of future occupants will be addressed in detail as part of subsequent staged Development Applications. While an Acoustic Impact Assessment has not been prepared for this Concept DA, it is anticipated that future detailed applications will include a comprehensive acoustic assessment to:

- Evaluate potential noise impacts from hotel, club, and recreation facility operations.
- Identify necessary design measures such as upgraded glazing, acoustic seals, and internal layout treatments to ensure compliance with Council and EPA noise standards.

In addition, potential construction noise and vibration impacts on surrounding properties will be managed through the preparation and implementation of a Construction Noise and Vibration Management Plan in future applications, ensuring appropriate mitigation measures are in place to protect the amenity of neighbouring sites during construction works.



5.7 ECONOMIC & SOCIAL IMPACTS

The proposed development is anticipated to have no adverse economic impacts. Instead, it will deliver strong positive economic benefits for the locality and broader region. During construction, the project will generate short-term employment opportunities, including direct jobs within the construction sector and professional services, as well as indirect jobs created through supply chains and local expenditure in nearby businesses.

Upon completion, the development will provide long-term employment opportunities through the operation of the hotel, club, indoor recreation facility, and food and beverage premises. These uses will enhance the tourism offering within Penrith Lakes and support economic growth by attracting visitors and encouraging longer stays, aligning with regional tourism strategies.

Socially, the proposal is considered to have significant positive impacts. It will increase the availability of tourist and visitor accommodation, delivering new recreational and community facilities that enhance health, wellbeing, and social interaction for residents and visitors alike. Additionally, the development will deliver public domain enhancements, including footpath upgrades, integrated landscaping, and streetscape activation, which will improve the amenity, accessibility, and vibrancy of the precinct.

Future detailed designs will incorporate Crime Prevention Through Environmental Design (CPTED) principles to maximise safety and comfort for users. These measures will include well-designed lighting to improve night-time safety, maximised passive surveillance, clear and legible pedestrian pathways, and design treatments to clearly differentiate public and private spaces, fostering a sense of ownership and community safety.

Overall, the proposed development will contribute positively to the economic development, tourism growth, and social fabric of the Penrith Lakes Precinct and the wider Penrith LGA.

5.8 THE SUITABILITY OF THE SITE

5.8.1 Access to Services

The subject site is accessible, being located within close proximity to key road corridors, bus stops and Penrith Railway Station. These provide pedestrian, cycling, vehicular and public transport access to the Sydney CBD, surrounding and wider suburbs. This provides excellent accessibility to the employment opportunities, tourism and recreational facilities generated at future DA stages.

As the site is within an established area, electricity, telephone, gas, water and sewerage is readily available to the subject site. Notwithstanding this, service feasibility statements have been prepared at the Concept DA stage to ensure appropriate access can be provided at future stages.

A water services feasibility statement has been prepared by *Qalcheck* and makes the following conclusions with regard to the provision of water and sewer connections at the site:

- *“The development will require a DN225 gravity sewer connection and a DN150 Potable Water main connection to meet Sydney Water requirements;*
- *The existing sewer and water services at Old Castlereagh Road and Leland Street nearby to the proposed development are of suitable size to facilitate the development.*

As previously detailed, this application seeks consent to undertake preliminary drainage works in accordance with the submitted Stormwater Drawings prepared by Smart Structures Australia. These works will ensure that the site is adequately serviced in terms of stormwater drainage and will address existing flood issues, prior to the future detailed applications.

Furthermore, an electricity services feasibility statement has been prepared by *ACME* and makes the following conclusions:

- *"We confirm that, based on our assessment of the existing power supply at Old Castlereagh Road fronting the proposed development and our evaluation of the maximum demand required to service the proposed development, this project is capable of being serviced with the supply of electricity."*
- *A new proposed 1500kVA Padmount Substation is required"*

Therefore, all required services can be suitably accommodated at the site.

5.8.2 Car parking

The proposed envelopes will accommodate up to two (2) levels of above ground parking across the subject site. The envelopes will suitably accommodate future tourism, recreational and club uses will be the subject of future staged applications. This concept proposal is supported by the Traffic Impact Assessment prepared by *Stanbury Traffic Planning* as is submitted with this application. The Traffic Report assesses the extent of traffic generated by the proposal, and the provision of on-site parking in accordance with the Concept Design.

The Traffic Impact Assessment concludes that:

- The proposal is capable of meeting the relevant parking requirements under Council's Parking Code, Transport for NSW Guidelines, and Australian Standards, with detailed compliance to be addressed in future Development Applications.
- The building envelopes will accommodate the required number of parking spaces, as well as bicycle parking and end-of-trip facilities.
- The proposal includes multiple ingress/egress driveways designed in accordance with Council and Australian Standards.
- Parking layouts are generally compliant with manoeuvring, clearance, and space width standards.
- The surrounding road network is capable of accommodating the additional traffic generated by the development without adverse impacts on network performance.

5.8.3 Hazards

The site is not subject to landslip risk or bushfire affectation, and the proposed development will not increase the likelihood of such hazards occurring. However, the site is identified as flood-affected, which has informed the design strategy.

Flooding and Stormwater Management

As outlined in the Flood Impact Assessment prepared by *Water Technology* and submitted with the application, flood modelling indicates that the site is affected by both overland and riverine flooding sources. The subject site is affected during riverine flood events of a 1% AEP, with inundation depths exceeding 4.0m+ in larger magnitude flood events. In regard to overland flooding, the eastern lot (Lot 12 in DP793163) is impacted by overland flow across a full range of design events, the western lot (Lot 14 and 16 in DP793163) is elevated higher and predominately flood free in all events up to 0.02% AEP.

A Flood Emergency Response Plan (FERP) has also been prepared by *Water Technology* which outlines the most appropriate flood emergency management strategy for the proposed development. **Figure 23** below provides excerpts of the pre and post development flood depths.



Figure 23 Pre and Post Development Flood Depths at 1% AEP (Water Technology)

The proposed Concept DA with regard to site planning, building envelopes and stormwater management has been designed to respond to the sites flood affectation and the flood planning levels recommended in the abovementioned reports. With regard to future stages, compliance with the recommendations made within these reports will be enforced by way of conditions to ensure compliance with flood resilience, safe evacuation, and development feasibility criteria.

To ensure compatibility with the flood hazard and flood function of the land, the concept design avoids high hazard areas and includes adequate setbacks from major flow paths. As confirmed in the supporting Flood Impact Assessment, the proposed development does not result in increased flood risk to neighbouring properties or cumulative changes to flood behaviour, such as increased flow velocities or depths.

The design ensures that key infrastructure, accessways and floor levels are sited above the defined Flood Planning Level, with finished floor levels designed to achieve at least 0.5m freeboard above the 1% AEP. Critical electrical, waste and utility infrastructure will be located above this threshold, ensuring continuity of essential services during flood events.

Climate change and sea-level rise projections have also been accounted for in the flood modelling. The development layout enables safe and timely evacuation and ensures that it does not impede regional evacuation capacity across the Hawkesbury–Nepean floodplain.

5.9 THE PUBLIC INTEREST

The proposed concept development will increase the supply and diversity of tourism and recreation-related uses in the locality, meeting the needs of the community and aligning with the objectives of the Tourism zone under the Precincts SEPP 2021. The building envelopes and site arrangement have been designed to support a variety of tourism-related uses in a form that is compatible with the scale, character, and strategic vision for the Penrith Lakes Precinct.

