

Our reference: P-987097-L5X1
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18 September 2025

Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta, NSW 2124.

Dear Sir / Madam,

Council Response to Notice of Exhibition – DA25/7071 (PAN-560090) – Penrith Lakes – Tourism Oriented Development Concept and Early Works – 39-45 and 47 -65 Old Castlereagh Road Penrith 2750 (Lot 12, 14 & 16 DP 793163)

Thank you for providing Penrith City Council the opportunity to comment on additional information submitted for the above mentioned application.

Council's officers have reviewed the information referred on 4 September 2025 and raise the below comments for the Department's consideration:

1. Planning Considerations

a) It is understood that the Concept DA is lodged in lieu of a masterplan as required by the Penrith Lakes DCP for the Tourism South Precinct. The Tourism South Precinct extends beyond the boundary of the lots subject to this development and the consent authority needs to be satisfied that the concept DA addresses the objectives and controls of Section 5.2.2 of the Penrith Lakes DCP. This would require consideration of the cumulative effects of site specific concept plans or DAs. Concern is raised that the Concept DA encourages a piecemeal approach to master planning for the Tourism South Precinct that is inconsistent with the requirements of the Penrith Lakes DCP.

b) Whist the application is for a concept DA with early works, the application includes a level of detail beyond what would ordinarily be

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expected for a Concept DA. The consent authority must be satisfied, if approving the Concept DA, that there is no commitment to components of the development not yet subject to a final assessment. Consideration should be given the detail provided in approved plans, and/or appropriate conditions imposed, to ensure that there is no approval granted with respect to matters subject to future assessment.

- c) Clause 5.38 of SEPP (Precincts – Western Parkland City) outlines the requirements for flood planning which need to be satisfied as part of the assessment of the Concept DA. The clause reads, in part:

(1) The objectives of this section are as follows—

- (a) to minimise the flood risk to life and property associated with the use of the land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) Development consent must not be granted for development on land to which this Chapter applies that is at or below the flood planning level unless the consent authority is satisfied that the development—

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(3) Development consent must not be granted for development on land zoned Employment, Residential or Tourism unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.

Commentary from Council's Development Engineer is provided further in this letter responding to matters raised in Clause 5.38 of the SEPP.

- d) Further to the above point, the site relies on the same flood evacuation routes as the Penrith City Centre, and the development is to be assessed with regard to the Adaptive Management Framework developed by the NSW Government and Penrith City Council. Consistent with the advice provided to Council by DPHI on 21 October 2024, the application should be referred to the NSW Reconstruction Authority and the NSW SES with regard to flood evacuation modelling for the Hawkesbury Nepean Valley, the Disaster Adaption Plan and Regional Risk Based Planning Approach. The consent authority must ensure that future development is provided with safe and effective flood evacuation routes. (Council's Advocacy Strategy 2025 references the need for the Castlereagh Connection to be delivered to reduce the number of people at risk in a significant flood event. This is relevant to highlight with consideration of large scale development proposals by DPHI.)
- e) The Concept DA proposes a building height for the hotel in excess of that permitted under the Penrith Lakes DCP. A detailed visual analysis should be the mechanism to assess the suitability of the proposed building height. Whilst the application argues that other buildings within the overall concept development are lower than the maximum building height, all three developments are located on separate lots and subject to separate future DAs. Should the consent authority approve final building heights as part of the Concept DA, it is recommended that conditions reinforce fixed building heights. However, the proposed building heights need to comply with the objectives contained in Section 5.2.4 of the Penrith Lakes DCP which requires that buildings respond to the site topography and view sheds and preserve views

from Old Castlereagh Road to the Regatta Lake as well as significant vegetation views. The desired future character for the Tourism South Precinct, contained in the Penrith Lakes DCP, refers to low-scale development fronting the Regatta Lake that responds to its landscape. It is considered that building heights in excess of the Penrith Lakes DCP requirements would not be consistent with the landscape character of the area.

