

Penrith Lakes Development
Corporation

**VENM/ ENM Importation
Modification**

Submissions Report

Issue | 13 January 2015

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.

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1 Introduction

1.1 The proposal

Penrith Lakes Development Corporation (PLDC) currently has approval to import up to 3 million tonnes of VENM (Virgin Excavated Natural Material) to the Penrith Lakes Scheme (Scheme) over a 3 year period.

A Statement of Environmental Effects (SEE) was conducted in 2008, and consent was granted on the 4th of July 2009 to modify DA2, DA3 and DA4 for the importation of VENM.

A modification application was submitted to the then Department of Planning and Infrastructure (DP&I) (now Department of Planning and Environment, DP&E) in 2012 as the schedule for importing the VENM to the site had changed and as such, the previous consents for the VENM importation had not been activated. The updated schedule of importation of VENM was approved by DP&E in February 2014.

PLDC now propose to further modify DA2, DA3 and DA4 for the importation of an additional 5 million tonnes of VENM and Excavated Natural Material (ENM) in early 2015 to fulfil the landform requirements as set out in the 2 year plans, previously approved by DP&I in 1990, 2000, 2001 and 2013.

The environmental assessment, submitted to DP&E on 21 October 2014, proposes the following modifications:

- Importing source Excavated Natural Material (ENM), as well as VENM, with strict import protocols including geotechnical and environmental sampling, testing and certification;
- Increasing the amount of VENM and ENM to be imported by an additional five million tonnes at a rate of up to two million tonnes per year (for a total of eight million tonnes including the three million tonnes of VENM already approved for importation, at a combined maximum rate of 3 million tonnes per year);
- Sourcing VENM and ENM from excavation sites anywhere in the Sydney Metropolitan Area and surrounding areas using the public road network and legal road trucks for haulage to Penrith; and
- Commencing the importation of the additional five million tonnes of VENM and ENM in early to mid-2015 when quarrying operations have ceased.

Availability of VENM/ENM in the Sydney Metropolitan Area would determine the rate of importation (up to a maximum of 2 million additional tonnes per year).

Overall, the proposed modification for VENM/ENM Importation was assessed to have low environmental impact. Some aspects of the proposed modifications will require management measures to ensure that impacts remain low. These include noise resulting from additional traffic, air quality (dust) and soil erosion and sedimentation.

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 public exhibition period.
- Responses to submissions made by Government authorities and members of the public during the public exhibition period.

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 Respondents

Submissions in response to the Penrith Lakes modification to the importation of VENM/ ENM environmental assessment public exhibition were accepted by the DP&E throughout the public exhibition period (a period of 21 days from 21 October 2014 to 21 November 2014).

A total of six submissions were received during the public exhibition period in response to the environmental assessment. A summary of submissions received is outlined in Table 1.

Table 1 Summary of submissions received

Government authorities	
Environmental Protection Agency (EPA)	1
Roads and Maritime Services	1
Penrith City Council	1
Members of the public	
Individual	3
TOTAL	6

2.2 Response to submissions

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

Table 2 Submission issues and proponents responses

Submission	Issue	Response
EPA	<p>The EPA does not object to PLDC's request to bring additional VENM and/or ENM onto the site. However, the following points below are recommended for the D&PE's consideration:</p> <ul style="list-style-type: none"> Given previous issues associated with asbestos at the site, the proponent should include the analysis for asbestos in its sampling and testing programme for VENM and ENM; and Ensure waste is classified under the new Waste Classification Guidelines, Part 1: Classifying Waste, EPA 2014. These guidelines were recently published in November 2014. 	<p>Classification of VENM and ENM will be undertaken by suitably qualified environmental consultants prior to import. This includes assessment for asbestos.</p> <p>Any waste generated will be classified under the new Waste Classification Guideline: Part 1: Classifying Waste, EPA 2014.</p>