The proposal is located within an area surrounded by compatible land uses, adjacent to major transport corridors and public transport options, ensuring the site is well placed to benefit from its strategic location and to support regional tourism growth. The development will also deliver positive public domain outcomes, including extensive landscaping, streetscape improvements, and enhanced pedestrian access, contributing to the amenity, functionality, and aesthetic quality of the precinct.

Furthermore, the concept development is consistent with the desired future character of the Penrith Lakes Precinct and wider LGA. The proposed building envelopes and site planning will accommodate high-quality architectural outcomes, delivering buildings with considerable public domain enhancements and integrating extensive landscaping to all frontages and within the site.



The proposal has been designed to protect the amenity of adjoining development while providing a high level of amenity for future visitors and occupants. Its proximity to public transport services enables convenient and sustainable access to employment, services, and tourism and recreational facilities, encouraging the use of active and public transport modes.

Overall, the proposed development is consistent with NSW Government policy objectives to increase tourism and recreational uses in strategic growth areas such as Penrith City and is therefore considered to be in the public interest.





6. Conclusion

This Statement of Environmental Effects supports a Concept Development Application for a staged mixed-use tourism and recreation development at 39–65 Old Castlereagh Road, Castlereagh, submitted under Division 4.4 of the Environmental Planning and Assessment Act 1979. The application includes approval for early works, including demolition, site preparation, vehicle accessways, pedestrian paths, at-grade car parking, installation of essential services, and definition of building envelopes.

The proposal establishes a framework for future Development Applications for the following:

- A seven-storey hotel comprising 147 rooms, with integrated restaurant, spa, gym, pool and back-of-house facilities;
- A 5,713 m² indoor recreation facility, including two drive-through food and drink premises;
- A 5,177 m² club facility, including bar, dining, and function uses.

All proposed land uses are permissible with consent under the Penrith Lakes SEPP (Precincts – Regional NSW) 2021, within land zoned Tourism, and are consistent with the strategic intent of the Penrith Lakes Scheme and the objectives of the zone.

The Concept DA has been assessed against the applicable provisions of Section 4.15 of the EP&A Act, relevant SEPPs, the Penrith Local Environmental Plan 2010, the Penrith Lakes DCP 2021, and other supporting guidelines. The proposal is also aligned with the Greater Sydney Region Plan, Western City District Plan, Penrith LSPS (2020), and Penrith Community Strategic Plan (2022).

While the proposed hotel envelope exceeds the 12-metre height control under the PLDCP 2021, the variation is justified by site-specific circumstances, including topography, flood resilience design, and the strategic role of the site as a gateway tourism destination. The proposed envelopes and site layout have been informed by robust urban design, traffic, flooding, servicing and environmental assessments, and are demonstrated to be capable of accommodating high-quality future built form without causing undue impact on adjoining land or the broader locality.

The Concept DA does not seek consent for final architecture but establishes a strong planning and design framework to guide future detailed DAs. The inclusion of public art, landscape integration, and Aboriginal cultural values — including a Connecting with Country approach — reflects the site's cultural, environmental, and social setting.

The proposal represents an appropriate and orderly use of the site and is a significant opportunity to realise the long-standing vision for a tourism and recreation precinct within the Penrith Lakes Scheme.

Accordingly, the proposal is considered to be in the public interest and is worthy of DPHI's support.

ANNEXURE A

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



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

Chapter 5 – Penrith Lakes Scheme

Clause / Control	Requirement	Proposal	Complies?
Part 5.2 Development control			
5.11 Development generally	A person shall not carry out development on land to which this Chapter applies except development authorised by or under this Chapter.	Noted. The Proposed concept scheme is development authorised by this Chapter.	Y
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. (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 (b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that— (i) development should not be carried out until other land to which this Chapter applies is developed for purposes which include an extractive industry,	Noted. The proposed concept scheme seeks to implement the Penrith Lakes Scheme for tourism development. It is generally in accordance with the structure plan, enabling staged redevelopment consistent with the Tourism South Precinct objectives.	Y

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

	(ii) the land, the subject of the application, will not be rehabilitated and reconstructed— (A) generally in accordance with the structure plan, or (B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or (iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Chapter applies.		
Part 5.3 Permitted or prohibited development on zoned land			
5.18 Subdivision—consent requirements	Land to which this Chapter applies may be subdivided, but only with development consent.	Subdivision is not proposed. Any future subdivision at the site will be subject to a detailed development application.	Y
5.19 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	The proposal seeks consent for demolition of existing structures on the site. Refer to the demolition plan with the Architectural Plans. In accordance with Clause 5.19 of the <i>Penrith Local Environmental Plan 2010</i>, development consent is required for the demolition of a building or work. This Concept Development Application includes the proposed demolition of existing structures on the site to facilitate future development in line with the endorsed masterplan and building envelopes. While detailed demolition methodology will be addressed in future staged applications, this Concept DA acknowledges	Y

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

	(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by— (a) development consent, or (b) a permit granted by the council.	Tree removal is ancillary to development requiring consent and is addressed within the Arborist Report accompanying this application. The submitted Landscape Plan indicates the concept landscape scheme, however landscaping proposed to offset removals, consistent with DCP and SEPP requirements will be refined in the detailed DA stages.	
Part 5.5 Additional provisions for zoned land			
5.31 Development on land zoned Tourism	Development consent must not be granted for development on land zoned Tourism unless the consent authority has considered the following— (a) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development, (b) if the development involves or is near a heritage item— (i) a heritage conservation management plan prepared in relation to that heritage item and approved by the Planning Secretary, and (ii) whether the development is consistent with that plan, (c) whether a stable foundation exists or can be developed for the development, (d) whether the existing development platform (including subgrade) can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event, (e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.	A Traffic Impact Assessment has been prepared and is submitted with the application. The assessment includes recommendation for managing traffic impacts and addresses anticipated traffic generation, access and circulation, and the cumulative transport impacts of the concept proposal. The report includes modelling of expected peak-hour traffic, proposed upgrades to Werrington Road and internal access roads, and outlines management strategies for vehicular, pedestrian and service vehicle movements. It confirms that the road network can accommodate the proposed development, subject to the staged delivery of infrastructure upgrades identified within the report. The subject site is not identified as a heritage item, nor is within close proximity to a heritage item. However, a number of heritage items are located nearby, including the Castlereagh Road alignment and Castlereagh Cemetery. The heritage assessment concludes that the proposed concept development will not result in any	Y

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

		direct or indirect impacts on the identified items. No Heritage Conservation Management Plan is required as the proposal does not involve works to or within the curtilage of a heritage item, and the findings of the report confirm consistency with Clause 5.31(b). The Geotechnical Report confirms that stable foundations can be established for the proposed building envelopes. Site-specific soil conditions and recommendations for foundation systems will be addressed in more detail in subsequent detailed development applications.. The Flood Impact Assessment confirms that while the site is subject to flooding, the proposed development can be designed to appropriately manage scour risk from a 1:100 AEP (ARI) flood event. The report recommends design responses including the use of protective embankments and stormwater infrastructure to maintain the integrity of building platforms during high-flow events.. The geotechnical report considers the potential for differential settlement and confirms that appropriate foundation systems can be incorporated to address existing subgrade variability. Recommendations include engineered fill, raft or piled footings, and staged construction to mitigate settlement risks. These provisions will be further developed and refined at the detailed DA stage.	
Part 5.6 Miscellaneous provisions			

