



DOC18/332025

Ms Michelle Niles
Regional Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

1 June 2018

Penrith Lakes Scheme Modification Application DA 2 MOD 8, DA 3 MOD 7, DA 4 MOD 12

Dear Ms Niles

The Environment Protection Authority ("EPA") refers to the Penrith Lakes Development Corporation's ("PLDC") modification request to modify three development approvals to allow for the importation of an additional 30,000 tonnes of Virgin Excavated Natural Material ("VENM") and Excavated Natural Material ("ENM") at the Penrith Lakes Scheme.

The EPA also understands that the proponent has lodged a separate modification application to modify the existing consents to increase the permitted importation of VENM/ENM from eight (8) million tonnes to thirteen (13) million tonnes.

PLDC is the holder of Environment Protection Licence No. 2956 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("POEO Act"). The licence authorises the carrying out of activities at 89-151 Castlereagh Road, Cranebrook NSW ("the premises").

Sediment and dirt tracking by haulage trucks has been a recurring issue at the premises for a number of years, which has also resulted in several community complaints. Since November 2015, the EPA has used a range of regulatory actions in attempts to resolve this matter, including a Prevention Notice, Penalty Notice, Advisory and Warning letters, and the most recent a Pollution Reduction Program ("PRP").

On 16 June 2017 a PRP was placed on the licence and required the licensee to engage an independent and suitably qualified roads management consultant to complete an investigative report on improvement options to reduce the potential of sediment being tracked from the premises. One of the key recommendations of the independent review was to install a jet spray wheel wash and associated drainage pond for Gate 9 at the premises.

The licensee stated to the EPA by an email dated 3 October 2018 that it would install the wheel wash subject to approval being granted by the Department of Planning and Environment ("DPE") by 31 April 2018, and submit a report on the trial wheel wash by 30 May 2018.

To date, PLDC has not installed a wheel wash at the premise. Further, EPA has reasonable grounds to suspect that the tracking of tracking and dirt is still occurring at the premises.

The EPA does not support continued importation of VENM/ENM at the premises due to the fact PLDC may not be able to comply with the licence operating conditions at all times, with respect to the tracking of sediment and dirt from the premises.

Accordingly, the EPA does not support PLDC's modification request to modify three development approvals to allow for the importation of an additional 30,000 tonnes of VENM/ENM at the premises until a wheel wash has been installed at the premises.

If you have any queries or wish to discuss this matter, please contact Alexander Spaller on (02) 9995 5894.

Yours sincerely



Christine Mitchell
A/Unit Head Sydney Industry
Environment Protection Authority