Submission	Issue	Response
	<p>The EPA recommends the following periods for the proposed additional truck movements:</p> <ul style="list-style-type: none"> Monday to Friday, 7am -6pm; Saturday, 8am - 1pm; and No works Sunday/Public Holidays. <p>The proponent's Transport Management Plan should also detail how these truck movements will be scheduled to minimise any impact on commuter peak periods.</p>	<p>The previous approval for importation of VENM (February, 2014) recommended hours of operation for Saturday during the period between 7am – 1pm. As such, PLDC request to maintain these previously recommend hours of operation for Saturday (7am-1pm).</p> <p>The EA states that truck movements will be spread evenly throughout the day to minimise movements during commuter peak periods.</p> <p>The Traffic Management Plan will detail how these movements are managed. PLDC will manage truck movements.</p>
	<p>The EPA notes the proposed measures outlined in the Proponent's Statement of Commitments to manage and mitigate air quality as a result of the proposal.</p> <p>In addition to those measures outlined, the EPA would also like to recommend to DP&E that all vehicles used in the transport of the VENM and/or ENM are suitable and appropriately maintained.</p>	<p>PLDC will undergo maintenance of any of their trucks as part of current procedures on site, and will ask for appropriate mechanical records for other fleets (sub-contractors) using their site on a regular basis.</p>
	<ul style="list-style-type: none"> For VENM, PLDC will need to be able to demonstrate that the material can be classified as VENM in the POEO Act. For ENM, PLDC will need to ensure that it meets the requirements of the General Exemption for excavated natural material 2012. Ensure that these materials meet relevant geotechnical requirements for the PLDC site. 	<p>As outlined in the EA, Section 6.5.3, PLDC will ensure the testing of all material to demonstrate that the material can be classified as VENM or ENM and that the materials meet the relevant geotechnical requirements for the PLDC site.</p>

Submission	Issue	Response
	<p>Further, the EPA recommends, given the volume of material to be imported onto the site (approximately 8M tonnes in total), that PLDC:</p> <ul style="list-style-type: none"> • Undertake sampling for materials potentially classified as VENM or ENM before transport to PLDC; • Undertake material tracking by recording: <ul style="list-style-type: none"> a) The source(s) of material generation, including site address(s); b) Total amount of material generated per site; and c) Transport & Receipt dockets that ensure total amount of material generated at the source site is consistent with the total amount received at PLDC. • Undertaking validation inspections and sampling at the PLDC site to 'check' that imported materials meet either VENM or ENM. The sampling frequency can be flexible given this environmental control is simply a validation process. 	<p>As outlined in the EA (Section 6.5.3), all material will be tested to ensure its classification as either VENM or ENM. All material will be tracked and validation inspections and sampling will be undertaken.</p>
Roads and Maritime Services	Roads and Maritime has reviewed the submitted documentation and raises no objection to the modifications and reiterates the advice provided in the previous Roads and Maritime's letter dated 8 October 2012.	Noted
	Construction Traffic Management Plan (CTMP) submitted to Roads and Maritime Services prior to issue of construction certificate.	A Traffic Management Plan will be issued to Roads and Maritime Services prior to commencement of haulage.
	Road Occupancy Licence should be obtained from Transport Management Centre.	<p>The EA identifies there will be minimal changes in the number of daily vehicles travelling along key roads to the site. A road occupancy licence is unlikely to be required as the importation of VENM/ENM is not likely to have an impact on the operational efficiency of the road network.</p> <p>Prior to the road network adjacent to Gate 3 (Castlereagh Road north of Cranebrook Road intersection) be upgraded to provide an auxiliary left turn treatment for northbound traffic and right turn treatment for southbound traffic turning into the site (refer to Appendix I of the EA for the preliminary design), then a road occupancy licence would be sought at this stage.</p>

