

Department of Planning &
Environment

**Penrith Lakes Development
Corporation**

**S4.55 (2) VENM/ENM Importation
Modification: Submissions Report**

Issue | 28 September 2018

This report takes into account the particular
instructions and requirements of our client.

It is not intended for and should not be relied
upon by any third party and no responsibility
is undertaken to any third party.

Job number 253736-02

Arup
Arup Pty Ltd ABN 18 000 966 165



Arup
Level 10 201 Kent Street
PO Box 76 Millers Point
Sydney 2000
Australia
www.arup.com

ARUP

Document Verification

ARUP

Job title		Penrith Lakes Development Corporation		Job number 253736-02	
Document title		S4.55 (2) VENM/ENM Importation Modification: Submissions Report		File reference	
Document ref					
Revision	Date	Filename	Submissions Report.docx		
Draft 1	27 August 2018	Description	First draft		
			Prepared by	Checked by	Approved by
		Name	KG	NC	NC
		Signature			
Draft 2	3 Sep 2018	Filename	Draft 2_030918.docx		
		Description	Revised in line with PLDC Comments		
			Prepared by	Checked by	Approved by
		Name	LS	NC	NC
		Signature			
Issue	4 Sep 2018	Filename	S4.55 2 Submissions Report_Issue.docx		
		Description	Final Issue		
			Prepared by	Checked by	Approved by
		Name	LS	NC	NC
		Signature			
Issue	28 Sep 2018	Filename	S4.55 2 Submissions Report_Issue_2.docx		
		Description	Updated information		
			Prepared by	Checked by	Approved by
		Name	NC	NC	NC
		Signature			
<div style="text-align: right;"> Issue Document Verification with Document <input checked="" type="checkbox"/> </div>					

Contents

	Page
1 Introduction	1
1.1 The proposal	1
1.2 Purpose of this report	1
1.3 Next steps	1
2 Submissions received	2
2.1 Government Authorities	2
2.2 Response to Government Authority Submissions	3
2.3 Overview of issues raised from the community	0
3 Responses to community concerns	3
4 Conclusion	8

1 Introduction

1.1 The proposal

Penrith Lakes Development Corporation (PLDC) applied for a S4.55 (2) modification of the existing consents to import Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM) to the Penrith Lakes Scheme (hereafter referred to as the ‘Scheme’) in order to fulfil the approved final landforms.

The Modification Application sought to modify the existing consents (DA 2 MOD 8, DA3, MOD 7 & DA4, MOD 12) to permit the importation of an additional **five (5) million tonnes of VENM/ENM in total** across the whole site. This would be at the existing approved rate of maximum three (3) million tonnes per year. The requirement for the additional five million tonnes of VENM import is to complete landform to levels based on Two Year Plans approved by DP&E ‘Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping 2 Year Plans (Issue A)’ (approved October 2016).

This S4.55 (2) Modification Application was submitted to the Department of Planning and Environment (DP&E) on 28 March 2018.

DP&E put the Modification Application on public exhibition from the 29 June 2018 to 13 July 2018 and also sent the Modification Application to relevant government authorities for their review and comment.

1.2 Purpose of this report

This Submissions Report has been prepared by Arup on behalf of PLDC in accordance with Section 115Z (6) (Environmental assessment and public consultation) of the EP&A Act. This report documents the following:

- A list of submissions received during the comment period.
- Responses to submissions received.

1.3 Next steps

DP&E will, on behalf of the Minister for Planning, review the environmental assessment report and this submissions report. Once the DP&E has completed its assessment, a draft assessment report will be prepared for the Secretary of DP&E, which may include recommended conditions of approval.

The assessment report will then be provided to the Minister for Planning for consideration. The Minister for Planning may then approve the project (with any conditions considered appropriate) or refuse to grant approval.

The Minister for Planning’s determination and the Secretary’s report will be published on DP&E’s website immediately following determination with a copy of the submissions report.

