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STATEMENT OF ENVIRONMENTAL EFFECTS

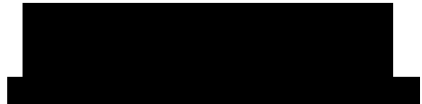
PROPOSED CAFÉ + RECREATION AREA

REGATTA PARK, EMU PLAINS

MARCH 2021

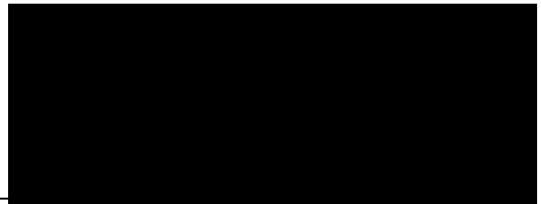
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Planning
Institute
Australia

cityscape planning + projects, 2021

This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

TABLE OF CONTENTS

1.0	INTRODUCTION	6
2.0	THE SUBJECT SITE	7
2.1	SITE DESCRIPTION	7
2.2	PROPERTY DESCRIPTION	8
2.3	TOPOGRAPHY	9
2.4	FLOODING	9
2.5	BIODIVERSITY	9
2.6	HERITAGE	14
2.7	CURRENT LAND USE AND CONDITION	17
2.8	ADJACENT DEVELOPMENT	20
2.9	SERVICES & INFRASTRUCTURE	20
2.10	VIEWSHEDS	20
2.11	BUSHFIRE HAZARDS	20
3.0	DEVELOPMENT PROPOSAL	23
3.1	PROJECT BACKGROUND	23
3.2	SCOPE OF WORKS	24
3.2.1	BUILT FORM	24
3.2.2	PROPOSED LAYOUT AND USE	27
3.2.3	STORMWATER MANAGEMENT	27
3.2.4	WASTE MANAGEMENT	28
3.2.5	OPERATING HOURS	28
4.0	STATUTORY SITUATION	30
4.1	LAND USE ZONING + PERMISSIBILITY	30
4.2	CHARACTERISATION OF LAND USE	31
4.3	SREP 20 - SCENIC CORRIDOR	32
4.4	SEPP (INFRASTRUCTURE) 2007	34
4.5	LOCAL GOVERNMENT ACT 1993	34
4.5.1	CLASSIFICATION OF LAND	34
4.5.2	CATEGORISATION OF LAND	35
4.5.3	POM - MASTERPLAN	36
4.6	WATER MANAGEMENT ACT	37
4.7	BIODIVERSITY CONSERVATION ACT 2016	37
4.8	HERITAGE ACT 1977	40
4.9	NATIONAL PARKS & WILDLIFE ACT 1974	40
5.0	ENVIRONMENTAL PLANNING ASSESSMENT	43

5.1	THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT	43
5.1.1	SEPP No 55 – REMEDIATION OF LAND	43
5.1.2	SREP No 20 – HAWKESBURY NEPEAN RIVER.....	45
5.1.3	SEPP (WESTERN SYDNEY AEROTROPOLIS) 2020	50
5.1.4	PENRITH LEP 2010	50
5.2	THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT	61
5.3	THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS	61
5.5	IMPACTS OF DEVELOPMENT	70
5.6	SUITABILITY OF THE SITE.....	82
5.7	THE PUBLIC INTEREST	82
6.0	CONCLUSION	84
	ANNEXURE A: AHIMS SEARCH	85



We acknowledge the traditional owners of the land, the Dharug people, on which this development proposal is sited and we pay our respects to their Elders past, present and emerging

1.0 INTRODUCTION

Cityscape has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site.

The SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning & Assessment (EP&A) Act 1979*, and clause 50 of the *Environmental Planning & Assessment Regulation, 2000*.

The purpose of this SEE is to:

- Describe the proposed development and its context
- Assess the development proposal against applicable planning instruments, standards and controls
- Assess the potential environmental impacts and mitigation measures

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council, and is to be read in conjunction with the following reports and plans:

TABLE 1: PROJECT TEAM

Report/Plan	Author
Architectural Plans	Breakspear Architects
Civil Engineering Plans	Cardno
Flood Risk Assessment	Cardno
Traffic and Transport Assessment Civil	Cardno
Acoustic Report	Resonate
Site Investigation	Trinitas Group
Operational Waste Management	Ec Cell Environmental Management
Heritage	Edwards Heritage Consultants
BCA Assessment Report	BCA Logic

2.0 THE SUBJECT SITE

2.1 SITE DESCRIPTION

The subject site is a large irregular shaped section of lands that forms part of Regatta Park, which is located on the western bank of the Nepean River in Emu Plains. The Park is located approximately 1.5km from Penrith's commercial and retail centre on High Street and approximately 400 metres from Emu Plains shops located on the Great Western Highway. A plan showing the locality of Regatta Park is shown at Figure 1.

FIGURE 1: LOCATION OF REGATTA PARK



2.2 PROPERTY DESCRIPTION

The site has a frontage to River Rd, Emu Plains and is comprised of eight parcels of land with the following real property description:

Lot:	A	DP:	33205
Lot:	7	DP:	751662
Lot:	8	DP:	751662
Lot:	A	DP:	190049
Lot:	B	DP:	190049
Lot:	10	DP:	751662
Lot:	11	DP:	751662
Lot:	124	DP:	751662

River Road Reserve - Part

Figure 2 provides a plan identifies the layout and cadastral arrangements of the site.

FIGURE 2: SUBJECT SITE CADASTRAL LAYOUT



2.3 TOPOGRAPHY

The site sits within a riverine or riparian corridor. The topography of the site varies greatly, from the steep banks of the Nepean River to the relatively flat parkland at the frontage to River Rd there is a significant level difference of approximately 13 metres. The 40m wide riparian corridor drops approximately 12 metres from the River Road car park to the river edge. Contours and spots levels are provided on the accompanying survey and architectural plans.

2.4 FLOODING

The site is subject to flooding and high stream bank erosion which can be hazardous as well as deposition of sedimentary materials as the flood waters recede. Long periods of relative stability and deposition are followed by periodic flood events of short duration but with long lasting impacts on bank stability, erosion and sedimentation.

2.5 BIODIVERSITY

There site is currently generally represented as an open cleared area that is largely covered in turf type grasses. However, it does provide two groups of trees within the site being a narrow band of riparian type vegetation located immediately adjacent to the river edge and avenue plantings located along River Rd and the carparking areas. Figure 3 provides an aerial photo of the site that shows the extent of vegetation coverage, whilst Figure 4-6 provides images of the various vegetation types.

FIGURE 3: AERIAL PHOTO OF SITE



A Vegetation Management Plan (2014) prepared for Nepean River Regatta Park states that there are no threatened flora species observed in the study area. Of the 80 dominant species that were recorded on site, more than half of those are exotic species, including one declared noxious weed and four classed as Weeds of National Significance.

The VMP states that there are 14 fauna species listed as threatened species that have potential to inhabit the study area, although none were recorded as part of the VMP study.

Table 2: Threatened species predicted to inhabit Regatta Park and other Nepean River Reserves within VMP Study area.

Common Name	Scientific Name
Broad-headed Snake	<i>Hoplocephalus bungaroides</i>
Cattle Egret	<i>Ardea ibis</i>
Fork-tailed Swift	<i>Apus pacificus</i>
Giant Burrowing Frog	<i>Heleioporus australiacus</i>
Glossy Ibis	<i>Plegadis falcinellus</i>
Green and Golden Bell Frog	<i>Litoria aurea</i>
Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>
Large-eared Pied Bat	<i>Chalinolobus dwyeri</i>
Rainbow Bee-eater	<i>Merops ornatus</i>
Regent Honeyeater	<i>Anthochaera Phrygia</i>
Swift Parrot	<i>Lathamus discolor</i>
White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>
White-throated Needletail	<i>Hirundapus caudacutus</i>
Wood Sandpiper	<i>Tringa glareola</i>

The above lists include species that may live, forage, breed or opportunistically use the riparian and aquatic zones.

Water quality and aquatic biodiversity are all affected by restricted flow regimes from Warragamba Dam, agricultural and urban run-off, and exotic weeds. There have been 11 native fish species recorded at Penrith Weir pool and two introduced species.

FIGURE 4: AVENUE PLANTINGS FLANKING THE CARPARK



FIGURE 5: MID-BANK LAWNS



View south



view north

FIGURE 6: RIVER EDGE VEGETATION MID BANK LAWNS



2.6 HERITAGE

INDIGENOUS HERITAGE

The *Penrith Great River Walk - Interpretation Plan*, prepared by Godden Mackay Logan in 2011, summarised the Aboriginal history of the Castlereagh district and Nepean River prior to European settlement as follows:

“Prior to 1789, the land district around Castlereagh and the Nepean River was the territory of a number of neighbouring Aboriginal groups: the Mulgoa or Mulgowey, who lived on the Nepean River between present-day Mulgoa and Castlereagh; and the Boorooboorongal, who occupied the land north of Castlereagh to beyond Richmond. Castlereagh was a middle ground, the boundary line between the two groups.

The rivers and creeks were a valued natural resource to the local people, providing food, drinking water, swimming and transport. The river also provided stones important for making tools. Chert was used for making sharp cutting tools and basalt pebbles for grinding and making hatchets and axes.

The occupation of the area by Europeans from the early 1800s resulted in serious disruption of the traditional lifestyles of the Mulgoway and Boorooboorongal people, breaking the traditional territorial boundaries and isolating previous areas of food gathering and shelter. The 1828 census recorded 156 Aboriginal people living in the Penrith area; 38 from the Nepean, 15 from the Mulgoa, 73 from Richmond and 30 from the Booroogorang.

Today Penrith has many Aboriginal and Torres Strait Islander residents from many different nations.

There are no confirmed Aboriginal sites or relics within the riparian corridor, however research conducted in the Hawkesbury – Nepean catchment area has revealed a rich archaeological context. The combination of elevation above water and proximity to water are considered important factors influencing prehistoric Aboriginal site locations. Recent research has confirmed that archaeological lithic assemblages (e.g. whole or fragmentary stone artefacts) may be

preserved in sub-surface layers even where there has been significant disturbance to the land surface (McDonald 2001).

The *Regatta Park and River Road Reserve Deviation Project Aboriginal Cultural Heritage Assessment (Biosis, 2019)* identified no Aboriginal sites within the Regatta Park Precinct, although a number of areas of Aboriginal archaeological potential were identified.

In addition, a basic search of the Aboriginal Heritage Information Management System (AHIMS) register was undertaken and identified 114 registered Aboriginal sites within a 4.5 km buffer of the Precinct, with no previously recorded sites located within the boundaries of the lands subject to this DA.

Written confirmation of the absence of Aboriginal heritage is provided at Annexure A.

Early European Heritage

Shortly after the first Europeans settled in Australia the discovery of the Nepean River at Penrith was made by Captain Watkin Tench who, together with members of his marine exploration party, reached the shores of the river in 1789. The river was officially named the Nepean by Governor Arthur Phillip, after the British Under-Secretary of State and his close friend Evan Nepean.

European settlement along the Nepean River began in 1803 when the area along the east bank of the river was surveyed. Land lots adjacent to the river were granted by Governor King to free settlers, ex-military men and ex-convicts. These land plots ran parallel to the river between it and a dirt track known as Castlereagh Road which headed north towards the already settled and large rural town of Richmond.

The Hawkesbury Lower Nepean catchment has a long history of vegetation clearing, ecosystem disturbance and modification through agricultural activities and urban development. The construction of dams in the upper catchment, the diversion of Sydney's drinking water (approximately 90% of river flow) and allocation of water for irrigation purposes have significantly altered downstream flows and reduced the frequency and impact of storm and flood events.

The *Penrith Great River Walk - Interpretation Plan*, prepared by Godden Mackay Logan in 2011 highlights several features or past uses of the park in its history:

- Location of the former ferry link represented in the Punt Road cutting
- Links between Emu Hall's owner Toby Ryan and the construction of the first bridge structures.
- Government Farm established on Emu Plains, although not directly associated with the Park.
- Rowing races that have been held on the Nepean River since the 1850's including:
 - o The first recorded race between Penrith and Emu Plains locals in a four-oared whale boat challenging a skiff crewed by two rowers from Sydney
 - o In 1888 the first rowing clubs were established. A modern rowing club, 'Nepean Rowing Club' was established in 1928 and is still in operation.
 - o In 1936 the Great Public Schools (GPS) Head of the River Regatta was held on the Nepean River. Regatta Park and other parks and reserves along the Nepean banks were used by spectators. This annual competition on the river was held here until the Sydney

International Regatta Centre was developed for the Olympic Games in 2000.

The site is also located in close proximity to the following heritage items of regional and state significance.

- Nepean River
- Victoria Bridge and Railway Bridge
- Government Farm
- Remains of Ferry Crossing
- Weir and Pumping Station
- Emu Hall.

2.7 CURRENT LAND USE AND CONDITION

The site is currently used primarily as a passive recreation area such as access to the river for fishing, as well as walking, bike riding, and picnics. The Park is accompanied by the following facilities provided by Penrith City Council:

- Public Toilets
- Picnic shelter
- Car parking area

Images of these facilities are provided at Figure 7-9.