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

5.33 Heritage conservation	(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 6 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	The subject site is not identified as a heritage item, nor is within close proximity to a heritage item. However, a number of heritage items are located nearby, including the Castlereagh Road alignment and Castlereagh Cemetery. The heritage assessment concludes that the proposed concept development will not result in any direct or indirect impacts on the identified items. No Heritage Conservation Management Plan is required as the proposal does not involve works to or within the curtilage of a heritage item.	N/A
5.36 Earthworks	(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.	The proposed Concept Development Application includes early site-wide enabling works associated with platform creation for future development. While detailed excavation and fill volumes will be determined at subsequent detailed DA stages, the principles of earthworks design and staging are addressed in the application documentation, and the following matters have been considered:	Y

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

	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	(a) Disruption to Drainage Patterns and Soil Stability The proposed development, including associated early works, will not result in adverse changes to local or regional drainage patterns. Proposed levels respond to existing topography and are designed to integrate with stormwater and flood management systems. (b) Effect on Future Use or Redevelopment The proposed early works will support the future development of a hotel, recreation facility, club and associated infrastructure. The works are intended to enable redevelopment of the site consistent with the strategic vision for the Penrith Lakes Tourism Precinct. (c) Quality of Fill or Soil Testing and validation of fill material will be undertaken at future DA stages as required. (d) Amenity of Adjoining Properties The site is bounded by large-lot open space, lake systems, and road corridors, with no sensitive residential interfaces. Construction-phase impacts will be managed through appropriate environmental management measures (e.g. erosion and sediment control, dust suppression), to be implemented under a future Construction Environmental Management Plan (CEMP). (e) Source and Destination of Material At the concept stage, the volume of imported or exported material is yet to be finalised. However, any cut or fill will be managed in accordance with the Waste Management Plan and the future CEMP. Any off-site disposal will occur at appropriately licensed facilities. (f) Likelihood of Disturbing Relics The site has low potential for historical archaeological relics. There are no Aboriginal objects or places identified on the subject site, and the AHIMS search returned no results. Nonetheless, standard unexpected finds protocols will be adopted during any earthworks.	
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State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Compliance Table

		(g) Proximity to Sensitive Areas The site is located within proximity to the Sydney Drinking Water Catchment. However, the civil design has been reviewed in light of relevant environmental sensitivity. Stormwater infrastructure and erosion and sediment controls will mitigate any risk to adjacent waterbodies and sensitive receiving environments. (h) Mitigation Measures Mitigation are identified in the Civil and Flood reports. These will be detailed in future application stages and implemented through conditions of consent.	
5.38 Flood planning	(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.	Refer to the Flood Impact Assessment Report and Flood Emergency Response Plan submitted with the application, which confirm that overland flow flooding impacts can be mitigated for all events up to and including the 0.5% AEP design flood event, with riverine flood risks managed through appropriate building levels and evacuation planning. <i>(a) Compatibility with flood function and behaviour:</i> The proposal has been designed with a detailed understanding of the site's flood risk profile. The layout avoids high hazard and floodway areas, particularly for the buildings and critical infrastructure. Building envelopes are positioned and elevated to ensure they are compatible with the flood function of the site, allowing for continued conveyance of overland flow paths and protection of flood storage areas. <i>(b) No detrimental increase in flood affectation to others:</i> Hydraulic modelling confirms that the development will not result in significant increases to flood levels, flow velocities, or hazard on adjoining or downstream land. The proposed development includes measures to ensure the site's interaction with floodwaters remains passive and does not obstruct or divert flows in a way that would affect neighbouring properties. <i>(c) Safe occupation and evacuation capacity:</i> The FERP confirms that the proposed uses are consistent with the flood evacuation strategy for the	Y

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

	(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,	Penrith Lakes precinct and the broader Hawkesbury–Nepean Valley. The site is capable of early evacuation in advance of all modelled flood scenarios, including the PMF, ensuring no reliance on external emergency services and no adverse effect on regional evacuation routes. <i>(d) Risk to life management:</i> The design incorporates elevated floor levels (with appropriate freeboard above the 1% AEP), avoids flood hazard areas, and includes infrastructure placement above the flood planning level. Future detailed DAs will implement flood-compatible materials and design features that manage risk to life during flood events. <i>(e) Environmental protection:</i> The development avoids watercourses and riparian zones, minimising potential for erosion, vegetation loss, or bank instability. Stormwater management will use best practice techniques to ensure no sedimentation or environmental degradation arises as a result of construction or operation. <i>(f) Avoidance of unsustainable social and economic costs:</i> Given the level of flood resilience designed into the scheme—including early warning systems, robust evacuation planning, and climate-informed modelling—there is no anticipated increase in social or economic vulnerability. The development will be able to recover from flood events without long-term community cost. <i>(a) Climate change resilience:</i> Flood modelling has incorporated climate change scenarios, including sensitivity to future hydrologic conditions. The development responds to these projections with conservative design allowances and siting of vulnerable uses above the defined flood planning levels. <i>(b) Appropriate design and scale:</i> The buildings are appropriately scaled for the site's topography and hazard context. The envelopes respond to the gradient of the site and avoid	
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State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Compliance Table

	(d) the potential to modify, relocate or remove the building if the Hawkesbury-Nepean Valley floodplain is impacted by flooding.	overdevelopment in low-lying areas. Future stages will further refine design details to reinforce flood resilience. (c) <i>Design features for life safety and evacuation:</i> The future detailed applications will demonstrate compliance with the Floodplain Development Manual and include safe refuge, direct egress to external roads, and waterproofing of essential services—all of which support the safety of occupants. (d) <i>Adaptability in extreme flood conditions:</i> The built form and staging approach facilitate flexibility. The location and modular design of the buildings provide potential for partial relocation or staged withdrawal should flood risks significantly evolve in the long term.	
5.38A Key vistas and view corridors	(1) The objectives of this section are as follows— (a) to recognise, protect and enhance the natural, visual and environmental qualities of Penrith Lakes, (b) to ensure development is appropriate for the location and minimises impacts on key views. (2) In deciding whether to grant development consent to development, the consent authority must consider whether the development— (a) is located and designed to minimise its visual impact, including views to and from Castlereagh Road, the Nepean River, the Regatta Lake, environmental heritage items and the Blue Mountains, and (b) contributes to the scenic quality of the Penrith Lakes Scheme.	The proposed concept scheme, including building envelopes, has been designed to respect and maintain key view corridors to Penrith and Regatta Lake. Extensive landscaping is proposed to soften the built form and contribute positively to the scenic quality of the Penrith Lakes area.	Y
Part 5.7 Urban release areas			
5.40 Public utility infrastructure	(1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	Confirmed: No updates needed as the site is not mapped within an urban release area under the SEPP.	N/A



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

5.41 Development control plan	(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subsection (3) has been prepared for the land.	Confirmed: No updates needed as the site is not mapped within an urban release area under the SEPP	N/A
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ANNEXURE B

Penrith Lakes Development Control Plan Stage 1 2021

Compliance Table



Penrith Lakes DCP 2021 Compliance Table			
Clause/ Control	Requirement	Proposal	Complies?
PART 2 Penrith Lakes Context			
2.5 Design excellence strategy	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.	A Design Excellence Strategy has been prepared by <i>Audax Urban</i> and has been approved by the relevant consent authority. Approved. Noted.	Yes
PART 3 Environmental considerations			
3.1 Flood planning and evacuation	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.	1. <i>Development below PMF with population increase (Clause 1 & 2):</i> A site-specific Flood Emergency Response Plan (FERP) has been prepared and submitted. It includes appropriate strategies for safe, early evacuation and demonstrates that future stages can accommodate efficient evacuation without adverse	Yes