2 Submissions received

2.1 Government Authorities

DP&E sent the Modification Application to relevant government authorities for review and comment. Responses were received as presented below in Table 1.

Table 1: Summary of submissions received

Government authority	Responses
Department of Industry	1
Environmental Protection Agency (EPA)	1
Office of Environment and Heritage (OEH)	1
Penrith City Council	1
Roads and Maritime Services (RMS)	1
Sydney Water	1
Water NSW	1
TOTAL	7

An additional clarification was sought by DP&E which has also been addressed in this report.

2.2 Response to Government Authority Submissions

The following section presents the issues raised by each government authority submission and the proponent's response.

Table 2: Government Authority Submission issues and the proponent's responses

Submission	Issue	PLDC Response
Department of Industry	The Department has reviewed the proposal and has no comments.	Noted
EPA	<p>The Proponent holds environment protection licence number 2956 (the Licence), issued by 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).</p> <p>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).</p> <p>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.</p> <p>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.</p>	<p>PLDC has committed to installing an automated jet spray wheel wash at Gate 2 (McCarthys Lane) as part of the ongoing VENM/ENM importation project to ensure that PLDC continues to comply with all Environment Protection Licencing requirements.</p> <p>PLDC's current erosion and sediment controls are a DA 2 consent condition detailed on approved Two Year Plans, Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping – 2 Year Plans. Sediment and erosion control works are done in accordance with 'Soils and Construction – Volume 1' (the Blue Book) and Penrith Lakes Land Rehabilitation Manual so no additional conditions should be required.</p> <p>As the existing operation is not proposed to change, additional erosion and sediment controls have not been proposed as these have been deemed adequate. PLDC will continue to monitor the effectiveness of these controls.</p> <p>The site speed limit is currently 40 kilometres per hour and is not proposed to be changed.</p>

Submission	Issue	PLDC Response
	<p>Therefore, should consent be granted, the EPA recommends inclusion of the following conditions:</p> <ul style="list-style-type: none"> • 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 hour; • 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). 	
Office of Environment and Heritage	<p><i>Aboriginal Cultural Heritage</i></p> <p>The Statement of Support notes if any new or unknown indigenous sites or relics are uncovered during the fill activities, works affecting these sites will be assessed by Aboriginal stakeholders and OEH. It indicates the ongoing provisions of the current (Aboriginal Heritage Impact Permit (AHIP Number 1131345) will continue to apply (Section 6.3.1, page 21). It should be noted that AHIP number 1131345 expires on the 12 December 2018. Penrith Lakes Corporation will need to apply the time frame before it expires.</p> <p>Figure 1 in the Statement of Support shows the location of the three consents DA2, DA3 and DA4. The area covered by the proposed modification includes areas located along parts of the Nepean River referred to as the Nepean River bank environs (the Riverbank). AHIP Number 1131345 does not cover the Nepean River bank environs (the Riverbank) within DA2 and DA4. PLDC have applied for an AHIP for the Nepean Riverbank Environs (the Riverbank) which encompasses the no quarry zone between the bank and the extraction areas running along the Nepean River which were not covered by AHIP Number 1131345. This AHIP has not yet been granted, the application is currently on hold awaiting information from PLDC. The proposed modification within the areas identified as the Nepean River bank environs (the Riverbank) can't commence without an AHIP.</p>	<p>The expiry date of AHIP number 1131345 is noted by PLDC.</p> <p>The AHIP application for the Riverbank is in progress. However, PLDC does not propose to import and place any VENM/ENM, pursuant to this Modification, within the Riverbank area.</p>