FIGURES 7: PUBLIC TOILETS



FIGURE 8: PICNIC SHELTER



FIGURE 9: CAR PARK



FIGURE 10: ADJACENT LAND USE



2.8 ADJACENT DEVELOPMENT

The site is located within a riverine corridor that itself is flanked by an urban environment on both sides of the river bank. The site therefore adjoins a diverse range of land uses including residential, commercial, recreational, education and transport. Figure 10 provides an aerial photo that identifies the diverse land uses in close proximity to the site.

2.9 SERVICES & INFRASTRUCTURE

The site sits within an urban environment and therefore enjoys access to a range of energy and communication utilities as well as having access to *Sydney Water's* reticulated water and sewer services.

2.10 VIEWSHEDS

The Nepean Riverine Corridor provides a regionally significant landscape feature. Regatta Park provides an important element of that corridor and therefore provides important views to and from the river. Image of views to the river are provided at Figures 11.

2.11 BUSHFIRE HAZARDS

The subject site is not identified as being bushfire prone on the relevant Council map held by Penrith City Council. An extract of that map is provided at Figure 12.

FIGURE 11: VIEWS TO RIVER



Mid-bank view



River edge view

FIGURE 12: BUSHFIRE MAP



3.0 DEVELOPMENT PROPOSAL

3.1 PROJECT BACKGROUND

The Regatta Park precinct upgrade is a long-standing community aspiration that is on track for delivery after funding was confirmed last year as a part of the Western Sydney City Deal Liveability fund. Creating a dining precinct in the Regatta Park precinct has been identified in the *Our River' Nepean River Masterplan* in 2013, in the *Regatta Park and Tench Reserve Detailed Planning and Design* document in 2016 and more recently in the *McGregor Coxall Regatta Park Masterplan* in 2019.

The 2013 Masterplan and 2016 Detailed Design documentation provided for design development, community engagement and establishing a funding program to support preferred outcomes. Council engaged design consultants *McGregor Coxall Landscape Architects* to produce a concept design which was endorsed in November 2019.

There has been wide recognition within the broader Penrith community that by drawing the Nepean River into the day to day lives of those who live and work in the region, economic cultural and environmental benefits will be returned to the community.

The updated preliminary design for the Regatta Park precinct, prepared by McGregor Coxall in 2019, is moving to detail design, showing how Council aspires to transform Regatta Park into a beautiful large green open recreational space that will bring extensive benefits to residents and visitors.

The upgrade of the river park plays an important role in realising the ambition to re-embrace the Nepean River as a significant open space

asset. The development of a dining precinct is envisaged to increase visitation and utilisation of the Regatta Park precinct and the designs will need to ensure that the structure integrates with the broader river precinct masterplan, the detailed Regatta Park design and specifically to the adjoining riverbank playground.

The development proposal identified in this report forms part of that broader masterplan however, the subject Development Application and planning assessment undertaken in this report relates only the to the more limited scope of works identified at section 3.2 of this report.

Accordingly, the development does not propose any earthworks, demolition, or tree removal as all those works will be form part of the broader masterplan project and as such will be assessed an approved as part of Part 5 of the broader Review of Environmental Factors (REF) which has been prepared under Section 5.5 of the EP&A Act.

3.2 SCOPE OF WORKS

The application seeks Council consent for the following works and land use.

3.2.1 BUILT FORM

Development of an elongated pavilion type built-form with that will provide various spaces and uses. The built form has dimensions of 111.09m x 12.285m (and presents largely as a large steel frame roof supported by metal posts that cover a large concrete slab with a finished floor level (FFL) of 26.7m. The roof also will provide two large circular, translucent fibreglass inserts and has a ridge height of 31.0m which represents a maximum building height of 4.3m.

The structure has largely open sides, however its central sections are able to be enclosed by timber framed walls with sliding panel tracks that clad in translucent corrugated fibreglass.

The siting of the pavilion in the context of the underlying cadastral arrangements is demonstrated at Figure 13.

Images of the proposed pavilion are provided at Figures 14-16.

FIGURE 13: RELATIONSHIP OF DEVELOPMENT PROPOSAL TO UNDERLYING CADASTRAL ARRANGEMENTS



FIGURE 14-15: PHOTOMONTAGES OF PAVILION



3.2.2 PROPOSED LAYOUT AND USE

The development proposed the following layout and use of the pavilion:

Central walkway and open seating area

This space provides a walkway that moves through the pavilion and provides access to the lower levels of the park and river itself. The space is flanked by landscaped raingarden and an open decomposed granite seating area that is bordered by a concrete seating bench.

Central Dining Space

Enclosed café with kitchen and semi-enclosed covered seating area (GFA 158.4m²) to provide dining and takeaway food and drink premises.

Southern Space

Covered and open side playground with children's play equipment, water play area and circular concrete seating edge.

Northern Space

Enclosed amenities and store area and semi-enclosed community space with provides shelter and amenities for informal gathering of individuals families and groups.

3.2.3 STORMWATER MANAGEMENT

The pavilion roof will collect stormwater which are then transferred from the roof via downpipes to the water play area and raingarden provided

under the roofline. Similarly, water from the slab and waterplay area will also drain to a stormwater pit to the north of the pavilion slab.

Waters will then be conveyed via a pipe and pit network to a double cell tank located to the north of the pavilion. Stormwater will then drain to the Nepean River by a headwall with erosion protection. The tanks, the raingarden, water quality treatment and headwall are all provided as part of the broader Regatta Park masterplan scope of works.

The stormwater management plan also includes a sediment and erosion control to be implemented during the construction phase of the development.

3.2.4 WASTE MANAGEMENT

The proposed café provides for bin storage areas. Café staff will collect waste and recycling into two separate 240 Litres bins for general waste and recycled materials.

It is proposed those waste will be collected by private transporter and taken to a licensed facility.

An approved waste oil container and collection schedule will also be required to support the café element of the development.

3.2.5 OPERATING HOURS

The café element of the development is proposed to have the following operating hours:

- 7AM-4PM - 7 days a week

There are no other operational restrictions on the pavilion however, no illumination is provided which will therefore limit use of those spaces to daylight periods.

4.0 STATUTORY SITUATION

4.1 LAND USE ZONING + PERMISSIBILITY

The subject site is zoned **RE1 Public Recreation** pursuant to *Penrith Local Environmental Plan (LEP) 2010*. An extract of the relevant zone map is provided at Figure 16.

FIGURE 16: EXTRACT OF ZONING MAP

Land zoning map - sheet LZN-008

Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
I1	General Industrial
I2	Light Industrial
I3	Heavy Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Primary Production Small Lots
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
WSP	SEPP Western Sydney Parklands



The land use table for the zone under the LEP identifies the following relevant land uses as permissible with consent:

- kiosks
- recreation area
- restaurant or cafes

The Dictionary to the LEP provides the following definitions:

Kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

4.2 CHARACTERISATION OF LAND USE

Despite forming part of the one built form, both the café and recreational area elements of the development are ‘*development for a purpose*’ or serve a ‘dominant purpose’ as defined by *Planning Circular PS 13-001* (NSW Planning & Infrastructure - 21/2/13) and therefore cannot be described as ancillary to the other element.

Further, in common term usage, part of the development is described as a ‘kiosk’, however this land use definition is not statutorily relevant to the subject development because clause 5.4 of the LEP provides the following *miscellaneous control*:

5.4 Controls relating to miscellaneous permissible uses

- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.

In this regard the proposed food premises have a gross floor area (GFA) of 158.4m² and therefore does not achieve the qualifying numerical element of that land use definition.

However, the central 'kiosk' element of the development and playground, shelter and amenities facilities (located at the southern and northern ends of the pavilion respectively) as described at section 3 of this report are entirely consistent with the definitions of both *recreation area* and *restaurant or café*.

Accordingly, the development is characterised as those respective land uses, which are both permissible with the consent of Council.

4.3 SREP 20 - SCENIC CORRIDOR

The site is also identified as being located within a Regional Significant scenic riverine corridor on the relevant map pursuant to *Sydney Regional Environmental Plan (SREP) No.20 – Hawkesbury Nepean River (No2-1997)*. An extract of that map is provided at Figure 17.

FIGURE 17: EXTRACT OF SREP 20 MAP



Clause 11 Development Controls of SREP No.20 provides the following:

(14) Recreational facilities

Definition:

Development for the purpose of a building, work or place used (whether or not for commercial gain) for sporting activities, recreation or leisure activities, being a building, work or place that is situated within the river or on land:

- (a) that adjoins the river or a tributary of the river, or*
- (b) that is flood prone land.*

Consent required.

(15) Land uses in or near the river

Definition:

All uses in the river or a tributary of the river, or within 40 metres of the high water mark of the river or a tributary of the river where it is tidal or within 40 metres of the bank where it is non-tidal. This includes clearing and the construction and use of piers, wharves, boat sheds or other structures which have direct structural connection to the bank or bed of the river or a tributary of the river.

Consent required.

The subject site and its proposed development is both flood prone and proposed to be located on the river bank. Accordingly, the development also requires development consent pursuant to this planning instrument.

4.4 SEPP (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) assists the NSW Government, private infrastructure providers, local councils and the communities they support by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery. This SEPP would typically allow elements of the development proposal to be identified as 'development without consent' and therefore be assessed under Part 5 of the EP&A Act.

Division 12 of the Infrastructure SEPP identifies various land use types including 'recreation areas' as 'development permitted without consent' however, the café element of the development is '*development for a purpose*' or a fundamental or '*dominant purpose*' of the development proposal and therefore cannot be described as an ancillary element of the recreational area. Accordingly, there is no opportunity to pursue the proposed development as development without consent under Part 5 of the EP&A Act.

4.5 LOCAL GOVERNMENT ACT 1993

4.5.1 CLASSIFICATION OF LAND

Regatta Park and more specifically, the subject lands, comprises land classified as *Community Land* in accordance with Chapter 6, Part 2, Division 1 of the *Local Government Act (LG ACT), 1993*.

4.5.2 CATEGORISATION OF LAND

Pursuant to Clause 35 of the LG Act 1993, The *Regatta Park, Emu Plains Plan of Management (POM) 2016* has been formally adopted and categorises the park variously. However, an extract of the relevant POM land categorisation map demonstrates that the subject site is categorised as *General Community Use*. An extract of that relevant POM figure is provided at Figure 18.

FIGURE 18: POM LAND CATEGORISATION MAP



Figure 13. Land Categorisation

S15-078 REGATTA PARK PoM - Final Adopted

Development
proposal

The proposed pavilion and its uses are considered to be consistent with the core objectives for management of land categorised as general community use. These are provided below:

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

4.5.3 POM - MASTERPLAN

For the purposes of the POM and future management and maintenance of Regatta Park, the park has been divided into four zones.

The POM specifically references the following activities to occur within those zones relevant to the subject site i.e. Zones 2 and 3.

- Refurbishment of existing toilet block into a café to be leased from Council. This building is designed to address the shared path and east-west avenue. It is centrally located within the park and is designed to create a community hub.
- Construction of a new building designed for fine dining with deck oriented towards the river.
- Both these buildings:
 - Are at the top of the bank and out of the flood zone.
 - Will be owned by Council

- Are designed to be leased from Council to enable Regatta Park to generate an income for Council pending resolution of ownership.
- Picnic area adjacent to new car parking. This will include seating, shelters, barbeque facilities etc.

4.6 WATER MANAGEMENT ACT

The subject development proposes works that sit directly on the river bank or on the top of it bank. Accordingly, the development is classified as waterfront land and requires a Controlled Activity Approval pursuant s91 of the *Water Management Act, 2000*. This also results in the site being classified as Integrated Development under S4.46 of the *Environmental Planning and Assessment Act 1979 (EP&A) Act*.

A stormwater management plan is provided to address this matter in detail and demonstrates that the development will be connected to the stormwater infrastructure that is being implemented as part of the broader Regatta Park masterplan scope of works. That broader scope of works includes water quality and volume management outcomes that ensures no adverse impact upon the Nepean River and its natural hydrology.

4.7 BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Conservation (BC) Act (BC) repeals the *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001* and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

The *BC Act* and the *BC Reg* establishes a regulatory framework for assessing and offsetting impacts on biodiversity values due to proposed developments and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

The river edge and the norther most section of the site is shaded on the *NSW Government's Biodiversity Values Map* (See Figure 19). The proposal has been designed to avoid impacting on the land shaded on the Biodiversity Values Map and does not result in the removal of any trees including the four trees identified located near the existing toilet block at the northern section of the site. Instead, those four trees will be retained and the proposed pavilion will sit underneath their canopy. The arborist report and the landscape that accompanies that scope of works identifies the retention of those trees.