Penrith Lakes DCP 2021 Compliance Table

	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 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.	impact on regional evacuation capacity . 2. <i>Flood and drainage investigation (Clause 3):</i> A comprehensive flood and drainage investigation has been undertaken, including modelling of 20%, 5%, 1%, 0.2% AEP and PMF events. These overlays are detailed in the Flood Impact Assessment with survey-based verification to follow at construction . 3. <i>Acknowledgement and mitigation of flood effects on infrastructure (Clause 4):</i> The report outlines the potential flooding impacts on infrastructure and provides preliminary mitigation strategies to ensure infrastructure resilience under flood conditions . 4. <i>Cumulative flood impacts (Clause 5):</i> The assessment confirms the proposal does not increase flood storage loss, obstruct flow paths, or result in adverse impacts such as depth, velocity or flood warning time changes. Modelling confirms neutral or improved outcomes under developed conditions .	
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Penrith Lakes DCP 2021 Compliance Table

	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, floodways¹ 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. 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) <i>Managing Flood Risk Through Planning Opportunities—Guidance On Land Use Planning In Flood Prone Areas</i> (Hawkesbury–Nepean Floodplain Management Steering Committee); b) <i>Reducing Vulnerability of Buildings to Flood Damage—Guidance On Building In Flood Prone Areas</i> (Hawkesbury–Nepean Floodplain Management Steering Committee); and c) <i>Designing Safer Subdivisions—Guidance On Subdivision Design In Flood Prone Areas</i> (Hawkesbury–Nepean Floodplain Management Steering Committee).	5. <i>Flood hazard and risk to others (Clause 6a-e)</i>: The development does not increase flood hazard to adjacent properties. Future detailed applications will include certification of structural integrity up to the 0.2% AEP and ensure flood-compatible materials, optimal siting, and safe evacuation pathways. 6. <i>High flood hazard avoidance (Clause 7 & 9)</i>: The proposal avoids siting habitable or public assembly areas in floodways or high hazard zones. No filling of such areas is proposed . 7. <i>Overland flow management (Clause 8)</i>: The 1% AEP overland flow is preserved through envelope siting and future stormwater infrastructure design. 8. <i>Guideline consistency (Clause 10)</i>: The FERP and Flood Impact Assessment respond to the NSW Government's guidance on floodplain management, subdivision and building design.	
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Penrith Lakes DCP 2021 Compliance Table			
	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.	9. <i>Environmental impacts (Clause 11):</i> The project avoids erosion or degradation of the floodplain and riparian zones, with stormwater and erosion controls to be embedded in future detailed designs. 10. <i>Utilities and services (Clause 12 & 13):</i> Services will be located above flood levels and hazardous materials protected in line with best practice and EPA standards. 11. <i>Evacuation signage and fencing (Clause 14 & 15):</i> Flood evacuation signage will be implemented, and all fencing will allow floodwaters to pass freely, consistent with the controls.	
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 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.	<i>Early Evacuation Objective (Clause 1):</i> The proposal aligns with the objective of early site evacuation and/or non-attendance during flood events. The Flood Emergency Response Plan (FERP) prepared by Water Technology outlines a robust early evacuation strategy, consistent with the overarching intent of	Yes

Penrith Lakes DCP 2021 Compliance Table

	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;	the Early Flood Evacuation Guideline, ensuring that occupants vacate the site well before access routes are compromised. <i>Efficient Evacuation and No Adverse Impact (Clause 2):</i> (a) The FERP confirms that appropriate site-specific systems and processes will be in place to enable the safe and efficient evacuation of the site and that there will be no adverse impact on the broader Hawkesbury-Nepean evacuation network. The strategy ensures that the development does not contribute to congestion or delay evacuation for other properties within the floodplain. (b) A comprehensive flood emergency management plan (FERP) has been submitted with this Concept DA. <i>Flood Emergency Management Plan Requirements (Clause 3):</i> The FERP addresses all the required matters, including: (a) A detailed flood risk assessment and consideration of flood resilience for the subject site and surroundings;	
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Penrith Lakes DCP 2021 Compliance Table			
	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. 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.	(b) A governance framework and documentation approach tailored for site-specific preparedness and response in the Penrith Lakes Precinct; (c) Actions for occupants to manage personal safety and risk to life in the event of a flood; (d) Procedures for early warning notification and organised site evacuation protocols; (e) Measures for immediate relief, clean-up, and continuity of site operation following a flood or false alarm; (f) A long-term review mechanism to maintain and adapt the flood response procedures over time. <i>Mandatory Compliance (Clause 5):</i> As provisions 1, 2, and 3 are clearly met through the submitted FERP and Flood Impact Assessment, the application satisfies the conditions under which the consent authority may lawfully approve the proposal on land below the PMF level.	
3.2 Water-sensitive urban design and	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,	This Concept Development Application is supported by a suite of technical documents including the Stormwater	Y

Penrith Lakes DCP 2021 Compliance Table

stormwater management	both during and after construction. This plan must provide details demonstrating that the drainage systems have adequate capacity.	Management Strategy and Civil Infrastructure Report prepared by TTMC, and the Flood Impact Assessment and Flood Emergency Response Plan prepared by Water Technology. These documents demonstrate that the proposed development can be serviced by appropriately designed water-sensitive urban design (WSUD) and stormwater infrastructure consistent with Council's planning controls and technical guidelines. 1) Stormwater Management Plan A stormwater management strategy has been prepared and submitted with this Concept DA, outlining the post-development stormwater catchment layout, flow direction, infrastructure design philosophy and principles. The strategy identifies preliminary infrastructure including detention basins, swales, and underground pipe networks sized to manage both water quality and peak flow impacts on and off-site. The final configuration will be confirmed during future DA stages	
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Penrith Lakes DCP 2021 Compliance Table			
	2) Development must be consistent with the following guidelines: a) Penrith City Council's <i>Stormwater Drainage Specification for Building Developments</i>; and b) Penrith City Council's <i>WSUD Technical Guidelines</i>. 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:	2) Relevant Guidelines The stormwater strategy has been prepared with reference to: • <i>Penrith City Council's Stormwater Drainage Specification for Building Developments</i>; and • <i>Penrith City Council's WSUD Technical Guidelines</i>. These documents are noted and future detailed DA documentation will explicitly demonstrate compliance with their provisions. 3) Stream Erosion Index The proposed drainage and stormwater detention system will be designed at future stages to ensure the post-development duration of stream-forming flows does not exceed 3.5 times the predevelopment condition. Preliminary assessment confirms this target is achievable via detention and flow regulation. 4) General Stormwater Provisions a) Runoff Avoidance: Stormwater will not be directed into environmentally sensitive areas or threatened ecological	

Penrith Lakes DCP 2021 Compliance Table

	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;	communities. b) Energy Dissipation: All pipe outlets will incorporate energy dissipation measures, such as rock aprons or stilling basins, to prevent scouring. c) Infiltration: Where appropriate, permeable paving and other infiltration measures will be adopted, subject to geotechnical suitability. d) Local Drainage Considerations: Existing drainage patterns, ponding areas, and overland flow paths have been mapped and considered in the civil design. These will inform final lot levels and site grading to avoid nuisance flooding and ensure safe access. e) No Defined System: Where drainage to a public system is not currently available, options to create lawful points of discharge, easements or channels to watercourses will be addressed in subsequent DA stages. f) Qualified Engineer Report: All civil and stormwater assessments have been prepared by qualified engineers. Future designs will include OSD (onsite stormwater detention), water quality	
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Penrith Lakes DCP 2021 Compliance Table

