



**SCOPING REPORT FOR SECRETARY'S ENVIRONMENTAL
ASSESSMENT REQUIREMENTS:
PROPOSED FILM STUDIO AND MEDIA PRECINCT AND ANCILLARY
LAND USES**

100-278 OLD CASTLEREAGH ROAD, CASTLEREAGH

—
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December 2021

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SCOPING REPORT – REQUEST FOR SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Proposed Film Studio and Media Precinct and Ancillary Land Uses
100-278 Old Castlereagh Road, Castlereagh

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PART A PRELIMINARY

1.1 INTRODUCTION

This Scoping Report has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Lakeside Studio Pty Ltd (Lakeside Studio) c/- Archile Projects and is submitted to the NSW Department of Planning, Industry and Environment (DPIE) in support of a formal request for Secretary’s Environmental Assessment Requirements (SEARs).

This formal request for SEARs is made in relation to a proposed Film Studio and Media Precinct – Lakeside Studio – at 100-278 Old Castlereagh Road, Castlereagh. The Proposed Development is for the purposes of a Film Studio, best defined as a High Technology Industry bestowed under the Standard Instrument definition, for which Development Consent would be sought via the provisions of *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (Penrith Lakes SEPP). The Penrith Lakes SEPP will form the prevailing Environmental Planning Instrument (EPI) as part of this formal request for SEARs.

Ancillary to the proposed Film Studio and Media Precinct, provision has been made for ancillary office premises, food and drinks premises, short-and-long-term accommodation, and an educational establishment, which are considered permissible with Development Consent pursuant to the provisions of the Penrith Lakes SEPP.

Pursuant to this request for SEARs, approval for the Masterplan and construction and operational use of Stage 1 built form would be sought. Subsequent to consent being formally granted, the intent is to strategically construct the Site via varied transitional phases, enabling services and sound stages to be delivered accordingly, and expanded in line with the future growth of the Film Studio and Media Precinct.

The Site is located within the Penrith Local Government Area (LGA) and is zoned Tourism (T) under the provisions of the Penrith Lakes SEPP. Development for the purposes of a Film Studio is currently partly prohibited; however, it is understood that the NSW DPIE are in the process of amending the Tourism Zone of the Penrith Lakes SEPP to facilitate the permissibility of a Film Studio as an Additional Permitted Use.¹ As mentioned above, the most relevant land use definitions would pertain to ‘Light Industry’ and ‘High Technology’ (including ancillary office space) for the soundstages, with ancillary ‘Food and Drink Premises’, a ‘Hotel’ (Short and Long Term Accommodation) and a future ‘Educational Establishment’ for the purposes of a Film Academy / School.

Additionally, the Proposed Development satisfies the definition of State Significant Development (SSD) pursuant to Schedule 1, Clause 13(a) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) as the Capital Investment Value (CIV) exceeds more than \$30 Million – the Proposal would attain a CIV of approximately \$536 Million (refer to **Appendix 2**).

This Scoping Report provides a brief overview of the Proposed Development and the relevant planning framework that applies to enable the issuance of the SEARs, which will guide the preparation of a formal Environmental Impact Statement (EIS) for future development of the land.

Environmental considerations relevant to the Proposed Development have been identified pertaining to the following parameters:

- Soil and water;

¹ Noted as prescribed within the information contained within the Penrith Lakes SEPP Amendment Explanation of Intended Effect (Source: NSW Legislation, 2021)



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- Noise and vibration;
- Air quality;
- Biodiversity;
- Waste;
- Traffic and transport;
- Hazards and risks;
- Energy efficiency;
- Heritage, including Aboriginal Cultural Heritage and Non-Aboriginal (European) Heritage;
- Visual amenity and site design;
- Infrastructure and services;
- Social Impacts; and,
- Economic Impacts.

The Proposed Development would promote the enhanced development of the Sydney Metropolitan Region, ultimately providing for employment opportunities and an advanced facility, via means of a Film Studio and Media Precinct to support the growth and development of film and production industry across the State and the whole of Australia.



PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The identified portion of land, that is the subject of this Scoping Report is legally defined as 100-278 Old Castlereagh Road, Castlereagh. The Subject Site comprises four (4) allotments as described in **Table 1** below.

Table 1: Site Identification	
Street Address	Legal Description
100-278 Old Castlereagh Road, Castlereagh	Lot 540 DP 1131982
	Lot 541 DP 1131982
	Lot B DP 374807
	Lot 4 DP 1013504

The entire Site comprises a total area of approximately 42 hectares (ha) and is subject to the applicable provisions outlined within the Penrith Lakes SEPP. Access to the Site is currently obtained via Old Castlereagh Road, which is accessed from Castlereagh Road (classified road). Secondary access is facilitated by McCarthys Lane. **Note:** the secondary access along McCarthys Lane is indicative only and will be further investigated as part of the qualitative and quantitative Traffic Impact Assessment – whereby any further applications required with the National Heavy Vehicle Regulator c/- Transport for NSW (TfNSW) will be detailed accordingly, r.e. B-Double access and road upgrades.

The Site is situated approximately 52.90 km west of the Sydney CBD, 4.35 km northwest of Penrith and 32.58 km northwest of Liverpool. It is within close proximity to transport infrastructure routes (including the bus and rail networks along Castlereagh Road and close by (approximately 4.40 km) to Penrith Station, as well as sharing direct links with the wider regional road network, including the Great Western Highway and the M4 Motorway. All of which provide enhanced connectivity to the Subject Site and immediate vicinity, as well as the wider locality. Additionally, the Subject Site is located within close proximity to active transport links, such as bicycle routes, providing an additional mode of accessible transport available to the Subject Site.

In its existing state, the Subject Site comprises an undeveloped land portion; however, is in close proximity to existing landmarks including the Nepean River, Sydney International Regatta Centre and the wider Penrith CBD.

In accordance with the Penrith Lakes Precinct, land surrounding the Site comprises the following zoning categories, including:

- Unzoned Land;
- Parkland; and
- Waterway.

The nearest sensitive land use is comprised by the Parkland and Waterway zones located to the east of the Subject Site. Accordingly, mitigation and protection measures would be required as part of any future development proposed, in order to preserve the amenity of the Subject Site.

The Site is subject to the provisions outlined within the Penrith Lakes SEPP, which is the primary Environmental Planning Instrument (EPI) and categorises the Site within the Tourism (T) zone, as displayed in **Figure 1** below. The Site and surrounding context are illustrated in **Figures 2 & 3** below.



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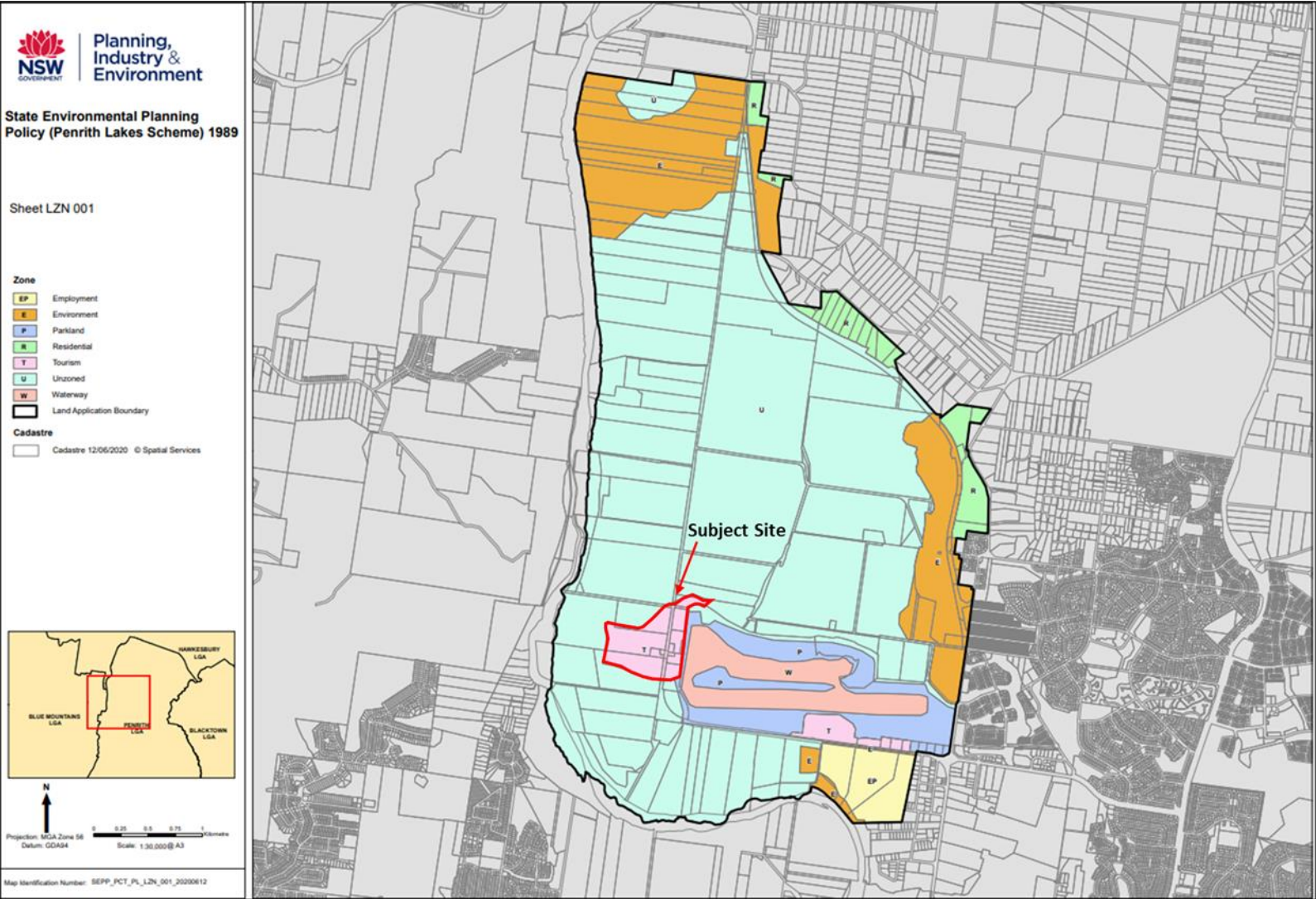