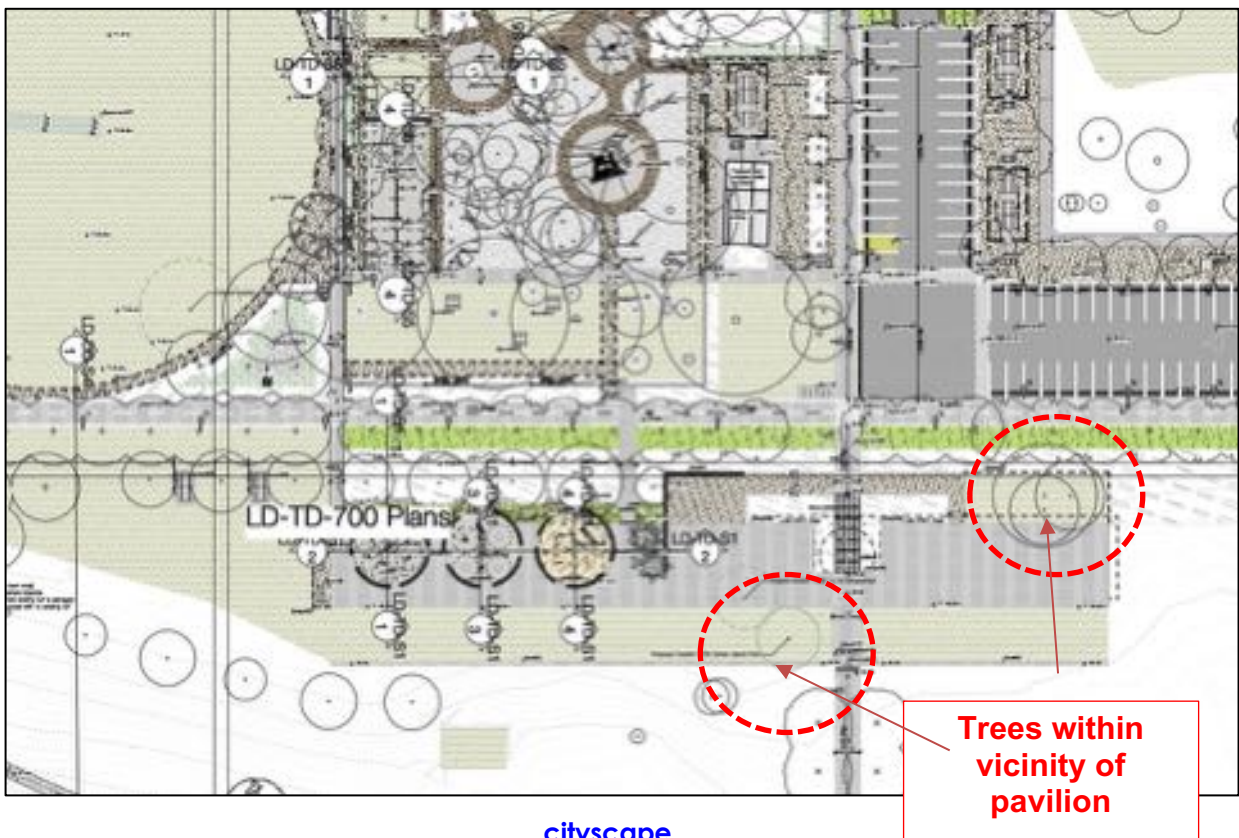
All earthworks and site grading works to prepare the building platform for the pavilion will occur as part of the broader Regatta Park masterplan scope of works and therefore do not form part of this development proposal. These works will also result in the relocation of the existing Canary Island Date Palm, which is also shown in the master plan landscape plan. An extract of that Masterplan Landscape Plan is provided at Figure 20.

In any event the Arborist report that accompanies the broader master plan demonstrates that the five trees identified within close proximity to the proposed pavilion are exotic type plantings and as such any impacts on those trees does not trigger the need Biodiversity Development Assessment Report (BDAR) or any other assessment under the *BC Act*, 2016.

FIGURE 19: EXTRACT OF BIODIVERSITY MAPPING



FIGURE 20: EXTRACT OF REGATTA PARK MASTERPLAN –
LANDSCAPE PLAN



4.8 HERITAGE ACT 1977

Neither the subject site nor the broader *Regatta Park* Precinct is included on the NSW State Heritage Register, nor are any individual sites or items located within the Precinct included on the NSW State Heritage Register.

However, the nearby Victoria Bridge, and Nepean River, Penrith is included on the NSW State Heritage Register (Item No. 01950). Development and activities within the vicinity of State Heritage items do not require consent or comment from Heritage NSW.

4.9 NATIONAL PARKS & WILDLIFE ACT 1974

Aboriginal cultural heritage, as statutorily defined by the *National Parks & Wildlife Act (NPW Act) 1974*, consists of objects and places which are protected under Part 6 of the Act. Aboriginal objects are defined as:

any deposit, object or material evidence...relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal places are defined as a place that is or was of special Aboriginal cultural significance. Places are declared under section 84 of the NPW Act.

a basic search of the Aboriginal Heritage Information Management System (AHIMS) register was undertaken as part of the preparation of this report and demonstrates that no Aboriginal Sites or Places have been recorded or declared within the lands subject to this DA.

However, according to field investigations undertaken in the preparation of the *Regatta Park and River Road Reserve Deviation Project Aboriginal Cultural Heritage Assessment (Biosis, 2019)* the precinct provides a number of areas of archaeological potential. Figure 21 demonstrates that the pavilion is located within an area of moderate archaeological potential.

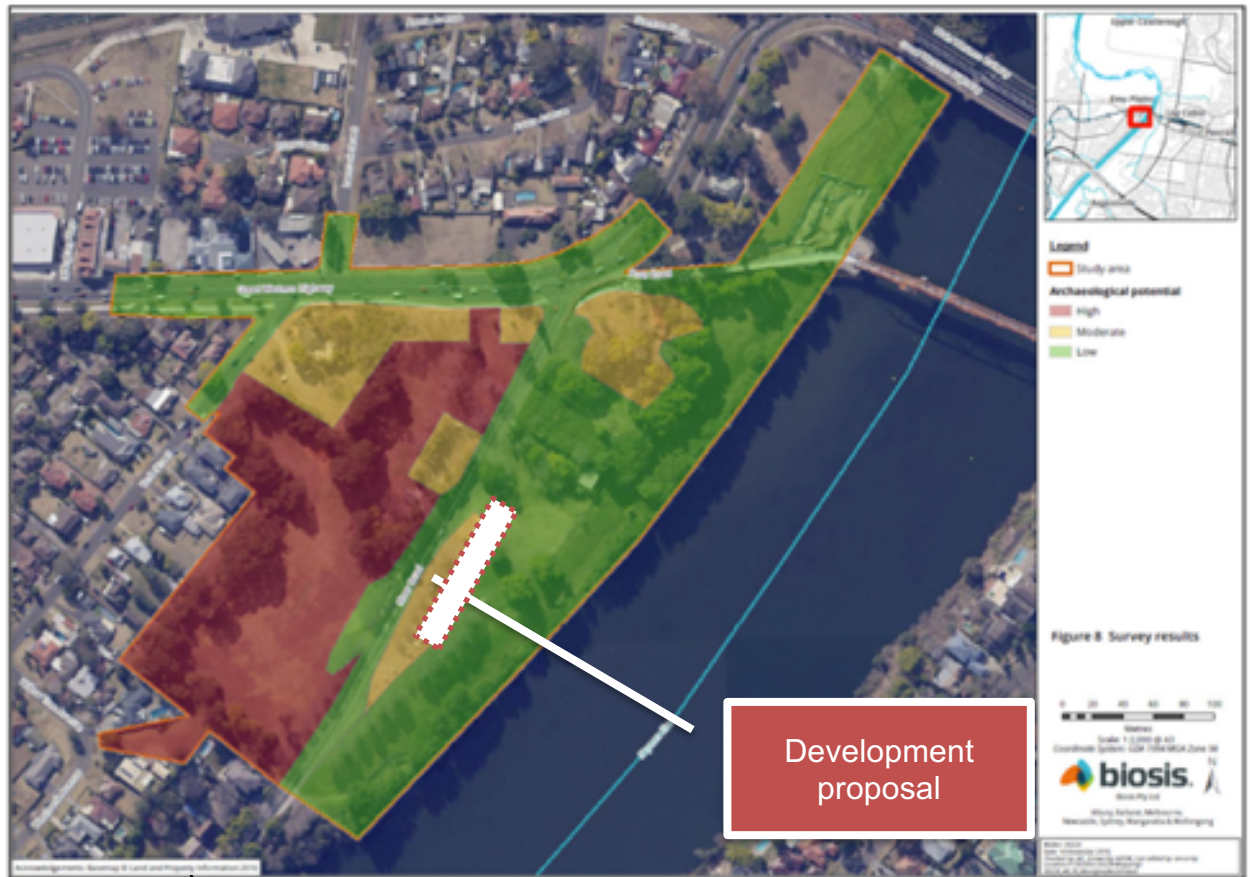
Accordingly, a further study *Regatta Park and River Road Reserve, Emu Plains – Addendum Aboriginal Cultural Heritage Assessment (2021)* by *Ecological Australia* has been prepared and includes analysis of test pit excavations.

Several pits (Pits #11-13) were excavated within the subject site and no Aboriginal objects of cultural features were identified within those pits. However, other pits in the broader Regatta Park Study area did reveal Aboriginal cultural deposits including artefacts and tools and. Artefacts are protected under the NPW Act even if they are not in-situ.

Therefore, the report recommends that an Aboriginal Heritage Impact Permit (AHIP), pursuant to S90 of the NPW Act should be sought to cover the proposed masterplan works as there is potential for further Aboriginal objects to be located across the site.

It is expected that this AHIP will occur prior to and as part of the earthworks that form part of the broader Regatta Park masterplan

FIGURE 21: EXTRACT OF BIOSIS REPORT – AREAS OF
ARCHAEOLOGICAL POTENTIAL



5.0 ENVIRONMENTAL PLANNING ASSESSMENT

5.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

5.1.1 SEPP No 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land.

A Preliminary Environmental Assessment was undertaken of the broader site and concluded that the site was suitable for the intended residential subdivision. However, it is recommended that all buildings should be assessed by way of a Hazardous Buildings Materials (HAZMAT) Assessment by suitably licensed building inspectors prior to any demolition work.

If hazardous materials are confirmed, SafeWork NSW licensed contractors are to be commissioned to safely remove and dispose of them as necessary at a suitably licensed waste disposal facility. A Clearance Certificate must be provided.

A Detailed Site Investigation (DSI) was prepared by *Trinitas Group* and concludes that:

- The concentrations of all chemical analytes detected within the soil materials within the Site meet the adopted Site Assessment Criteria (SAC).
- No Asbestos was observed or detected within the soil materials at the Site;

-
- The concentrations of all chemical analytes detected within the fill materials meet the off-site disposal criteria for classification as 'General Solid Waste (non-putrescible).'
 - The Natural Soil materials at the Site located at an average depth of 0.3m are considered to be classified as Excavated Natural Material (ENM).
 - The fill materials at the as site 'hotspot area' to a maximum depth of 0.5 m are classified as Special Waste (As GSW Non - Putrescible).
 - Based on the findings of this investigation, Trinitas concludes that the contamination identified at the Site does not trigger the duty to report.
 - Any material being excavated and transported off-site for disposal must be from the subject areas as shown in the attached figures and must be consistent with the waste description provided; and

The requirement to remove fill material from the site does necessitate remediation of the site and as such a Remediation Action Plan (RAP) has been prepared.

Remediation of contaminated land requires development consent under *SREP No.20 Hawkesbury-Nepean River* any remediation of lands will is considered to be *Category 1 remediation work* and therefore requires development consent.

However, that remediation work will occur as part of the broader Regatta Park masterplan scope of works and does not form part of this proposed development.

Accordingly, the development causes no inconsistency with the aims and provisions of this planning instrument.

5.1.2 SREP No 20 – HAWKESBURY NEPEAN RIVER

The relevant provisions of SREP No 20 are provided in the table below together with an assessment of the development against those provisions.