Submission	Issue	Response
	The developer shall be responsible for all public utility adjustments/relocation works as required by public utility authorities.	No public utility adjustments / relocation works are required.
	The swept path of the longest vehicle haulage vehicles shall be in accordance with AUSTROADS. Plan submitted to council for approval.	Swept path of the longest vehicle will be in accordance with AUSTROADS and will be included in the Traffic Management Plan.
	All vehicles to enter and leave the site in a forward direction.	Agreed, this will be included in Traffic Management Plan.
	A maintenance levy towards the maintenance of haulage routes proposed should be paid in accordance with the current levy program.	The EA identifies there will be a decrease in the overall number of daily vehicles travelling along key roads to the site, as such the maintenance levy is not considered to be required for this scope of works.
Penrith City Council	<i>Planning Matters</i>	
	It is understood from the application that the Department has approved a 2 year plan in 2013 and an updated schedule of importation of VENM was approved in 2014.	Noted.
	<p>To manage off-site impacts, mechanisms need to be put in place so that it can be assured that the Statement of Commitments included in the application is complied with. This is required to ensure that all of the required mitigation measures proposed are implemented. In addition, the provisions of the Statement of Commitments in relation to the soil material will also assist in ensuring that contaminated material is not brought onto the site. It is requested that conditions of consent be imposed to ensure that environmental management commitments outlined within the application are adhered to. In addition the following should be specifically conditioned if the application is supported:-</p> <ul style="list-style-type: none"> • Adequate erosion and sedimentation (Soil and Water Management) controls are in place to ensure that no impacts to water quality; and • All disturbed areas are to be reinstated. 	Should planning approval be granted by DP&E, the EA and the Statement of Conditions become part of the Conditions of Approval and as such are required to be adhered to.

Submission	Issue	Response
	<i>Traffic and Transport</i>	
	The importation of additional fill will result in an increase in vehicle movements in and out of the site and within the local road network. The application indicates that 238 trucks per day (476 truck movements) will be required which is in addition to the existing fill approval and associated truck movements. The impacts of this intensification on the condition of the road network need to be considered.	As outlined in the EA (Section 6.2), the importation of fill as a result of this modification would not increase the overall vehicle movement in and out of the site as the importation would not commence until existing quarrying operations cease which is due to occur in early to mid 2015. The traffic impact of this has been assessed to be low.
	The frequency of truck movements proposed and the resulting safety implications on existing vehicles using Castlereagh Road needs to be considered. The roadway within the urban area of Cranebrook does not provide continuous two lanes in each direction. Consideration should be given to the early upgrade of Castlereagh Road to provide a dual carriageway width extending from McCarthy's Lane to Cranebrook Road.	The EA has taken this into account with the traffic analysis and has assessed traffic impacts to be low. Quarry truck movements will have ceased operations prior to the commencement of importation of this VENM/ENM, which will result in an actual decrease of truck movements. The Traffic Management Plan will detail how movements are to be managed for safety. The upgrade of Castlereagh Road to a dual carriageway is not considered within the scope of this work.
	Council has reviewed the existing function and capacity of Andrews Road and the Castlereagh Road section north of Cranebrook. These roads will experience traffic growth over the existing approved forecast, and while it is acknowledged that the volumes are predicted to be below peak approved movements, the prolonged use of the road network and the potential degradation of the road pavement needs to be considered.	Local traffic growth has been factored into the traffic model at rate of 3% per annum, which is considered highly conservative for the growth for the area over the coming years. The use of the road network has been assessed and is considered that this proposal would have a low impact.
	The intersection treatment at Castlereagh Road and Northern Access Road 8 as shown on the proposed J. Wyndham Prince Drawing No. 9600_Dar- 002(C) should be conditioned to be implemented in order to facilitate controlled access movements for heavy vehicles. A Roads Act application is required to be lodged with and approved by Penrith City Council for the proposed upgrade works.	This intersection would be implemented to facilitate the importation of VENM/ENM as a result of this proposal. All applicable applications for this work will be submitted prior to works commencing.