Figure 1 Land Zoning Applicable to the Subject Site under *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (Source: NSW Legislation, 2021)



Figure 2 Existing Site Context and Surrounding Area (Source: Nearmap, 2021)

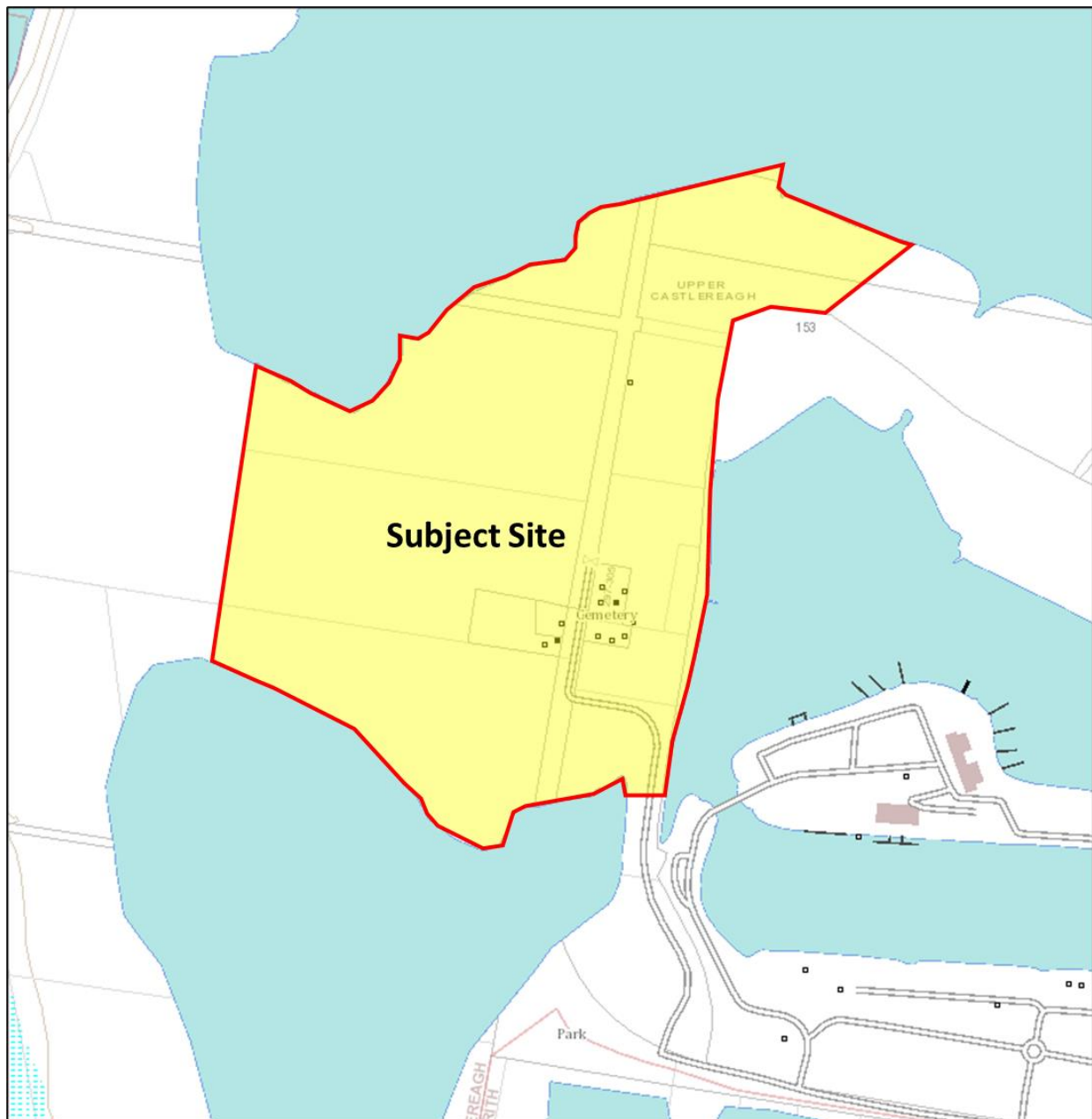


Figure 3 Existing Site Context (Source: SIX Maps, 2021)

Note: The cadastral image is significantly outdated based on current satellite imagery.

2.2 LOCAL AND REGIONAL CONTEXT

The Subject Site is located in the suburb of Castlereagh, which forms part of the wider Penrith LGA.

The immediate Site context exhibits an undeveloped character, being earmarked for future tourism-related purposes, zoned under the Penrith Lakes SEPP.

Other land uses in the vicinity of the Site include:

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- Sydney International Regatta Centre, to the east;
- Penrith Whitewater Stadium, to the east;
- Castlereagh Road, to the east;
- Nepean River, to the west and south;
- Emu Heights residential area, to the southwest; and
- Penrith CBD, to the southeast.

Penrith Lakes SEPP remains the primary EPI applicable to the Subject Site. It is noted, that the surrounding regional road network is located in close proximity to the Subject Site, which includes Castlereagh Road, providing passage through to the Great Western Highway and further to the M4 Motorway, providing enhanced connectivity to the wider Sydney Metropolitan Region and wider Blue Mountains.

The Site context is illustrated in **Figure 4** below.



Figure 4 Site Context (Source: SIX Maps, 2021)

PART C PROJECT SUMMARY

3.1 AIMS AND OBJECTIVES OF THE PROPOSED DEVELOPMENT

The subject Proposal seeks Development Consent for the construction and operational use of a Film Studio (including ancillary uses). The following objectives have been identified as forming the basis of the Proposed Development, as well as being consistent with the aims set out within the Penrith Lakes SEPP, including:

- Design the Site to achieve a viable economic return;
- Ensure minimal environmental and amenity impact;
- Further build on Lakeside Studios strengths to ensure Sydney (and NSW in general) are world leader's in film and television production;
- Ensure that NSW is in a position to capitalise upon the thriving global film and television industry;
- Lease ancillary office space that will support the endeavour of high-technology media companies striving to make advancements in technologies within the entertainment space;
- Upskill the existing workforce in the latest cutting-edge technology;
- Provide for an employment-generating land use;
- Educate new industry personnel (both technical and blue collar) through on-job-training, including local youth traineeships and apprenticeships;
- Increase capacity to service the present and growing demand for quality industry personnel through the establishment of a film academy on the Subject Site;
- Ensure ongoing compliance with all operational legislative requirements; and
- Ensure development is compatible with surrounding development and both the local and regional context.

The Site and proposed design are considered to meet the objectives of the Project, as it allows for development on a land portion that is currently undeveloped; would be suitably located; and zoned accordingly for such permissible tourism and film production-related purposes.

A preliminary Site Masterplan is illustrated below for reference (refer to **Figure 5** below) and the Preliminary Architectural Plans are located in **Appendix 1** of this Scoping Report.

3.2 DESCRIPTION OF DEVELOPMENT PROPOSAL

The Site forms part of the wider Penrith Lakes Precinct, for which consent is sought for the construction and operational use of a Film Studio and Media Precinct, to achieve optimal efficiency outcomes in line with best practice to cater for emerging and evolving film and television production requirements throughout the State of NSW and wider Nation. Lakeside Studio would fuse production, workshops, and office space, as well as a future tertiary educational establishment (via means of a film academy), to attract, equip and train the world's best talent. This will be represented in a two (2) stage Masterplan, encompassing the following construction stages:

Stage 1 (Eastern and Western Cluster):

- Ten (10) sound stages of various sizes, including three (3) large-sized sound stages to rival the best studios in the world designed to attract international productions with budgets exceeding \$100 million as follows:
 - Sound Stage One, with a footprint of approximately 6,300 m², making it one of the largest sound stages in the Southern Hemisphere and the world, and cutting-edge LED screen technology;
 - Sound Stage Two, with a footprint of approximately 5,180 m², making it the second biggest sound stage in Australia (after Stage One);



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- Sound Stage Three, with a footprint of approximately 2,800 m², making it comparable in size to a number of other large sound stages in Australia;
- Sound Stages Four, Five Six, Seven, Eight, Nine & Ten will have various footprints to cater for local independent motion picture and television series productions;
- Budget style short-and-long-term accommodation – principally for general production personnel, cast, crew and Academy students; and visitors requiring accommodation within the Precinct;
- Screening room for production editorial works;
- Ancillary café(s) (food and drink premises – which would be appropriately licensed);
- Exterior infinity water tank and interior water tank;
- Over 9,000 m² of workshop space, including two (2) construction mills, an art department, costume and special effects workshops;
- Lakeside Studio Film Academy, including dedicated studio space, lecture rooms, workshops, screening room, offices, café and campus grounds – **Note:** This built form component will comprise its own allotment;
- Office space for production and ancillary businesses;
- Studio reception;
- Audience holding area;
- Workshop;
- Infinity pool;
- Deep water tank;
- Four (4) x Costume building's;
- Five (5) x Art Department Building's;
- Car parking for 1,604 vehicles; and
- Guard house and perimeter security fencing.

Stage 2:

- Canteen (food and drinks premises – which would be appropriately licensed);
- One (1) x Art Department Building;
- Office buildings and provisions for future office premises;
- Car parking for 975 vehicles; and
- Hotel (short- and long-term accommodation).