Considerations	Development Consistency with consideration
Clause 5 – General planning considerations	
<p>(a) the aim of this plan, and</p> <p>(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and</p> <p>(c) whether there are any feasible alternatives to the development or other proposal concerned, and</p> <p>(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.</p>	<p>The aim of this plan is to:</p> <p><i>“protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”</i></p> <p>This report undertakes the assessment of the future impacts of the development proposal and also considers the various strategies identified in that plan.</p> <p>There are numerous feasible alternatives available including the ‘do nothing’ option, however it is considered that on balance, the development proposal represents an appropriate development that will allow for recreational opportunities that cause no significantly adverse impacts upon the river or its catchment.</p>
Clause 6 – Specific planning policies and recommended strategies	
<p>(1) Total Catchment Management</p> <p>Policy: Total catchment management is to be integrated with environmental planning for the catchment.</p>	<p>The development proposes a modestly scaled building that will collect, treat and manages all stormwater in a manner that will result in no adverse impacts on the on the broader catchment.</p>
<p>(2) Environmentally sensitive area</p> <p>Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and</p>	<p>The subject site does not provide any, bushland, wetlands or aquatic habitats of any identified environmental significance or sensitivity.</p>

<p>(where necessary) remediation of existing uses.</p>	<p>Further, the development does not propose any earthworks that would alter the water table or cause the formation of acid sulphate soils.</p>
<p>(3) Water quality</p> <p>Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</p>	<p>A stormwater management plan is provided as part of the development application and includes connections to Water Sensitive Urban Design (WSUD) treatments that will ensure no adverse impact upon local and regional water quality.</p>
<p>(4) Water quantity</p> <p>Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.</p>	<p>A stormwater management plan is provided as part of the development application and includes connections to on site detention devices that will ensure no significantly adverse impact upon the flow or volumes of surface or groundwaters.</p>
<p>(5) Cultural heritage</p> <p>Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.</p>	<p>See detailed heritage assessment undertaken at Section 5.4.1 of this report and accompanying Heritage Impact Statement.</p> <p>The assessment demonstrates that the development is considered to have an acceptable heritage impact and causes no inconsistency with the relevant planning instruments clause objectives and requirements.</p>
<p>(6) Flora and fauna</p> <p>Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.</p>	<p>The subject site does not provide any, bushland, wetlands or aquatic habitats of any identified environmental significance or sensitivity.</p> <p>Further, the development will not result in the loss or removal of any vegetation and as such has no</p>

	potential to cause any adverse environmental impacts on the diversity or health of any existing flora, fauna or ecological communities.
<p>(7) Riverine scenic quality</p> <p>Policy: The scenic quality of the riverine corridor must be protected.</p>	A detailed visual impact assessment has been undertaken at section 5.5.2 of this report and concludes that the proposed development provides an appropriate outcome with regard to impacts upon the important views.
<p>(8) Agriculture/aquaculture and finishing</p> <p>Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.</p>	The subject site does not accommodate any agricultural activity or land use and is also not located in close proximity to any agricultural land use.
<p>(9) Rural residential development</p> <p>Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).</p>	Not relevant to the site or its proposed development
<p>(10) Urban development</p> <p>Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.</p>	Not relevant to the site or its proposed development as there is no change to land use, zoning or subdivision proposed.
<p>(11) Recreation and tourism</p> <p>Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.</p>	The development seeks to provide enhanced recreational opportunities in a manner that ensures that the importance of the riverine corridor is recognised, retained and even promoted.
<p>(12) Metropolitan strategy</p> <p>Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.</p>	The development is not of scale or type that could cause any inconsistency with broader visions etc of metropolitan planning strategy.

Clause 11 Development controls	
(15) Land uses in or near the river	
(a) The need to locate access points where riverbanks are stable, away from river shallows and major beds of attached aquatic plants, away from fishing grounds and fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities, and where significant fauna and wetland habitats will not be adversely affected.	<p>The development is to be sited at the top of the river bank in a location that is stable and well removed from any aquatic habitats or the like.</p> <p>It forms part of a broader masterplan for the precinct that will facilitate focused recreational uses that will enhance the user experience for all existing and future Regatta park patrons.</p>
(b) The need to require remedial works, such as the re-establishment of flora and fauna habitats.	The site does not accommodate any natural bushland or vegetation.
(c) The potential for use of the land as a buffer to filter water entering the river.	The development includes stormwater management measures that will suitably treat stormwaters before they enter the river.
(d) The need for an Erosion and Sediment Control Plan.	Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.
(e) The need for a Vegetation Management Plan	The site does not accommodate any natural bushland or vegetation and does not propose removal of any vegetation. Therefore, there is considered to be no need to prepare a Vegetation Management Plan.
(16) Land uses in riverine scenic areas	
(a) The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)	A detailed visual impact assessment has been undertaken at section 5.5.2 of this report and concludes that the proposed development provides an appropriate outcome with regard to impacts upon the important views.
(b) Whether the materials used in stabilising the banks are consistent	The development does not propose any river bank stabilisation works.

<p>with the scenic character of the area as described in the Scenic Quality Study.</p>	
<p>(c) Whether the development will damage the banks of the river or creeks.</p>	<p>The development proposes a significantly scaled built footprint on the upper bank of the river, however this is already a highly modified corridor that has a long history of recreational uses and interventions into that river landscape.</p> <p>Accordingly, the development cannot be expected to cause any significantly adverse impact or damage to the river bank.</p>
<p>(d) Whether the development is adequately set back from the river.</p>	<p>A detailed visual impact assessment has been undertaken at section 5.5.2 of this report and concludes that the proposed development activity provides an appropriate outcome with regard to impacts upon the important viewsheds.</p>
<p>(e) Whether it is necessary and appropriate to increase public recreational and visual access to the river.</p>	<p>The development forms part of a broader masterplan for the precinct that will facilitate focused recreational uses that will enhance the user experience for all existing and future Regatta park patrons.</p> <p>Issues pertaining to the role, appropriateness and need for the facility have been considered and addressed as part of detailed considerations and community input as part of the formal adoption of Regatta Park Plan of Management. This process has included extensive community consultation.</p>
<p>(f) The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting</p>	<p>The development forms part of a detailed masterplan of Regatta Park which includes extensive landscaping. As such there is not considered to be any need for further conditions.</p>
<p>(g) Whether any proposed works will improve scenic quality by repairing degradation.</p>	<p>The development forms part of a broader masterplan for the precinct that will facilitate focused recreational uses that will enhance the user experience for all existing and future Regatta park patrons. This includes enhanced opportunities to access and appreciate the scenic qualities of the riverine corridor.</p>

5.1.3 SEPP (WESTERN SYDNEY AEROTROPOLIS) 2020

Sydney Environmental Planning Policy (western Sydney Aerotropolis) 2020 (SWA SEPP) aims, amongst other things, to facilitate development in Western Sydney Aerotropolis and ensure development is compatible with the long-term growth and development of Western Sydney Airport.

The SEPP provides provisions and maps that identify key safeguards, including noise, lighting, wildlife hazards, obstacle height limitations, wind turbines etc that must be considered when developing land within the vicinity of the airport.

Figure 22 provides a map that includes all the relevant airport safeguard mapping overlays and demonstrated that the site sits outside of the key noise constraint area but sits within the following:

- *Wind Turbine Buffer Zone -30 km*

The development proposes a small and low built form and therefore provides no potential to cause any threat to the safeguards identified by the WSA SEPP and therefore causes no inconsistency with the aims or provisions of that planning instrument.

5.1.4 PENRITH LEP 2010

The relevant provisions of the Penrith LEP 2010 are provided below together with an assessment of the development against those provisions.

FIGURE 22: EXTRACT OF WSA SEPP MAPS



PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.3 Zone objectives and land use table

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.

- To protect and enhance the natural environment for recreational purposes.
- To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

COMMENT:

The development form parts of a broader masterplan redevelopment of the Regatta Park area and proposes a pavilion that provides recreational facilities, playgrounds, shelter and amenities.

The pavilion is relatively modestly scaled, when considered in the context of the broader park spaces and represents a complementary or secondary role to the broader open space area.

The development is therefore entirely consistent with the zone objectives.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Not relevant to the site or its development as The LEP does not provides any maximum FSR or building height development standards for the subject site.

PART 5 MISCELLANEOUS PROVISIONS

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The site is not listed as being a heritage item or located within a heritage conservation area. However, the site is located adjacent to and close proximity to the following heritage items of regional and state significance.

- Nepean River
- Victoria Bridge and Railway Bridge
- Government Farm
- Remains of Ferry Crossing
- Weir and Pumping Station
- Emu Hall.

An extract of the relevant LEP Heritage map is provided at Figure 23 and shows the sites location in the context of those adjacent items.

Further, a basic search of the Aboriginal Heritage Information Management System (AHIMS) register was undertaken as part of the preparation of this report and demonstrates that no Aboriginal Sites or Places have been recorded or declared within the lands subject to this DA.

However, according to field investigations undertaken in the preparation of the *Regatta Park and River Road Reserve Deviation Project Aboriginal*

Cultural Heritage Assessment (Biosis, 2019) the precinct provides a number of areas of archaeological potential.

All earthworks that are required to deliver the pavilion are to be undertaken as part of the scope of works delivered as part of the broader Regatta Park masterplan and the Review of Environmental Factors (REF) and approval process associated with those works sets out a series of mitigation measures to ensure that those works to ensure that impacts on Aboriginal cultural heritage are avoided and minimised.

A Heritage Impact Statement (HIS) has been prepared to assess the potential European heritage impacts associated with the development proposal. The HIS concludes that the development will not result in any material impact to significant heritage fabric as the pavilion will simply represent part of the historical and continued appearance and use of the site as a managed and modified landscape.

The pavilions' location in the centre of the subject site ensures that it will have negligible visual and physical impact upon the curtilage and setting of adjacent heritage sites. Further, even though the pavilion uses contemporary built form and colour palette it will harmoniously integrate with the surrounding parklands landscape and will contribute to the evolving appearance and role of that landscape setting.

The development is therefore considered to have an acceptable heritage impact and causes no inconsistency with the relevant LEP clause objectives and requirements.

FIGURE 23: EXTRACT OF LEP HERITAGE MAP



FIGURE 24: EXTRACT OF LEP SCENIC AND LANDSCAPE VALUES MAP



PART 6 URBAN RELEASE AREAS

Not relevant to the site or its development

PART 7 ADDITIONAL LOCAL PROVISIONS

7.1 Earthworks

(1) The objectives of this clause are as follows—

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,**
- (b) to allow earthworks of a minor nature without separate development consent.**

The development does not propose any earthworks. All earthworks will be undertaken as part of the broader Regatta Park masterplan scope of works.

7.2 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of the land,**
- (b) to limit uses to those compatible with flow conveyance function and flood hazard,**
- (c) to manage uses to be compatible with flood risks,**
- (d) to enable safe and effective evacuation of land,**
- (e) to ensure the existing flood regime and flow conveyance capacity is not compromised,**
- (f) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.**

The subject site is located directly adjacent to the Nepean River and is impacted by the 100-year ARI flood with flood modelling indicating that the site and its proposed development are partly inundated during that flood event.

A flood Risk Assessment (Cardno 2021) accompanies the DA and demonstrates the extent of flood impact. An extract of that study is provided at Figure 25 below and demonstrates that the northern section of the development is inundated during that event, with the middle and southern section of the development being flood free.

The flood level of that 100-year flood is 26.2m AHD and the development is proposed to be provided at an FFL of 26.7m AHD, which provides a 0.5m freeboard of during the 100 year event.

All filling and earthworks required to achieve that 26.7m FFL will be undertaken as part of the broader Regatta Park masterplan works and therefore do not form part of this DA.

FIGURE 25: EXTRACT OF FLOOD RISK ASSESSMENT (1 In 100)



The development will be provided at FFL that above the flood planning level as defined by the LEP. Further, the development is generally an open structure that would allow any flood water above that flood level to move through the building in a manner that does not alter the flow, conveyance or velocities of those flood waters.

Similarly, the open format of the structure would reduce any flood hazard or risk to the building and therefore ensures that it is compatible with the flood risks.

The lack of any permanent on-site occupation or habitation of the development further reduces flood risks to life and ensures that it would not cause any additional flood evacuation risks.

The development therefore causes no inconsistency with the objectives and requirements of this section of the LEP.

7.4 Sustainable development

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—

- (a) conserving energy and reducing carbon dioxide emissions,**
- (b) embodied energy in materials and building processes,**
- (c) building design and orientation,**
- (d) passive solar design and day lighting,**
- (e) natural ventilation,**
- (f) energy efficiency and conservation,**
- (g) water conservation and water reuse,**

- (h) waste minimisation and recycling,**
- (i) reduction of vehicle dependence,**
- (j) potential for adaptive reuse.**

The development provides several features that will contribute sustainability:

- The built form is provided with largely open sides that will allow for passive cooling that will alleviate the need for artificial cooling or heating and therefore reduce energy demands.
- The pavilion provides a flexible and adaptable space at the northern end which ensures that it will be able to provide for long term and varies community needs.
- Translucent sheeting provided in the roof will reduce need for artificial lighting and associated energy usage

7.5 Protection of scenic character and landscape values

(2) This clause applies to land identified as “Land with scenic and landscape values” on the Scenic and Landscape Values Map.

The subject site is identified as possessing Scenic Character and Landscape Values on the relevant map. An extract of that map is provided at Figure 24.

A detailed visual impact assessment has been undertaken at section 5.5.2 of this report and concludes that the proposed development provides an appropriate outcome with regard to impacts upon the important viewsheds and scenic landscape values of the site and its environs.

7.7 Servicing

(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.

(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:

(a) the development will be connected to a reticulated water supply, if required by the consent authority, and

(b) the development will have adequate facilities for the removal and disposal of sewage, and

(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and

(d) the need for public amenities or public services has been or will be met.

The site is located within an established urban area and as such enjoys access to power and communication services and has an ability to connect to *Sydney Water's* reticulated water and sewer services.

The development will also assist in providing important public amenities to meet the demands of the local community.

PART 8 LOCAL PROVISIONS – PENRITH CITY CENTRE

PART 9 PENRITH PANTHERS SITE

Not relevant to the subject site or its development.

5.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have released a Draft SEPP (Environment) that seeks to protect and manage the natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP.

There are no other known draft Planning Instruments relevant to this development proposal.