Submission	Issue	Response
	<p><i>Flood Management</i></p> <p>The Penrith Lakes Scheme is an area that is highly sensitive to flooding impacts. The proposed modification for the importation of 5 million tonnes of additional fill does not provide a lot of information in regard to flooding. This issue will need to be closely examined in the context of other considerations, in particular regarding the draft water management plan and final landform.</p>	<p>Flooding has been considered as the proposed additional 5 million tonnes of fill would be required to fulfil the landform requirements identified in the approved Two Year Plans at the Scheme. In order to achieve landform requirements of the Two Year Plans, a comparison was undertaken between the existing survey levels and the combined Two Year Plan's design contours which included flood considerations. As such, the importation of this fill will assist in flood management at the Scheme in the creation of landform requirements.</p>
Individual	<p>I object to the proposal.</p> <p>Assuming a year equates to 48 working weeks and a working week is 5 days, less another 5 days for public holidays during the year, this equals 235 days in which to move 2 million tonnes of earth to the Lakes site.</p> <p>Assume that the trucks used to carry the earth are capable of holding 36 tonnes and we have the basis for truck movements. They will equate to 55,555 truck movements into the Lakes site and 55,555 truck movements away from the Lakes site giving the total number of truck movements as 111,110 per year. Work backwards from the foregoing and it will be seen that 111,110 divided by 235 (working days) equals 472 trucks per day! Based on a ten hour day (to be generous) and that is 47.2 trucks per hour!! Remember that this is for one year but the proposal involves 5 million tonnes and the above only represents two fifths of the total.</p>	<p>The EA has taken daily truck numbers into account and calculated truck movements</p> <p>Importantly, note that existing quarry truck movements will have ceased operations prior to the commencement of importation of this VENM/ENM by early to mid 2015, which will result in an actual decrease of truck movements overall. Additionally, trucks will be spread across the road network to minimise impacts on key roads.</p>

Submission	Issue	Response
	<p>From where is the soil going to be carted? It will be almost certain that it will come from all directions thus involving heavy traffic into and out of the Penrith area on major roads, incurring additional noise and air pollution, not to mention the considerable increase in traffic volume and consequent damage to the road system. As stated above, I object to the proposal by reason that:</p> <ol style="list-style-type: none"> 1. There will be an increase in heavy traffic on all major roads into and out of the Penrith area; 2. An increase in noise pollution is likely to occur; 3. An increase in air pollution is likely to occur; 4. Damage to the roads system is likely to occur. 	<p>The proposal intends to import VENM and ENM from available sources from within the Sydney Metropolitan Area.</p> <p>The EA has accounted for this with the traffic analysis. Trucks will most likely will use motorways and high order arterial roads to reach the site (such as the Northern Road).</p> <p>The traffic, noise and air quality sections within the EA assess the impacts and have found they are low.</p>
Individual	I bring to your attention our complete opposition to the application submitted by the proponent.	Noted
	<p>As the owners of four properties located at the corner of Cranebrook Rd and Vincent Rd, the increase in PLDC VENM and ENM haul trucks using engine brakes travelling down Cranebrook Rd will present excessive noise affecting future family and home life.</p>	<p>Assessed noise levels from VENM/ENM haulage are within the NSW Office of Environment and Heritage (OEH) Road Noise Policy requirements (refer to Section 6.3 of the EA).</p> <p>A Traffic Noise Management Plan will be issued to DP&E for approval prior to commencement of haulage.</p> <p>VENM/ENM haul trucks will be instructed to minimise use of engine brakes adjacent to residential properties to reduce noise impacts which will be included in the Traffic Noise Management Plan.</p>

