



DOC18/440003-01

Ms Michelle Niles
Senior Planner, Regional Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: michelle.niles@planning.nsw.gov.au

Penrith Lakes Scheme – Modification Application DA2 MOD 7 DA3 MOD 6 DA4 MOD 11

Dear Ms Niles

I am writing in response to the application by the Penrith Lakes Development Corporation Ltd (the Proponent) to permit the ongoing importation of an additional 5,000,000 tonnes of virgin excavated natural material (VENM) and excavated natural material (ENM) to the Penrith Lakes Scheme area (Modification Application DA2 MOD 7 DA3 MOD 6 DA4 MOD 11).

The Proponent holds environment protection licence number 2956 (the Licence), issued by the Environment Protection Authority (the EPA) under the *Protection of the Environment Operations Act* 1997, to authorise scheduled activities at 89-151 Old Castlereagh Road, Cranebrook, NSW, 2749 (the Premises).

Since late 2014, there have been ongoing dust and sediment tracking issues associated with the Premises. The EPA has made numerous regulatory responses in relation to these issues, including two advisory letters (dated 13 April 2015, 18 November 2016), a formal warning (15 February 2017), a penalty notice (issued 14 December 2015) and a sediment tracking reduction program (issued 16 June 2017 and 5 October 2017).

On 5 July 2018, in relation to the application by the Proponent to permit the ongoing importation of an additional 300,000 tonnes of VENM/ENM (DA 2 MOD 8, DA 3 MOD 7, DA 4 MOD 12), the EPA wrote recommending that, should consent be granted, installation and operation of a wheel wash within eight weeks be required as a condition of consent.

The EPA recognises that the activities carried out by the Proponent under the sediment tracking reduction program have reduced the potential for sediment tracking. The EPA also recognises that the planned installation and operation of a wheel wash near the McCarthys Lane gate will further reduce the potential for sediment tracking. However, the EPA remains concerned about holistic erosion and sediment control at the Premises. The EPA notes that the Statement of Support and Environmental Assessment (SJB Planning, May 2018) does not propose any additional erosion and sediment controls.

Therefore, should consent be granted, the EPA recommends inclusion of the the following conditions:

- The Proponent be required to engage a certified professional in erosion and sediment control (CPESC) to prepare and maintain an erosion and sediment control plan for the Scheme area (not just the active VENM/ENM fill areas);
- The Proponent be required to inspect and maintain the erosion and sediment controls as recommended in the CPESC's erosion and sediment control plan;
- The site speed limit be restricted to 40 kilometres per hour¹;
- Site vehicles be required to exit through the planned wheel wash near the McCarthy's Lane gate (referred to in the Statement of Support and Environmental Assessment as Gate 2; referred to in Condition U1 of the Licence as Gate 9).

If you would like to discuss this matter, please contact Alex McGuirk on 9995 6571.

Yours sincerely



MARK CAREY
A/Unit Head Sydney Industry
Environment Protection Authority

13 July 2018

¹ The EPA understands this is the current site speed limit, not 60 kilometres per hour as given in the Statement of Support and Environmental Assessment.