Submission	Issue	PLDC Response
	<i>Flora and Fauna</i>	
	The Statement of Support notes the current consent operates in accordance with management measures contained in a Statement of Commitments relating to the creation of ecological corridors and the protection of native flora and fauna. It indicates these commitments would continue to be implemented under the modification requested (Section 6.2.3, page 20). The Environmental Assessment (EA) notes Coffey Geotechnics gave the opinion that VENM is suitable for use in the general landforms proposed as part of the previously approved development (Section 3.1, page 14) but it is unclear if the VENM/ENM is suitable for the rehabilitation and growth of provenance local native plant species. The EA indicates the source and type of material to be imported (VENM and ENM) for the proposed modification will depend on the availability of sources (Section 3.2, page 16). It is important the imported VENM/ENM is suitable for the rehabilitation of local provenance native vegetation and creation of the ecological corridors.	The VENM/ENM being imported is for large scale earthworks. Final landscaping including topsoil and revegetation will be undertaken at later stage of development following the VENM/ENM importation and in accordance with the approved Two Year Plans.
	<i>Flood</i>	
	The request is to include the amount of fill by an additional 5 million tonnes to fulfil the landform requirements to comply with the January 2017 SEPP amendment for flood planning level, which has been determined as 1% AEP plus one metre freeboard for the Urban Precinct area. Accordingly, there are no requirements for a flood assessment at this stage. However, a detailed flood assessment will be required at the development state of the Urban Precinct area which was approved in 2016.	Noted
Penrith City Council (PCC)	<i>Planning matters</i>	
	The proposed modification application appears to relate to a part of the Penrith Lakes Scheme which is currently 'unzoned' due to unresolved flooding and evacuation constraints. Given this, concern is raised that the timing of this application may be premature.	Noted. Consent condition 4 of the approved Two Year Plan requires the Works to continue uninterrupted and to be completed by PLDC by 1 May 2020.
	Clarification is sought regarding the relationship between the landform levels in the approved Water Management Plan, the statutory role and weight of the two year plans, and the flood planning level set in State Environmental Planning Policy (Penrith Lakes Scheme) 1989.	PLDC's Section 4.55(2) modification application is for the importation of an additional five million tonnes of VENM/ENM material to complete landforms to the approved design. The application does not seek the approval of any landform levels or design. The landform levels for which PLDC requires the additional quantity of VENM/ENM were approved by the Minister on 20 October 2016 (Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping – 2 Year

Submission	Issue	PLDC Response
		Plans) and the VENM/ENM is to make up the deficit of fill on site. Works under the application are to be completed by 1 May 2020.
	The application would appear to seek consent for additional fill to comply with an unconfirmed approved land form level. However, it also appears that the application is seeking further revision to the approved land form levels to potentially address new flood planning level requirements outlined within the SEPP. Until the specific required land form level is confirmed, and the area required to meet that level is further explained, the volume of fill proposed and the design to which that fill relates, cannot be quantified and the application cannot be adequately considered.	PLDC does not seek the approval of any changed landform levels. The additional fill is required for PLDC to comply with existing approved landform levels as noted above.
	<p>The hierarchy of instruments is also critical in the consideration of works within the scheme and clarification is sought from the Department on the following matters:</p> <ul style="list-style-type: none"> The required finished levels for filling works and the required levels of the floodway are understood to be established within the approved Water Management Plan (WMP). The WMP is a conditioned requirement of the various development applications as modified, and compliance with the approved WMP is required as part of the existing approved consents. It is also understood that the approved Water Management Plan is not the subject of amendment or modification as part of the proposed modifications now lodged. While there are conditions in the approvals for the lodgement of two year plans, the wording of the conditions requiring these plans does not appear to provide an opportunity to revise the terms within the WMP. The two year plans would appear to be the equivalent of a compliance check on the works as undertaken, designed to ensure that the works are undertaken in accordance with the consent and the terms of the approved Water Management Plan. The two year plans are not understood to have statutory weight as provided for within the SEPP, and do not specifically form part of the issued approval within DA2, DA3 or DA4 as amended, beyond demonstration of works compliance with the consent and the Water Management Plan as approved. This requires clarification if there is any suggestion that details within the two year plans can, or has, amended commitments within the approved WMP. 	The dominant statutory instrument is the SEPP (Penrith Lakes Scheme) 1989 and clause 33(2) of the 20 January 2017 amendment requires development to be on landforms at or above the Flood Planning Level (FPL) defined in clause 5 of the SEPP as the level of a 100 year ARI (average recurrence interval) flood event plus 1 metre freeboard. The approved landform plans are designed to achieve this SEPP requirement and the imported VENM fill is to build the landform to this FPL as defined by the SEPP.