- f) An assessment of the Concept DA is to ensure that the desired future character for the Tourism South Precinct, as outlined in Section 5.2 of the Penrith Lakes DCP, can be achieved. Notably:

a) low-scale development fronting the Regatta Lake that responds to its landscape and preserves existing trees where possible;
b) a generous landscaped buffer along Old Castlereagh Road that provides a sense of arrival, functions as a Gateway to Penrith Lakes and preserves existing trees or plants advanced replacement trees capable of reaching a substantial height and canopy;
c) preserved north-south views from Old Castlereagh Road to the Regatta Lake through sufficient separation between buildings; and
d) improved permeability and pedestrian access to primary roads, nature trails, the Regatta Lake, and current and future recreational features of Penrith Lakes.

- g) The buildings shown in the Concept DA indicate buildings of a form and size inconsistent with the requirements of the Penrith Lakes DCP. Section 4.2 of the DCP outlines building design requirements including that buildings greater than 60m in length be separated into parts by recess or projection to minimise bulk and scale. The DCP also sets out requirements for building articulation and the separation of buildings. This detail should be addressed with future DAs.

- h) Whilst the Concept DA building envelopes do not necessarily reflect the final built form, the consent authority needs to be satisfied that the minimum 30% landscaping can be achieved for the development, as required for the tourism zone. This includes the requirement for 20% of the site being dedicated deep soil tree planting. The Penrith Lakes DCP also states that site coverage is not to exceed 50% for the Tourism

South Precinct and it appears that compliance with this control may not be achieved (to be confirmed). Any future development should respond to the unique landscape setting and historical significance of Old Castlereagh Road. It is therefore necessary that minimum site coverage and landscape area requirements are complied with.

- i) As part of the requirements for a future DA, the design of the proposed take away food outlets is to be incorporated into the form of the main (indoor recreation) building on Lot 14, consistent with that shown. Building materials and colours are to be considerate of this and the take away food outlets should not dominate the building presentation to Old Castlereagh Road.
- j) As part of the requirements for future DAs, external materials and finishes should be considerate of the environmental qualities and setting of the area.
- k) Future DAs for each development should include signage details for each component of the development. Signage should be limited to reduce visual clutter with a maximum of one signage board for each development lot. Fencing and lighting details should also be provided with future DAs.
- l) The proposed electrical substation on Lot 16 should be suitably positioned and screened by way of landscaping to reduce visual impacts from Old Castlereagh Road.
- m) The final development includes works such as shared pathways, driveways and landscaping that will straddle lot boundaries. A plan of management and/or deed of agreement would be required to address ongoing maintenance and responsibility of shared areas, should the lots not be consolidated.
- n) The development is located in the vicinity of a number of locally listed heritage items and a state listed heritage item. Item 261 listed under Penrith LEP 2010, Castlereagh Road Alignment, is in close proximity to the site. Appropriate assessment of the impacts of the development on the significance of nearby heritage items is required.

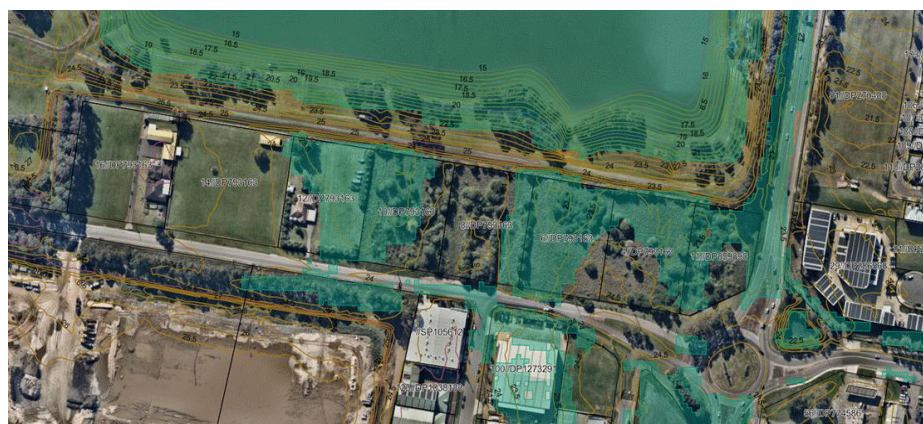
- o) If the proposal is given favourable determination, it is requested that conditions of consent be worded to ensure satisfactory final review by the consent authority. Conditions of consent should not seek to rely on Penrith City Council for final satisfaction, although Council may serve a consultative role.
- p) Comments from other internal Council departments are noted below. Some of these comments raise issues that will require detail consideration prior to the submission of future DAs.

