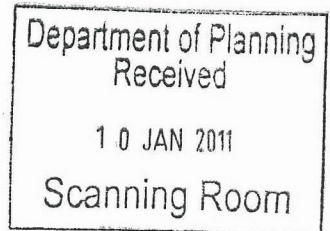


Our Ref: 2824651
Contact: Paul Battersby
Telephone: 4732 7575

31 December 2010

Howard Reed
Acting Director
Mining & Industry Projects
Department of Planning
PO Box 39
SYDNEY NSW 2001



Dear Mr Howard

**Penrith Lakes Scheme
DA4 Modifications**

Thank you for the email of 16 December 2010 extending the period in which Council may make a submission until 14 January 2010.

The proposal is a significant amendment to DA4, as the applications alter the approved methodology and infrastructure for managing flooding within the Penrith Lakes Scheme. These amendments have impacts beyond the scope of the applications and the boundaries of the Penrith Lakes Scheme. They have the potential to affect properties in the vicinity of the Scheme and along the Nepean River. Clearly, this is a matter that will need to be reported to Council, and the first available opportunity is in early February 2011. As such, Council will be in a position to provide a formal and informed response by mid February 2011.

I appreciate the Department's responsibility and desire to deal with these applications expeditiously. The proposal, however, is technical in nature and requires significant examination. The documentation cannot be reviewed, nor informed comment provided, within the nominated timeframe. Earlier consultation, particularly with Council's technical staff during preparation of the proposal, would have assisted a timely response.

Council's technical review would still be assisted by briefings from the applicant and their flooding consultants. This will enable Council officers to provide interim advice to the Department of Planning, prior to the matter being formally reported to Council. The Department is requested to arrange, with the applicant, briefing sessions for the later half of January 2011.

Please contact me if you would like to discuss this matter.

Yours faithfully

Ruth Goldsmith
Group Manager Leadership



Our Ref:
Contact: Paul Battersby
Telephone: 4732 7575

14 January 2011

Howard Reed
Acting Director
Mining & Industry Projects
Department of Planning
PO Box 39
SYDNEY NSW 2001

Dear Mr Howard

**Penrith Lakes Scheme
DA4 Modifications**

I am writing further to our exchange of correspondence in December 2010 concerning the proposed modification of DA4 (Modification No's 4 and 5) (the Proposal) applying to the Penrith Lakes Scheme (the Lakes).

I understand that the Proposal affects components of the flood management scheme designed to manage flow to and from the Lakes during and after flood events (the Scheme). The components that are proposed to be modified are the location of the weir and discharge pipes associated with the wildlife lake. It is noted that these works increase the level of flood risk to adjoining properties.

It is noted that the application is supported by modifications to the approved methodology and infrastructure for managing flooding within the Lakes. This presents a significant departure from the current and any previously discussed management regime. This raises significant concerns about both modifying the entire Scheme and progressing modifications to the site-specific components ahead of any opportunity to fully consider and endorse the modifications to the entire Scheme.

Despite our close working relationship with both the Department and Penrith Lakes Development Corporation, no consultation was undertaken with Council prior to the lodging of the Proposal. A level of consultation, including our previously requested briefings by the Applicant, would have assisted in Council's understanding and review of the Proposal. It would have allowed us to highlight and discuss any concerns without the pressure of the timeframes applied to the formal application process.

The information supporting the Proposal is technical in nature and requires significant examination. As we have previously advised, it is not possible to comprehensively review and comment on the Proposal within the nominated timeframe, which is highly unreasonable.

An initial review of the information has highlighted a number of issues related to the methodology and infrastructure for managing flooding within the Lakes that need to be clarified or resolved before determining this application. The matters that we have identified are listed in the attached document.

It is also understood that there is a substantial lack of overburden for the site. This will affect the final landforms for both the urban area and the parklands as approved in earlier applications. This is a significant issue that will affect the site's future and viability if it is not properly addressed at this time.

As a consequence of this lack of early consultation, we now find ourselves in the difficult position of not being able to support the Proposal until such time as Council's professional and technical staff have been given an opportunity to review the modified methodology and infrastructure for managing flooding within the Lakes with the Applicant. Current events in Queensland evidence the need to ensure that flood management regimes provide the necessary protection to people and properties.

Your assistance in arranging the necessary technical briefings is requested, as outlined in my earlier letter. Please contact me if you would like to further discuss this matter.

Yours faithfully



Ruth Goldsmith
Group Manager Leadership

Interim Comments – Penrith City Council

Penrith Lakes Scheme – Proposed Modification of DA4

1. The Applicant's flooding information does not clarify all of the assumptions made in the flood modelling exercise. For example, the information fails to provide information on land form assumptions, pre-quarrying, and the 'starting conditions' of the Scheme, that is, are the lakes empty, full or partially full.
2. The Applicant's flood modelling exercise does not incorporate the part of the river system and associated flood plain upstream of Victoria Bridge. In addition, the calibration of the flood modelling exercise upstream of Victoria Bridge has not been defined. The consideration of this area is considered critical to the full assessment and understanding of the Proposal/outcomes.
3. Whilst the Applicant's flooding information states that the amendments to the current scheme of flood management will not have adverse effect during a 1% annual probability flood event, it is not as confident for the 0.5% annual probability flood event. This matter needs to be clarified and any deficiencies addressed.
4. The results of the flood modelling provided by the Applicant indicates a significant difference in flood water levels (for a range of events) in a number of locations than the levels generated by Council's flood model. The analysis of these differences is critical to ensuring the scheme appropriately manages the level of flood risk to people and property elsewhere.
5. The Applicant's flooding information states that the amendments to the current scheme of flood management reduce flood water levels in both Penrith and Emu Plains. However, the information does not state the location or scale of the reductions or how they have been achieved. These matters need to be clarified to allow for the assessment of any impacts on the level of flood risk elsewhere.
6. The adjacent Stockland residential development known as Waterside has been designed and planned around results from agreed flood modelling. Any change to these levels could have implications on the level of flood risk affecting this residential estate and the scale of flood damage should an event occur. The information submitted in support of the Application has not addressed any changes in the flood water levels affecting this residential estate.
7. A recent run of Council's model indicates the possibility of a 'break out' through the Lambridge Estate (the industrial estate on the corner of the junction of Old Castlereagh Road and Castlereagh Road, Penrith) for a 1% flood event. The Applicant's flood modelling exercise does not indicate a similar extent.