Submission	Issue	PLDC Response
	As a result of the above, consideration of the importation of additional fill should first demonstrate compliance with the approved Water Management Plan which establishes requirements for the floodway between Duralia Lake and the Main Lake A being constructed to a level of RL22 and width of 300m. Any deviation from this, such as would appear to be identified in the submitted documentation, would necessitate specific inclusion as part of the modification application, to amend the conditions in the consent and the details contained within the approved Water Management Plan. This aspect would then require assessment and flood modelling to ascertain the impacts of these amendments within the scheme, and to the broader local catchment, which is a critical consideration in the assessment process.	<p>The flood predictions in the approved WMP set the 100year ARI levels to establish FPL's for the Penrith Lakes Scheme. The SEPP establishes the FPL for development.</p> <p>Main Lake to Duralia Lake Floodway forms part of the conceptual flooding infrastructure listed in the approved 2012 Water Management Plan Stage 1. The floodway design in WMP Stage 1 is a preliminary concept design and the WMP notes further refinement will occur as part of the detailed design process.</p> <p>PLDC received advice from the DP&E on 7 September 2018 to construct the Main Lake to Duralia Floodway in accordance with the Water Management Plan Stage 1 (2012). PLDC will construct the Floodway in accordance with this direction, the floodway will be 300m wide and shall have a crest height of RL22m.</p>
	<i>Development Engineering and Traffic Management Considerations</i>	
	As outlined above, the submitted information that supports the modification applications does not specifically address what the additional fill is for and infers that a higher finished platform level is being pursued. The details of the proposal must be clarified as part of this application. It is critical to ensure consistency with the approved Water Management Plan. The placement of the filling and the shaping of the landform is critical to flood characteristics.	The additional fill is required for PLDC to raise the current land to comply with approved landform levels to achieve the FPL's defined in the SEPP. There is a significant deficit between the current landform and the approved Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping – 2 Year Plans requiring the additional 5 million tonne VENM application.
	In addition, it appears the proposal is seeking deletion of a proposed temporary road intersection. Other than a few lines in Table 4 this is not clearly addressed. The importation of an additional 5 million tonnes of fill to the site will significantly impact Councils road assets in terms of pavement life and deterioration of road pavements. As such the applicant's intentions in addressing the ongoing maintenance of these roads and future pavement life needs to be further addressed and clarified.	With the approval of PCC, PLDC has previously undertaken pothole repairs and minor drainage works on external roads to ensure the roads remain serviceable. On completion of the 5 million tonne VENM/ENM import PLDC offers to repair any potholes, clean out table drains and reinstate the bitumen seal and plastic guideposts on McCarthy's Lane.
	The Modification Application does not appear to be accompanied by a detailed Traffic Report. For traffic management purposes a Traffic Impact Assessment report should be submitted that details traffic volumes, hours of operation and proposed routes of additional truck movements which are specifically associated with the increased fill importation (independent of previous operations and approvals). The traffic report should also address the impacts of the additional traffic generation, including (but not limited to) intersection impacts and what measures are proposed	Arup addressed the Construction Traffic Management Plan (CTMP) for importation of VENM/ENM fill on 27 March 2018 as a continuation of the current vehicle movements which have been successfully operating on the local road network for approximately 3 years to deliver a maximum of 3 million tonnes per annum through two approved entry/exit locations. The CTMP noted; "Truck entry to Site is via two of three DA approved Gates (Gates 1 & 2). The third approved entry point, Gate 3 (Castlereagh Rd north of Cranebrook Rd)