5.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2014

C1: SITE PLANNING AND DESIGN PRINCIPLES	CONSISTENCY
<p>B. General Objectives</p> <p>a) To improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;</p> <p>b) To ensure that developments address the key principles of site planning, urban design and design excellence by:</p>	<p>The development is just a small part of a broader scope of works that will be delivered as part of the Regatta park masterplan.</p> <p>This broader scope of works has been underpinned by extensive environmental assessment, analysis, design and consultation with the local community.</p>

<p>i) responding to the natural topography and landform of the site; ii) protecting areas of scenic or visual importance in the City of Penrith; iii) adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact; iv) incorporating safety and security measures in its design; v) utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and vi) incorporating the principles of universal design to maximise accessibility for all people.</p> <p>c) To ensure that non-residential buildings (and their future uses) are designed to incorporate design and sustainable excellence by: i) being accredited under the Australian Buildings Greenhouse Ratings certification system, now part of the National Australian Built Environment Rating System (NABERS) and/or Green Star certification system, whichever is applicable; and ii) ensuring that energy and water consumption is minimised.</p>	<p>This extensive assessment and planning ensure that the development achieves sustainability, design and site responsive objectives of the DCP.</p> <p>Consistency with the universal design outcomes is demonstrated in subsequent section of this report.</p> <p>Sustainability outcomes as required by the Penrith LEP are demonstrated at preceding sections of this report.</p>
<p>C2: VEGETATION MANAGEMENT</p>	
<p>B. General Objectives</p> <p>a) To adopt the principles of ecologically sustainable development (ESD) in protecting and enhancing Penrith's native vegetation;</p> <p>b) To preserve existing trees and vegetation for the benefits they provide;</p> <p>c) To preserve existing trees and vegetation, where possible, during the design, development and construction process and justify any tree or vegetation removal to Council;</p> <p>d) To protect and enhance native vegetation and biodiversity in the Penrith Local Government Area, including habitat for threatened species, populations and ecological communities and corridors for flora and fauna;</p> <p>e) To retain native vegetation in parcels of a size and configuration which will enable</p>	<p>The development does not result in the loss of any trees or other native vegetation.</p>

<p>existing plant and animal communities to survive in the long term;</p> <p>f) To protect and enhance the landscape character and scenic qualities of the Penrith Local Government Area; and</p>	
C3. WATER MANAGEMENT	
<p>B. General Objectives</p> <p>a) To adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources;</p> <p>b) To promote sustainable practices in relation to the use of water resources for human activities;</p> <p>c) To minimise water consumption for human uses by using best practice site planning, design and water efficient appliances;</p> <p>d) To address water resources in terms of the entire water catchment;</p> <p>e) To protect water catchments and environmental systems from development pressures and potential pollution sources;</p> <p>f) To protect and enhance natural watercourses, riparian corridors, wetlands and groundwater dependent ecosystems;</p> <p>g) To protect, conserve and enhance surface and groundwater resources;</p> <p>h) To integrate water management with stormwater, drainage and flood conveyance requirements; and</p> <p>i) To utilise principles of Water Sensitive Urban Design in designing new developments or infill development in existing areas.</p>	<p>The development will be provided with a freeboard of 0.5m above the 100-year flood and therefore achieves the flood planning level.</p> <p>The proposal is generally an open structure that would allow any flood water above that flood level to move through the building in a manner that does not alter the flow, conveyance or velocities of those flood waters.</p> <p>Similarly, the open format of the structure would reduce any flood hazard or risk to the building and therefore ensures that it is compatible with the flood risks.</p> <p>The lack of any permanent on-site occupation or habitation of the development further reduces flood risks to life and ensures that there it would cause any additional flood evacuation risks.</p> <p>A stormwater management plan is provided as part of the development application and includes connections to Water Sensitive Urban Design (WSUD) and on-site detention devices that will ensure no adverse impact upon local and regional water quality or volumes in the local or broader catchment.</p> <p>The stormwater management plan also includes a sediment and erosion control to be implemented during the construction phase of the development.</p>
C4 LAND MANAGEMENT	

<p>B. General Objectives</p> <p>a) To promote sustainable land use practices for all land use types;</p> <p>b) To minimise land degradation in the Penrith LGA and promote restoration of degraded lands;</p> <p>c) To control erosion, sedimentation and dust to maintain soil and water quality and protect amenity;</p> <p>d) To minimise land contamination through inappropriate landfill or pollution of land and maximise remediation of contaminated land; and</p> <p>e) To reduce the likelihood of salinity and its impact on land and development.</p>	<p>Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.</p> <p>An erosion and sedimentation control plan is provided as part of the development application.</p> <p>Detailed site investigation has identified the need for some limited site remediation which will occur as part of the broader masterplan scope of works and does not form part of this proposed development.</p> <p>The development proposes no earthworks and therefore cause no potential for adverse salinity impacts.</p>
<p>C5.WASTE MANAGEMENT</p>	
<p>B. General Objectives</p> <p>a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;</p> <p>b) To manage waste in accordance with the 'Waste Hierarchy' to:</p> <p>i) Avoid producing waste in the first place;</p> <p>ii) Minimise the amount of waste produced;</p> <p>iii) Re-use items as many times as possible to minimise waste;</p> <p>iv) Recycle once re-use options have been exhausted; and</p> <p>v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;</p> <p>c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;</p> <p>d) To minimise the overall environmental impacts of waste by:</p>	<p>The development is accompanied by a waste management plan that sets out actions to achieve the relative DCP objectives including:</p> <ul style="list-style-type: none"> • Providing waste bin storage areas in the café • Streaming of waste types to encourage recycling • Identification of waste collection points for collection by contractors

<p>i) Encouraging development that facilitates ongoing waste avoidance and complements waste services offered by both Council and/or private contractors; ii) Requiring on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and/or the private sector; iii) Encouraging building designs and construction techniques that minimise waste generation; iv) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and v) Reducing the demand for waste disposal.</p>	
C6. LANDSCAPE DESIGN	
<p>B. Objectives</p> <p>a) To promote landscape design and planning as part of a fully integrated approach to site development;</p> <p>b) To ensure landscape design takes into account the site's context, landscape and visual character, existing landscape features and amenity, both at the local and regional scale;</p> <p>c) To encourage the development of quality landscape design associated with new development that is consistent with industry best-practice;</p> <p>d) To encourage the retention of existing trees and vegetation to enhance landscape character;</p> <p>e) To ensure landscape design adequately complements the proposed built form and minimises the impacts of scale, mass and bulk of the development in its context;</p> <p>f) To encourage landscape design that can be effectively maintained to a high standard for the life of that development; and</p> <p>g) To establish a framework for allowing "Controlled Private Certification" of the</p>	<p>The development does not propose any new landscaping works but will sit within an extensive and detailed broader landscape plan that will be delivered as part of the Regatta Park masterplan project.</p>

landscape design components of new developments.	
C7. CULTURE AND HERITAGE	
NA	Matters pertaining to heritage have been addressed in preceding sections of this report and demonstrate consistency with these DCP objectives.
C8 PUBLIC DOMAIN	
<p>B. General Objectives</p> <p>a) To enhance the quality of the public domain;</p> <p>b) To enhance the natural setting and landscape character of Penrith;</p> <p>c) To ensure that the public domain is attractive, safe, interesting, connected, comfortable, readily understood and easily accessed;</p> <p>d) To ensure that the public domain is enhanced by the built form adjoining it; and</p> <p>e) To ensure that the principles of Universal Design are considered when designing the public domain.</p>	<p>The development forms part of broader scope of public domain works that will see significant enhancements and improvements to Regatta Park.</p> <p>The broader scope of works has also been prepared with Safety in Design underpinning the master planning.</p> <p>The proposed pavilion is an open form structure that allow for unobstructed views to and from the playground and gathering spaces from the adjacent park area and café, which allows for passive surveillance and therefore reduce the likelihood of crime being committed both on site and within its vicinity.</p> <p>A detailed BCA assessment accompanies the DA and assesses the accessibility of the development. This report demonstrates that the development either complies or that compliance is readily achievable with all relevant accessibility requirements.</p>
C9 ADVERTISING AND SIGNAGE	
<p>C. General Objectives</p> <p>a) To permit the appropriate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land; and</p>	The development does not propose any signage or signage.

<p>b) To ensure that all advertising achieves a very high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes, landscapes and vistas.</p> <p>c) To permit the appropriate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land;</p> <p>d) To provide a consistent approach to the control, location and design of advertisements;</p> <p>e) To promote and encourage an integrated design approach to all signage which is in character with the locality, together with its architectural and landscape features and results in a high quality advertising sign and structure;</p> <p>f) To ensure that all signage to be displayed on a building's facade complements the architectural features, colour scheme and external finish of the building;</p> <p>g) To prevent the proliferation of signage;</p> <p>h) To ensure that signage does not constitute a traffic hazard to motorists and pedestrians; and</p> <p>i) To foster a consistent approach to the design and assessment of advertising signs and structures within the City.</p>	
<p>C10. TRANSPORT ACCESS AND PARKING</p>	
<p>A. General Objectives</p> <p>a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;</p> <p>b) To minimise the impacts of traffic generating developments and manage road safety issues;</p> <p>c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;</p>	<p><u>TRAFFIC GENERATION</u></p> <p>The development is not considered to represent a traffic generating development.</p> <p>Using the RTA Guide to Traffic Generating Development can be expected to generate 4 peak hour trips.</p> <p>This will have negligible impact upon the operational efficiency of the local road network.</p>

<p>d) To provide appropriate parking for all development whilst promoting more sustainable transport use;</p> <p>e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;</p> <p>f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and</p> <p>g) To ensure that access is provided for all people with diverse abilities.</p>	<p><u>CAR PARKING</u></p> <p>The DCP identifies the following car parking requirements for Commercial – restaurants, reception and function rooms:</p> <ul style="list-style-type: none"> • 1 space per 6 m² of seating area, plus 1 space per employee. <p>Given the seating area of the café is 48 m² and assuming 4 employees on site, this results in a demand for a total of 12 car parking spaces.</p> <p>Regatta Park currently provides 74 car parking spaces and the broader Regatta Park Masterplan will deliver a total of 92 (18 additional) car parking spaces. This therefore significantly exceeding the requirements of the DCP.</p> <p>Furthermore, a portion of café and pavilion patrons would be visitors to the park and as such the cumulative parking demands would be less than that identified by the DCP.</p> <p><u>BICYCLE PARKING</u></p> <p>The DCP does not identify a need for bicycle parking for the proposed development. However, a traffic and parking assessment has identified a need for 3 bike parking spaces related to the pavilion.</p> <p>The Regatta Park Masterplan provides 5 bike parking racks adjacent to the shared pedestrian and bicycle path located directly adjacent to the pavilion.</p>
<p>C11. SUBDIVISION</p>	
<p>NA</p>	<p>Not relevant to the development proposal.</p>

C12. NOISE AND VIBRATION	
<p>B. General Objectives</p> <p>The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.</p>	<p>The development is not a noise sensitive use and therefore cannot be expected to be adversely impacted by upon noise generated from the nearby highway and rail way line.</p> <p>However, the development does have proximity to nearby residential development and therefore there is some potential for adverse impact to those land uses.</p> <p>An acoustic report has been undertaken and accompanies the DA. This report concludes that:</p> <p>Operational noise</p> <ul style="list-style-type: none"> • Compliance with the project specific OLGR noise criteria is expected to be achieved during the daytime period. The café is not operating after midnight; hence no assessment is required for this period. <p>Mechanical services noise</p> <ul style="list-style-type: none"> • Maximum allowable Sound Power Levels for the external mechanical services (e.g. kitchen exhaust fan) to comply with the criteria have been calculated. Therefore, adverse noise impacts from the plant to the surrounding noise sensitive receivers are considered negligible. • Further assessment of the noise impact will be required during the detailed design stage, when mechanical plant and operational details are available. External mechanical plant items may require the provision of a solid noise barrier or acoustic louvres around to reduce the noise impact by 10-15 dB(A) if the assumed maximum sound power level in the calculated scenario is exceeded. <p>Short term noise impacts will also be generated throughout the construction phase however, any significantly adverse impacts can be managed as part of the preparation and implementation of a construction noise management plan.</p>

C13. INFRASTRUCTURE AND SERVICES	
<p>B. General Objectives</p> <p>a) To ensure existing infrastructure and services, including easements, are taken into account in siting and designing any proposed development;</p> <p>b) To ensure there is adequate provision of utilities and services to allotments to support any proposed development without significant additional burden on Council and utility providers;</p> <p>c) To ensure on-site sewage management systems in the City's unsewered areas are sited, designed, constructed, operated and maintained to prevent risks to public health and the environment;</p> <p>d) To achieve set engineering and construction standards for infrastructure, which is provided either by Council or a private developer; and</p> <p>e) To ensure social facilities are provided in a manner appropriate to the proposed development.</p>	<p>The site is located in an established urban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication.</p>

5.5 IMPACTS OF DEVELOPMENT

5.5.1 NATURAL ENVIRONMENT

The site forms part of an important riverine corridor, however the development provides a relatively modest building footprint in area of the river bank that has been highly modified over many decades of development and land use.

All matters pertaining to potential impacts upon the natural environment have been addressed in previous section of this report and demonstrated that the development no significant adverse impacts will be caused.

5.5.2 BUILT ENVIRONMENT

The subject site forms part of a significant natural and cultural landscape. All matters, other than the visual impact, pertaining to potential impacts upon the built environment have been addressed in previous section of this report and demonstrated that the development will have no significantly adverse impacts will be caused.