2. Development Engineering and Flooding Considerations

Flooding

- a) The site and surrounding roads are impacted by the 1% AEP (1 in 100 year ARI) mainstream flood from the 2024 Hawkesbury-Nepean Rivers flood study. An extract of Council's flood mapping is provided below indicating roads are cut, hence evacuation routes are cut, in a 1% flood.
- b) Ordinarily, Council's planning controls do not support developments that cannot provide safe and efficient evacuation of people in a flood. (Refer to Penrith LEP 2010 Clause 5.21 *Flood Planning* and Penrith DCP 2014 Part C3.5 *Flood Planning*.) It is recommended a Flood Impact and Risk Assessment (FIRA) demonstrate how evacuation from the site is achieved in the event of a flood.
- c) It is strongly recommended that application be referred to the State Emergency Services (SES) for comment as the SES are the responsible body for flood evacuation.

Extract of Council's Flood Mapping showing the extent of the 1% AEP mainstream flood from the 2024 Hawkesbury-Nepean Rivers Flood Study.



- d) The Architectural Plans indicate commercial ground floor levels below the flood planning level for Lot 14, inconsistent with the submitted Flooding Assessment and Council's flood planning policy. Commercial floor levels shall be provided at or above the flood planning level RL 25.1m AHD (flood level + 0.5m freeboard).
- e) The submitted Flood Assessment shows an adverse impact to flood levels within the road reserve fronting the site. The Penrith Lakes DCP states that development must not adversely impact flood behaviour for the full range of floods (up to and including the PMF). In addition, the Assessment has provided flood impact mapping for the local flood event for flood levels only. The application needs to demonstrate no adverse impact with regard to both flood velocity and hazard for all flood events up to the PMF.

Stormwater

- a) The development proposes to discharge stormwater from the site via a 450mm pipe to an existing downstream pipe system sized at 300mm, in two separate locations. The downstream pipe system require upgrade to be no smaller than the proposed discharge pipeline. In addition, the discharge point from the existing downstream pipelines should be upgraded to be fit for purpose. Information regarding the discharge outlet arrangement and details of proposed upgrade works for energy dissipation and scour protection should form part of the application assessment.

Traffic

- a) Whilst this is a concept DA, the application has not provided compliant car parking blind aisles. There are numerous locations where excessive blind aisles are proposed, in particular, under the proposed club and for both levels of the proposed hotel car park. In accordance with AS2890.1, the maximum length of a blind aisle shall be equal to the width of six car parking spaces plus 1 metre, unless provision is made for cars to turn around at the end and drive out in a forward direction.

- b) Future DAs should be provided with swept path diagrams demonstrating that no conflict occurs with the simultaneous turning of vehicles passing in opposing directions at all access way corners.

3. Traffic Engineering Considerations

- a) The application is required to be referred to TfNSW for comment due to the size and scale of the proposal under Column 2 of SEPP (Transport and Infrastructure 2021).
- b) Signs & Linemarking Plan required for proposed frontage bus bay, as well as design plans for proposed right-turn bay in the public road (Old Castlereagh Road) frontage to the site.
- c) The application must demonstrate that there are no impacts on the proposed left turn deceleration lane from Old Castlereagh Road to the approved northern entry road associated with the Nepean Business Park development to the south.
- d) The Parking & Traffic Impact Assessment states that “Pedestrian access to the fast-food restaurants is proposed via pedestrian paths which provide connectivity to the northern Old Castlereagh Road footway,” and also that “Pedestrian access to the hotel lobby is proposed via a pedestrian path which provides connectivity to the northern Old Castlereagh Road footway.” However there is no existing footpath on Old Castlereagh Road. The development should therefore provide pedestrian and/or shared pathway connections from Old Castlereagh road to Castlereagh Road.
- e) 491 car parking spaces are proposed across the entire site.