Submission	Issue	PLDC Response
	to ameliorate impacts of additional heavy vehicle movements on roads under Council's care and responsibility (particularly Andrews Road).	<i>intersection, has not been upgraded because RMS has not gazetted the main road so there has been no approval or need to use Gate 3 as an entry point for VENM Import."</i>
	The additional truck movements should also be accommodated by the construction of the new intersection (mentioned in Table 2 Approved Scheme above) at the northern end of the site as previously conditioned in DA consent. Please refer to Condition 48A being:- <i>"Prior to the commencement of importation of VENM or ENM using the northern most access, the road network adjacent to Gate 3 (Castlereagh Road north of Cranebrook Road intersection) shall be upgraded to provide auxiliary left turn treatment for northbound traffic turning onto the site and right turn treatment for southbound traffic in consultation with Penrith City Council and RMS."</i>	See response above
Roads and Maritime Services	Roads and Maritime has reviewed the proposed development and has no objections to this application, subject to the existing traffic and transport conditions of consent for the development being maintained.	Noted
Sydney Water	..have reviewed the modification application and have no comments.	Noted
Water NSW	WaterNSW does not have any comment to make on the modification request for the Penrith Lakes Scheme.	Noted
DP&E	Additional clarification was sought by the DP&E with regards to the draft Nepean River Flood Study that was on public exhibition from 15 March to 19 April 2018.	PLDC does not seek the approval of any changed landform levels. The additional 5 million tonnes of VENM is required to construct the landform in accordance with currently approved landform levels in 'Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping 2 Year Plans (Issue A)' – these plans were submitted to DP&E in November 2015 and approved in October 2016. The draft Nepean River Flood Study was prepared in August 2017. The landform levels for PLDC were approved by DP&E 9 months prior to the issue of this report. Provided PCC have adopted these approved landform levels in their flood modelling there will be no change to their flood modelling and study as a result of this Modification application.

2.3 Overview of issues raised from the community

PLDC received 41 submissions from the community regarding the S4.55 (2) VENM/ENM Importation Modification: Submissions Report. Topics of issues raised include:

- Dust
- Noise
- Issues relating to truck movements into and out of the site
- The importation of VENM
- Environmental impacts

Each submission has been examined individually to understand the issues being raised. The issues raised in each submission have been extracted and collated, and corresponding responses have been provided. Where similar issues have been raised in different submissions, only one response has been provided. The issues raised and responses form the basis of Chapter 3.

Table 3: The community responses to the Modification Application S4.55 (2)

Respondent	Number	Report Section number where issues are addressed
Community member: individual	1	3.1.1
Community member: individual	2	3.1.1, 3.1.2
Community member: individual	3	3.1.2
Community member: individual	4	3.1.1, 3.1.3
Community member: individual	5	3.1.2
Community member: individual	6	3.1.2
Community member: individual	7	3.1.2
Community member: individual	8	3.1.3
Community member: individual	9	3.1.1, 3.1.2
Community member: individual	10	3.1.1, 3.1.2, 3.1.3
Community member: individual	11	3.1.4

Respondent	Number	Report Section number where issues are addressed
Community member: individual	12	3.1.1, 3.1.2, 3.1.3, 3.1.4
Community member: individual	13	3.1.2
Community member: individual	14	3.1.1
Community member: individual	15	3.1.2
Community member: individual	16	3.1.2
Community member: individual	17	3.1.2
Community member: individual	18	3.1.1, 3.1.2, 3.1.3
Community member: individual	19	3.1.1, 3.1.3
Community member: individual	20	3.1.1
Community member: individual	21	3.1.4, 3.1.5
Community member: individual	22	3.1.2
Community member: individual	23	3.1.2
Community member: individual	24	3.1.2
Community member: individual	25	3.1.2
Community member: individual	26	3.1.2
Community member: individual	27	3.1.2
Community member: individual	28	3.1.2
Community member: individual	29	3.1.2
Community member: individual	30	3.1.2
Community member: individual	31	3.1.2
Community member: individual	32	3.1.1, 3.1.2

