



17 November 2014

Our Ref: ECM No. 6373449  
Contact: Gavin Cherry  
Telephone: (02) 4732 8125

Belinda Scott  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001  
(Belinda.scott@planning.nsw.gov.au)

Dear Ms Scott

**Re: Notice of Exhibition - Proposed Nepean River Pump & Pipeline  
(Ref No. SS1-5225)**

Reference is made to your correspondence dated 13 October 2014 seeking comment on the above proposed development application and supporting Environmental Impact Assessment.

The Development Application and accompanying Environmental Impact Assessment for the abovementioned project has been reviewed and the following submission comments are provided:

**1. Noise Management Considerations**

- A Construction Noise and Vibration Management Plan is proposed to be developed to assist in the management of acoustic impacts. It is requested that this be conditioned as part of any approval issued.

**2. Contamination and Remediation Considerations**

- It is not clear in the Environmental Impact Statement whether the site has been found suitable for the intended use, as required by SEPP 55 – Contamination and Remediation. It does not appear that any sampling has been undertaken, and it is outlined that some sampling will occur prior to works commencing. SEPP 55 requires that the consent authority be satisfied that the site is suitable for the proposed works or activity. As a result the Department of Planning & Environment is requested to ensure that SEPP 55 is adequately addressed.
- In addition, it was not acknowledged in the EIS that remediation works would require development consent, should any contamination investigations find that remediation is required. In the Penrith Local Government Area, SREP 20 and SEPP 55 require that consent be

obtained prior to remediation works being undertaken. This should be relayed to the applicant for their information.

### **3. Water Quality Management Considerations**

- The supporting documentation states that a water balance assessment has been undertaken for the Penrith Lakes Scheme under a number of alternative scenarios, including different pumping regimes from the Nepean River and different configurations of the Lakes Scheme. A hydrological model (MUSIC) and a hydraulic model (SOBEK) were being established to model the behaviour of the Lakes Scheme under various scenarios. In June 2013 the Office of Penrith Lakes on behalf of a number of agencies requested certain scenarios be modelled, however, the status of the final model is unclear as the workshops being held with relevant stakeholders ceased to occur during the middle of 2013. It is understood that the applicant has indicated that the modelling has been finalised and the applicable Water Management Plan will be lodged to the Department of Planning for approval shortly. Clarification on the status of the Water Management Plan approval process is requested.
- All disturbed areas should be reinstated with suitable vegetation. A Soil and Water Management Plan is requested to be conditioned to be prepared and implemented which includes measures to ensure that disturbed areas are protected with suitable erosion and sedimentation controls until such time that the revegetation is sufficient to stabilise the site.
- It is however noted that the revised location for the proposed pump and pipeline is in closer proximity to the discharge point of Sydney Waters Effluent Management Facility (2181 – 2185 Castlereagh Road, Penrith). The Department is requested to liaise with Sydney Water and ensure the proposed location of the pump and pipeline is appropriate given the location of this discharge point and the future intended recreational use of the lakes created as part of the Penrith Lakes Scheme.

### **4. Biodiversity Considerations**

- The Flora and Fauna Report contained within the Environmental Impact Statement (prepared by Justin Russell, PLDC, 11/4/2014) builds on the initial Terrestrial and Aquatic Flora and Fauna Impact Assessment previously prepared by Biosis Research (17 March 2006). This was for the original proposal for the pump and pipeline (Major Project # 05-0078) but was associated with an alternate location upstream of the Penrith Weir. The submitted flora and fauna assessment (Justin Russell, PLDC, 11/4/2014) has found that the previous flora and fauna assessment (Biosis Research, 17 March 2006) for the previous proposal is still relevant for the new location, with only an additional brief walk-over undertaken. The following concerns however are raised with this methodology and the conclusions made:
  - There appears to have been no assessment of the in-stream habitat or flora and fauna at the location of the pump. As such, it is

difficult to determine what is present and the level of impact that may result from the proposed works; and

- There appears to have been no assessment of the vegetation that is required to be cleared for the power line(s).

It requested that these concerns be addressed by the applicant prior to any determination being issued.

- It is recommended that the following be prepared and approved as part of the application (or required to be submitted for approval as a condition of consent):
  - Vegetation Management Plan
  - Weed Management Plan
  - Erosion and Sediment Control Plan
  - Aquatic Flora and Fauna Management Plan
- It is recommended that the applicant be required to develop and implement a monitoring plan to monitor any ongoing downstream impacts on the riverbank and the flora and fauna habitats as a result of the water extraction. The plan should outline measures that are to be undertaken by the applicant should a downstream impact be identified. This also should be submitted for consideration and approval.

## **5. Planning Considerations**

- Any necessary Roads Act Approvals, easements or legal agreements as required under relevant legislation should be obtained or entered into prior to carrying out works on land not in the ownership of PLDC and for on-going restoration and maintenance.
- A Traffic Management Plan should be prepared by an appropriate qualified person and implemented during the construction phase of the development with a copy of the plan available on site at all times;
- Any approval issued should ensure compliance with the requirements of the NSW Office of Water; and
- A dilapidation report should be conditioned to review existing infrastructure including roads and buildings. It should be submitted to Council and the Department prior to the commencements of works and any damage rectified by PLDC prior to finalisation of works.

Please ensure these comments are considered in the assessment of the application and that any additional information submitted in response is made available to Council for further review and comment.

Should you require any clarification on the issues raised above or wish to discuss the matters in further detail, please don't hesitate to contact me on (02) 4732 8125.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gavin Cherry', written in a cursive style.

Gavin Cherry

**PRINCIPAL PLANNER**