



Mr Fadi Shakir  
Planning and Assessment Group  
Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

Dear Mr Shakir

**Subject: Environment, Energy and Science Group comments on Penrith Lakes Helipad at Old Castlereagh Rd, Castlereagh, Penrith LGA (Lot 2, DP 1013504)**

Thank you for your email and letter received on 4 November 2021, requesting input from the Environment, Energy and Science Group (EES) on the proposed development of a helipad at the subject site within Penrith Lakes.

EES understand that as the proposed development is on land zoned Tourism, the Minister is the consent authority under clause 6 of the State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (1986 EPI 18). EES also notes that the proposal is:

- designated development as it is development classified as an 'aircraft facility' under Clause 2 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* and
- integrated development under the *Environmental Planning and Assessment Act 1979*, as an approval under the *Protection of the Environment Operations Act 1997* is required.

EES has reviewed the Environmental Impact Statement prepared by Urbis for the proposed development and provides the following comments.

***Biodiversity***

The Secretary's Environment Assessment Requirements (SEARs) issued for the proposal included a requirement to 'assess biodiversity impacts in accordance with section 7.9 of the *Biodiversity Conservation Act 2016 (BC Act)*, the *Biodiversity Assessment Method (BAM)*, and be documented in a *Biodiversity Development Assessment Report (BDAR)*.

Section 7.9 of the BC Act applies to State Significant Development or Infrastructure. As the proposal is not considered State Significant Development or Infrastructure, the biodiversity impacts from the proposal should be assessed in accordance with section 7.7 of the BC Act. Section 7.7 states that if proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a BDAR.

In determining if the proposed development is likely to significantly impact threatened species EES notes that the proposal does not trigger the Biodiversity Offset Scheme thresholds and that the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016* has not been applied. Despite the above, a BDAR has been prepared and accompanies the EIS.

EES has reviewed the BDAR prepared by Ecological Australia (dated 11 October 2021) and raises no comments or concerns in relation to the biodiversity impacts associated with the proposed development. The vegetation on site is planted native vegetation and the BDAR does not identify any requirements to offset biodiversity impacts from the proposed development through the purchase and retirement of biodiversity credits.

Table 6 of the BDAR proposes measures to mitigate and manage direct and indirect impacts from the development before, during and after construction. A condition of consent should be applied to any approval that all avoidance and mitigation measures identified in the BDAR are adopted and implemented at the appropriate stage of the proposed development.

Further to the above, EES is satisfied that the proposal will not adversely impact upon the nearby Yellomundee Regional Park (YRP) and Blue Mountains National Park (BMNP). The proposed helipad supports aerial firefighting operations which will support rapid fire response in BMNP and YRP and compliment park management operations.

### ***Flooding***

Flood comments and additional information requirements can be seen below at **Appendix A**.

If you have any queries please contact Shaun Hunt, Senior Conservation Planning Officer via [shaun.hunt@environment.nsw.gov.au](mailto:shaun.hunt@environment.nsw.gov.au) or 02 [REDACTED].

Yours sincerely



29/11/21

Susan Harrison  
**Senior Team Leader Planning**  
**Greater Sydney Branch**  
**Biodiversity and Conservation**

## **Attachment A: EES flood comments on Penrith Lakes Helipad, DA21/15298**

### **General comments**

The Flood risk management assessment prepared by NORTHROP, October 2021 and presented in Appendix L of the EIS has a limited scope of work and is considered inadequate to provide sound understanding of the flood behaviour and emergency management to consider all aspects of the flood constraints.

The assessment does not achieve the following:

- (1) does not correctly address the SEARs
- (2) does not address consistency with the provisions of the relevant development control plan (Penrith Lake DCP, November 2021)
- (3) does not correctly address compliance to Penrith Lakes SEPP requirements and
- (4) does not satisfy the basic requirements of a flood impact and risk assessment.

### **State Environmental Planning Policy Penrith Lakes Scheme 1989**

Compliance with the Penrith Lakes SEPP as presented in Section 5.2, Table 8 of the EIS is incorrect. The SEPP flood planning clause applies to the land not to the location of the buildings' footprint. Although, the flood assessment undertaken by NORTHROP does not have sound information on flooding to demonstrate compliance to the SEPP, the EIS concludes compliance with Clause 33(2) of the SEPP.

### **Penrith Lake Development Control Plan (November 2021)**

Section 5.5 of the EIS addresses compliance to Penrith DCP 2011 which is not relevant to a development application (DA) relating to land zoned Tourism under the Penrith Lakes SEPP. Rather, the Penrith Lake DCP (November 2021) applies to land zoned Employment and Tourism under the Penrith Lakes SEPP and the EIS for this DA should ensure consistency with its provisions.

From a floodplain risk management perspective, the provisions of Chapter 3 outlined in Sections 3.1 'Flood planning and evacuation' and Section 3.1.1 'Flood evacuation consideration' of the Penrith Lakes DCP apply to this development application. Noting that, these provisions apply to the land not to the location of the buildings' footprint.

### **SEARs Requirements**

The EIS response to the flooding assessment requirements of the SEARs as presented in Section 7.2.1, Table 24 of the EIS is considered subjective and inadequate. The flood assessment undertaken by NORTHROP to address the SEARs requirements does not provide sound information on the full range of flooding to address the SEARs requirements.

### **Emergency management and evacuation**

The assessment of flood evacuation in the EIS and NORTHROP's flood assessment has been limited to a short paragraph stating *'The site is a low flood island and will require evacuation prior to very rare to extreme flooding. Evacuation procedures involve vehicular evacuation by Castlereagh Road and the Great Western Highway. The emergency response procedure is documented in the Hawkesbury-Nepean Flood Emergency Sub plan (SES, 2020).'*

The cumulative impact of development at Penrith Lakes on evacuation must be considered. Given the development is impacted by the Hawkesbury-Nepean regional flooding, the applicant needs to consult with the Hawkesbury- Nepean Valley (HNV) Flood Risk Management Directorate within Infrastructure NSW and the State Emergency Service to check whether there is capacity in the existing road network to accommodate the increased traffic within Penrith Lakes without any detrimental impact on regional HNV evacuation.

EES also understands that a Flood Response Guideline for Penrith Lakes is being prepared and highlights that this guideline should be reviewed by the HNV Directorate, SES and EES.

***Project purpose***

Section 1.4 states a range of services for the development including ‘*Provision of emergency services including flood and emergency relief*’.

EES highlights that, this purpose requires the facility to be operational during flood emergency. However, the service is likely to be interrupted when the site becomes isolated and would be ceased when the site becomes fully inundated in the 1 in 500 AEP i.e. the (flood of record). The site’s operation to assist SES would be ceased at rarer events when it is essential for emergency services and emergency relief.

***Additional information requirements***

EES requests the proponent undertake an adequate flood impact and risk assessment (FIRA) by engaging a qualified flood engineering consultancy. The FIRA should have adequate information to address the SEARs, the provisions of Penrith Lakes DCP and to justify compliance with the SEPP requirements by adequately addressing the following:

- the impact of flood on the development for the full range of flooding up to and including the probable maximum flood
- the impact of the development on flood behaviour for the full range of flooding
- the impact of the development on existing and future community for the full range of flooding
- the impact of the development on the HNV regional flood evacuation based on the Flood Evacuation Model FEM2 in consultation with the HNV Directorate
- climate change consistent with NSW best practice.

The FIRA should assess flood constraints for both pre and post development cases to ensure there are no significant detrimental impacts on flood behaviour or the community within and outside the development site for the full range of flooding up to and including the PMF.

**- End of Submission -**