	• if the proposed development will result in additional pollutant loading (and the appropriate licences have been obtained from the relevant government authorities), then 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. 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. 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.	controls (e.g. GPTs, swales), and adequate conveyance measures, supported by detailed modelling to ensure no impact on trunk systems or off-site flooding. h) Discharge to Council Systems: Where connection to Council's drainage infrastructure is available, all stormwater will be collected and either re-used or discharged lawfully. No uncontrolled discharge across footpaths, reserves or adjoining land is proposed. 6) Stormwater Design Standards a) Minor Flow (20% AEP): Piped drainage will be designed to control runoff from 1 in 5-year events. b) Major Flow (1% AEP): Overland flowpaths and detention structures will be sized to manage 1% AEP events, with surface flow safely directed away from buildings and infrastructure. 7) Integrated Water Cycle Management The project adopts an integrated water cycle approach incorporating water conservation, re-use (subject to feasibility), and staged treatment of stormwater. Opportunities for water re-	
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Penrith Lakes DCP 2021 Compliance Table			
	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	use within landscaped and open space areas will be explored further at future DA stages. 8) On-site Volume and Discharge Controls The strategy incorporates on-site detention to ensure post-development peak flows are at or below predevelopment levels. The final infrastructure design will maintain predevelopment discharge volumes and water quality, consistent with Council requirements and current best practice.	
3.3 Water conservation and reuse	1) Development must demonstrate that it meets the following minimum standards under the Water Efficiency Labelling and Standards (WELS) scheme: four-star dual-flush toilets, three-star showerheads, four-star taps (for all taps other than bath outlets and garden taps) and three-star urinals. 2) Development must install rainwater tanks to meet 80% of non-potable demand, including outdoor use, toilets and laundry. 4) Water use within open space (for uses such as irrigation, pools, water features, and the like) must be supplied from sources other than potable mains water (for example, rainwater, treated stormwater or greywater) to meet 80% of water use demand. 5) Rainwater tanks must be:	Details on standards with WELS will be provided at future detailed DA stage. Details on location and design of Rainwater Tanks are provided on the submitted Architectural Drawings and Stormwater Drawings, however locations and sizes may vary at future detailed DA Stage. N/A	Yes - - -

Penrith Lakes DCP 2021 Compliance Table			
	a) appropriately located and designed (with appropriate types, materials and colours) to minimise the visual impact on any rural, scenic or landscape character of any area; b) integrated into the design of any cluster of buildings during the site planning and design process; c) the percentage of proposed roof area directed to a rainwater tank must be maximised to increase the effectiveness must be plumbed into toilets, washing machines, irrigation systems and hose down facilities; d) designed, constructed, or both in accordance with the necessary guidelines to ensure safety and structural stability, including preventing flotation in the event of flooding; and e) designed to minimise the entry of contaminants into any water that may be harvested for drinking; and f) the design of tank must allow tanks to be cleaned, maintained and de-sludged as required; tanks must have leaf guard and first flush diverter installed and reliability of the reuse system; tank	As above.	
3.4 Tree preservation	1) The prescribed trees or other vegetation that are protected by Clause 5.26 (Preservation of trees or vegetation) of the SEPP are: a) any tree or other vegetation that has one or more of the following: • height greater than 3.5 metres; • canopy spread greater than 4 metres; and • primary trunk diameter greater than 400 millimetres when measured 1 metre above the base of the tree. b) any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area. 2) Development must seek to retain and protect existing trees. Any tree loss shall be offset with replacement plantings at a ratio of at least 2:1 (new to existing)	Noted. Refer to Arborist Report for detail on tree height, canopy spread and trunk diameter. A number of trees are proposed to be relocated either within the subject site or elsewhere. The proposed landscaping plan includes extensive tree planting in order to offset the loss of trees on site.	Yes Yes

Penrith Lakes DCP 2021 Compliance Table			
3.5 Riparian corridors, lakes and water bodies	1) Development within 40 metres of the Nepean River must be avoided. Where development is unavoidable, the applicant is to demonstrate that potential impacts on water quality, aquatic habitat and riparian vegetation will be negligible and that the design enhances or restores natural riparian corridor features. 2) Development must provide a buffer to protect the ecological, hydrological and water quality values of wetlands, lakes and water bodies. The buffer area must be vegetated with native plants that are largely indigenous to the area.	Site is located more than 40m from Nepean River.	Yes
3.8 Aboriginal cultural heritage	1) All development is to be informed by an understanding of Country, through consultation with traditional owners.	The proposal is informed by a comprehensive understanding of Country through the preparation of a Connecting with Country Report, prepared in consultation with Traditional Owners. This is supported by a formal Aboriginal Cultural Heritage Assessment (ACHA) and an Aboriginal Due Diligence Assessment (AA), both undertaken by Biosis. The methodology follows the <i>NPW Act 1974</i> and the <i>Due Diligence Code of Practice</i>, and includes detailed engagement with Registered Aboriginal Parties as documented in the Consultation Register (Appendix B). The reports confirm no known Aboriginal objects or places are present on the site, and that no AHIP is required at this stage. Management and cultural interpretation recommendations are to be embedded in future detailed design stages.	Yes -

Penrith Lakes DCP 2021 Compliance Table			
	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.	Noted.	
3.9 Contamination	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. 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 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.	A Preliminary Site Investigation (PSI) has been submitted with the application, prepared by a suitably qualified environmental consultant in accordance with the relevant NSW EPA guidelines and the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> (NEPM). The PSI identifies that the site has a history of extractive industry and infill, and while no gross contamination was identified, it recommends further investigation during future development stages. The report concludes that the site is suitable for the proposed concept development, subject to confirmation through more detailed assessments and management measures as the design is progressed. Any future development application will be accompanied by updated contamination reporting and, if required, a Remedial Action Plan to ensure the site is made suitable for the proposed use.	Yes

Penrith Lakes DCP 2021 Compliance Table			
3.10 Trading/Operating hours of premises	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 proposal seeks concept approval only. Specific construction and operational hours for individual land uses will be determined and assessed at future detailed DA stages. However, indicative hours of operation are provided in the Traffic Impact Assessment (pages 14–16), which were considered in the modelling and have informed the overall planning and traffic strategy. These hours are indicative only and will be further resolved as each component proceeds to DA.	Yes
3.11 Waste management	1) A waste management plan must be lodged with a development application, including demolition, construction, 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.	An Operational Waste Management Plan (OWMP) has been prepared by Colliers and accompanies the Concept DA. The OWMP outlines indicative waste generation rates, temporary storage areas, and collection strategies for each use type including the hotel, club, indoor recreation facilities, and drive-through tenancies. As this is a Concept DA, final waste room locations and operational procedures will be confirmed at future detailed DA stages. The concept design demonstrates that the envelopes can accommodate all required waste	Yes

Penrith Lakes DCP 2021 Compliance Table			
		management infrastructure in accordance with Council's guidelines..	
3.12 Noise and vibration	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; 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.	As this application is for Concept Development Consent only, detailed noise and vibration impact assessments are not required at this stage. However, future detailed development applications will be supported by site-specific acoustic reports prepared by qualified consultants. These will address construction and operational noise, ensuring compliance with the <i>Protection of the Environment Operations Act 1997</i>, EPA Noise Policy for Industry, and all other relevant State Guidelines and Australian Standards. The proposed building envelopes are of sufficient scale and siting to enable effective design responses to mitigate potential acoustic impacts at later stages.	-
3.13 Air quality	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 site will be managed during construction (subject to the subsequent stages) to mitigate any potential impacts on air quality, particularly during excavation. It is expected that appropriate dust mitigation measures will be employed during excavation. During	Yes