A hotel is proposed to be serviced by connected ground and level 1 parking areas situated below the eastern building providing 161 car parking spaces (which is included in the proposed 491 spaces across the site). Whereas the other 330 spaces, being shared between the remaining site uses, comprising the indoor recreational facility, the club and the fast-food outlets, are to be located at ground level within the

central and western portions of the site. The proposed 491 parking spaces is intended to facilitate:

- i. Proposed Club public floor area expected to provide a maximum patronage of 635 people, with 15 staff.
- ii. A hotel is proposed to be situated within the eastern building providing a total of 147 accommodation rooms.
- iii. Hotel operation projected to be supported by up to 10 staff at any given time, being operational at all times.
- iv. Two fast-food outlets are proposed within ground floor and level 1 of the central building providing a total GFA of 1,298m², accommodating up to 100 seats.
- v. An indoor recreation facility expected to result in a peak weekday patronage of 400 people and a peak weekend patronage of 635 people.
- vi. Other visitors to the site.

The proposal does not meet Penrith DCP requirements for parking associated with a registered club.

f) A parking demand study included in the Parking & Traffic Impact Assessment, uses 8 sites to derive an average parking demand for the Club component of the proposal. However 7 of the 8 sites surveyed are situated either on the North Shore or Eastern Suburbs, or other suburban locations with generous provision of alternate transport options and are not considered to be representative of the Castlereagh location which is isolated by comparison. As such, the parking demand study is not accepted.

g) Likewise, the parking calculations for the fast food component of the proposal is based on a study by Bitzios but gives no consideration nor assessment (as to scale) regarding the 100 seat (up to) proposed for the fast food outlets to be associated this development. The majority of the comparison restaurants used in the study (KFC/Oporto/Red Rooster) are not generally known to have that much seating.

- h) The application therefore does not adequately demonstrate how the proposed 491 parking spaces will facilitate the parking needs generated by the site, particularly on weekends, without reliance upon on-street parking along Old Castlereagh Road (which is not supported).
- i) Right turn movements to the centrally located driveway are proposed to be assisted by a dedicated channelised right turn lane within Old Castlereagh Road. Egress movements from this driveway are proposed to be restricted to left turns only. An assessment against Austroads requirements (with regard to calculated traffic generation as well as existing background traffic on Old Castlereagh Road) should be provided to demonstrate the adequacy of proposed turning arrangements to/from Old Castlereagh Road.
- j) Service vehicle access to the Club is proposed via the westernmost driveway to accommodate vehicular movements for up to an 8.8m MRV (medium rigid vehicle). However, it is considered unlikely that this size vehicle would suffice to cater for all servicing needs for a development of this size and scale, and a 12.5m HRV (heavy rigid vehicle) is considered to be a more likely option. It is further considered that the site should be designed to accommodate HRV access with swept path analyses provided to demonstrate access, egress and internal manoeuvring.
- k) The Parking & Traffic Impact Assessment indicates that vertical clearances for MRVs or greater have not been facilitated for access to the proposed indoor recreation centre / fast food restaurant loading bay, which requires access via the undercroft parking area. This means that only SRV (small rigid vehicles), at least with regard to vertical clearances, can access the proposed fast food outlets. It has not been demonstrated as to how these uses can be adequately serviced on this basis.

- l) Service vehicle access to the Hotel is proposed via the easternmost driveway to accommodate vehicular movements for up to an 8.8m MRV (medium rigid vehicle). However, as with the westernmost driveway, it has not been demonstrated as to how the site could be adequately serviced by an MRV via the easternmost driveway without the need for larger service vehicles to enter from time to time.
- m) It also appears that the easternmost driveway cannot provide simultaneous entry and exit of two service vehicles. This needs to be addressed.