Accordingly, consent is sought for the construction and operational use of a Film Studio to be operated by Lakeside Studio. The Proposed Development Masterplan is demonstrated in **Figure 5** below, whilst **Appendix 1** of this Scoping Report contains the detailed plans pertaining to the Proposal. The Stage 1 built form Site Plan is illustrated in **Figure 6** below. **Table 2** below, whilst the functionality of relevant components are further explained within **Sections 3.2.1-3.2.11** below:

Table 2: Proposed Development Particulars	
Project Element	Development Particular
Site Area	- 42 ha
Developable Area	- 39.34 ha
Development Gross Floor Area (GFA)	Total GFA: 105,695 m ² Stage 1: 70,415 m ² Stage 2: 35,280 m ²
Site Coverage	70,450 m ² (18% of site area)
Floor Space Ratio (FSR)	0.27:1 Note: the Penrith Lakes DCP factors a 0.75:1 FSR which the ultimate Masterplan is significantly below.
Subdivision	Subdivision will form part of the SSD Application; however, allotment configurations are currently being investigated by the



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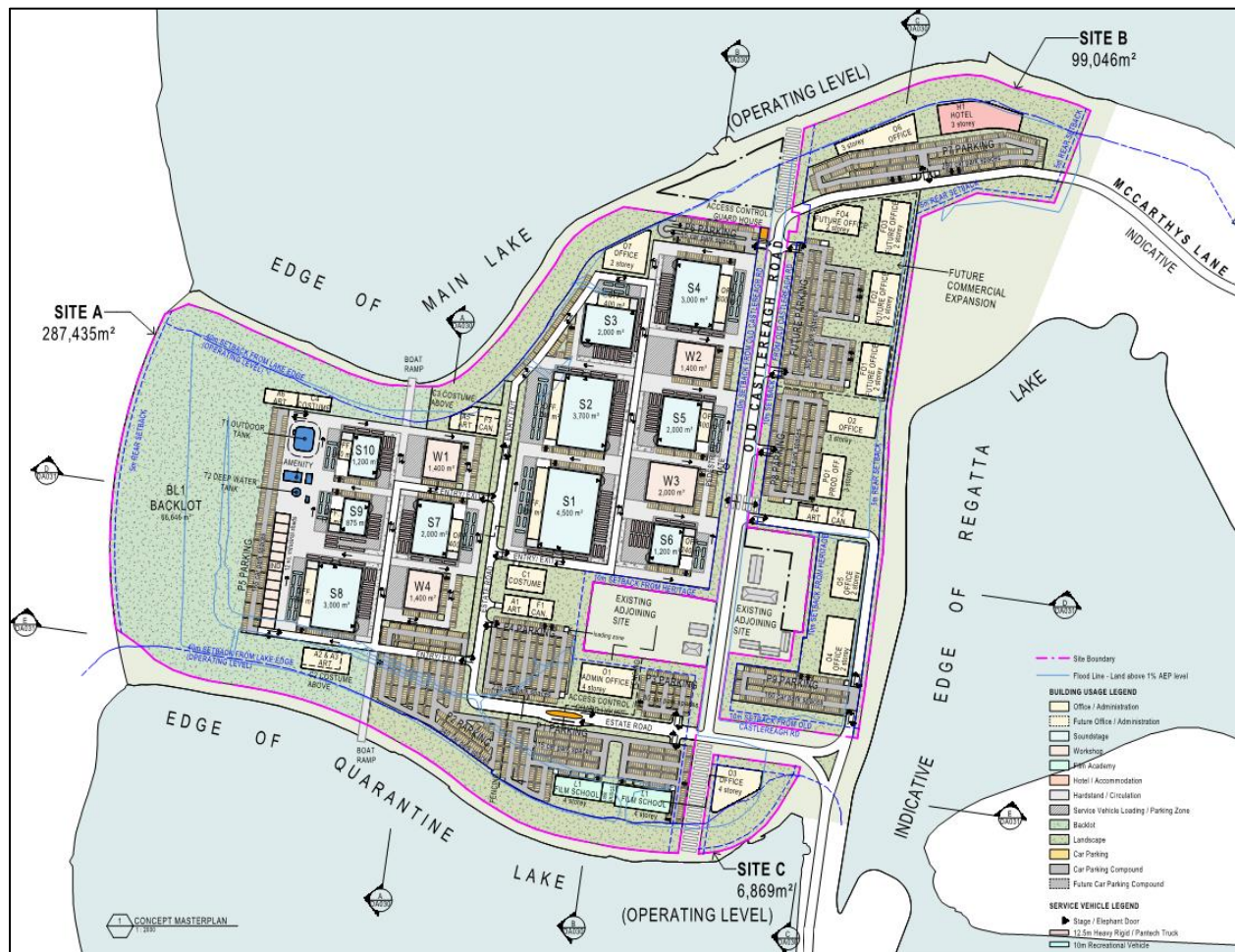
	Proponent based on demand and commercial agreements pertaining to relevant office components under the Masterplan.
Primary Land Use	<ul style="list-style-type: none"> - Film production – noted to be a form of high technology industry, which is a form of light industry.
Ancillary Land Uses	<ul style="list-style-type: none"> - Office premises - Food and drink premises - Hotel (Short and long term accommodation) - Education Establishment (Film Academy)
Bulk Earthworks	Earthworks (including cut and fill) would be required across the Site to establish the building pads for the future development on the Site, for the purposes of a Film Studio.
Landscaping	159,007 m ² of landscaping has been proposed for the Site comprising a 40% coverage of the Site area.
Site Access	<p>Primary site access will be achieved from Old Castlereagh Road, with an indicative secondary access currently being investigated along McCarthys Lane.</p> <p>Further internal access will be provided across the Site via a series of internal road networks that will operate fluidly as per the general operations of a Film Studio require. Safety measures will be implemented accordingly to manage flows and separate pedestrians from vehicles.</p>
Biodiversity and Vegetation Clearing	Vegetation clearing would be proposed across the Site to facilitate the Proposed Development.
Car Parking	<p>Required: 2,570 spaces Provided: 2,579 spaces</p> <p>Stage 1: 1,604 spaces provided Stage 2: 975 spaces provided</p>
Employment Generation	<ul style="list-style-type: none"> - Full-time jobs: 1,200-1,500 - Casual jobs: 500 crew for 4,000-5,000 days - Extras / Crowds: 20,000 - Cast: 1,000
Capital Investment Value	<p>Total: \$536,161,367 (excluding GST)</p> <p>Stage 1: \$378,383,242 Stage 2: \$157,778,125</p>



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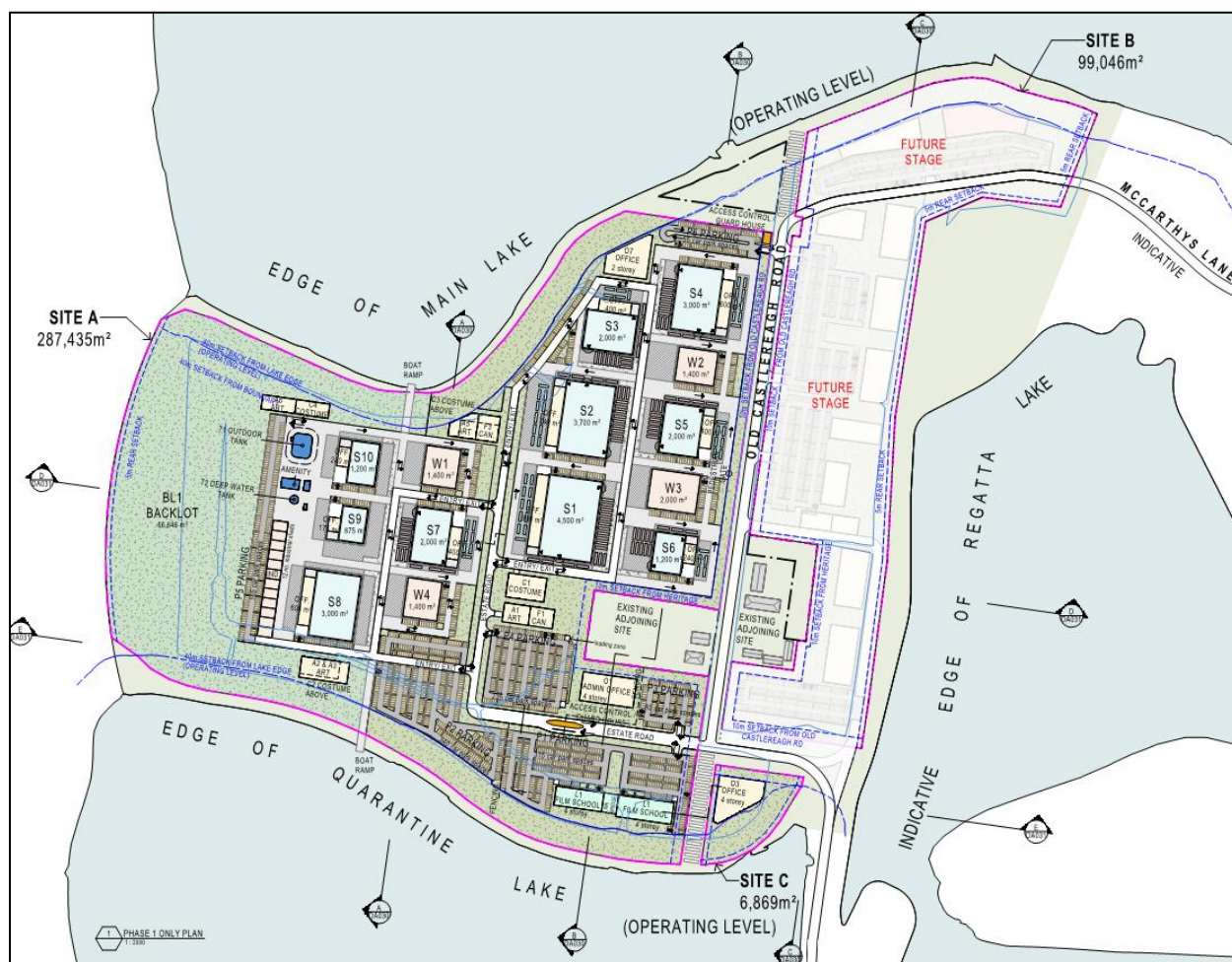


Figure 6 Stage 1 Built Form (Source: Nettleton Tribe, 2021)

3.2.1 Film Studio – Sound Stages

The studio facilities would attract International and Australian production companies, producers, directors and post-production companies requiring non-permanent office and sound stage space for weeks to many months, depending on the budget and requirements of a production.

