



Our reference: P-801089-B9N3  
Contact: Tania Shephard  
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26 November 2024

ATTN: Chris Eldred

Email: [christopher.eldred@planning.nsw.gov.au](mailto:christopher.eldred@planning.nsw.gov.au)

Dear Chris,

**Council Response to DA 2 Modification Report - DA86/2720-Mod-12 - Penrith Lakes at 89-151 Old Castlereagh Road, Castlereagh, NSW, 2749**

Thank you for providing Penrith City Council the opportunity to comment on the above modification application.

Council staff has reviewed the information referred for comment on 11 November 2024 and provides the following advice for the Department's consideration.

**1. Planning Considerations**

- a) It is noted that the application seeks to fill beyond the 1:500 year flood level and it is understood that a one metre freeboard has been considered. However, the proposed finished fill level exceeds the freeboard requirement in the majority. The reason for this is unclear and should be justified.
- b) Justification for excessive fill, over and above the freeboard requirement, should be considered with regard to the impact to flood storage and regional flooding.
- c) A detailed flood model analysis for the fill material proposed with this modification needs to be undertaken to assess regional flooding impacts and any impacts to safe flood evacuation routes. Clause 5.38 of SEPP (Precincts – Western Parkland City) 2021 is relevant in this regard.
- d) Batters are proposed along Castlereagh Road and consideration should be provided as the visual impact of such, the method of retaining fill and potential for landscaping of the batter, noting the gradient proposed.

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- e) Clause 5.36 of SEPP (Precincts – Western Parkland City) 2021 applies to earthworks and requires, amongst other matters, consideration of appropriate measures to avoid, minimise or mitigate the impacts of the development as well as consideration of the effect of the development on the existing and likely amenity of adjoining properties. The effect of finished fill levels, particularly that in excess of flood design standards needs to be reviewed with regard to this clause.
- f) Following from the above, Clause 5.38A of SEPP (Precincts – Western Parkland City) 2021 requires the consent authority to 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.*

The additional fill material will have additional visual impact from Castlereagh Road and for key scenic vistas noting the levels of fill proposed.

## 2. Development Engineering Considerations

Council's Development Engineering Team reviewed the proposal and raises no objections as the submitted Flood Impact Assessment has been assessed in consideration to Council's DCP 2014 Section C3.5 Control 14. There is no impact to flood behaviour up to the 0.2% AEP flood event (including the 1% AEP flood planning event). Flooding impacts in storm events greater than this are minor (less than 50mm flood level impact) and meet DCP requirements.

## 3. Environmental Management Considerations

The proposal seeks to import a significant amount of additional soil materials to increase the overall landform height of Lot 4 of the Penrith Lakes development area for flood mitigation purposes. The application does not propose to alter the day-to-day operations, as the haulage rate and hours of operation will not change, rather the importation operations will continue for a longer period of time.

Importantly, the Penrith Lakes Development Corporation has committed to continuing to comply with the current conditions of consent, and the various management plans that have already been



developed and approved for the site. Furthermore, they will also continue to operate in accordance with their Environment Protection Licence (No. 2956).

In turn, no objections are raised, subject to continued compliance with the approved management plans, however noting that the NSW Environment Protection Authority may also have further comment as the environmental regulator of the site.

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

Yours sincerely,

Tania Shephard  
Principal Planner

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