Respondent	Number	Report Section number where issues are addressed
Community member: individual	33	3.1.2
Community member: individual	34	3.1.2
Community member: individual	35	3.1.2
Community member: individual	36	3.1.1, 3.1.2
Community member: individual	37	3.1.2
Community member: individual	38	3.1.2
Community member: individual	39	3.1.2, 3.1.4
Community member: individual	40	3.1.1, 3.1.2
Community member: individual	41	3.1.1, 3.1.2

3 Responses to community concerns

3.1.1 Dust

Submission number(s):

1, 2, 4, 8, 9, 10, 12, 14, 18, 19, 20, 33, 36, 40, 41

Issues descriptions:

Respondents raised the following issues regarding dust:

- (1) currently has dust monitor installed on property and would like to know if any health studies have been carried out regarding the dust and its affect on the community and what mitigation measures might be considered to eliminate dust along Castlereagh Road
- (2/10/20/38) raised concerns regarding the potential health hazard resulting from the increased amount of dust entering homes
- (4/8/9/12/14/18/19/33/36/40/41) raised concerns regarding the amount of dust currently experienced from the movement of trucks in and out of the site and impacts on property

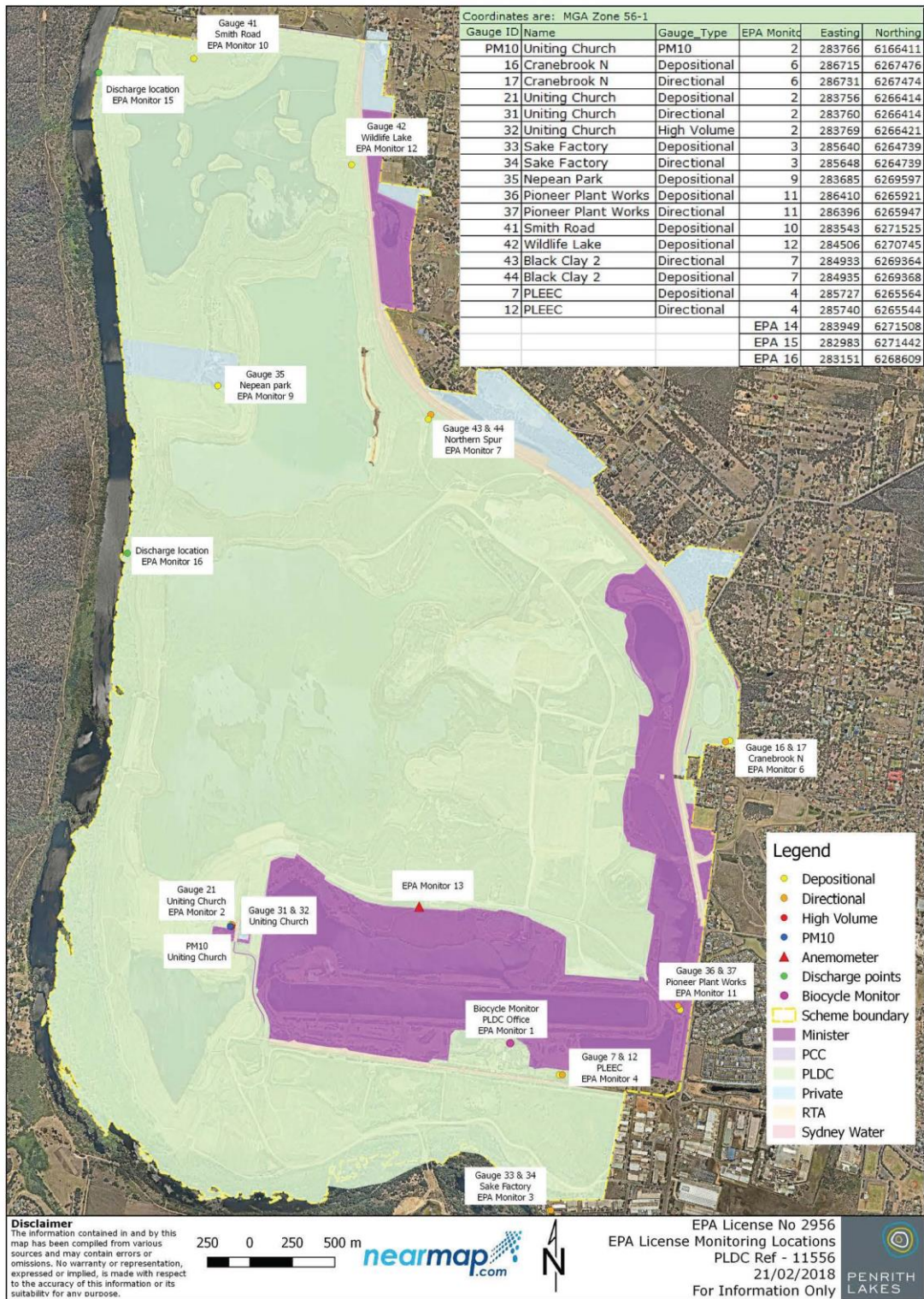
Responses

PLDC Environmental Protection Licence No. 2956 requires air quality monitoring to be conducted at various locations around the Scheme.

There are three dust monitoring locations in close proximity to the existing VENM/ENM import operation – EPA Monitor 6 Cranebrook, EPA Monitor 7 Northern Spur and EPA Monitor 11 Pioneer Plant Works (as shown in Figure 1). Deposited matter is monitored on a monthly basis and must not exceed 4 grams per square meter per month expressed as an annual monthly average.

Over the past 3.5 years of VENM/ENM importation, there has been no exceedance of the annual monthly average during this period.

All dust monitoring results are undertaken by a NATA certified facility and are publicly available for viewing on the Penrith Lakes website.



3.1.2 Current truck movements into and out of site

Submission number(s)

2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41

Issues descriptions

Respondents raised the following issues regarding the current truck ingress and egress off Castlereagh Road:

- (2/3/9/10/34/36) have concerns regarding the increased number of trucks expected in and out of the current entrance on McCarthy's Lane and safety aspects for residents and users of the bus stop directly opposite
- (5/6/7/12/13/14/15/16/18/22/23/24/25/28/30/31/32/33/35/39/40/41) raises the safety concern resulting from truck movements from entry/exit points and suggests moving the entry/exit point further along Castlereagh Road away from residential area to improve safety
- (17/26/27/29/31) is concerned with safety aspect of trucks entering and exiting the site and suggest traffic lights should be installed at the entrance to Waterside Estate
- (40/41) are concerned with the safety aspects of truck drivers, in particular driving manners of heavy vehicles using the entry and exit points of the site

Response

PLDC has imported approximately 8 million tonnes of VENM/ENM and is currently continuing to do so, with McCarthy's Lane being a key access point during this period. Appropriate traffic management for the site is in place to mitigate any safety impacts at McCarthy's Lane, and vehicle movements will be a continuation of the current procedure which has been operating on the local road network for the past three years.

As noted in the transport assessment undertaken for the site, the number of trucks accessing the site will be lower than historic levels. On this basis, the transport assessment determined that continued operations of importing fill at the existing levels is considered acceptable.

Due to the community concerns with respect to the use of McCarthys Lane (Gate 2 on the DA) entry for the trucks, PLDC propose to mitigate impacts by using the Gate 1 entry on Old Castlereagh Road as well as the Lugard Street gate for entry to the site for the import of all VENM/ENM material required for the pre-loading of landform areas and also oversize tunnel spoil that requires sorting prior to placement. This quantity is estimated to be up to 1,000,000 tonnes and shall be transported around the site internally from the Gate 1 entry to the required areas. This will help to distribute the number of heavy vehicles accessing the site solely through Gate 2 (McCarthys Lane) to alternate access off Old Castlereagh Road and Lugard Street.

Truck entry via the third entry point on Castlereagh Road, north of Cranebrook Road has not yet been approved and cannot proceed until RMS has gazetted the main road.