The sound stages with attached multilevel offices, are a “dry” hire of a purpose-built space whereby each film production company hiring the studio facilities is required to supply every element to facilitate a production, including cast, crew, sets, cameras, electrical, lighting, wardrobe, materials, catering and machinery.

The proposed Film Studio would operate on a 24/7 basis across 10 sound stages, as should on the Masterplan and Preliminary Architectural Plans prepared by Nettleton Tribe (2021). Production would only occur for parts of a day; however, 24/7 use is required in case of AM and PM production times as required by future productions providing flexibility to the operations. The sound stages would be built over Stage 1, which would result in a maximum built form outcome, resulting in varied building heights (maximum of 23 m for Soundstages 1, 2, 4 & 8).

Stage 1 for which built form approval is sought, attains a GFA of 70,415 m².

3.2.2 Backlot

A dedicated backlot area will enable the construction of large sets and street scenes. Generally, all backlot structures are of non-permanent construction and are dismantled at the completion of production. Facilities will allow extensive water shooting options on the surrounding lakes.

3.2.3 Office

Production office space and usage, as supplied by Lakeside Studio is of a general nature which requires minimal furnishing of office desks and chairs, high speed internet service, office printers and kitchenette. All other materials and furnishings are supplied by the production company hiring the facility.

3.2.4 Workshops, Art and Costume Department

Workshops and construction mills are for the construction of sets which are then transported to the relevant sound stage and backlot. Workshops may also be used by production support staff, including the art department for the drafting and designing of sets, the costume department for the making and storing of costumes, making of props and related art department elements; and the use by special effects personnel to create special props which may involve (from time to time) the use of spray-painting booths, grease arrestor, mechanical ventilation and exhausts.

3.2.5 Outdoor Tank and Deep Tank

The Outdoor Tank is a temperature-controlled pool suitable for large scale aquatic to film scenes involving people at sea beyond landfall. The Deep Tank is a temperature-controlled circular tank designed for underwater filming.

3.2.6 Media Park

The Media Park will house high-tech start-up businesses and established media and technology businesses, including those related to media software development, animation development and production, motion capture engineering, video game development and production, and virtual reality engineering. The Media Park also includes the establishment of the Lakeside Academy (film academy), for which this stage will be constructed within Stage 1.

3.2.7 Film School / Academy and Training

The supply of competent personnel is critical to the future of the Australian motion picture and television industry. To facilitate this, in Stage 1, Lakeside Studio will establish Lakeside Academy and campus for up to 200 students studying across the spectrum of film and new-media studies. The construction of this component requires dedicated studio space, lecture rooms, workshops, a screening room, editing rooms, offices, a cafeteria and campus grounds, similar to any tertiary institutional space.

The management of Lakeside Academy will be undertaken by an existing film school. It is expected that many of the Lakeside Academy alumni will go on to successful film careers around the world. Lakeside Academy will provide students with the skills to make the motion picture and television industry a full-time vocation by offering a Bachelor of Screen Production, and a Diploma and Advanced Diploma of Screen Production. These courses will provide hands-on training within the studio campus. Upon graduation, students will have acquired screen production, storytelling and entrepreneurial skills, and more specialised capabilities to equip them to be innovative, ethical professionals. Lakeside Academy will have up to 20 full-time staff, with 7 full-time course lecturers over the period of 12 months in the following courses:



- Producing
- Directing for the screen
- Cinematography
- Editing
- Sound and Lighting Design
- Animation
- Game design and production
- New-media applications.

There will be a need for more below-the-line studio crew, such as grips, gaffers, production managers, line producers and first assistant directors. Presently there is no formal training for such positions in Australia and it is left to individuals to acquire non-formal, on-the-job training. Lakeside Academy intends to set up a formal training program, on actual productions, for these critical roles and create immersive opportunities to equip the industry workers of tomorrow with real skills for practical full-time employment.

3.2.8 Hotel (Short-and-Long-Term Accommodation)

The Proposal includes provisions for a future urban designed hotel consisting of approximately 125 one and two-bedroom units/suites and self-serviced units (for cast and crew, academy students and the general public). Amenities may include a ground floor terrace pool and deck overlooking the lake, indoor and outdoor recreation space, hardscape and landscape features, meeting space and lobby bar.

3.2.9 Access and Servicing

There will be two (2) main areas to the project. The first area is the Studio Lot where all the sound stages are located, which is required to have fully fenced, 24/7 secure access for crew and tenants. The second area is the Media Park, which will not be locked down, but operated on a securely managed campus-like basis, where the public, office workers and students alike will mix freely within a park-like environment.

The Studio Lot will allow 24/7 access for crew and tenants through the use of world-class security technology. To regulate access and secure the studio, Lakeside Studio is expected to enter into a partnership with a major multinational corporation specialising in next-generation technology, such as biometrics, facial recognition, vehicle number-plate recognition and CCTV perimeter security.

Primary ingress and egress to and from the Site would be obtained along Old Castlereagh Road, for which primary access would be achieved by realigning and refurbishing the Site access along Old Castlereagh Road with required services and road pavement to cater for all future access requirements, which would be detailed in the future qualitative and quantitative Traffic Impact Assessment and Service Infrastructure Assessment.

3.2.10 Landscaping

A carefully selected landscape setting will be chosen comprising a mix of native and endemic plant species, shrubs, trees and grasses which will help to improve the aesthetic for workers and visitors, as well as exhibit an appropriate landscaping treatment for passersby traversing the wider Penrith Lakes walking track around the Nepean River that affords views towards the Site. The future landscaping strategy will aid the Proposal by virtue of landscape screening ultimately improving the visual amenity of the Site, whilst limiting the potential impacts of the Urban Heat Island Effect. Accordingly, 159,007 m² of landscaping has been proposed for the Site, equating to 40% of the site area attributed to landscaping, which includes 20% of deep soil landscaping.



3.2.11 Car Parking

Car parking has been provided across the Site to facilitate both the construction and operational phases of the Proposed Development. Parking has been provided in accordance with the NSW Roads and Maritime Services (RMS) rates for industry (one (1) space per 300 m²) and office (one (1) space per 40 m²), as well as the application of a first-principles assessment given the unique nature of the Proposal, including the future operational outcomes. Accordingly, 2,579 car parking spaces have been provided (noting 2,570 are required) for the Proposed Development, which includes 1,604 for the Stage 1 built form.

3.3 STAGING OF DEVELOPMENT

The approval strategy sought, seeks to obtain Development Consent to complete the construction works over two (2) construction phases; however, any such staging does not constitute staged development as defined under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed stages will be completed as demand for film production and the like is required throughout the Site.

3.4 CAPITAL INVESTMENT VALUE

While costs have not yet been finalised, the CIV of this Project is expected to be approximately \$536 Million. The costs will be finalised once the final design is confirmed.

As this exceeds the \$30 Million threshold under Schedule 1, Part 13 of the SRD SEPP, the Proposed Development is considered SSD.

A Preliminary Cost Report is attached to verify the CIV (refer to **Appendix 2**).

3.5 CONSULTATION

Consultation is currently being undertaken with the following stakeholders:

- NSW DPIE
- Penrith City Council
- Office of Strategic Lands
- SES
- NSW DPI Water
- Aboriginal Land Council
- NSW Environment Protection Authority
- Transport for NSW
- Endeavour Energy
- Sydney Water
- WaterNSW
- Jemena
- NBNCo
- NSW Rural Fire Service
- Fire and Rescue NSW
- PLDC
- CASA and RAAF
- Office of Environment and Heritage (now Environment, Energy and Science Group)
- Surrounding landowners.

Consultation with relevant stakeholders will be undertaken whilst preparing a detailed Environmental Impact Statement in keeping with the Department's Major Project Community Consultation Guidelines.



PART D PROJECT JUSTIFICATION

4.1 PROJECT NEED

Sydney presently does not have the available studio space to capitalise on the unprecedented and ongoing demand pertaining to film production. The only sound stage suitable for big-budget productions in Sydney is Fox Studios at Moore Park. The acquisition by Disney Studios of Fox Studios has meant that the sound stages have been generally, if not entirely, allocated to large budget Marvel Comics (a division of Disney) productions. This means that producers of Australian and international projects looking to shoot in Sydney are being forced to shoot in unsatisfactory locations, including warehouses and auditoriums.

The advent of streaming platforms, such as Netflix, Disney+, Apple+ and Amazon, has changed the way entertainment content is being produced and consumed. As streaming platforms race to produce original content, surging demand for studio sound stage space has created a worldwide shortage of studio facilities. Now major studios and streaming platforms are targeting Sydney as a location to shoot big budget productions.

Lakeside Studio will seize the global opportunity to strengthen and grow the local film and television industry by providing the necessary facilities to accommodate the increased number of productions seeking to film in Sydney (including suburban areas within the wider locality).