This section of the report therefore provides only a detailed visual impact assessment of the proposed development.

VISUAL IMPACT ASSESSMENT

Tenacity Consulting v Warringah [2004] NSWLEC 140; (2004) 134 LGERA 23, sets out the planning principle for considering the acceptability of the impact of a proposed development on the views enjoyed from private property in the vicinity of the development.

However, subsequent proceedings, *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 discerned the potential for developing a planning principle setting out a process for assessing the acceptability of the impact of private developments on views from the public domain in the vicinity of the development.

The judgement states that the framework for a planning principle concerning impacts on views enjoyed from the public domain is broadly consistent with (but not identical to) the matters raised for consideration in *Tenacity*. The process must account for reasonable development

expectations as well as the enjoyment of members of the public of outlooks from public places.

Accordingly, the planning principles derived from this judgement are considered well suited to this assessment and will be applied to the assessment of the proposed pavilion.

The steps for determining the acceptability of the impact on views from the public domain are in two stages - the first factual followed by a second, analytical process.

STAGE 1: IDENTIFICATION

Step 1 - Identify nature and scope of existing views from the public domain

The subject site provides panoramic views of the riverine corridor and its key landscape and geographical elements including, the river waterway, its vegetated banks, broad and open lawn areas for passive recreations and public gatherings, together with built environment elements such as the bridges that span the river, public shelters, roads carparks and dwelling houses etc.

The view of the waterway is perhaps one of the most iconic scenic views that can be obtained from within the Penrith and western Sydney region and its quality is derived from the interaction of the natural landscape values of the river corridor and historic and cultural landscape interventions that have taken place at the rivers' edge and over the river surface during the last 230 years.

It is primarily a static view although can provide dynamic elements such as the flow of the water, together with the movement of watercraft and wildlife, including water birds in the broader corridor. The passive and

active use of the parks and reserves that flank the river also forms part of that dynamic viewscape.

Importantly, the view of the Nepean River and its broader corridor is enjoyed from both side of the River bank as well as the pedestrian bridge and from the river itself, by occupants of watercraft that commonly use the river. These views from the river, and its eastern bank are further enhanced by the presence of the Blue Mountains escarpment in the river corridor backdrop.

Step 2 - identify the locations in the public domain from which the potentially interrupted view is enjoyed.

View of the Nepean riverine corridor is enjoyed from numerous locations within Regatta Park. However, the prime view of the waterway is best viewed from the river edge and mid bank location. Images of those view are provided at Figures 26-27. The other significant public domain location is the top of the river-bank or car park area which commonly represents the visitor's initial entry point to the river corridor. However, this location does not necessarily allow for a view of the river water body at that location (see Figure 28).

Views to Regatta Park from the eastern river bank are limited by the absence of public domain vantage points at that location and views from the pedestrian bridge are at an oblique viewing angle and therefore provides significantly more limited opportunity for interruption of views of Regatta Park.

Step 3 - identify the extent of the obstruction at each relevant location.

The primary obstruction to views of the water is existing vegetation that currently flanks the river edge and additional plantings within Regatta

Park. Importantly, it should be noted whilst the vegetation screens the water body the same vegetation itself forms part of an integral element of the riverine corridor and the scenic landscape values that the corridor presents.

Views of the waterway obtained from the top of the river bank are further obscured from the combination of topography and distance which together create a viewing angle that forces the viewer to look over the waterway and across to the eastern bank of the river.

Importantly, just as views to the waterway from the top of the bank are screened by vegetation, so too is the reverse view from the waterway to Regatta Park.

Step 4 - identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.

Regatta Park, as the name suggests, has long represented a significant gathering place and viewing area for important rowing races and events. Even though the regatta role of the river has diminished in more recent years the park still serves a highly significant gathering area for the community for both active and recreation uses together with community events. Accordingly, this location is one of the riverside locations that experiences the most intense public use.

Views back to Regatta Park from the river itself and its eastern bank are less intense because of the absence of public viewing area on the eastern bank and the fact that those views are limited to occupants of water craft only.

FIGURE 26: VIEW FROM CAR PARK TO RIVER (EAST)



FIGURE 27: VIEW TO RIVER FROM MID BANK LOCATIONS



FIGURE 28: VIEW TO RIVER WATERS EDGE



FIGURE 29: EXTRACT OF OUR RIVER MASTERPLAN



FIGURE 30: EXTRACT OF POM – MASTERPLAN



Step 5 - whether or not there is any document that identifies the importance of the view to be assessed.

There are several studies and plans that have identified, studied, analysed the importance of these views. These are identified below:

- SREP No.20 - Regional Significant Scenic Riverine Corridor Map
- Penrith LEP 2010- Scenic Landscape Values Map
- Our River Masterplan – Penrith City Council 2013
- Regatta Park and Tench Reserve – Detailed Planning and Design Clouston and Associates 2016
- Regatta Park Plan of Management – Penrith City Council 2016

Each of these reports and plans recognises and celebrates the importance of the scenic values of the riverine corridor and recognises the importance of continuing to focus community activity and provide enhance viewing opportunities at Regatta park. Inclusive of built structures inclusive of café and sheltered areas for community gathering. Relevant extracts of these reports are provided at Figures 29-30.

STAGE 2: Analysis of Impacts

The proposed development has the potential to impact upon views from Regatta Park to the river and from the river to Regatta Park. The impact of these shall be addressed individually.

A. Impact of views from Regatta Park to River

The proposed pavilion occupies a large space within the park and provides extensive, although a long and narrow building footprint. However, despite the expanse and scale of the footprint, the building

design, with a simple low flat roof form and generally open side elevations, ensures that it provides only limited building volume. This also allows for views through the structure to be obtained from the upper bank area to the mid, lower bank areas and waterway itself.

Viewing experiences of iconic locations is typically considered to be far more satisfying if allowed developed sequentially, like a story with a beginning and end. This means considering the experience as having an introduction, build up, climax and wind down. With this approach, it is critical to hold onto the climax experience (in this case the view) until visitors have prepared themselves for it. This involves creating an introductory experience that captures visitor attention.

The Regatta Park Masterplan therefore deliberately seeks to provide a viewing experience that delays the full observance of the waterway to the final or climatic stage where it viewed at the river's edge.

In this context, the proposed pavilion assists in achieving that strategy by allowing for views over the broader riverine corridor whilst allowing for only glimpses of the waterway and delaying appreciation of the full waterway panorama until the viewer has transitioned to the river edge itself.

Importantly, once the viewer has reached that destination or climatic view, the proposed pavilion provides no interruption or disturbance to that broad view.

It is also important to note that the proposed development will also provide enhanced viewing opportunities on site by providing sheltered viewing spaces during hot or poor weather and gathering spaces that allow visitors to sit, dwell and enjoy the views with an appropriately contextualised landscape setting.

B. Impact of views from River to Regatta Park

The view of the pavilion from the river itself to Regatta Park will be screened by the existing vegetation that lines the river bank and the limited built volume of the pavilion ensures that it will not provide a dominant feature within either the Regatta Park or broader riverine corridor landscape.

It is important to note that Regatta Park has long been used as gathering space for events by an on the river and so has provides a cultural landscape with built interventions inclusive of a car parks, shelters, amenities and open lawn areas. Accordingly, there should be no expectation that the river user should enjoy a pristine or completely natural landscape view to that location.

C. Impact of views from eastern bank of river to Regatta Park

There are limited public domain viewing opportunities from the eastern bank of the river to the river bank and Regatta Park. The proposed pavilion will not interfere with any views of the river waterway as the river sits in the foreground of that view and the pavilion is located over 200m from any upper bank viewing location.

Once more, the limited built volume of the pavilion ensures that it will not provide a dominant feature within either the Regatta Park or broader riverine corridor landscape.

CONCLUSION

The proposed pavilion provides a built element that has been identified in long term master planning for Regatta Park and the broader Nepean River environs. The built form provides a low flat roof and open sided

structure that will generally allow for views through the building to and from the river.

Further, the pavilion will replace other existing built structures within the Park such as the toilet block and picnic shelter. Accordingly, the cumulative visual impact of the pavilion remains limited as it will not obstruct views to or from the river or cause an unreasonable insertion in the landscape of the broader riverine corridor and its important scenic values.

The relevant LEC judgement referenced at the beginning of this visual impact assessment states that:

“...the fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view.”

The assessment undertaken at this section of the report demonstrates that the development will continue to allow for the community and park users to appreciate the views of the river and its broader corridor landscape. In fact, the pavilion will provide enhanced viewing opportunities on site by providing sheltered viewing spaces during hot or poor weather and gathering spaces that allow visitors to sit, dwell and enjoy the views with an appropriately contextualised landscape setting.

Accordingly, it is considered that the proposed activity provides an appropriate outcome with regard to impacts upon the important views.

5.5.3 SOCIAL IMPACT

The development is located on a site that represents a regionally significant gathering space and the proposed development has formed part of long-term master planning for the precinct that has been developed in collaboration with the community.

The development will therefore provide enhanced experiences for park users and opportunities for community gatherings together with improved passive and active recreational opportunities.

The proposed pavilion is an open form structure that allow for unobstructed views to and from the playground and gathering spaces from the adjacent park area and café, which allows for passive surveillance and therefore reduce the likelihood of crime being committed both on site and within its vicinity.

A detailed BCA assessment accompanies the DA and assesses the accessibility of the development. This report demonstrates that the development either complies or that compliance is readily achievable with all relevant accessibility requirements.

The development therefore provides a significant positive social impact for the local and regional community.

5.5.4 ECONOMIC IMPACT

The proposed development will generate new direct employment opportunities in the proposed café. It will also likely attract new and longer visitors to the regional and local area that may in turn result in capture of additional expenditure within the local economy.

The development therefore provides a positive impact on both the local and regional economy.

5.6 SUITABILITY OF THE SITE

The subject site has a long history of use as an important gathering space for community events, festivals, together with passive and active recreation.

The proposed development has formed part of long-term master planning for the precinct that has been developed in collaboration with the community.

Accordingly, the subject site is therefore ideally suited to the proposed development.

5.7 THE PUBLIC INTEREST

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed development has no significantly negative outcomes, inclusive of adverse visual impacts, and will provide the following positive outcomes:

- Realisation of long-term planning outcomes for Regatta Park
- New gathering space for community
- New children playground and recreational facilities
- Improved amenities for users of the park and precinct

- Site responsive design
- Water Sensitive Urban Design
- CPTED
- Accessibility for all users

The benefits provided by the proposed development outweigh any potential negative impacts and is therefore in the public interest.

6.0 CONCLUSION

This SEE has been prepared as part of a development application which seeks approval for the erection of a large new pavilion that will provide a café, amenities, children's playground and community gathering spaces.

The SEE has assessed undertaken an environmental assessment of the proposal against all relevant environmental planning instruments including SREP No.20, Penrith LEP 2010 and its associated DCP.

In summary this assessment demonstrates that the proposal is considered to:

- Assist with the realisation of long-term planning outcomes for Regatta Park
- Provide a new gathering space for community with improved amenities for users of the park and precinct
- New children's playground and recreational facilities
- Represents an appropriate response to the context, setting, planning instruments, controls and guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979*.
- Have no significantly adverse impacts upon the natural or built environment

The benefits provided by the development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development that is worthy of approval.

6.0 CONCLUSION

This SEE has been prepared as part of a development application which seeks approval for the erection of a large new pavilion that will provide a café, amenities, children's playground and community gathering spaces.

The SEE has assessed undertaken an environmental assessment of the proposal against all relevant environmental planning instruments including SREP No.20, Penrith LEP 2010 and its associated DCP.

In summary this assessment demonstrates that the proposal is considered to:

- Assist with the realisation of long-term planning outcomes for Regatta Park
- Provide a new gathering space for community with improved amenities for users of the park and precinct
- New children playground and recreational facilities
- Represents an appropriate response to the context, setting, planning instruments, controls and guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979*.
- Have no significantly adverse impacts upon the natural or built environment

The benefits provided by the development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development that is worthy of approval.