RMS have specific requirements relating to vehicular and pedestrian volumes where it will consider the installation of traffic lights at an intersection, based on the level of vehicle and pedestrian activity. Based on recent traffic counts undertaken on Castlereagh Road, current traffic flows on Castlereagh Road fall well short of those required to satisfy RMS warrants for traffic signal installation. Further, this intersection has been accommodating heavy vehicle movements for the importation of VENM to the site for a number of years. The proposed modification does not trigger the requirement for an upgrade to the traffic signals.

Through the shared use of the Gate 1 entry on Old Castlereagh Road and the Lugard Street entry for 1 million tonnes of VENM/ENM importation, the number of heavy vehicles accessing the site will be distributed and the overall load reduced on McCarthy's Lane.

3.1.3 Noise

Submission number(s)

4, 8, 10, 12, 19, 38

Issues descriptions

Respondents raised the following issues regarding noise:

- (4/8/12/19) objects to the amount of noise and air horns experienced from truck movement into and out of the site
- (38) objects to the amount of noise resulting from heavy machinery operating at the site

Response

A noise assessment was carried out over a 4-week period in 2015 during the importation of VENM/ENM in accordance with the site's Traffic Noise Management Plan. Monitoring at four measurement locations indicated noise levels resulting from the VENM/ENM importation activities to be within relevant project criteria.

It is considered that noise and vibration impacts would be same as the existing situation from 2015 to 2018, where importation is occurring at the same scale and frequency. As a result, existing management measures are being maintained to ensure Environment Protection Licence (EPL) conditions relating to noise continue to be met.

3.1.4 Opposition to importation of fill

Submission number(s)

11, 12, 21, 39

Issues descriptions

Respondents raised the following issues regarding importation of fill:

- (11/12) objects to any extra fill being brought into the development
- (21) questions why the importation of additional VENM/ENM was required
- (39) suggests stockpiling the VENM/ENM material at an alternate location to be used for the Badgerys Creek airport

Response

This Section 4.55(2) modification application is for the importation of an additional five million tonnes of VENM/ENM material to complete landforms to the approved design. The landform levels for which PLDC requires the additional quantity of VENM/ENM were approved by the Minister on 20 October 2016 (Northern Lot 4 Precinct – Landform, Infrastructure and Landscaping – 2 Year Plans) and the VENM/ENM is to make up the deficit of fill on site.

3.1.5 Environmental impacts

Submission number(s)

21

Issues descriptions

Respondents raised the following issues regarding environmental impacts:

- (21) questioned the potential environmental issues on water supplies down stream of the development

Response

Surface water runoff from landforms within the Penrith Lakes Scheme discharge to water bodies within the internal lake system (and not to stormwater). Water quality of water bodies managed by PLDC within the Penrith Lakes Scheme are assessed as part of ongoing monitoring at the site.

Water quality results are reported against key ecological and public health guidelines. Recent water quality monitoring undertaken in July 2018 indicates acceptable water quality within the internal lake system.

Further, management measures relating to sediment control and runoff, including those outlined in the site consent conditions, continue to be put in place. There have been no pollution incidents relating to water quality recorded by PLDC.

4 Conclusion

PLDC have agreed to undertake the following actions as a response to the submissions:

- Confirmed commitment to installing an automated jet spray wheel wash at Gate 2 (McCarthys Lane) to minimise dirt on public roads and potential for dust being generated
- PLDC shall use the Gate 1 entry on Old Castlereagh Road and Lugard Street gate for the import of all VENM/ENM material required for the pre-loading of landform areas and also oversize tunnel spoil that requires sorting prior to placement. This quantity is estimated to be up to 1,000,000 tonnes and shall be transported around the site internally from the Gate 1/Lugard Street entry to the required areas to reduce the number of vehicles using Gate 2.

PLDC confirm their commitment to continue the existing consent conditions and environmental management measures that are already in place on site including erosion and sedimentation controls, shaker grids and wheel basin for wheel washing and dust mitigation measures including dust monitoring.