Lakeside Studio's ambition is to complement the Western Sydney Aerotropolis's objectives – becoming a high-skill jobs hub, rebalance Greater Sydney's economic and social opportunities, and be part of the realisation of the vision for Greater Sydney, which meets the State and Regional objectives.

The Proposed Development, for the purposes of a Film Studio is considered consistent with the strategic direction of both the *A Metropolis of Three Cities* (Regional Plan) and the *Western City District Plan* (District Plan), for which the Proposal will further contribute to the growth and knowledge of professional service jobs within the Western Parkland City; hence, contributing the Western City District's economic growth, particularly supporting the Penrith LGA.

It is considered that the Proposed Development could support the growth of existing sectors in the Western City District and provide further leverage and support to the strategic vision pertaining to the wider Penrith Lakes through enhanced investment in film production at the Subject Site, including investment through a range of the future ancillary land uses, which will generate commensurate and beneficial employment-generating opportunities.

4.2 CONSIDERATION OF ALTERNATIVES

The purpose of the Proposed Development is to contribute towards the intended tourism and employment-generating character and nature of the Tourism zone; and provide a Film Studio, which provides secure, reliable and a modernised platform for film and content production, as well as a significant amount of employment potential. The Proposed Development seeks to ensure it:

- Is compatible with surrounding development and the local context;
- Would provide increased operational efficiencies for film and content production;
- Would result in minimal impact on the environment; and
- Would allow for the implementation of suitable mitigation measures, where required.



Overall, the scale of the Proposed Development is considered suitable, and the built form proposed would completely enhance and renew an undeveloped and underutilised land portion completely, into a modernised, State-of-the-Art Film Studio, which will be consistent with the intended development outcome envisaged for the Site under the Penrith Lakes SEPP, whilst not impacting on surrounding land uses within the wider Penrith Lakes Precinct. The Site design and layout of the built form proposed, seeks to maintain consistency with the zone objectives under the Penrith Lakes SEPP and enhances the underlying tourism and employment character intended for the identified land portion. This is due to be allocated for such permissible land uses – noting the concurrent amendment to the Penrith Lakes SEPP earmarking film studios as an Additional Permitted Use.

The options considered and subsequently dismissed, in arriving to the current proposal with regard to the Proposed Development included:

(a) ‘Do Nothing’ Scenario

This option was dismissed as the objectives of the Proposal would not be met, including the objective of facilitating an employment-generating development. If the Proposed Development was not to proceed, the Site would continue to remain vacant, or be potentially developed for another tourism-related development.

(b) Development on an Alternative Site

Consideration was given to carrying out development on alternate sites; however, these were dismissed as this Site resulted in the most beneficial outcomes for the Proposed Development as:

- It is located subject to the provisions of the Tourism zone pursuant to the provisions of the Penrith Lakes SEPP, which the Proposal seeks to provide employment-generating and film-related land uses;
- The Site is suitably located with respect to sensitive land use activities, including residential development – which is suitably separated from the Site;
- All potential environmental impacts concerning the Proposed Development are able to be suitably mitigated within the Site;
- The proximity to the regional road network provides accessibility and linkages to the broader Sydney Metropolitan Region (including the future Western Sydney Airport) and regional areas of NSW;
- The proposed development demonstrates the capability for continued employment-generating opportunities, during both the construction and operational phases;
- Sufficient separation is maintained towards the interfaces of surrounding land use zones in close proximity to the Subject Site;
- The Proposed Development will consider the nearby Heritage items in close proximity to the Site, for which it will look emulate and refurbish the cobblestone promenade to the main entry of the Site in order to explore and exemplify what was once the former artefact and restore some its historic values in order to harmonise the Proposal and beatify the identified heritage items; and
- The Proposed Development could be developed with appropriate visual amenity achieved given its surrounding context.

(c) Different Site Configuration

The configuration of the Proposed Development was chosen based on the Site’s topography; street access; minimal native vegetation / landscaping (which the Site comprises mainly overgrown grasses); as well as the need to respond to the character of the surrounding Penrith Lakes Precinct. It is noted, that a different site configuration would not have been able to respond to the abovementioned site opportunities and constraints given the specific operational requirements of Lakeside Studio and the



need to ensure a building envelope that encapsulates all operational particulars for the Site. This option was therefore not considered appropriate.

Notwithstanding, the Proposed Development is justified on the basis, that it is compatible with the locality in which it is proposed, resulting in positive social and economic benefits, whilst appropriately managing and mitigating any potential environmental impacts requiring consideration.



PART E LEGISLATIVE AND POLICY FRAMEWORK

5.1 CONTROLS AND POLICIES OVERVIEW

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this Report:

Commonwealth Planning Context

- *Environment Protection and Biodiversity Conservation Act 1999*

State & Regional Planning Context

- *A Metropolis of Three Cities – Greater Sydney Regional Plan*
- *Western City District Plan*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*

Local Planning Context

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Penrith Lakes Development Control Plan – Stage 1 2021*

This planning framework is considered in detail in the following sections.

5.2 COMMONWEALTH PLANNING CONTEXT

5.2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

Based on preliminary investigations carried out, the proposal does not warrant referral to the Commonwealth Minister for Environment.



5.3 STATE PLANNING CONTEXT

5.3.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The EP&A Act is the overarching governing statute for all development in NSW and pursuant to Section 4.36(2) provides that:

“A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.”

The proposed development has been identified as State Significant Development pursuant to Schedule 1, Clause 13 of the SRD SEPP.

5.3.2 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

Section 4(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) states that:

“Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.”

The Proposal being for a Film Studio does not trigger the Designated Development thresholds.

5.3.3 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1979

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an ‘activity’ for the purposes of the POEO Act is:

“an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal).”

The Proposed Development will include review of the relevant thresholds under Schedule 1 with respect to Dangerous Goods, including provisions for Diesel Fuel storage and any other hazardous goods required to be stored on-site to assist with the future operations, which may trigger the requirement for an Environmental Protection Licence (EPL). **Note:** some film productions will require the use of pyrotechnics.

5.3.4 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

The BC Act requires consideration of whether a development or an activity is likely to significantly affect threatened species. Preliminary studies have been undertaken to assess the overall ecological context of the subject site; however, further studies would be undertaken and addressed within the EIS regarding potential impacts to flora and fauna species pertaining to a Biodiversity Development Assessment Report (BDAR).



5.3.5 RURAL FIRES ACT 1997

The Rural Fires Act 1997 sets out regulations to prevent, mitigate and suppress of bush and other fires in LGAs and other parts of the State.

The Subject Site comprises bushfire affectations in some portions of the Site, for which a Bushfire Impact Assessment will be undertaken for the Proposal, which will include due consideration of the *Planning for Bushfire Protection 2019* (PBP) document.

5.3.6 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposed developments involving activities that are listed in Schedule 1 of the SRD SEPP are identified as being State Significant Development (SSD). Schedule 1, Clause 13 of the SRD SEPP includes provisions for developments comprising Film Production to be undertaken as SSD. Clause 13 states:

13 Cultural, recreation and tourist facilities

- (1) *Development that has a capital investment value of more than \$30 million for any of the following purposes—*
 - (a) film production, the television industry or digital or recorded media,**
 - (b) *convention centres and exhibition centres,*
 - (c) *entertainment facilities,*
 - (d) *information and education facilities, including museums and art galleries,*
 - (e) *recreation facilities (major),*
 - (f) *zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.*
- (2) *Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that—*
 - (a) *has a capital investment value of more than \$100 million, or*
 - (b) *has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.”*

15 Educational Establishments

- 1) *Development for the purpose of a new school (regardless of the capital investment value).*
- 2) *Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.*
- 3) *Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.*

The CIV of the entire project is in excess of \$30 Million, thus the SSD provisions pertaining to Clause 13(1)(a) are satisfied and apply to the Proposal. Clause 15 has been noted for contextual purposes only; however, the proposal does not trigger Clause 15, rather it only includes provisions for an Educational Establishment – Film Academy (refer to **Section 5.3.7** below).

5.3.7 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

In September 2017, the NSW DPIE released *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) with the aim of facilitating the effective delivery of educational establishments and childcare facilities across the state of NSW. The Education



SEPP would be the prevailing Environmental Planning Instrument (EPI) with regard to the provision for the Film Academy proposed as part of the Masterplan in Stage 1.

Within the proposal a Film School known as Lakeside Academy is proposed on the Site which will be considered under Part 5 of the Education SEPP as a University, and / or Part 6 as a TAFE establishment (subject to confirmation with the relevant third-party provider); therefore, pursuant to the relevant clauses. The Film Academy is proposed to include capacity for up to 200 students (including associated staff).

Under the Tourism Zone of the Penrith Lakes SEPP, Educational Establishments are permissible with consent. Accordingly, for the purposes of the Proposal, the future EIS to be prepared will consider the provisions of Parts 5 and 6 subject to confirmation with the relevant provider, to be secured to operate the Educational Establishment – University or TAFE Establishment – both prescribed as a type of Educational Establishment.

5.3.8 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) repeals the former *State Environmental Planning Policy No 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for ‘Any other purpose’ are:

- *200 or more motor vehicles per hour with site access to any road; or,*
- *50 or more motor vehicles per hour where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

The Proposal will generate more than 200 vehicles per hour. Therefore, the Proposed Development would require referral to TfNSW.

5.3.9 STATE ENVIRONMENTAL PLANNING POLICY NO 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

To facilitate the operational use of the proposed Film Studio, there will be some diesel fuel and other hazardous goods and combustibles stored on the Site for the future operational stages. A Preliminary Risk Screening report would be undertaken, prepared and included within the EIS to assess the proposal against the relevant provisions of *State Environmental Planning Policy No 33 – Hazardous and Offensive Development* (SEPP 33).