Penrith Lakes DCP 2021 Compliance Table			
		operation, the any potential uses which will generate any unusual odour or fumes will be subject to assessment under future applications.	
PART 4 Urban design and built-form controls			
4.1 Site planning	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.	A comprehensive site analysis has been provided in the Urban Design Strategy prepared by Morson Group, addressing site constraints, context, landform, access, and opportunities. The site exceeds 1 hectare and has not previously been developed for urban purposes, warranting the analysis. A view impact analysis is not required, as the site is located outside the view corridor areas identified in Section 2.3 of the DCP.	Yes -
4.2 Building design	1) All buildings should be designed to a high architectural standard and be designed by a suitably qualified design expert.	The proposed design features a well-articulated façade and landscape design that effectively addresses the Street Frontage and positively contributes to the streetscape and already sets precedents for pedestrian amenity to be considered through the detailed design. The	Yes

Penrith Lakes DCP 2021 Compliance Table

	2) Where a building is more than 60 metres in length, the building is to be separated into at least two parts by a significant recess or projection to minimise the mass, bulk and scale of the built form. 3) Building facades must be articulated with building entries, awnings, porticos, recesses, blade or fin walls, sun shading devices, and projecting bays or other varying elements as appropriate. 4) Buildings are to be sited to frame the street. On corner lots, buildings should be oriented to address all street frontages. 5) Street-facing elevations and elevations fronting the future Great River Walk are to present a high standard of architectural design with varying materials in combination with landscaping treatments to break up the expanse of large walls. 6) Buildings are to be oriented to ensure prevailing winds over blue-green infrastructure are optimised as a means of providing passive cooling. 7) Buildings shall be constructed with high-quality materials that integrate with the surrounding landscape and parkland setting. 8) External materials are to be of light-coloured and non-reflective building materials, and paved surfaces are encouraged. 9) The use of sustainable and recycled materials sourced from the region is encouraged. 10) Building services, such as mechanical ventilation, roof plant and lift overrun, must integrate with the facade and building design and must not be directly visible from the public domain. 11) Blank facades are not permitted along primary and secondary street frontages.	reference scheme which accompanies this Concept DA provision an indicative design response. Noted. Details on specific articulation features will be provided at detailed DA stage. Each building envelope addresses Old Castlereagh Road. As above. The proposed envelopes are well articulated and extensive landscaping is proposed to soften the built form of the street facing elevation. Noted. Subject to detailed development applications. As above. As above. As above. N/A N/A	- Yes Yes Yes - - - - - - -
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Penrith Lakes DCP 2021 Compliance Table			
	12) Applications for large-scale public buildings must demonstrate that buildings have been planned and designed to meet the needs of people with a complex or profound disability. 13) For Tourism zone, there must be a minimum separation of 20 metres between buildings. Reduced separation may be supported where it can be demonstrated that development is consistent with the objectives of this DCP. 14) For Tourism zone, building design is to minimise visual impacts and overshadowing on adjoining sites.	A 10m separation is provided between the proposed building envelopes. Its noted that there are no existing tourism buildings adjoining the site. Notwithstanding this, the scheme proposes compliant setbacks. Noted.	On Merit -
4.3 Active frontage	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. 8) Screening must be provided for any plant and mechanical equipment.	The proposed building envelopes have main entry windows to the street as such provide passive surveillance. Noted. Subject to detailed development applications. Site does not adjoin the Nepean river Noted. Not Applicable Not applicable. Subject to detailed development applications.	Yes - Yes N/A - N/A N/A Yes

Penrith Lakes DCP 2021 Compliance Table

4.4 Landscaping and open space	1) A landscape plan must be submitted with development applications (excluding minor alterations and additions). Landscape plans must be prepared by a suitably qualified consultant and include proposed trees to be removed, new trees, deep soil areas, and preferred tree species and canopy size. Landscape plans shall include details on areas of public domain, if appropriate.	A Landscape Plan has been prepared by <i>Distinctive Living Design</i> which accompanies the development application. The Landscape Plan concentrates deep soil planting throughout the site, within the site's frontage and between the proposed building envelopes.	Yes
	2) For Tourism zone, a minimum of 30% of the site area is to be landscaped.	Landscaped area is provided as follows Lot 12 – 33.1% Lot 14 – 30.1% Lot 16 – 34.8%	Yes
	3) Development shall be compatible with the landscape setting of Penrith Lakes.	Proposed scheme is considered to be compatible.	Yes
	4) Development must maintain a sense of openness and integrate with the surrounding landscape character.	Noted.	-
	5) Wherever possible, existing trees, remnant vegetation, environmentally sensitive features or other local character elements are to be retained and incorporated into the landscape setting.	A number of trees are proposed to be retained on the subject site.	Yes
	6) Development proposals must demonstrate how they are contributing 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.	Subject to detailed development applications.	-
	7) Remnant vegetation and riparian areas must be protected and enhanced, where possible. Where land contains remnant native vegetation, a flora and fauna assessment report will be required.	Noted.	-

Penrith Lakes DCP 2021 Compliance Table

8) Development must consider and identify opportunities to integrate and connect to the broader green infrastructure network.	Noted.	-
9) Development must protect and maintain the cultural landscape setting associated with heritage items.	Noted.	Yes
10) Development must provide an appropriate landscape transition to lake foreshore areas, the Nepean River and streets, where relevant.	Refer to Landscape Plan.	Yes
12) Landscape design shall complement the proposed built form and minimise the impact of scale, mass and bulk of the development in its context. Landscape design must promote environmentally sustainable development principles, including low-water and/or low- maintenance plants and drought-tolerant species, planting native or indigenous plants and using quality, long-lasting materials.	Landscaping treatment is proposed to reduce the visual bulk and scale of the building envelopes.	Yes
13) Landscape design must maximise the area of a deep soil zone to provide sufficient soil depth for roots to allow trees to reach full canopy potential.	All landscaped area proposed is deep soil.	Yes
14) Consideration is to be given to the connection of irrigation infrastructure to stormwater or recycled water source where open space irrigation is required to contribute to water efficiency and effective stormwater management.	Noted.	-
15) Development must maximise permeable design solutions, including permeable paving to minimise stormwater run-off.	Noted.	-
16) Landscape design must be high-quality and create interest and character through measures such as selection of tree species, well-integrated public art, pavement design and other elements.	Refer To Landscape Plan.	Yes
17) Landscaping design must be compatible with flood risk.	Noted.	-
18) Landscaping must be integrated in the front setback of buildings to provide an attractive outlook, screen buildings, and enhance pedestrian shade and the streetscape.	Extensive landscaping is proposed within the front setback area to ensure an appropriate and functional streetscape presentation.	Yes
19) Communal open spaces must incorporate the primary deep soil area where possible.		