ANNEXURE A: AHIMS SEARCH

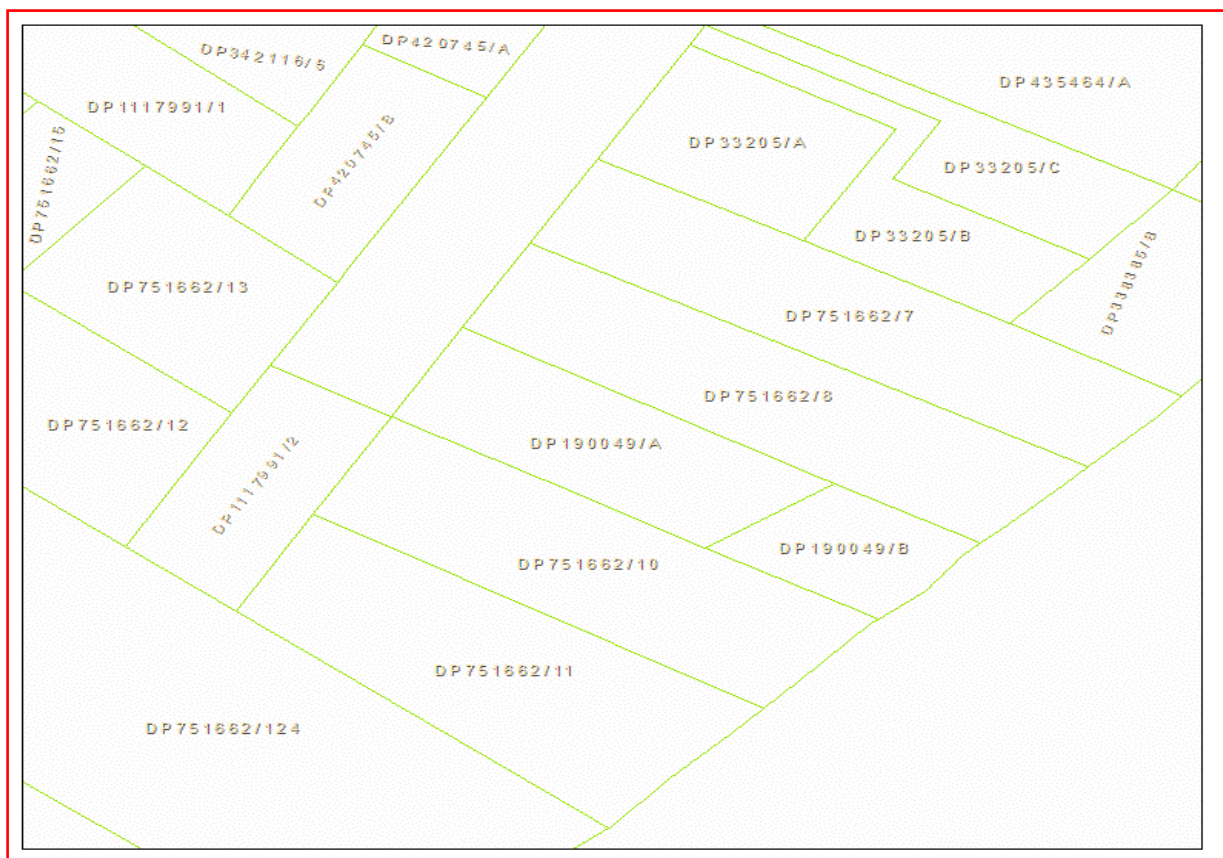
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 04 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : A, DP:DP190049 with a Buffer of 50 meters, conducted by Vince Hardy on 04 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

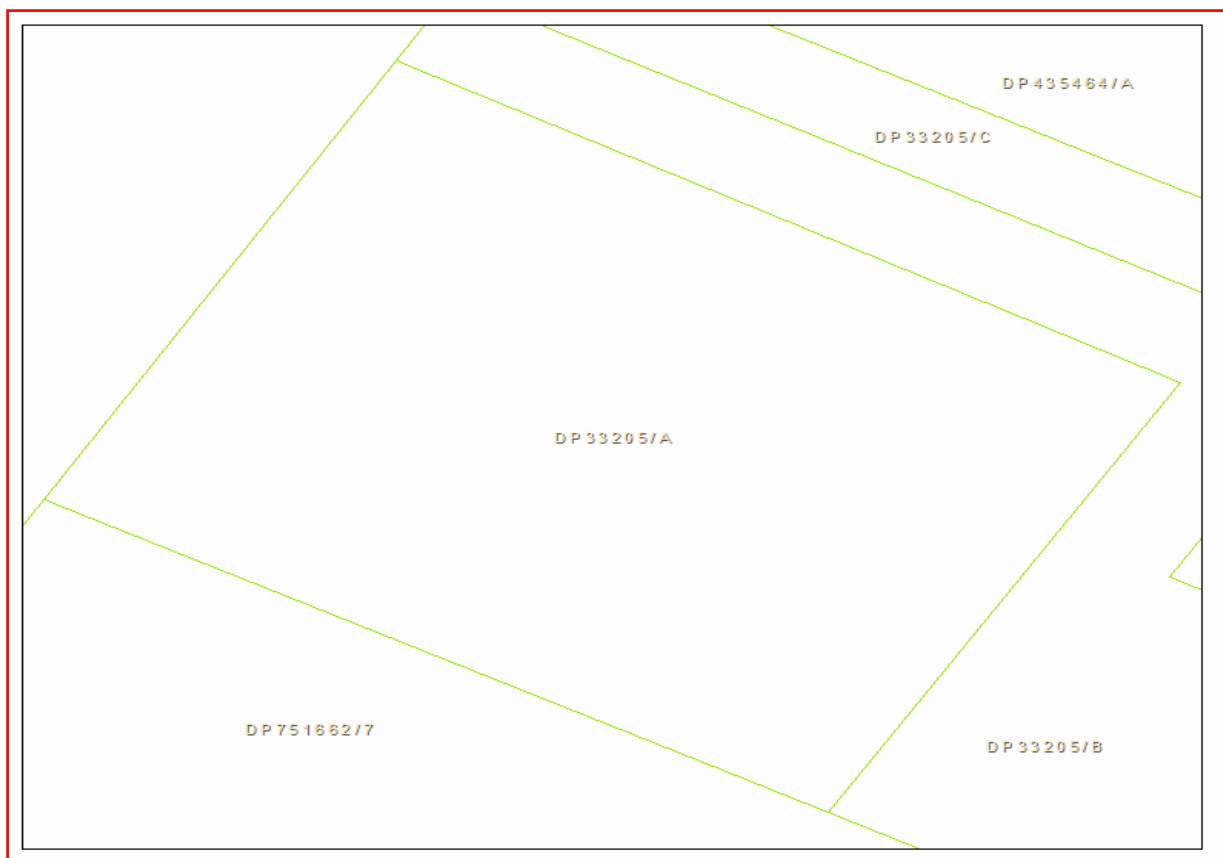
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : A, DP:DP33205 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

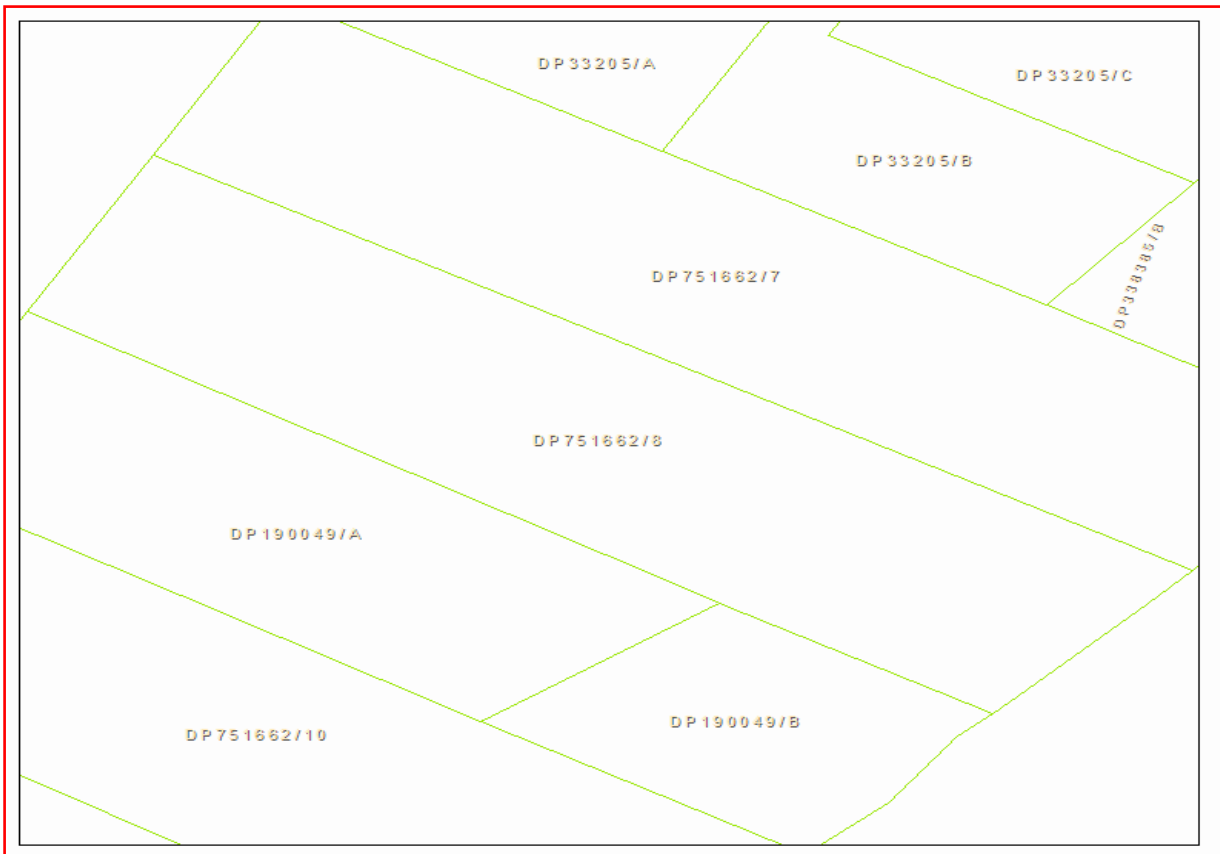
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 8, DP:DP751662 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

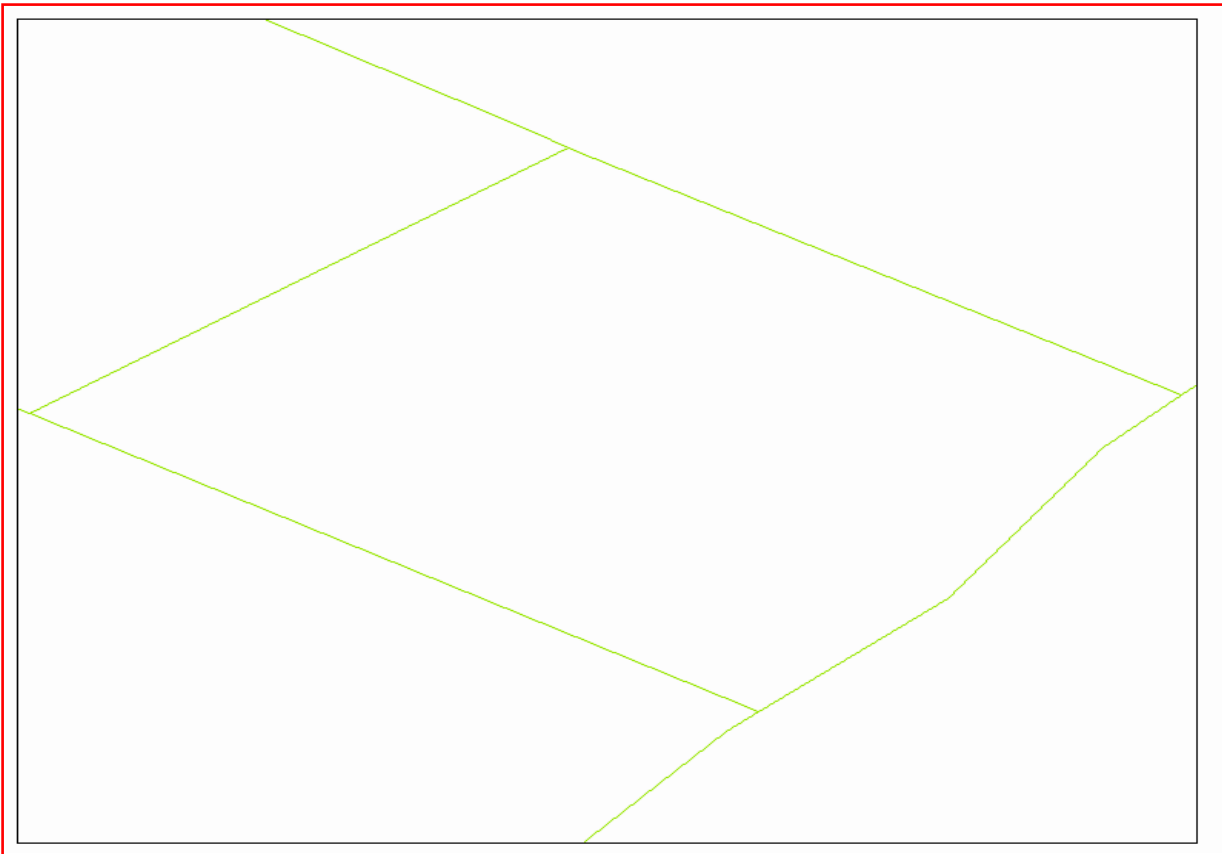
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : B, DP:DP190049 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

