



New South Wales

State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Penrith Lakes Scheme) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Penrith Lakes Scheme) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Penrith Lakes Scheme) 2023*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy.

Schedule 1 Amendment of State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 5.6 Definitions

Omit the definition of *Land Zoning Map* from section 5.6(1).

Insert the following in alphabetical order—

Additional Permitted Uses Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Penrith Lakes Scheme Additional Permitted Uses Map.

Key Sites Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Penrith Lakes Scheme Key Sites Map.

Land Zoning Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Penrith Lakes Scheme Land Zoning Map.

Special Areas Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Penrith Lakes Scheme Special Areas Map.

[2] Section 5.6, definition of “Penrith Lakes Scheme”

Omit “Schedule 1”. Insert instead “Schedule 4, Part 1”.

[3] Section 5.8

Omit the section. Insert instead—

5.8 Savings provisions relating to development applications

- (1) The following applications must be determined under this chapter, as in force immediately before 1 March 2022—
 - (a) a development application made, but not finally determined, before 1 March 2022,
 - (b) an application to modify a development consent or a transitional Part 3A project that is made, but not finally determined, before 1 March 2022.
- (2) The amendments made to this chapter by *State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Penrith Lakes Scheme) 2023* do not apply to a development application made, but not finally determined, before the commencement of the amendments.

[4] Section 5.17A

Insert after section 5.17—

5.17A Additional permitted uses for particular land

- (1) Development on particular land described or referred to in Schedule 4, Part 2 may, in accordance with the conditions, if any, specified in relation to the development, be carried out—
 - (a) with development consent, or
 - (b) if the schedule so provides—without development consent.
- (2) This section has effect despite anything to the contrary in the Land Use Table or other provisions of this chapter.

[5] Sections 5.38–5.38E

Omit section 5.38. Insert instead—

5.38 Flood planning

- (1) The objectives of this section are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood,
 - (e) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events.
- (2) Development consent must not be granted to development on land the consent authority considers to be below the level of a probable maximum flood unless the consent authority is satisfied the development—
 - (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not significantly adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not significantly adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of evacuation routes for the Hawkesbury-Nepean Valley floodplain in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (3) In deciding whether to grant development consent to the erection of a building on land the consent authority considers to be below the level of a probable maximum flood, the consent authority must consider the following—
 - (a) whether the building will be affected by projected changes to flood behaviour resulting from climate change,
 - (b) the intended design and scale of the building,
 - (c) whether the design of the building incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove the building if the Hawkesbury-Nepean Valley floodplain is impacted by flooding.
- (4) In this section—

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

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.

5.38B Concurrence of Planning Secretary

- (1) Development consent must not be granted to development unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
 - (a) the impact of the development on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (b) the cumulative impact of the development with other development that has been, or is likely to be, carried out in surrounding areas on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (c) the steps taken to address the impacts, including whether a planning agreement for contributing to designated State public infrastructure has been, or will be, entered into.
- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities the Planning Secretary considers relevant to the development.
- (4) In this section—

designated State public infrastructure means public facilities or services of the following kinds to the extent the facilities or services are provided or financed by the State—

 - (a) bus interchanges and bus lanes,
 - (b) light rail infrastructure,
 - (c) regional open space,
 - (d) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities,
 - (e) State and regional roads.

5.38C Development on foreshore

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

- (a) to facilitate a continuous pedestrian pathway and cycleway along the foreshore,
 - (b) to ensure public access to the waterway and foreshore is maintained,
 - (c) to ensure development on land in the foreshore will not affect the amenity of the area,
 - (d) to ensure development on land in the foreshore is appropriately located to ensure public access.
- (2) This section applies to land identified as “Area 1”, “Area 2” or “Area 3” on the Special Areas Map.
- (3) Development consent must not be granted to development on the land unless the consent authority is satisfied—
 - (a) the provision of public access, including access for disabled persons, along the foreshore will not be compromised by the development, and
 - (b) the development will include a pedestrian pathway and a cycleway along the foreshore, and
 - (c) each building resulting from the development will be designed and orientated to provide active frontages to the pedestrian pathway along the foreshore, and
 - (d) access for the maintenance of the natural lake system and the wetlands will not be compromised by the development.

5.38D Recreation facilities (outdoor) and restaurants or cafes permitted at 278 Old Castlereagh Road, Castlereagh

- (1) This section applies to land at 278 Old Castlereagh Road, Castlereagh, identified as follows on the Key Sites Map—
 - (a) “Area 2” (*Area 2*),
 - (b) “Area 3” (*Area 3*),
 - (c) “Area 4” (*Area 4*).
- (2) Development for the purposes of recreation facilities (outdoor) is permitted with development consent in Area 2 if the consent authority is satisfied—
 - (a) the facilities will be used only for the purposes of an outdoor recreational water park or a golf driving range, and
 - (b) a development control plan providing for the matters specified in subsection (5) has been prepared for the land.
- (3) Development for the purposes of restaurants or cafes is permitted with development consent in Area 3 if the consent authority is satisfied a development control plan providing for the matters specified in subsection (5) has been prepared for the land.
- (4) Development for the purposes of recreation facilities (outdoor) is permitted with development consent in Area 4 if the consent authority is satisfied—
 - (a) the land will be used only for the purposes of a golf course, and
 - (b) the land will not be used for the purposes of a function centre, and
 - (c) a development control plan providing for the matters specified in subsection (5) has been prepared for the land.
- (5) The development control plan must provide for all of the following—
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- (d) stormwater and water quality management controls,
- (e) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (f) detailed urban design controls for significant development sites,
- (g) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

[6] Schedule 4

Omit the schedule. Insert instead—

Schedule 4 Penrith Lakes Scheme

Part 1 Description of Penrith Lakes Scheme

section 5.6

1 Description of Penrith Lakes Scheme

The Penrith Lakes Scheme is the creation of a regional recreational lake system, as shown on the structure plan, for the benefit of the public, including the identification of land for possible future urban purposes, as a result of the following—

- (a) the staged optimum extraction of sand and gravel reserves,
- (b) the staged rehabilitation, reconstruction and landscaping of the land,
- (c) the staged formation of a series of interconnected lakes.

Part 2 Additional permitted uses

section 5.17A

2 Development on certain land at Old Castlereagh Road, Castlereagh

- (1) This section applies to Part Lot 2, DP 236125, Old Castlereagh Road, Castlereagh, identified as “Area 1” on the Additional Permitted Uses Map.
- (2) Development for the purposes of office premises is permitted with development consent if the consent authority is satisfied—
 - (a) the provision of public access, including access for disabled persons, along the foreshore will not be compromised by the development, and
 - (b) the development will include a pedestrian pathway and a cycleway along the foreshore, and
 - (c) each building resulting from the development will be designed and orientated to provide active frontages to the pedestrian pathway along the foreshore, and

- (d) access for the maintenance of the natural lake system will not be compromised by the development.

3 Development on land at 100 Castlereagh Road, Castlereagh

- (1) This section applies to Lot 2, DP 1013504, 100 Castlereagh Road, Castlereagh, identified as “Area 2” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a heliport is permitted with development consent.