Penrith Lakes DCP 2021 Compliance Table			
	22) Landscaped walls, including vertical gardens and green roofs, are encouraged. A specialised landscape architect must design any green roofs and must include: a) the location of proposed structures; b) drainage, irrigation and waterproofing details; c) an appropriate selection of plant species and soil details; and d) an accessibility and management plan outlining the required and ongoing maintenance for the green roof.	Subject to detailed development applications.	-
4.5 Deep soil and tree canopy	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 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 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;	Depp Soil area is provided as follows Lot 12 – 33.1% Lot 14 – 30.1% Lot 16 – 34.8% Noted. Refer to Arborist Report Refer to Arborist Report.	Yes - Yes -

Penrith Lakes DCP 2021 Compliance Table			
	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).	Noted.	-
4.6 Staging	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.	Refer to the Water Services Feasibility Statement and Electricity Services Feasibility Statement which confirms adequate arrangements can be made. Not Proposed. Noted. Not Proposed Development will not result in isolated lots.	Yes N/A - - Yes
4.7 Public art	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. 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:	The proposed development is located on land zoned for tourism use and exceeds the minimum 10,000 m² site area threshold. The DA masterplan drawing (DA07) identifies a designated “Zone for public art” within the site, confirming the intent to incorporate integrated public art	Yes

Penrith Lakes DCP 2021 Compliance Table			
	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.	within the development. While the detailed Public Art Strategy will be submitted with a future detailed development application, its inclusion at the concept stage demonstrates a commitment to meeting the DCP requirements. The final location, artistic engagement process, and thematic alignment with the Penrith Lakes context will be addressed in accordance with Clause 4.7 controls.	
4.8 Access and movement	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 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.	A Traffic Impact Assessment (TIA) has been prepared by Transport and Traffic Planning Associates and submitted with this application. The TIA addresses vehicle access, circulation, traffic generation, parking supply, and impacts on the local road network. No new internal public road is proposed, however the proposed access arrangements integrate with the existing road hierarchy and allow for efficient movement.	Yes N/A Yes Yes

Penrith Lakes DCP 2021 Compliance Table			
	10) Development shall, where appropriate, be designed to: 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. 16) Paved surfaces must be designed to delineate between different uses, including pedestrian areas, car parking spaces and driveways.	Two access points are proposed along Old Castlereagh Road and are justified in the TIA in terms of safety and network performance. The site is not located directly along the Nepean River and as such direct pedestrian connections are not applicable. Pedestrian circulation is accommodated internally as shown in the architectural plans. Vehicle movement has been designed to accommodate large vehicles entering and exiting in a forward direction, and turning paths comply with AS2890 requirements. Sufficient space is allocated for service vehicle loading and unloading, which is screened from public roads. Pedestrian and vehicle areas are clearly delineated in the architectural and civil plans through surface treatments and layout. Refer to the Traffic Impact Assessment.	Yes - Yes -

Penrith Lakes DCP 2021 Compliance Table			
4.9 Parking	1) Car parking shall generally be provided in accordance with the land uses and rates outlined in Table 2. 2) Unless otherwise stated within this DCP, parking areas within the front setback of the lot must be set behind a landscaped area. 3) Unless otherwise stated within this DCP, on-grade car parking shall: a) be encouraged where possible to be located on the side or rear of the lot; b) be constructed of permeable materials; c) provide one large tree for every six car parking spaces; and d) include fencing or landscaping to improve the visual impact on adjacent areas and allow for safe access to building entry points. 4) Where multilevel car parking is located above ground, ventilation grills or screen devices must be integrated into the facade and design of the building. 5) Parking areas are to be designed in accordance with the relevant Australian Standards. 6) Along all public street frontages, multilevel above-ground parking areas are to be laminated or sleeved with another use for a minimum depth of 10 metres—for example, building entry lobbies, retail tenancies and commercial floor space.	Parking provision has been assessed in the Traffic Impact Assessment submitted with this application, which confirms compliance with relevant DCP parking rates based on the indicative land uses. Car parking areas are located behind the front setback and appropriately screened with landscaping.. The indicative concept plan locates car parking to the rear of the site. Final detail will be addressed at DA stage, including use of permeable materials, landscaping and trees in accordance with this clause.. Above-ground car parking is integrated within the building envelopes. Screening and design treatment will be addressed at the detailed DA stage in accordance with this clause. Concept layout and envelopes have been informed by AS2890 design principles. Full compliance will be confirmed with detailed DA documentation. Building envelopes allow for sleeving of above-ground parking with active uses such as hotel lobbies and retail tenancies.	- Yes Yes - Yes -

Penrith Lakes DCP 2021 Compliance Table																	
		This will be confirmed and detailed further at the detailed DA stage.															
4.9.1 Car parking	1) Car parking will be provided in accordance with the requirements of Table 2 Parking rates. Table 2. Parking rates <table><tr><th>Land uses</th><th>Parking rate</th></tr><tr><td>Hotel or motel accommodation</td><td>1 space per unit, plus 1 space per manager, plus 1 space per 6 employees</td></tr><tr><td>Retail premises</td><td>1 space per 30 m² gross floor area</td></tr><tr><td>Business and office premises</td><td>1 space per 40 m² gross floor area</td></tr><tr><td>Restaurants, reception rooms and function rooms</td><td>1 space per 6 m² of seating area, plus 1 space per employee</td></tr><tr><td>Entertainment facilities and function centres</td><td>1 space per 3.5 seats or 1 space per 3.5 m² gross floor area, whichever is greater</td></tr><tr><td>Fitness centres, including gyms</td><td>7 spaces per 100 m² gross floor area</td></tr></table>	Land uses	Parking rate	Hotel or motel accommodation	1 space per unit, plus 1 space per manager, plus 1 space per 6 employees	Retail premises	1 space per 30 m ² gross floor area	Business and office premises	1 space per 40 m ² gross floor area	Restaurants, reception rooms and function rooms	1 space per 6 m ² of seating area, plus 1 space per employee	Entertainment facilities and function centres	1 space per 3.5 seats or 1 space per 3.5 m ² gross floor area, whichever is greater	Fitness centres, including gyms	7 spaces per 100 m ² gross floor area	A total of 491 spaces are proposed, comprising 161 hotel-exclusive spaces and 330 shared spaces for the indoor recreation facility, club, and fast-food outlets. The Traffic Impact Assessment confirms this meets or exceeds the anticipated operational parking demand and satisfies DCP requirements.	Yes
Land uses	Parking rate																
Hotel or motel accommodation	1 space per unit, plus 1 space per manager, plus 1 space per 6 employees																
Retail premises	1 space per 30 m ² gross floor area																
Business and office premises	1 space per 40 m ² gross floor area																
Restaurants, reception rooms and function rooms	1 space per 6 m ² of seating area, plus 1 space per employee																
Entertainment facilities and function centres	1 space per 3.5 seats or 1 space per 3.5 m ² gross floor area, whichever is greater																
Fitness centres, including gyms	7 spaces per 100 m ² gross floor area																
4.9.2 Additional parking requirements	4.9.2.1 Bicycle/Motorcycle parking 1) Development is to provide bicycle parking in accordance with Austroads' Guide to Traffic Management Part 11—Parking Management Techniques. 2) Bicycle parking spaces must comply with Australian Standard 2890.3 (Parking facilities, Part 3—Bicycle parking). 3) For development that facilitates long-term (all-day) parking, end-of-trip facilities are to be provided, including showers, changing rooms, communal bike tools/repair stand and air compression bike pump. 4) Motorcycle parking must be provided based on 2% of the car parking provision.	Bicycle parking will be provided in accordance with Austroads' guidance. Final quantum and layout to be confirmed at detailed DA stage. All bicycle parking facilities will be designed to meet AS2890.3. End-of-trip facilities (showers, change rooms, repair stations) will be incorporated into detailed designs for	Yes														

Penrith Lakes DCP 2021 Compliance Table

5) Motorcycle parking spaces must comply with Australian Standard AS2890.1 (Parking facilities—Off-street car parking).