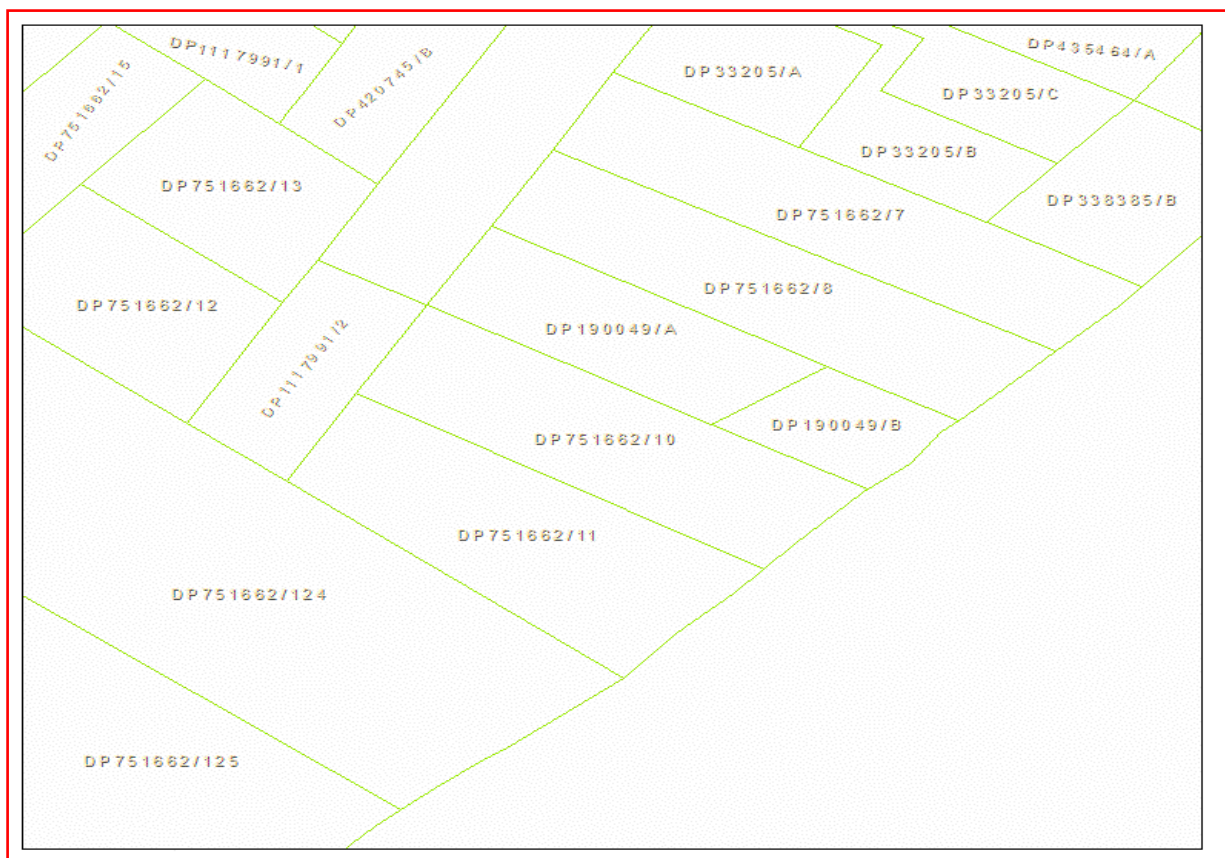
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 10, DP:DP751662 with a Buffer of 50 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

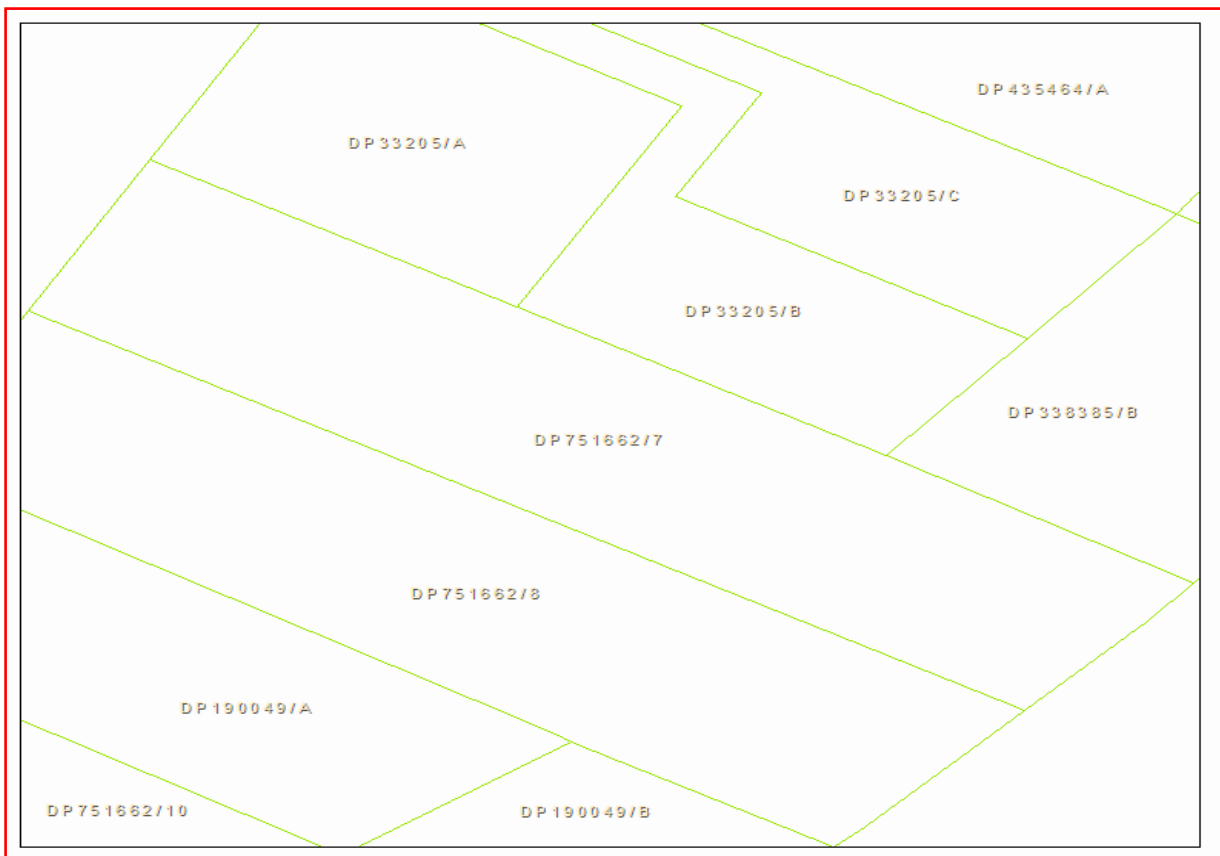
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7, DP:DP751662 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

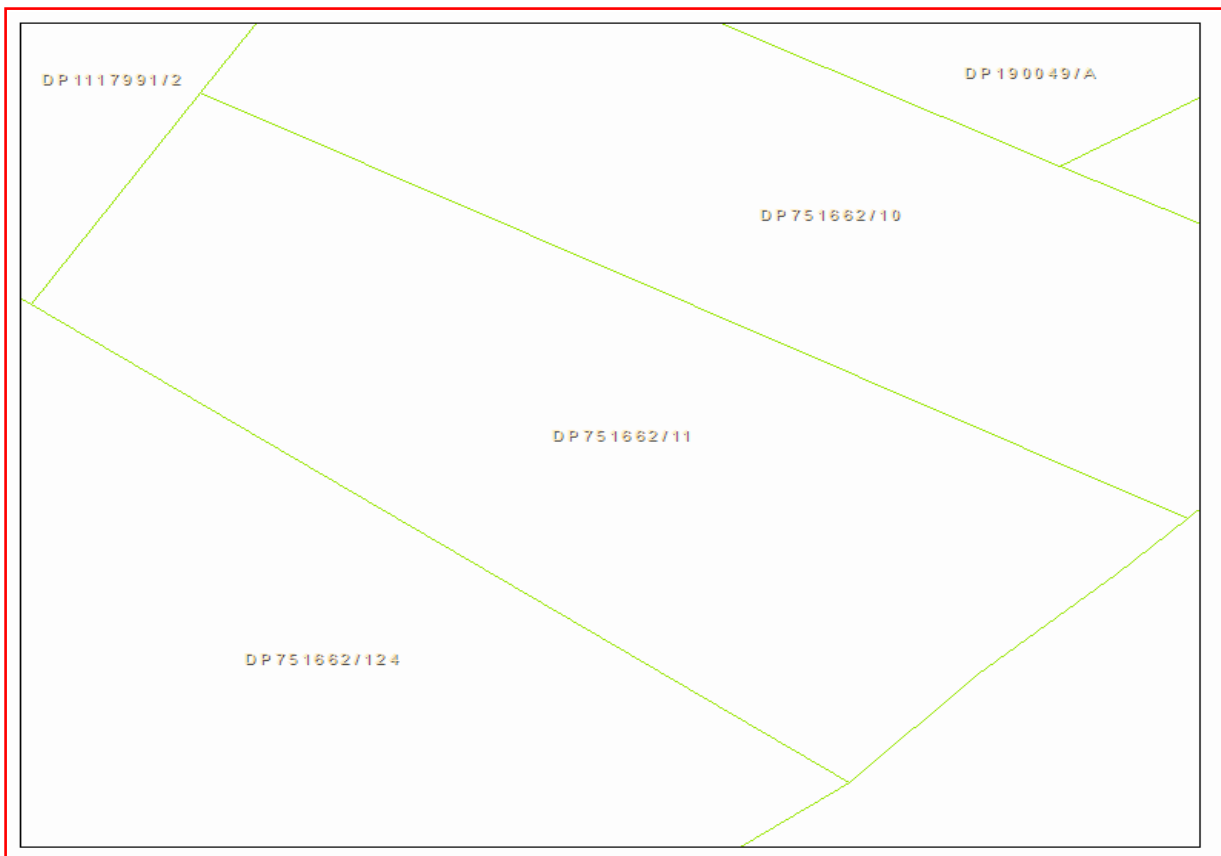
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 11, DP:DP751662 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

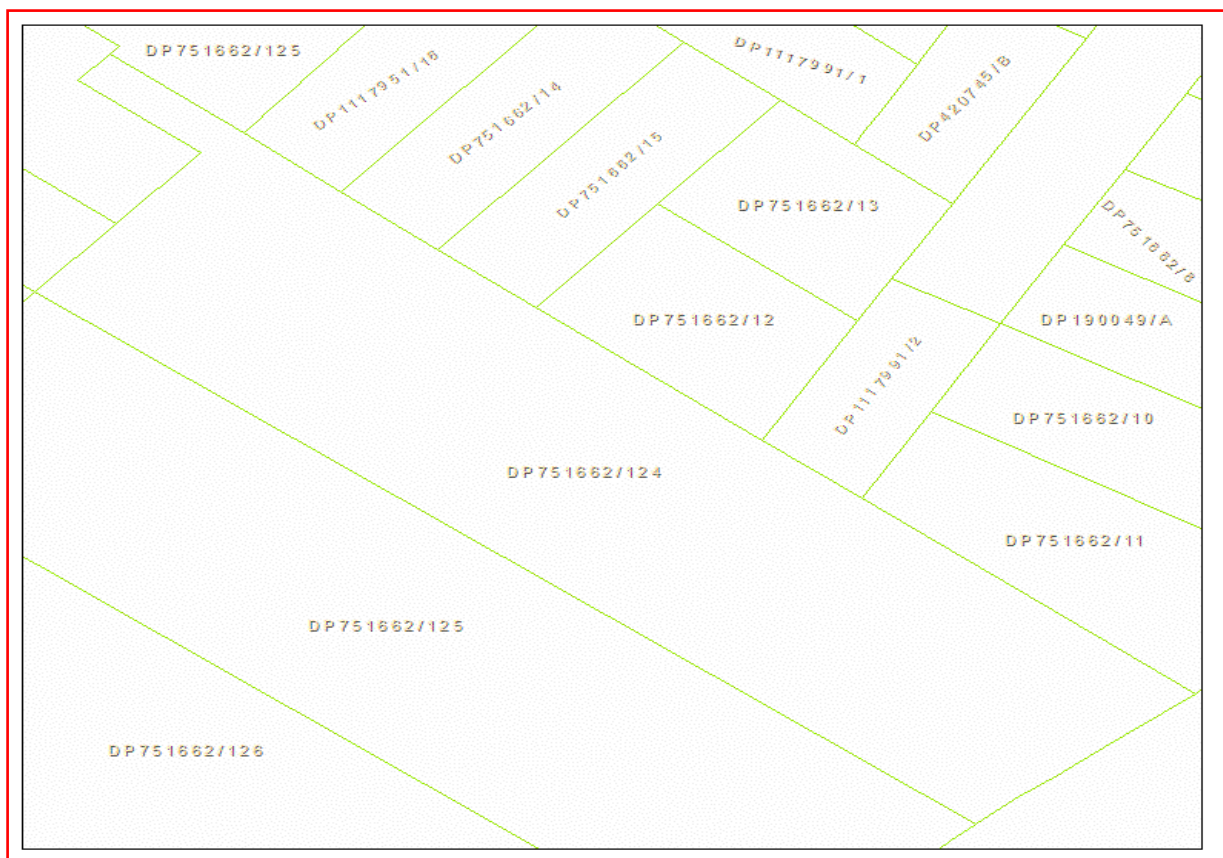
Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 15 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 124, DP:DP751662 with a Buffer of 0 meters, conducted by Vince Hardy on 15 March 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *