

**GREAT RIVER NSW PTY LTD v MINISTER FOR PLANNING AND PUBLIC SPACES  
CASE NUMBER: 2021/204069  
14-98 OLD CASTLEREAGH ROAD, PENRITH**

The following provides a summary of the amendments made to the proposal / information provided to address issues raised in the Section 34 Conference:

Contention / Issue	Amendment / Information Provided
<b>PART B1</b>	
Contention 1 – Application does not provide information to constitute a valid application under cl. 50 of EP&A Regulation	No change to proposal.  Further information provided: <ul style="list-style-type: none"> <li>- A site plan(s) is submitted within the Civil Plan set (Reference: Drawings 200044-DA-C19.01 to 200044-DA-C19.04).</li> <li>- An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li> <li>- Ecological Report (Flora and Fauna Assessment) (RPS, 15 Oct 2021)</li> <li>- Amended Letter of Offer to enter into a VPA to DPIE (11 Oct 2021)</li> </ul>
Contention 2 - Application does not provide information to constitute a valid application under Sch. 2 of Penrith Lakes SEPP	No change to proposal.  Further information provided: <ul style="list-style-type: none"> <li>- An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li> </ul>
Contention 3 – Matters in cl. 8(2)(a)(ii) and 8(3) of Penrith Lakes SEPP not satisfied	No change to proposal.  Further information provided: <ul style="list-style-type: none"> <li>- An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li> </ul>
Contention 4 – Application fails to demonstrate safe and effective evacuation of land and surrounding area as per cl. 33(3) of Penrith Lakes SEPP	No change to proposal.  Further information provided: <ul style="list-style-type: none"> <li>- Amended Flood Emergency Response Plan (Molino Stewart Pty Ltd, 5 Nov 2021).</li> <li>- Flood Evacuation and Modelling Report (Molino Stewart Pty Ltd, 4 Nov 2021).</li> </ul>
Contention 5 – SEE fails to demonstrate compliance with objectives of cl. 33(1) of Penrith Lakes SEPP	No change to proposal.
Contention 6 – SEE fails to demonstrate site is above the FPL as required by cl. 33(2) of Penrith Lakes SEPP	No change to proposal.





Contention / Issue	Amendment / Information Provided
Contention 7 – Application fails to provide details that satisfactory arrangements made as per cl. 34 of Penrith Lakes SEPP	No change to proposal.  Further information provided: – Amended Letter of Offer to enter into a VPA to DPIE (11 Oct 2021).
Contention 8 – Application fails to demonstrate adequate public utility infrastructure is available as per cl. 35 of Penrith Lakes SEPP	No change to proposal.  Further information provided: – An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021). – <i>Concept Services Infrastructure Coordination Plan</i> (Reference: Drawing No. 200044-DA-C12.50) is submitted within the Civil Plans set.
Contention 9 – Application does not provide evidence that subdivision plan informed by design studies to set framework for good urban design outcomes / to meet SEPP objectives	No change to proposal.  Further information provided: – An Urban Design Strategy and Master Plan is submitted (Giles Tribe & Clouston Associates, 15 Oct 2021). – An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).
Contention 10 – Applicant DCP does not satisfy requirements of cl. 36 of Penrith Lakes SEPP and development controls are inadequate	No change to proposal.  Further information provided: – An amended site specific Development Control Plan is submitted (Planning Ingenuity, dated October 2021), with letter summarising proposed amendments to Draft DCP (Planning Ingenuity, dated 15 October 2021). – An Urban Design Strategy and Master Plan is submitted (Giles Tribe & Clouston Associates, 15 Oct 2021).
Contention 11 – Application fails to provide adequate information to assess water quality impacts and compliance with Penrith Lakes Water Management Plan	No change to proposal.  Further information provided: – Report from Enspire solutions providing scour protection and velocity calculations (Enspire, 28 Sep 2021).
Contention 12 – Aboriginal cultural heritage assessment not provided	No change to proposal.  Further information provided: – Aboriginal Cultural Heritage Assessment (Eco Logical Australia, 13 Oct 2021)
Contention 13 – The proposal is not in the public interest	No change to proposal.  Further information provided: – An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).





Contention / Issue	Amendment / Information Provided
PART B2	
Contention 1 – Inadequate consideration of traffic impacts	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– Supplementary Traffic Assessment (TTPA, 29 Oct 2021)</li><li>– Review of Traffic Impact Assessment (Urbis, 27 Oct 2021)</li><li>– Traffic Impact Assessment addressing construction impacts (TTPA, 29 Oct 2021)</li></ul>
Contention 2 – Inadequate consideration of bulk earthworks	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li></ul>
Contention 3 – Inadequate consideration of biodiversity impacts	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– Ecological Report (Flora and Fauna Assessment) (RPS, 15 Oct 2021)</li></ul>
Contention 4 – Inadequate identification and assessment of trees proposed for removal	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li><li>– Supplementary Arborist Report is submitted (Australian Tree Consultants, 7 Sep 2021)</li></ul>
Contention 5 – Inadequate consideration of land zoned Environment	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li><li>– Vegetation Management Plan is submitted (Ecoresolve, 3 Nov 2021).</li></ul>
Contention 6 – Inadequate landscaping strategy	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li><li>– Landscaping report (Clouston Associates, 9 Sep 2021).</li></ul>
Contention 7 – Bushfire impacts	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>– An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li></ul>



Contention / Issue	Amendment / Information Provided
	<ul style="list-style-type: none"><li>- Amended Bushfire Assessment Report is submitted (Bushfire Planning Australia, 1 Nov 2021).</li></ul>
Contention 8 – Inadequate geotechnical considerations	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>- An amended Statement of Environmental Effects is submitted (Planning Ingenuity, dated 5 Nov 2021).</li><li>- Letter regarding stability of the site (PSM, 6 Oct 2021).</li></ul>
Contention 9 - Noise	No change to proposal.
Contention 10 – Inadequate consideration of contamination matters	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>- Supplementary Site Audit report (Enviroview, 9 Sep 2021).</li></ul>
Contention 11 – Inadequate waste management information	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>- Waste management plan submitted (9 Sep 2021).</li></ul>
Contention 12 – Inadequate consideration of construction impacts	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>- Traffic Impact Assessment addressing construction impacts (TTPA, 29 Oct 2021)</li><li>- Waste management plan submitted (9 Sep 2021).</li></ul>
Contention 13 – Consideration of existing consents applying to the land	No change to proposal.
Contention 14 – Cost of works	No change to proposal.  Further information provided: <ul style="list-style-type: none"><li>- Quantity surveyor's report submitted (14 May 2021).</li></ul>

If you have any questions please do not hesitate to contact the undersigned on 9531 2555.

Yours faithfully,  
Planning Ingenuity Pty Ltd

Ruth O'Brien  
**PRINCIPAL PLANNER**