4.9.2.2 Service vehicle parking

1) Service vehicle parking areas must comply with Australian Standard AS2890.2 (Parking facilities, Part 2—Off-street commercial vehicle facilities) and the minimum design vehicle requirements in Table 3.

Table 3. Minimum design vehicle requirements

Site area	Design vehicle (Industrial and Commercial Uses)	Design vehicle (Tourism Uses)
Up to 1,500 m ²	Medium rigid vehicle	Medium rigid vehicle
1,500 m ² to 4,000 m ²	Heavy rigid vehicle	Medium rigid vehicle
Greater than 4,000 m ²	Articulated vehicle	Heavy rigid vehicle

employment-generating uses such as the club, hotel and indoor recreation facilities.

Club component can accommodate MRVs via dedicated loading area situated within the south-western corner of the site.

Indoor recreation and fast-food restaurant components can accommodate SRVs via dedicated loading area situated within the central southern portion of the site.

Hotel component of the development is proposed to accommodate MRVs via dedicated loading area situated within the south-eastern corner of the site.

Subject to a future DA

Subject to a future DA

Subject to a future DA

4.10 Signage

1) The siting and design of all signage are to be sympathetic to the landscaped character of the area and minimise any visual impacts to adjoining properties.

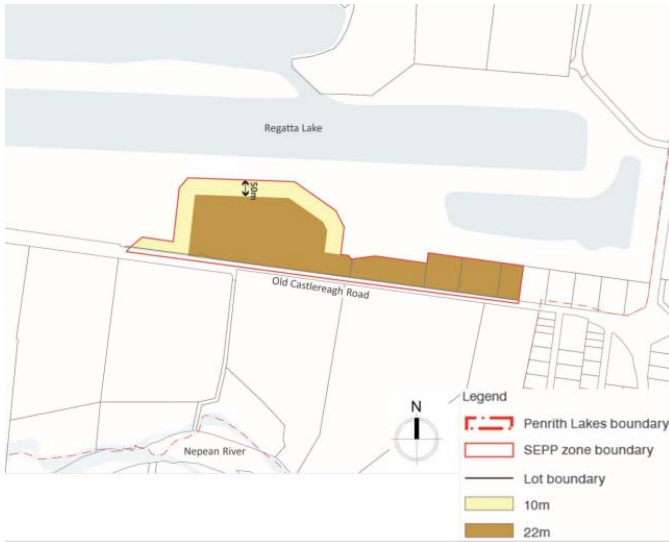
Signage is not proposed as part of this Concept DA. All future signage will be the subject of detailed development applications. At that stage, the siting, scale, design, and illumination (if any) will be assessed against relevant controls to ensure integration with the landscaped setting and minimal visual impact to the surrounding environment.

Yes

Penrith Lakes DCP 2021 Compliance Table			
4.11 Solar access	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. 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.	The proposed building envelopes are located away from identified heritage items and public recreation areas. In accordance with Clause 4.11(3), the development does not adjoin open space, public recreation land or heritage items, and therefore shadow diagrams are not required at this stage. Shadow diagrams will be provided with future detailed development applications where required.	N/A
4.12 Utility services	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. 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.	A Water Services Feasibility Statement and an Electrical Services Feasibility Report have been prepared and submitted with the Concept DA. These confirm that utility services can be provided to support the proposed development. Electricity supply is achievable in accordance with the relevant standards, with infrastructure to be located underground and capable of floodwater immersion. Other utilities, will be designed and delivered in accordance with provider requirements at the detailed DA stage..	YES

Penrith Lakes DCP 2021 Compliance Table			
	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	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: 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.	The current Concept DA does not propose detailed fencing design. Fencing will be addressed at the future detailed development application stage, and will be designed to integrate with the built form and landscape character of Penrith Lakes. All fencing will comply with the relevant DCP provisions, including materials, height, and location, with particular attention to permeability, passive surveillance, landscape integration, and minimising flood impacts.	- N/A

Penrith Lakes DCP 2021 Compliance Table			
	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	1) External lighting to comply with Australian Standard AS4282 (Control of the obtrusive effects of outdoor lighting).	Subject to detailed development applications.	-
PART 5 Precinct controls			
5.2 Tourism South precinct			
	1) Before any development or subdivision application in the Tourism South 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.	Noted.	-

Penrith Lakes DCP 2021 Compliance Table			
	10) When assessing development applications, the consent authority will consider the extent to which the proposed development is consistent with the master plan, including cumulative and precedent implications for the planned infrastructure, and services and amenities provision. 11) The applicant must, to the consent authority's satisfaction, demonstrate that any proposed variations to the general arrangement of the master plan are consistent with the precinct's desired future character.		
5.2.4 Building height	 The predominant maximum building height is 22 metres. 2) Development is to step down with the topography and present with a lower building height along the northern edge fronting the Regatta Lake.	The building envelope for Stage 3 and 4 sits well below the 22m height. The building envelopes for Stages 3 and 4 sit well below the maximum permitted height of 22 metres. The building envelope for Stage 2 exceeds the height control by approximately 2.6m (11.8% variation) as justified in SEE Section 5.2.6. Noted.	Yes On merit

Penrith Lakes DCP 2021 Compliance Table			
5.2.5 Floor space ratio	1) The maximum floor space ratio for a building on any lot is not to exceed 1.25:1.	Site Area: 27,330 m² Total GFA: 21,898 m² FSR calculation: 21,898 m² ÷ 27,330 m² = 0.8:1	
5.2.6 Site coverage	1) Site coverage for a lot is not to exceed 50%. 2) A minimum of 30% of the lot area is to be landscaped. 3) A schedule (table) showing the site coverage and landscape area should be submitted with the development application or included on the site plan.	Proposed site coverage: LOT12 (27.8%); LOT14 (51.9%); LOT16 (44.7%); TOTAL (42.82%). Lot 14 proposes 51.9% site coverage, a minor 1.9% exceedance above the 50% control. This variation is acceptable as it: • Is minimal and does not result in adverse bulk, scale, or amenity impacts. • Maintains compliance with landscaping requirements (30.1%), ensuring quality open space and permeability. • Is necessary to accommodate the functional floorplate of the club and recreational uses, supporting precinct tourism objectives.	On Merit

Penrith Lakes DCP 2021 Compliance Table													
		On merit, strict compliance is therefore unnecessary, with the proposal meeting the intent of the control and delivering a high-quality built form and landscape outcome.											
5.2.7 Building setbacks	1) Building setbacks are to be in accordance with the standards outlined in Table 4. Table 4. Building setback requirements (Tourism South precinct) <table><tr><th>Location</th><th>Distance (m)</th></tr><tr><td>Old Castlereagh Road</td><td>10</td></tr><tr><td>Lot Side boundary</td><td>5</td></tr><tr><td>Lot Rear boundary</td><td>5</td></tr><tr><td>Precinct boundary (unless already provided by other setbacks)</td><td>5</td></tr></table>	Location	Distance (m)	Old Castlereagh Road	10	Lot Side boundary	5	Lot Rear boundary	5	Precinct boundary (unless already provided by other setbacks)	5	The proposed development provides the following setbacks: Old Castlereagh road- 10m Lot side boundary – 5m Lot rear boundary – 5m Precinct boundary setback not provided given the lots do not adjoin the precinct boundary.	Yes
Location	Distance (m)												
Old Castlereagh Road	10												
Lot Side boundary	5												
Lot Rear boundary	5												
Precinct boundary (unless already provided by other setbacks)	5												