5.3.10 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a Development Application (in this instance, SSD Application) is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*



- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Detailed investigations are currently underway with respect to contamination on the Site. An Environmental Site Assessment (Phase 2 Contamination Investigation) will be submitted with the SSD Application.

5.3.11 STATE ENVIRONMENTAL PLANNING POLICY (PENRITH LAKES SCHEME) 1989

The Penrith Lakes SEPP is the principal EPI applicable to the Site. The Site is zoned as follows:

- Tourism (T)

Table 3 outlines the relevant Development Standards and provisions applicable to the Site, as stated within the Penrith Lakes SEPP. It is important to note, that whilst permissibility under the Penrith Lakes SEPP is not currently permitted with consent, the NSW DPIE have released an Explanation of Intended Effect that pertains to creating an additional permitted use on the Site for the purposes of facilitating the future Film Studio, including all associated ancillary land use components. It is considered that the Penrith Lakes SEPP will be amended in parallel to the future SSD Application being prepared and assessed, for which the SEPP will likely be amended prior to determination occurring; thereby, providing a lawful and permissible pathway for the Proposed Development to proceed.

Table 3: Penrith Lakes SEPP Provisions	
Clause	Comment
Clause 8 – Development for the purposes of implementing the Penrith Lakes Scheme	<p>Subclause 8(4) of the Penrith Lakes SEPP states:</p> <p><i>(4) In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters—</i></p> <ul style="list-style-type: none"> <i>(a) the Penrith Lakes Scheme Regional Environmental Study,</i> <i>(b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,</i> <i>(c) the statement of environmental effects accompanying the application,</i> <i>(d) the proposed sequence of extraction and rehabilitation,</i> <i>(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,</i> <i>(f) the management and control of water resources including—</i> <ul style="list-style-type: none"> <i>i. the source of water in order to fill any lake (including the quality and quantity of water from that source),</i> <i>ii. water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River,</i> <i>iii. the water quality of any lake (including the aquatic ecosystem),</i> <i>iv. water treatment facilities,</i> <i>v. water depth of any lake,</i> <i>vi. flood control,</i> <i>vii. storm water control,</i> <i>viii. the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement,</i>



SCOPING REPORT – REQUEST FOR SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Proposed Film Studio and Media Precinct and Ancillary Land Uses

100-278 Old Castlereagh Road, Castlereagh

	<ul style="list-style-type: none"> ix. lake usage, x. staged development of the lakes and their usage during stage development, xi. the need to monitor the water quality of the lakes having regard to their intended use, and xii. the effect upon the Hawkesbury/Nepean River system, <p>(g) the rehabilitation and reconstruction of the land including—</p> <ul style="list-style-type: none"> i. landscape design, ii. the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban), iii. the stability and impermeability of the Nepean River embankment, iv. soil conservation, and v. revegetation, <p>(h) access to, the supply of water from any existing source to, and the supply of and access to municipal and utility services to, land to which this Policy applies, other than that part of that land the subject of the application,</p> <p>(i) any item of the environmental heritage listed in Schedule 3,</p> <p>(j) the effect upon a locality, place or building not listed in Schedule 3 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations, and</p> <p>(k) the need and frequency to monitor the implementation of the subject development.</p>
Clause 12 – Land Use Zones	<p>The Site is zoned Tourism (T) pursuant to the Penrith Lakes SEPP. It is noted, that development for the purposes of a Film Studio is currently partly prohibited; however, it is understood that the NSW DPIE are in the process of amending the Tourism Zone of the Penrith Lakes SEPP to facilitate the permissibility of a Film Studio as an Additional Permitted Use. As mentioned above, the most relevant land use definitions would pertain to ‘Light Industry’ and ‘High Technology’ (including ancillary office space) for the soundstages, with ancillary ‘Food and Drink Premises’, a ‘Hotel’ (Short and Long Term Accommodation) and a future ‘Educational Establishment’ for the purposes of a Film Academy.</p>
Clause 14 – Zone Objectives and Land Use Table	<p>Tourism</p> <p>Objectives of the Zone:</p> <ul style="list-style-type: none"> ▪ To provide for a variety of tourist-oriented development and related uses. ▪ To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme. ▪ To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River. <p>Permitted without Consent:</p> <p><i>Nil</i></p>



SCOPING REPORT – REQUEST FOR SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Proposed Film Studio and Media Precinct and Ancillary Land Uses

100-278 Old Castlereagh Road, Castlereagh

	<p>Permitted with Consent:</p> <p><i>Amusement centres; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health services facilities; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Tourist and visitor accommodation; Water recreation structures</i></p> <p>Prohibited:</p> <p><i>Any development not specified in item 2 or 3</i></p>
Clause 15 – Subdivision – Consent Requirements	Pursuant to Clause 15, the land can be subdivided. The SSD Application will be accompanied by a proposed Subdivision Plan.
Clause 16 – Demolition Requires Development Consent	Any demolition proposed will be supported by a proposed Demolition Plan as part of the formal Architectural Plans to support the SSD Application.
Clause 21 – Preservation of Trees or Vegetation	The proposed development will require bulk earthworks and a sophisticated landscaping strategy which will be designed in accordance with the GANSW <i>Better Places</i> document. Notwithstanding, any clearing undertaken on-site will be supported by a Biodiversity Development Assessment Report to determine and ascertain any biodiversity values attributed to the Site.
Clause 26 – Development on Land Zoned Tourism	In accordance with Clause 26 of the Penrith Lakes SEPP, the Proposed Development will be supported by a qualitative and quantitative Traffic Impact Assessment, Statement of Heritage Impact Assessment and comprehensive Flood Impact Assessment that considers the pre-and-post-development scenarios of the Site.
Clause 28 – Heritage Conservation	Heritage conservation and preservation of existing heritage assets on the Site will be implemented as a result of the Proposed Development. A Statement of Heritage Impact Assessment is currently being prepared whereby any planned management and mitigation measures will be implemented accordingly as part of the Proposal.
Clause 29 – Bush Fire Hazard Reduction	The Subject Site comprises bushfire affectations in some portions of the Site, for which a Bushfire Impact Assessment will be undertaken for the Proposal, which will include due consideration of the <i>Planning for Bushfire Protection 2019</i> (PBP) document.
Clause 31 – Earthworks	Earthworks are proposed across the Site to establish the building pads and finished floor levels across the Site which will include a 500 mm freeboard above the 1:100 year ARI flood level. The SSD Application will include provision for a cut and fill plan and a Civil Engineering Report to articulate the earthworks provisions required for the Site in order to satisfy Clause 31.



Clause 33 – Flood Planning	<p>In accordance with Clause 33 of the Penrith Lakes SEPP, the Subject Site is located within the floodplain of the Nepean River; however, noted to be primarily above the 1:100yr ARI flood level. The parts of the Site which are below the 1:100yr ARI are located around the perimeter and encompass less than 10% of the property footprint.</p> <p>The parts of the Site below the 1:100yr ARI flood level, are anticipated to have surfaces which comprise landscaped areas (vegetated gardens, turfed and grassed areas), roadways, pedestrian egress paths and public amenity. The flood velocity in the 1:100yr ARI flood event, is noted to be low and less than 0.1 m/s. This flow velocity is noted to be below typical scour thresholds for the land use types and surfaces described above. As such, it is considered that acceptable protection of scour can be achieved and the proposed development is compliant in relation to scour potential from the 1:100yr ARI flood event.</p> <p>It is understood that the revised flood modelling guidelines are currently under assessment by both the NSW DPIE and Council. The Proponent is amenable to convening to discuss the intent of such guidelines and any key matters for consideration to be addressed as part of the future SSD Application.</p>
Clause 35 – Public Utility Infrastructure	A Service Infrastructure Assessment is currently being prepared to capture the relevant services required for the Site, including potable water, wastewater, electricity and telecommunications. Early consultation has commenced with the relevant service providers to ascertain likely lead-in requirements required to support the Proposal.
Clause 36 – Development Control Plan	The Proposed Development will consider the relevant controls of the Draft Penrith Lakes DCP, which will be articulated within the proposed built form design and further within the EIS to be prepared.
Schedule 2 – Matters to be included in the Statement of Environmental Effects	The future EIS and supporting consultant reports will consider Schedule 2 in further detail to accurately demonstrate that the Proposal is consistent with the intent of the Penrith Lakes SEPP.
Schedule 3 – Items of the Environmental Heritage	Heritage conservation and preservation of existing heritage assets on the Site will be implemented as a result of the Proposed Development. A Statement of Heritage Impact Assessment is currently being prepared whereby any planned management and mitigation measures will be implemented accordingly as part of the Proposal.

5.4 STRATEGIC PLANNING CONTEXT

5.4.1 A METROPOLIS OF THREE CITIES – GREATER SYDNEY REGION PLAN

A Metropolis of Three Cities – Greater Sydney Region Plan (Greater Sydney Commission, 2018) divides the Sydney Region into three (3) Cities, with a vision of growth until 2056 (refer to **Figure 6** below). The Plan aims to anticipate the housing and employment needs of a growing and vastly changing population. The overall vision pursues an objective of transforming ‘Greater Sydney’ into a Metropolis of Three Cities, including:

- The Western Parkland City;
- The Central River City; and,



- The Eastern Harbour City.

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, ‘city-scale’ infrastructure & services, entertainment and cultural facilities. By managing and retaining tourism-zoned land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents. Once constructed and operational, the Subject Site would achieve economic growth and prosperity, as well as encourage employment-generating opportunities within an area zoned for such permissible purposes, that is considered relatively close in conjunction to residential communities, providing an ease of commute. The Proposed Development across the Site considers the employment-generating outcomes that can be achieved for the immediate and wider localities.