Submission	Issue	Response
	<p>We view the assessment of noise levels at 'Receiver 4' tabled in PLDC application, do not offer a true reflection of noise levels. The impact on the residents of Cranebrook and Vincent Rd. Additionally, the application does not mention the recording of present noise levels experienced by residents from the use of engine brakes from PLDC VENM and ENM haul trucks currently accessing the site.</p>	<p>Receiver 4 is not intended to address noise levels from Cranebrook Road. Receiver 4 addresses noise impacts from the section of Castlereagh Road north of Cranebrook Road.</p> <p>Receiver 3 is the receiver which assesses noise impacts from Cranebrook Road.</p> <p>The noise assessment for Receiver 3 includes existing truck movements on Cranebrook Road as well as proposed future VENM/ENM truck movements on Cranebrook Road.</p> <p>The noise model at Receiver 3 has been calibrated based on noise survey data taken from a noise logger located adjacent to Cranebrook Road. The survey location was taken within 200 m of the Cranebrook Road / Vincent Road intersection.</p> <p>As such, the noise model is considered to adequately capture the existing and future traffic noise levels on Cranebrook Road.</p>
	<p>The issues of noise were assessed and determined as low impact. This is not consistent with what is currently happening at the corner of Cranebrook Rd and Vincent Rd.</p>	<p>Noise levels on Cranebrook Road are predicted to result in a ~1 dB(A) increase during operation of the VENM/ENM haulage, and to reduce to 2012/2013 noise levels following completion of the VENM/ENM haulage.</p> <p>This short-term noise increase is not subjectively perceptible and is within the allowances of the NSW Road Noise Policy.</p> <p>Long-term noise levels following completion of VENM/ENM haulage will be reduced compared to existing noise levels (because existing export haulage from PLDC will cease).</p> <p>On this basis, noise impacts from VENM/ENM haulage are assessed as being low.</p>

Submission	Issue	Response
	<p>We note that the EA states, ‘the most affected roads are likely to be Old Castlereagh Road, Castlereagh Road, both of which form part of the PLDC site boundaries and Cranebrook Road.’</p> <p>If this is the case above why wasn’t an additional ‘receiver’ introduced to provide fair and reasonable data before the approach to Castlereagh Road to measure noise levels?</p>	<p>Receivers for the noise assessment have been located on the most-affected road segments. This includes a receiver (Receiver 3) located on Cranebrook Road.</p>
	<p>As ‘Receiver 4’ is located approximately 800 metres from the corner of Cranebrook and Vincent roads, we view this important as fill imported from North West Rail Link works will be the preferred PLDC option resulting in significant increase in traffic movement and noise impacts along Cranebrook Rd over other routes indicated in the application.</p>	<p>Receiver 4 is not intended to assess noise impacts from Cranebrook Road. Receiver 4 assesses noise impacts from the section of Castlereagh Road north of Cranebrook Road.</p> <p>Receiver 3 is located on Cranebrook Road and assesses noise levels on Cranebrook Road.</p>
	<p>Increased risk of vehicle incidents with PLDC VENM and ENM haul traffic travelling along Cranebrook Rd through intersections with Vincent Rd and Church Lane.</p> <p>Unfortunately the traffic management plan is not available to review prospective arrangements to reduce the likely incident of vehicular accidents or fatalities involving family travelling to local schools directly affected by the proposed truck routes.</p>	<p>Cranebrook Road is a designated State Road and already handles a high level of traffic, including heavy vehicle volumes. Schools are located some distance away and have no frontage to Cranebrook Road.</p> <p>It is envisaged that there will be minimal additional impacts as a result of the site activities. Therefore, no measures are proposed along Cranebrook Road.</p>
	<p>We view before any approval is made a receiver is located preferably on the corner of Cranebrook and Vincent roads. Where noise levels can be recorded from PLDC VENM and ENM haul trucks travelling down Cranebrook Road using engine brakes. If required consultation on appropriate controls that could be implemented to mitigate the impacts on residents.</p>	<p>The noise assessment already includes a receiver (Receiver 3) located on this road segment.</p> <p>The noise model has been calibrated based on measured noise levels on Cranebrook Road. Engine braking, where present, will have been captured by the previous noise measurements.</p>

