



Planning Assessment Report Development Application DA 85-4-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 85-4-2004

The application seeks consent for the use of the Sydney International Regatta Centre for recreational purposes. The site is located in the Penrith City Council Government area and is known as Lot 1, DP 1013504.

The Minister for Infrastructure and Planning is consent authority under clause 6 of Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme.

Under the instrument of delegation dated 4 August 2003 and having regard to the Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Team Leader, Urban Assessments.

It is recommended that the development application be granted consent subject to conditions (tagged 'A').

A location plan of the site is tagged 'B'.

2 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for the use of the Sydney International Regatta Centre for recreation purposes, which include, but are not limited to:

- Operation of model cars, boats, planes, including racing and club meetings; hire of equipment such as bicycles, rollerblades, paddleboats and sailboats; public swimming; fishing (catch and release); movie screenings; wheelchair and handcycle races; sailing and boating – recreation and competition, and also coaching and training, including rescue courses; wakeboarding; parasailing; concerts; outdoor theatre; pro-blade (parachute landing); markets; motor-cycle rider training; boat trailer and caravan training; various education classes e.g. cartooning, circus skills; scuba diving classes; community festivals; personal fitness classes and training; and trade shows/exhibits.

It has been proposed that recreation would be defined as follows:

“a pastime, diversion, exercise, occupation, pursuit or other activity affording relaxation, refreshment, consolation, amusement or enjoyment, which may include commercial activities.”

3 STATUTORY FRAMEWORK

Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme (SREP 11) is the relevant instrument applying to the land. Clause 11 of SREP 11 states that development for the purposes of recreation (whether that development is commercial or not) may, with development consent, be carried out on land to which the plan applies.

Therefore, use of the land for recreational purposes, whether commercial or not, is permissible with consent. The consent authority is, however, required to take in to consideration the implementation of the 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. It is considered that the proposed recreational use of the Sydney International Regatta Centre is consistent with the implementation of the Penrith Lakes Scheme. The proposed recreation uses will not affect the implementation of the remainder of the Penrith Lakes Scheme.

4 CONSULTATION / PUBLIC EXHIBITION

The application was notified, in accordance with the Regulation.

Notification letters were sent out to Penrith Council, Penrith Local Area Command (Police) and the Penrith Chamber of Commerce and a copy of the DA documentation was put on exhibition at Planning Information Centre, 20 Lee Street, Sydney from 12 May 2004 to 26 May 2004.

Submissions were received from Penrith Council and the Penrith Local Area command regarding the Application. The issues raised by Penrith Council and the Police Local Area Command are addressed the report tagged 'C'.

5 CONSIDERATION

The matters raised in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 have been considered. The consideration is also given to relevant provisions of Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme. It is considered that the proposed development complies with the statutory controls and the relevant aims and objectives.

It is not considered that the proposed development will result in any adverse impacts on the public domain, utilities, water, soils, air or flora and fauna. There are unlikely to be any short term traffic impacts; natural or technological hazards; nor any negative social or economic impacts in the community. However, there is concern that the broad definition of recreation that has been applied for is not appropriate. The Sydney International Regatta Centre may carry out development for the purposes of recreation under the terms of their current consent. This would encompass uses such as swimming, sailing, fishing and boating.

The terms of the consent that has been applied for include other activities, which may be defined under the broader definition of recreation put forward by the applicant. For instance, this may include activities such as movie screenings, which have a commercial element. This may be appropriate, however, it is not considered reasonable to provide a carte blanche approach to these types of uses. Therefore, appropriate conditions of consent have been developed to ensure monitoring of these uses and to minimise the impact on the Penrith City Centre and other surrounding land uses.

Furthermore, given the changing nature of the locality, which includes potential for the release of land for urban development, it is considered reasonable to limit the consent to a five year period. This will allow the consent to be monitored. If negative impacts do arise as a result of the recreational use of the site, then subsequent development applications can address this issue. If after a five year period, no negative impacts are recorded, then it may be appropriate to issue permanent development consent for the

use of the site for recreation purposes at this time. It is noted that the Regatta Centre management have formally objected to the inclusion of this condition. However, given the potential for change in the locality, it is considered appropriate in order to ensure any impacts can be appropriately monitored.

An additional condition that is proposed to be placed on the consent relates to uses which fall under the broad definition of 'recreation' proposed by the applicant, however, are considered to have a greater environmental impact. These generally relate to movie screenings, trade shows and concerts. It is considered appropriate to limit the amount of people per performance that will be admitted to these activities, and where appropriate, limit the number of activities that occur in a calendar year. This will further ensure that the use of the site is appropriate and the impacts on the Penrith Town Centre, and the surrounding community is mitigated. It is noted that should the SIRC wish to carry out these activities on a greater scale than permitted by this consent, then they will still be permissible with the appropriate Development Consent. This is considered reasonable.

Appropriate conditions are proposed to mitigate any adverse impacts that may arise from the proposed use of the site for recreation purposes, such as noise.

6 CONCLUSION

The assessment concludes that the proposal complies with the statutory controls and is consistent with the principles outlined in the Precinct Plan.

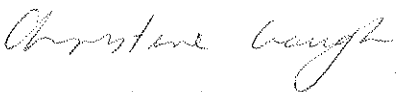
The proposed development is of a relatively minor nature. Based on the assessment above, it is considered that there are no significant planning impacts or issues arising from the proposal. It is recommended that the proposal be granted development consent, subject to conditions.

7 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the Environmental Planning and Assessment Act, 1979 (as amended) and clause 6 of Sydney Regional Environmental Plan No 11 – Penrith Lakes Scheme: grant consent *to the application subject to conditions* (Tagged "A"), and authorise the Department to carry out post-determination notification.

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