The Proposed Development at 100-278 Old Castlereagh Road, Castlereagh also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:

- Infrastructure and collaboration – the Proposed Development of the Site for the purposes of a Film Studio, would provide film and content production services that represent a State-of-the-Art Studio setting a precedent for modernised film production in NSW;
- Liveability – the Proposed Development encourages employment-generating opportunities and economic prosperity, which has positive influences on the wider locality;
- Productivity – the Proposed Development is situated within the *Western City District Plan* (refer to **Section 5.3** below); and,
- Sustainability – the Proposed Development would not exhibit or emit any detrimental impacts to its wider ecological surroundings.

In summary, the Subject Site contributes to the objectives set out in the *A Metropolis of Three Cities – Greater Sydney Region Plan* by promoting minor environmental impacts and the further promotion of employment-generating opportunities to the wider locality and community, positioned within the Penrith LGA.



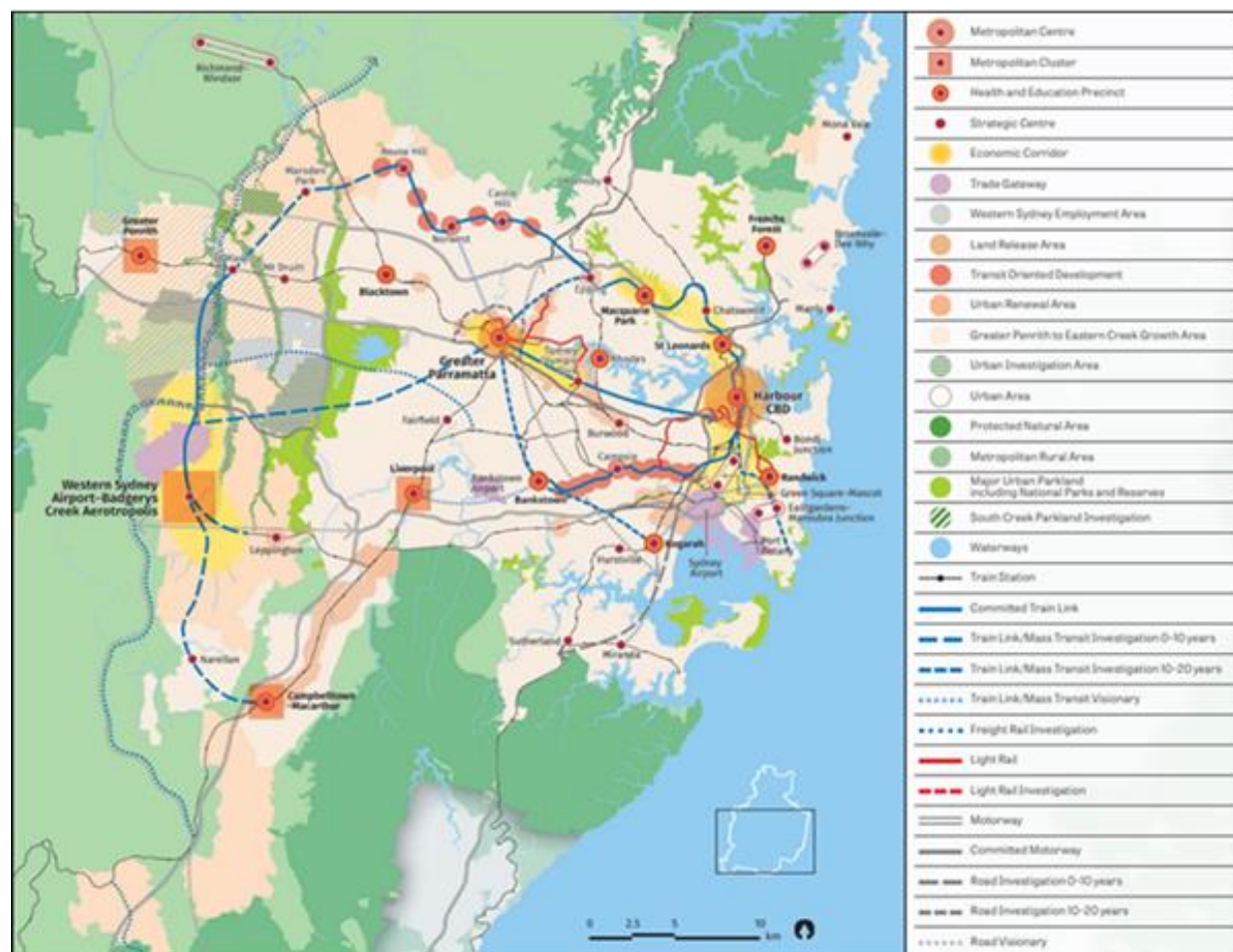


Figure 7 Metropolis of 3 Cities A Vision to 2056 (Source: Greater Sydney Commission, 2018)

5.4.2 WESTERN CITY DISTRICT PLAN

The *Western City District Plan* covers the Western Parkland City area, including the Penrith LGA in which the subject site is located. The Plan sets out a twenty-year vision to help achieve the goals contained in A Metropolis of Three Cities – the GSC vision for developing Sydney as a world-class future city. The Plan agglomerates City, Regional and Local planning. The site is situated within the Western City District, which falls within the Western Parkland City.

The *Western City District Plan* reinforces the four (4) planning priorities of the GSC. The Plan establishes a number of priorities and actions to guide growth, development and change. It also emphasises connectivity to infrastructure, collaboration, liveability, productivity and sustainability. The GSC’s mission statement further reinforces the Plan’s concentrated aims by outlining its main strategies, namely:

- *Creating a once-in-a-generation economic boom with the Western Sydney Airport and Badgerys Creek Aerotropolis bringing together infrastructure, businesses and knowledge intensive jobs;*
- *Building on the Western Sydney City Deal to transform the Western City District over the next 20 to 40 years by building on natural and community assets and developing a more contained Western City District with a greater choice of jobs, transport and services aligned with growth;*
- *Delivering the first stage of the North South Rail Link;*

- *Collaborating and building strong relationships between Liverpool, Greater Penrith and Campbelltown-Macarthur reinforced by the emerging Badgerys Creek Aerotropolis forming a unique metropolitan cluster;*
- *Providing major transport links for people and freight by unprecedented transport investments;*
- *Developing a range of housing, providing access to public transport and infrastructure including schools, hospitals and community facilities;*
- *Linking walking and cycling paths, bushland and a green urban landscape framed by the Greater Blue Mountains World Heritage Area, the Scenic Hills and Western Sydney Parklands;*
- *Enhancing and protecting South Creek, Georges River and Hawkesbury-Nepean river systems;*
- *Mitigating the heat island effect and providing cooler places by extending urban tree canopy and retaining water in the landscape;*
- *Protecting the District’s natural landscapes, heritage and tourism assets, unique rural areas and villages; and,*
- *Protecting the environmental, social and economic values of the Metropolitan Rural Area.*

The Proposed Development would contribute to the objectives set out in the *Western City District Plan* by promoting a greater range of land uses of benefit to the community including the Proposed Development (Film Studio) and other commensurate land uses; facilitating the provision of greater and improved infrastructure; and, promoting additional employment-generating opportunities to the wider locality and community closer to home, whilst supporting an economically and environmentally sustainable operation.

5.5 LOCAL PLANNING CONTEXT

5.5.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Penrith Local Environmental Plan 2010 (PLEP2010) is not applicable to the land as the provisions of the Penrith Lakes SEPP apply.

5.5.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPIs applying to the Site.

5.5.3 PENRITH DEVELOPMENT CONTROL PLAN 2014

The *Penrith Development Control Plan 2014* (PDPC2014) provides a non-statutory instrument to guide development in the Penrith LGA that is subsequently zoned under PLEP2010. The Subject Site is not zoned under PLEP2010; therefore, the PLEP2010 is not applicable. Notwithstanding, the relevant Penrith City Council engineering controls and guidelines will be considered and adopted where required as part of the Proposal.

5.5.4 PENRITH LAKES DEVELOPMENT CONTROL PLAN – STAGE 1 2021

Under Part 3, Section 3.6 of the EP&A Act, the Penrith Lakes DCP has recently been finalised, which will guide and facilitate permissible development across the entire Penrith Lakes Precinct, including the Subject Site. In accordance with the Penrith Lakes DCP, the Subject Site is identified as the Tourism West Precinct, for which the Subject Site includes relevant development controls requiring consideration as part of the future Proposal.

The Proposed Development will consider the relevant controls of the Penrith Lakes DCP, which will be articulated within the proposed built form design and further within the EIS to be prepared. It is noted, that further flood investigations have been undertaken and peer reviewed which influence the 1-in-100-year flood extent and consequently the total built form and site coverage able to be achieved across the Site.



The Proponent is amenable to discussing and liaising with the NSW DPIE, EES Group and Council further to coordinate the proposed Masterplan, which has been based on recent data and applied a 40 m buffer as opposed to a 50 m setback, which is considered to impede on the development potential of the Site. A 40 m setback to the lake edge is considered to be a supportable outcome in terms of built form potential, which would have minimal potential environmental impacts on the adjoining waterbodies, as well as remain consistent with statutory requirements / setback requirements in relation to 4th Order Streams as mandated by the Natural Resource Access Regulator (NRAR).

As mentioned above, the Subject Site is located within the floodplain of the Nepean River; however, noted to be primarily above the 1:100yr ARI flood level. The parts of the Site which are below the 1:100yr ARI are located around the perimeter and encompass less than 10% of the property footprint.

The parts of the Site below the 1:100yr ARI flood level, are anticipated to have surfaces which comprise landscaped areas (vegetated gardens, turfed and grassed areas), roadways, pedestrian egress paths and public amenity. The flood velocity in the 1:100yr ARI flood event, is noted to be low and less than 0.1 m/s. This flow velocity is noted to be below typical scour thresholds for the land use types and surfaces described above. As such, it is considered that acceptable protection of scour can be achieved and the proposed development is compliant in relation to scour potential from the 1:100yr ARI flood event.

