



## CONSULTATION PAPER

### PROPOSED AMENDMENT TO THE *STATE ENVIRONMENTAL PLANNING POLICY (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP)*

#### INTRODUCTION

The Department of Planning, Industry and Environment (the Department) is proposing to amend the *State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (Penrith Lakes SEPP)*.

The proposed amendment (amending SEPP) seeks to:

1. extend some of the boundaries of the Employment zone to support employment opportunities in Western Sydney;
2. zone unzoned land adjoining the employment zone to 'Environment' to protect the natural environment;
3. rezone land from 'Employment' to 'Environment' to support its planned use as a wetland area;
4. amend the satisfactory arrangements clause for designated State public infrastructure;
5. refine the geotechnical assessment requirements to ensure development platforms are adequately protected during flood events;
6. amend clauses that refer to a plan of management for the Penrith Lakes Scheme; and
7. update outdated references to other legislation.

This consultation paper is an explanation of intended effect of the proposed amendment to the Penrith Lakes SEPP for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (the Act).

The amending SEPP is consistent with the Department's broad vision for the implementation of the Penrith Lakes Scheme (the Scheme), the Western City District Plan and the Government's policies that ensure a resilient Hawkesbury Nepean Valley.

#### BACKGROUND

Since 1989, development on land within the Scheme has been governed by the Penrith Lakes SEPP. In January 2017, changes to planning controls in the Penrith Lakes SEPP were made to allow recreational activities, protect heritage values and enable some urban uses including tourism, employment and limited residential development.

## **PROPOSED AMENDMENTS**

### **Rezoning to Employment zone**

The Department has undertaken a strategic review of the Penrith Lakes SEPP within the context of the overall plan for the Scheme and other relevant strategic plans and considers there is merit in the extension of the Employment zone boundaries into the unzoned land to the north, east, southeast and southwest of the current Employment zoned land.

The proposed rezoning will support employment opportunities in Western Sydney and the Penrith local government area in particular. The proposed rezoning will also remove the uncertainty surrounding future use of the unzoned land surrounding the Employment zone and promote the economic use and development of the Employment land precinct.

The proposed Zoning Map depicts the area of the proposed extension of the Employment zone shaded red.

### **Rezoning to Environment zone**

A 20m buffer along the southern edge of Old Castlereagh Road is proposed to be rezoned to Environment to facilitate and ensure a landscaped approach to the future Penrith Lakes parkland. The residual unzoned land adjacent to the Nepean River proposed to be zoned to Environment is consistent with the Government's intent to accommodate a walking trail along the Nepean River. The current Employment zoned land proposed to be Environment reflects the planned future use of the land as a constructed wetland.

The proposed rezoning to Environment will apply appropriate planning controls in areas of environmental value and prevent development that could adversely affect those values.

The proposed Zoning Map depicts the area of the proposed Environment zone shaded orange.

### **Arrangements for designated State public infrastructure**

The Penrith Lakes SEPP includes a standard clause which requires satisfactory arrangements to be made for the provision of designated State public infrastructure before subdivision of land within an urban release area if the land is developed intensively for urban purposes. The requirement for satisfactory arrangements is based on the minimum lot size permitted immediately before the land became an urban release area. As subdivision was not permitted to the land before it became an urban release area, the standard clause is not considered appropriate.

The proposed new clause, which is an alternative Standard Instrument model clause, requires the Secretary of the Department to certify to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure before the development consent for a subdivision of land in an urban release area.

## **Geotechnical assessment**

The Penrith Lakes SEPP requires a geotechnical assessment to be prepared before granting consent to development on land zoned Employment, Residential and Tourism, that demonstrates that a stable development platform exists for the development.

Given the past quarry activities within the Penrith Lakes area and the flood hazard associated with the area, the amending SEPP proposes to refine current provisions relating to geotechnical assessment to ensure development platforms are adequately protected during flood events.

## **Plan of Management**

The Penrith Lakes SEPP requires the consent authority to consider a plan of management (POM) for the Scheme when assessing development on land zoned Environment, Parkland or Waterway. The POM must be endorsed by the Secretary of the Department as appropriate for the Scheme.

There is no endorsed POM for the Scheme. The requirement for a POM in the SEPP is an impediment for small scale developments that have no impact on the regional recreational lake system within the Scheme.

The amending SEPP will change the provisions that refer to a POM, to allow the consent authority to assess development on land zoned Environment, Parkland or Waterway, without assessing such development against a POM, as an interim provision, until such time as a POM is endorsed by the Secretary of the Department.

## **Housekeeping amendment**

The amending SEPP also proposes housekeeping amendments to the Penrith Lakes SEPP to update references to legislation that have now been repealed or are out of date.

The following housekeeping amendments are proposed:

1. replacing references to the *Threatened Species Conservation Act 1995* with the *Biodiversity Conservation Act 2016*;
2. updating references to the *Native Vegetation Act 2003* and *Native Vegetation Conservation Act 1997*;
3. replacing references to the *Forestry Act 1916* with the *Forestry Act 2012*; and
4. replacing references to the *Noxious Weeds Act 1993* with the *Biosecurity Act 2015*.

## **HAVE YOUR SAY**

You are invited to have your say on the proposed amendments:

- Make an online submission at [planning.nsw.gov.au/penrithlakes](http://planning.nsw.gov.au/penrithlakes) ; or
- Write to:

Deputy Secretary  
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