

Katelyn Davies

From: Peter Wood
Sent: Tuesday, 12 December 2023 10:07 AM
To: rra@ses.nsw.gov.au
Cc: Santina.Camroux@planning.nsw.gov.au
Subject: FW: Response ID 2230 RE: DA Referral to NSW SES via Hawkesbury Nepean Valley interim process - PAN-290522
Attachments: 20231208 NSW SES ID2226 Response 18-22 Ransley Street & 123 Mulgoa Road, Penrith.pdf; Penrith Panthers Response 13 Oct 2017.pdf
Importance: High

Attention: Mr Peter Cinque

Dear Peter,

Development Application for Proposed ESQ 1818 Stage 4 & 5 Development, 18-22 Ransley Street and 123 Mulgoa Road, Penrith

Thankyou for your response yesterday as below and attached letter dated 8 December 2023 in the relation to the abovementioned Development Application.

The Sydney Western City Planning Panel (the Panel) held a determination briefing on the application yesterday and were advised of the NSW State Emergency Service (SES) referral received and copy provided.

The Panel has sought a position from Council and the applicant on this matter by 5pm today to inform their determination of the application.

I understand the applicant has made separate representation to you and that you have indicated that the advice provided may have misinterpreted Council's referral.

It is evident from the Brett Whitworth letter to Penrith City Council (MDPE21/1789) dated 17 July 2021 that: *increases the capacity of a development*, in relation to the: *capacity of evacuation routes*, may be open to interpretation.

In this regard, please find attached a copy of your advice to Council dated 13 October 2017 in relation to the proposed development then subject of a Planning Proposal.

This advice related to an assessment of the broader Masterplanned Panthers Precincts, including the ESQ1818 proposed development.

It found that these precincts *can evacuate via the Mulgoa Road evacuation route to the M4 Motorway within the flood forecast timeframe*, noting the *route is nearing full capacity*.

In view of this earlier advice, it is suggested in relation to the Brett Whitworth letter in assessing against clause 5.21 (2) (c) of Penrith Local Environmental Plan (LEP) 2010 to determine if an application exceeds the capacity of evacuation routes that in this particular circumstance the development has already been considered in detail under the Planning Proposal as being within the capacity of existing evacuation routes.

That is the current Development Application does not increase the capacity of the development. In fact the proposed development under the application represents a cumulative total with already approved and under construction stages 814 dwellings

which is a reduction in the 850 dwellings assessed and capped under the Planning Proposal, now reflected in the LEP provisions.

On this basis it is arguable if the proposed development is subject of the need be referred to Resilience and Urban Sustainability| Department of Planning and Environment, and the SES under the terms of the interim measure outlined in

the Brett Whitworth letter. Notwithstanding Council did refer the application, anticipating confirmation that the proposed density had already been accounted for as reflected in the Hawkesbury-Nepean Valley flood evacuation modelling to

inform flood risk management planning, Hawkesbury-Nepean Valley Flood Risk Management Strategy May 2023 where Table 3.2 refers to Penrith Panthers as Committed Residential Development.

It is therefore requested that you urgently re-consider your most recent advice in relation to the current development application such that Council can respond to the Panel which has requested a position from Council by 5pm today.

Please contact me if you wish to discuss this matter or have any questions further to the above.

Peter Wood
Development Services Manager
Development Services

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From: NSW SES Risk Reduction <rra@ses.nsw.gov.au>

Sent: Monday, December 11, 2023 8:54 AM

To: Wendy Connell <wendy.connell@penrith.city>

Cc: NSW SES Risk Reduction <rra@ses.nsw.gov.au>; Santina Camroux <Santina.Camroux@planning.nsw.gov.au>

Subject: Response ID 2230 RE: DA Referral to NSW SES via Hawkesbury Nepean Valley interim process - PAN-290522

Importance: High

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Good morning Wendy

Thank you for providing NSW SES the opportunity to review the proposed DA 1-3 Emerald Street & 6 & 8 Troy Street Emu Plains.

Please find NSW SES response attached for consideration.

Kind regards.

Daniela



Daniela Mitreski

Program Support Officer | Emergency Risk Management Branch

NSW State Emergency Service – State Headquarters

E: rra@ses.nsw.gov.au

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**FOR EMERGENCY HELP IN FLOODS, STORMS AND TSUNAMI CALL THE NSW SES ON
132 500**

The NSW SES acknowledges the traditional custodians of the lands on which we walk, work and live. We recognise their continuing connection to land, waters and culture and pay respect to Elders, past and present.

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From: NSW SES Risk Reduction <rra@ses.nsw.gov.au>

Sent: Monday, December 4, 2023 3:56 PM

To: DPE GDP Resilience Planning Mailbox <resilience.planning@planning.nsw.gov.au>; Wendy Connell <wendy.connell@penrith.city>

Cc: Anja Te Wake <anja.tewake@dpie.nsw.gov.au>; Santina Camroux <Santina.Camroux@planning.nsw.gov.au>; Laura O'Donohoe <laura.odonohoe@dpie.nsw.gov.au>; NSW SES Risk Reduction <rra@ses.nsw.gov.au>

Subject: ACK ID2230 RE: DA Referral to NSW SES via Hawkesbury Nepean Valley interim process - PAN-290522

Good afternoon Wendy

Thank you for the above referral which has been registered as ID2230. Please quote this ID on any related future correspondence.

The referral will be assessed and if deemed applicable, a response will be forthcoming in due course. Please advise if there is a due date.

Please note that staff may be involved in NSW SES Operations which could result in a delay in response times.

I've requested access to link below via resilience planning email address.

Kind regards.

Daniela



Daniela Mitreski

Program Support Officer | Emergency Risk Management Branch

NSW State Emergency Service – State Headquarters

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93-99 Burelli Street Wollongong, NSW 2500
PO Box 6126 Wollongong, NSW 2500
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From: Laura O'Donohoe <laura.odonohoe@dpie.nsw.gov.au> **On Behalf Of** DPE GDP Resilience Planning Mailbox
Sent: Friday, December 1, 2023 11:37 AM
To: NSW SES Risk Reduction <rra@ses.nsw.gov.au>
Cc: Anja Te Wake <anja.tewake@dpie.nsw.gov.au>; Santina Camroux <Santina.Camroux@planning.nsw.gov.au>; Laura O'Donohoe <laura.odonohoe@dpie.nsw.gov.au>
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To whom it may concern,

We have received a DA from Penrith City Council that we are required to refer to the NSW SES for your advice in regards to evacuation capacity.

The attached letter outlines an interim referral process for development applications Penrith, Hawkesbury and Blacktown councils that commenced in 2021 and is still operating.

Summary of the interim process:

- The process initiated assesses against clause 5.21(2)(c) to determine if the application exceeds the capacity of evacuation routes

- The Department is required to coordinate a response from the RA and NSW SES when:
 1. The development application increases capacity of development by more than 150 dwellings or 200 employee vehicles (for commercial), or
 2. Multiple development applications located close together could create the conditions of (1).

The relevant information for the DA is located here:  [PAN-290522](#)

Please direct your referral response to Wendy Connell (wendy.connell@penrith.city) from Penrith City Council who is managing this DA.

If you have any questions about the referral process or accessing the folder linked above please don't hesitate to contact me at resilience.planning@planning.nsw.gov.au.

Kind regards,
Laura

Laura O'Donohoe
Senior Policy Officer

Resilience and Urban Sustainability | Department of Planning and Environment
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The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.