

Our Ref: M190009

12 September 2019

NSW Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Michelle Niles

**PENRITH LAKES SCHEME MODIFICATION (DA2 MOD 9, DA3 MOD 9 & DA4 MOD 14)
RESPONSE TO SUBMISSIONS**

We act on behalf of Great River NSW Pty Ltd, who submitted a modification application to amend DA2, DA3 and DA4 in relation to land at 14-278 Old Castlereagh Road, legally known as Lot 308, 309 and 310 of DP 752021 ("the site") which is located within the Penrith Lakes Scheme.

The modification application seeks to modify DA2, DA3 and DA4 to allocate 800,000 tonnes of VENM/ENM of the total approved 13 million tonnes across the Penrith Lakes Scheme specifically to the subject site, being the amount of VENM/ENM required to complete the landform on the site in accordance with the approved 2013-2015 Two Year Plan. In addition, the modification seeks to modify the consent conditions to ensure that material which is subject to a site specific resource recovery order and exemption as issued by the EPA can be imported for use on the site.

This letter provides a response to submissions received during the public exhibition of the modification application.

1. SUBMISSION FROM PENRITH CITY COUNCIL

The submission from Penrith City Council raises concern that the modification application seeks fill that is beyond the approved 2013-15 Two Year Plan. This concern is raised by reference to the geotechnical letter and supporting earthworks plan submitted with the application which is dated 2019 and "as such cannot be the same plan that accompanies the 2013-15 plan".

Response:

The letter and attached plan prepared by GCA was provided in response to a request by the Department, via email dated 12 July 2019, to provide further information (prepared by a suitably qualified person) on how it was determined that 800,000 tonnes of fill would be required to complete the landform approved in the 2013-2015 Two Year Plan.

Accordingly, the GCA letter and drawing was prepared and submitted with the revised modification application. The letter clearly indicates that the drawing "shows depth of fill contours, which have been produced by comparing the proposed design surface of the 2013-2015 two year plan to the surveyed natural surface". Therefore, the drawing indicates the level of fill required to complete the landform approved in the 2013-2015 Two Year Plan.

It is noted that this drawing is for additional information purposes only to verify that the proposed volume of fill is appropriate to complete the landform approved in the 2013-2015 Two Year Plan, and it is the 2013-2015 Two Year Plan approved by Pru Goward MP, Minister for Planning, which is the approved landform that the filling will take place to.



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2. SUBMISSION FROM NSW ENVIRONMENT PROTECTION AUTHORITY

The NSW Environment Protection Authority (EPA) recommend a condition is included on the consent to require that all material imported to the site must either be virgin excavated natural material (VENM) or material that meets the requirements of the relevant resource recovery orders and exemptions, in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

Response:

The current consent conditions require that imported material is VENM or ENM, and the subject modification application seeks to modify the relevant conditions to also allow for the import of material which is subject to a site specific resource recovery order and exemption. Therefore, the proposed conditions are in accordance with the recommendation of the EPA.

If you have any questions on this matter, please do not hesitate to contact Ruth O'Brien (Senior Planner) on 9531 2555 or ruth@planningingenuity.com.au

Yours faithfully,
Planning Ingenuity Pty Ltd