It is understood that the revised flood modelling guidelines are currently under assessment by both the NSW DPIE and Council. The Proponent is amenable to convening to discuss the intent of such guidelines and any key matters for

5.5.5 CONTRIBUTIONS PLAN

There is no Contributions Plan applying to the Site. It is anticipated that the Proposed Development will be subject to a future Voluntary Planning Agreement (VPA).



PART F PRELIMINARY ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in the preceding sections below. This risk-based analysis has been used to identify the key environmental issues for further assessment and assist the preparation of the SEARs with respect to the Proposed Development.

The analysis is based on preliminary environmental assessment of the Subject Site only. The EIS for the proposal will fully address these items and other key environmental issues relevant to the proposal.

6.1 SOIL AND WATER

During construction, an Erosion and Sediment Control Plan would be implemented to protect the downstream drainage system and receiving waters from sediment-laden runoff.

Earthworks would be designed to minimise the extent of cut and fill and allow the balance of soil to be re-used on-site. Topsoil would be stockpiled for re-use within landscaped areas where possible. Minor regrading would be required to facilitate the building pad for construction purposes.

With regard to water quantity, the Proposed Development will include provisions for a treatment train that allows for discharge throughout the lake system. The Stormwater Treatment Measures (STMs) will be designed accordingly to accommodate sufficient treatment measures and mitigate increased peak flows generated from the newly constructed impervious areas (roofs and hardstand areas) to pre-development flows for all storm events, up to and including the 1% AEP Flood Extent, as per Council's flooding and engineering requirements, which includes consideration of the recent flood investigations undertaken by Advisian pertaining to flooding impacts on the Site.

In accordance with flooding, the constraints identified for the Site include the following:

- The Site is noted to be within the Penrith Lakes area and is subject to flooding associated with the adjacent Nepean River and included in Penrith City Council's Hawkesbury Nepean River Catchment Flood Study, and the NSW DPIE Flood study by WMA Water.
- The existing site is noted to be filled to a level which is greater than the 1% AEP flood level, and also above the 0.5% AEP flood level.
- Access to the Site is noted to be cut off in the 1% AEP flood event. However, it is noted that the recent flood event in February 2021 did not result in the Site being cut off or any evacuations occurring. This is despite the event being described as a 5% to 2% AEP (which per modelling would result in the Site being landlocked and requiring evacuation as such).
- Preliminary investigations into flood mitigation measures and evacuation procedures will need to be considered in accordance with NSW Floodplain Management Manual 2005, the recent NSW DPIE Flood Planning Pack and noted with Council.
- Consideration will be given to mitigation measures including construction of flood compatible materials, and structure capable of withstanding flood waters to the flood planning level (1% AEP + 0.5m)
- Evacuation measures will be need to be consistent with SES local sub-plan, Penrith City Council and DPIE flood evacuation plans.
- Consideration to evacuation will be made in relation to flood timing and include triggers based on BOM/SES warnings, in addition to real-time water levels within the nearby river systems. Based on timing noted in the reporting there would be more than 24-hrs warning time for evacuation to occur before the Site being cut-off.
- Information regarding flood and evacuation studies that will be conducted prior to lodgement of the SSD Application include:
 - Consultation with DPIE, SES and Council will be necessary to inform the evacuation planning and requirements.



- A detailed desktop flood assessment will be included in the reporting, specific to the development, utilising the modelling and outcomes included in the Council and DPIE flood assessments.
- As above, given there are two (2) detailed flood models and studies completed, and the Site is currently filled to a level which is 0.5m above the defined flood event. It is not intended that any additional flood modelling will be undertaken, nor required in the EIS to support the SSD Application.

The Proposed Development will include a stormwater quality treatment train approach to reduce pollutants contained in runoff from the Site in accordance with Council's pollution reduction targets further facilitating a Water Sensitive Urban Design (WSUD) strategy that is considered acceptable. It is anticipated that ongoing consultation with the NSW DPIE, Council and WaterNSW will occur throughout the SSD Application.

Rainwater harvesting would also be applied across the Site (where considered practical), which will incorporate re-use in irrigation methods and recycled potable water components, i.e. toilet flushing.

6.2 NOISE

The Site is sufficiently separated from any sensitive receivers. The SSD Application would consider both construction and operational acoustic impacts (noise and vibration) having regard to the NSW Environment Protection Authority (EPA) Industrial Noise Criteria, including the *Noise Policy for Industry* (NPI) document, the *Interim Construction Noise Guideline*, as well as relevant controls articulated within both the Draft Penrith Lakes DCP and PDCP2014.

Potential noise and vibration impacts generated during the construction phase of the Proposed Development would be localised through construction traffic management and construction equipment selection, for which a Construction Noise and Vibration Management Plan (CNVMP) would be implemented to address any potential noise and vibration impacts anticipated during the construction phase.

Operational noise would be attributed to proposed operational activities associated with film production, distributed throughout the Subject Site. It is noted, that a complete Noise and Vibration Impact Assessment would be undertaken by a suitably qualified Acoustic Engineer to confirm the proposed development does not exceed the relevant acoustic emissions criteria. Where potential impacts are identified suitable acoustic attenuation and mitigation measures would be recommended and implemented where required.

6.3 BIODIVERSITY

Preliminary studies have been undertaken to assess the overall ecological context of the Subject Site; however, further studies would be undertaken and addressed within the EIS regarding potential impacts to flora and fauna species pertaining to a BDAR to confirm the biodiversity value and ecological significance of the Site.

6.4 AIR QUALITY

Given the nature of the Proposed Development being for a Film Studio (form of light industry – high technology industry), air quality impacts would be considered accordingly, with particular consideration given towards air quality impacts from various operational components across the Site. During construction, air quality would be managed through appropriate dust mitigation measures.

An Air Quality and Odour Impact Assessment Report prepared by a suitably qualified expert would accompany the EIS.



6.5 BUSHFIRE

The western boundary of the Subject Site is intersected by Bushfire Prone Land, for which a Bushfire Impact Assessment will be prepared to consider the Proposed Development in accordance with potential bushfire impacts, including recommendations pertaining to Asset Protection Zones (APZs), as well as ensuring compliance with the *Planning for Bushfire Protection 2019* (PBP 2019) document.

6.6 ABORIGINAL CULTURAL HERITAGE AND NON-ABORIGINAL HERITAGE

Aboriginal Cultural Heritage will be considered across the Site, for which the proposal will be supported by an Aboriginal Cultural Heritage Assessment Report.

6.7 WASTE

Operational waste would be managed in accordance with a Plan of Management for the Site. Waste generated throughout the construction phase would be disposed of in accordance with a Waste Management Plan, which would include provisions for recyclables and suitable off-site disposal.

6.8 TRAFFIC AND TRANSPORT

Suitable provision is made to accommodate and service the Proposed Development in terms of traffic and transport, including appropriate access from Old Castlereagh Road, which provides enhanced connectivity to the wider regional road network including the closely linked Castlereagh Road, Great Western Highway and M4 Motorway. Additionally, suitable parking provisions and swept paths have been provided on-site, for which would be further analysed within the ensuing Traffic Impact Assessment (TIA) to be prepared as part of the SSD Application.

Notwithstanding, a TIA would be prepared by a suitably qualified Traffic Engineer, which would consider the potential traffic related impacts as a result of the Proposal on the surrounding road network; access and design; car parking; and trip generation (including relevant swept path analysis).

6.9 INFRASTRUCTURE AND SERVICES

All essential infrastructure services would be augmented accordingly for the Proposed Development, including water, sewer, electricity and communications, for which a Service Infrastructure Assessment will be prepared delineating the Proposal's overall servicing strategy to be implemented across the Site.

6.10 VISUAL AMENITY / URBAN DESIGN

The built form would be designed to incorporate architectural elements that articulate the façades and provide a sufficient level of visual amenity within the public domain. This will be coupled with increased landscaping provisions to provide visual screening for any passersby in the distance utilizing nearby walking tracks around the lakes.

6.11 HAZARDS AND RISKS

The requirement for an Environmental Protection Licence (EPL) will be considered following the preparation of the finalised design and ensuing Preliminary Risk Screening has been undertaken for the Proposal.



6.12 SITE LAYOUT AND DESIGN

The Site layout and design respond to the Site constraints, thus providing a highly functional development which enhances the visual amenity of the locality. Suitable provision is made for service vehicles within the Site. Detailed swept paths would be provided within the EIS and Traffic Impact Assessment.

6.13 SOCIO-ECONOMIC

The Proposed Development would positively impact on the social and economic conditions of the Penrith LGA. Construction jobs are expected to be in the order of 300, while operational jobs would exceed 1,200-1,500.



PART G CONCLUSION

The Proposed Development would equate to a CIV of more than \$30 Million, thus the Proposed Development is defined as SSD pursuant to Schedule 1, Clause 13 of the SRD SEPP.

The Site is situated within the Penrith LGA and is complemented by surrounding developments of similar contextual importance; therefore, the Site is considered highly suitable for the Proposed Development, given the tourism and employment-related uses proposed.

The Proposed Development is considered to align with the strategic objectives of the Penrith Lakes SEPP and continues to support employment-generating opportunities within the wider Sydney Metropolitan Region. Furthermore, the Site is located within close proximity to housing and key infrastructure. In this respect, the Proposed Development would provide for economic growth and prosperity for the Penrith LGA.

Additionally, as noted throughout this Report, the Proposed Development would be carried out in an environmentally and ecologically sustainable manner and would further implement suitable mitigation measures to ensure that the amenity and function of surrounding land uses would not be compromised.

It is requested that NSW DPIE issue formal SEARs for the preparation of an EIS for the Proposed Development as SSD.

