



Our reference: InfoStore  
Contact: Abdul Cheema  
Telephone: 4732 8120

29 June 2021

Mr Brett Whitworth  
Deputy Secretary,  
Greater Sydney Place and Infrastructure  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022,  
Parramatta NSW

Dear Mr Whitworth

**Draft submission to “Draft Penrith Lakes Development Control Plan - Stage1”**

Thank you for the opportunity to comment on the Draft Penrith Lakes Development Control Plan – Stage 1 (the DCP).

We acknowledge and appreciate that the Department of Planning, Industry and Environment (DPIE) has worked closely with Council technical officer’s in the preparation of the draft DCP. The intent of developing a draft DCP for the zoned land within the Penrith Lakes scheme is supported to ensure the timely facilitation of development and more importantly jobs for Penrith. Whilst most controls are supported, there is still a need for further refinement of the draft DCP, especially regarding how the proposed controls may have an adverse impact on development feasibility.

We recommend some amendments to the proposed controls that we believe will ensure that the DCP will facilitate the desired development outcomes for each of the precincts. These matters were endorsed by Council at its Ordinary Meeting of 28 June 2021 and are provided below.

**Consistency with Council’s DCP (Penrith Development Control Plan 2014)**

The controls in the exhibited DCP relating to setbacks, landscaped area, minimum lot size, Lot Frontage, FSR, and Site Coverage are inconsistent with Penrith Development Control Plan 2014 (Penrith DCP 2014). They need to be consistent with Penrith DCP 2014 for a similar development. The site already adjoins an existing and established industrial precinct developed under Council planning controls. We have been raising this consistently during our consultation with DPIE.

The proposed controls should be tested to see if a development can achieve the desired outcomes. The setbacks along with FSR, site coverage and operational requirements make the development footprint quite restricted resulting in a reduction in development feasibility and employment generation.

**Building Design Controls**

This section is too broad, and consideration should be given to developing precinct-based controls to ensure that these controls responds to the type of

development that will be occurring within a precinct. The controls as they stand would place unnecessary cost on development within the employment precinct.

### Design Excellence Strategy

As the employment precinct adjoins an existing industrial estate, we do not see the need for the masterplan to be reviewed by the State Design Review Panel. The masterplanning controls contained in this DCP should address the key issue of screening industrial development from the sensitive activities along the Nepean River and in the tourist precincts. **Section 2.5 of the DCP needs to be amended to remove this requirement.**

### Landscaped Area

The landscaped area control of 15% is greater than currently prescribed and has the potential to impact on development feasibility. It is recommended that the DCP be amended to reflect the Penrith DCP 2014 rate of 10%. **Section 5.4.8 of the DCP needs to be amended to state 10% instead of 15%.**

### Parking Strategy

The controls in this section are too broad and do not acknowledge the difference in development typologies of tourism and industrial development. Consideration should be given to preparing precinct-based parking strategies.

Most of the car parking in the employment precinct will be on grade and car parking should be allowed in the front setback if it is integrated with the landscaping of the development.

Car parking for rates for the employment precinct should be sourced from Penrith DCP 2014 not the Road and Maritime Services' *Guide to Traffic Generating Development*. This will ensure car parking provision is equivalent to neighbouring industrial development. **Section 4.9.1 of the DCP should be reworded to state that car parking rates for the Employment Precinct are those of the Penrith DCP 2014.**

### Public art and design

This is an overly onerous control to be applying the employment precinct and associated industrial developments and is likely to add unnecessary cost to development for little public benefit. **Section 4.7 of the DCP needs to be reworded to state that this control applies to development over 10,000sq.m in the tourism precincts.**

### Site coverage and floor space ratio controls

As discussed previously, we believe building envelope controls including setbacks, landscaped area, minimum lot size, Lot Frontage, FSR, Site Coverage, height etc. need to be consistent with Penrith DCP 2014. Penrith DCP 2014 does not contain site coverage or floor space ratio controls for industrial development, and we believe that that these controls should be removed to maintain consistency with our DCP.