Submission	Issue	Response
Individual	<p>The plan to add an additional 5M (from 3M) of VENM represents a 166% increase, hence, I am very disappointed that the Roads and Maritime Services did not respond to ARUP which should have been included in the ARUP submission.</p> <p>For this, I would like the Minister for Roads to be informed about this as a formal complaint given the significant concept of Penrith Lakes and the amount of additional VENM movement required to support this proposal.</p> <p>Hence, can a Roads and Maritime Services Minister's Representative contact me about this.</p>	Roads and Maritime Services have submitted a response (as above) to the EA during this public and stakeholder consultation process providing comments and actions to be undertaken for the proposal.
	<p>Given an additional 238 trucks are required to utilise the Cranebrook Road access routes, I respectfully ask NSW Planning/ Roads and Maritime Services seriously discuss with PLDC to consider a dual lane carriageway (like between Andrews Rd and McCarthys Lane) continue from McCarthy's Lane and 'Gate 3'.</p> <p>I believe, this will seriously reduce accident risk between humans, bikes/vehicles and the large tonnage trucks needing access to/from Gate 3.</p>	Roads and Maritime Services and Penrith City Council are responsible for reviewing Castlereagh Road traffic volumes as necessary to warrant dual carriageway. There is currently no program to upgrade this corridor.
	<p>Although the majority of importation trucks are expected to occur outside commuter peak hours. The ARUP submission should indicate specific movement times. You cannot just say over 15hrs (7am to 10pm). Hence, I strongly believe that the hrs between 7am and 9am and 4pm to 6pm should be more restrictive given the pressure that already exists on Castlereagh Road as an access route to/from Andrews Road.</p> <p>I disagree with the ARUP Submission (Page 39) that the impact of the traffic modification is considered to be low.</p> <p>238 Trucks per day creates a lot of traffic and risk, again the Roads and Maritime Services should have been an independent body to have commented about this risk level.</p>	<p>The EPA recommends periods for the proposed additional truck movements (see above).</p> <p>The EPA also recommends PLDC's Traffic Management Plan should detail how truck movements will be scheduled to minimise any impact on commuter peak periods.</p> <p>The PLDC site operation currently results in ~870 truck movements per day due to quarry exports, which will cease in 2015/2016.</p> <p>The proposed VENM/ENM haulage involves fewer truck movements than current quarrying operations.</p>
	<p>If the submission is approved, I (and many residents in agreement) would strongly like NSW Planning ensure that Cranebrook Village and Boundary Road is not allowed to be utilised for this truck movement.</p>	The EA noted that trucks will be limited to State Roads such as Castlereagh Road and Cranebrook Road. The geometry of local roads are not suitable for heavy vehicle movements.

Submission	Issue	Response
	<p>Years ago, PLDC had a community body (Penrith Lakes Community Advisory Committee) regarding proposed redevelopment of Penrith Lakes. The Body was disbanded, yet, major decisions are still occurring and the local community is unsure what is happening with Penrith Lakes.</p> <p>Continued silence, will continue to cause concern amongst residents so can PLDC re-consider a community group to be informed about major decisions (like this modification submission) to allow community representatives offer honest community feedback. We are just asking to be more included about what is happening and things like this not be surprised upon us.</p>	<p>All development applications (or modifications) for Penrith Lakes are submitted through DP&E for public comment, at which time the community and stakeholders have the opportunity to review the proposal, environment assessment and other documentation and provide their comments.</p> <p>PLDC receive public and stakeholder comments at the end of the public consultation period and respond to public comments through submissions reports (such as this document).</p>
	<p>An additional 5M tonnes of VENM is not a small thing. What is it being used for? Is the submission (page 69) now confirming by PLDC its only for creation of landform for future parkland areas? Does this imply no residential Penrith Lakes development from here on?</p>	<p>The EA outlines that the additional fill is required to fulfil the landform requirements as set out in Penrith Lakes Two Year Plans which were previously approved by the DP&I in 1990, 2000, 2001 and 2013 (refer to Figure 4 within the EA).</p> <p>This EA only addresses the requirement for additional fill to achieve the approved Two Year Plans.</p>
	<p>A lack of a dual carriageway, presents clear risk also to bicycles and joggers versus one lane for existing traffic and trucks. