



Office of
Environment
& Heritage

DOC18/446799
DA 2 MOD 7, DA 3 MOD 6 and DA 4 MOD 11

Michelle Niles
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Niles

Penrith Lakes Scheme - 89-151 Old Castlereagh Road, Castlereagh – Modification Application to DA 02 MOD 7, DA 03 MOD 6 and DA 04 MOD 11

Thank you for your email of 29 June 2018 received by the Office of Environment and Heritage (OEH) requesting comments on modification application for the Penrith Lakes Scheme. OEH appreciates the Department providing it with an extension in which to provide its comments.

OEH has reviewed the relevant documents and provides recommendations and comment in Attachment A.

If you have any queries regarding this matter, please contact Janne Grose on **t**:8837 6017 or **e**: janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 19/07/18

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney
Regional Operations

Attachment A

Penrith Lakes Scheme - 89-151 Old Castlereagh Road, Castlereagh – Modification Application to DA 02 MOD 7, DA 03 MOD 6 and DA 04 MOD 11

Office of Environment and Heritage (OEH) has reviewed the following documents:

- Statement of Support by SJB Planning – May 2018
- Environmental Assessment by ARUP – 28 March 2017

and provides the following comments.

Aboriginal Cultural Heritage

The Statement of Support notes if any new or unknown indigenous sites or relics are uncovered during the fill activities, works affecting these sites or relics will immediately cease and the material will be assessed by Aboriginal stakeholders and OEH. It indicates the ongoing provisions of the current (Aboriginal Heritage Impact Permit (AHIP number 1131345) will continue to apply (Section 6.3.1, page 21). It should be noted that AHIP number 1131345 expires on the 12 December 2018. Penrith Lakes Corporation (PLC) will need to apply to vary the time frame before it expires.

Figure 1 in the Statement of Support shows the location of the three consents DA 2 DA3 and DA4. The area covered by the proposed modification includes areas located along parts of Nepean River referred to as the Nepean River bank environs (the Riverbank). AHIP Number 1131345 does not cover the Nepean River bank environs (the Riverbank) within DA2 and DA 4. PLC have applied for an AHIP for the Nepean Riverbank Environs (the Riverbank) which encompasses the no quarry zone between the bank and extraction areas running along the Nepean River which were not covered by AHIP Number 1131345. This AHIP has not yet been granted, the application is currently on hold awaiting information from PLC. The proposed modification within the areas identified as the Nepean River bank environs (the Riverbank) can't commence without an AHIP.

Flora and Fauna

The Statement of Support notes the current consent operates in accordance with management measures contained in a Statement of Commitments relating to the creation of ecological corridors and the protection of native flora and fauna. It indicates these commitments would continue to be implemented under the modification requested (Section 6.2.3, page 20). The Environmental Assessment (EA) notes Coffey Geotechnics gave the opinion that VENM is suitable for use in the general landforms proposed as part of the previously approved development (Section 3.1, page 14) but it is unclear if the VENM/ENM is suitable for the rehabilitation and growth of provenance local native plant species. The EA indicates the source and type of material to be imported (VENM and ENM) for the proposed modification will depend on the availability of sources (Section 3.2, page 16). It is important the imported VENM/ENM is suitable for the rehabilitation of local provenance native vegetation and creation of the ecological corridors.

Flood

The request is to increase the amount of filling by an additional 5 million tonnes to fulfil the landform requirement to comply with the January 2017 SEPP amendment for flood planning level, which has been determined as 1% AEP plus one metre freeboard for the Urban Precinct area. Accordingly, there is no requirement for a flood assessment at this stage. However, a detailed flood assessment will be required at the development stage of the Urban Precinct area which was approved in 2016.

(END OF SUBMISSION)