The site coverage control in Section 5.4.6 of 60% conflicts with the maximum FSR control in 5.4.5 of 0.8:1 and essentially imposes a FSR control of 0.6:1 or less on development.

### Flood Response Guideline

Council officers have not seen the Penrith Lakes Flood Response Guideline. We are unable to provide feedback on any DCP controls that reference this Guideline. Furthermore, we understand that the DCP and SEPP are not going to be finalised until a Guideline is finalised which sets out additional details relating to evacuation. We recommend that the timing of all three documents be aligned to enable council to consider how they interrelate.

### Subdivision

The DCP does not allow for Torrens title subdivision. It only allows for strata or community title subdivision. The reason included in the DCP is to facilitate the administration of the site evacuation system established in accordance with the Penrith Lakes Flood Response Guideline which we have not seen. We are unable to provide feedback on this requirement without having seen this Guideline.

### Staging

The requirement to have a staging plan for subdivisions or development applications over 5000sq.m in the employment precinct is unnecessary as the masterplan for the site should determine the staging of the subdivision. It is assumed that most DAs would be individual applications for development that would not be staged. **Section 4.6 of the DCP needs to be reworded or moved to Section 5.2 and 5.3 to ensure it only applies subdivision or development in the tourism precincts.**

### Section 5.4 Employment precinct masterplan controls

An additional control should be included to provide screening along Old Castlereagh Road to assist in mitigating the impact of neighbouring tourism development.

The masterplan should include a control to provide a perimeter road along the boundary with land that adjoins the Nepean River. This road should be planted to provide screening of the industrial development. This road would also provide access to the Great River Walk.

### Stormwater

Based on the information that the Southern Wetlands have been designed with an OSD component that accounts for the employment zone land, it is suggested to remove 3.2.1 (4) and adjust 3.2.1 (5) as highlighted below.

- 4) ~~Post development discharge from the Employment zone to the Southern Wetlands must primarily be at a flow rate that is suitable for the Southern Wetlands treatment train to accept and must not be more than pre-development flow rates from the Employment zoned land.~~
- 5) If any stormwater from the Employment zoned land does not discharge into the Southern Wetlands treatment train, stormwater treatment must

meet the standards defined in Control (1) **and (5)** of Clause 3.2 of this DCP.

### **Stormwater Strategy**

It would have been preferable that the Stormwater Strategy for the development was completed prior to the finalisation of the DCP. The stormwater strategy should ultimately have informed the requirements for stormwater treatment and provided details of how proposed measures would be delivered, for the various sections / catchments of the precinct.

In the absence of an overarching stormwater strategy, each development will need to develop their own stormwater strategy for each development proposal as no broader stormwater strategy was finalised to support the DCP. Each strategy will need to demonstrate compliance with the DCP as well as address other matters such as proposed ownership.

An issue that may need to be addressed relate to the proposed treatment in the catchments draining to the Southern Wetlands. In the case that they are not constructed before developments are proposed, it may be necessary to include a control in the DCP to ensure that an interim treatment solution (or alternative approach) must be provided, until such time the Southern Wetlands are completed.

### **Heritage**

Clause 5.2.8 – Heritage of the Penrith Lakes DCP seeks to protect Long's House based on its heritage significance. Furthermore, the setback controls in the DCP also seek to establish a heritage curtilage and setback to Long's House which is currently not listed as a Heritage Item in any Planning Instrument. This control should be removed from the DCP. Alternatively, consideration should be given to list Long's House as a Heritage Item in State Environmental Planning Policy (Penrith Lakes Scheme) 1989. We acknowledge that the GML 2012 Conservation Management Plan establishes that Long's House has sufficient integrity to meet the requirements for heritage listing. However, any listing should be based on a more contemporary management plan exhibited along with an amendment to the SEPP.

We look forward to continually working with DPIE to achieve development outcomes anticipated for the Penrith Lakes Scheme.

If you have any further questions regarding this matter, please contact Abdul Cheema, City Planning Coordinator on 4732 8120 or [abdul.cheema@penrith.city](mailto:abdul.cheema@penrith.city)

Yours sincerely,



**Natasha Borgia**  
**City Planning Manager**