4. Waterways Considerations

- a) The electronic version of the MUSIC model was not available for review, and the background data should be checked against Stormwater Australia criteria.
- b) Confirmation of Buffer strip sizing as well as checking the electronic MUSIC model to confirm treatment effectiveness.
- c) The rainwater tanks are located within the building and have no access point for maintenance.
- d) A Draft Operation and Maintenance manual should also be provided for the proposed stormwater treatment measures.
- e) To reflect the values of Water Sensitive Urban Design (WSUD) the investigation of a naturally vegetated solution (E.g., Raingarden) should be conducted prior to the use of proprietary devices.

5. Environmental Management Considerations

It is understood that the Department is the assessment and consent authority for this proposal. As part of their assessment of the application, the Department should satisfy themselves that the following aspects are adequately addressed:

Land Contamination

- a) Chapter 4 of SEPP (Resilience and Hazards) requires that the consent authority be satisfied in relation to the site's suitability for the proposed use. In turn, DPHI will need to ensure that the site is suitable, or can be made suitable, prior to its use.
- b) The application has been supported with a Preliminary Site Investigation (prepared by Banksia EnviroSciences, dated 18 July 2025) which has confirmed that the site is suitable for the proposed use, subject to a Hazardous Building Materials Survey being undertaken prior to demolition works and the implementation of an Unexpected Finds Protocol during earthworks. These requirements should be captured in any approval issued for the development proposal.
- c) (Note - the findings of the PSI differ to the discussion included in '3.9 Contamination' of the Penrith Lakes DCP 2021 Compliance Table at Annexure B of the Statement of Environmental Effects, which puts forward that additional investigations are required.)

Wastewater

- a) Documentation submitted with the application has confirmed that there is a potential connection point to Sydney Water's sewerage system. DPHI will need to ensure that the proposed development can connect to sewer, particularly given the site constraints and scale of the development.

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Environmental Management

- a) It needs to be ensured that adverse impacts on surrounding receivers and the environment are avoided and mitigated where necessary, in

accordance with any relevant planning instrument and the relevant NSW EPA guidelines.

- b) Section 5.6.9.2 of the Statement of Environmental Effects commits to a 'comprehensive acoustic assessment' being undertaken as a part of future development applications. Given that this application is only seeking consent for the proposed concept, the distance to sensitive receivers, and that the detailed design of the buildings and operational details of the proposed uses are not yet final, this approach is considered satisfactory.

General Comments

- a) We note that DPHI will undertake a comprehensive review of the application, including appended technical reports, assessing environmental health impacts. Upon DPHI being satisfied with the application, Council anticipates that any mitigation and monitoring measures contained in the application, as put forward in the technical documents (and as refined or modified to satisfy DPHI during the assessment process), will be incorporated into any approval issued by DPHI, ensuring potential environmental impacts can be effectively managed and monitored.
- b) Council requests that conditions of consent do not require further assessment by Council of any item, except where there is a legislative requirement (such as the need for a s68 application under the *Local Government Act 1993*), or where specifically requested by Council.

6. Tree Management Considerations

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As the proposal is state significant development the Department is the assessment and consent authority. Nevertheless, Council's Tree Management Team have undertaken a review of the information including the Arborist Report prepared by Naturally Trees dated 20 June 2025 and have no objections to the proposal on arboriculture grounds.

7. Waste Management Considerations

- a) Waste collection should be coordinated across all lots to minimise vehicle movements and impacts.
- b) The proposed restaurant waste generation rates appear low and require further justification or adjustment to align with Council guidelines.
- c) Careful evaluation of compaction use is necessary to ensure worker safety and reduce cost of bin replacement.
- d) Vehicle clearance should meet the 4.5m standard to allow contractor flexibility and regulatory compliance.
- e) Waste loading areas should, where possible, avoid reverse manoeuvres, pedestrian/vehicle conflict, and the need to transport bins across carparks.
- f) Loading areas should also be adequately enclosed.

Should you wish to discuss this matter further, please contact me on (02) 4732 7797.

Yours sincerely,

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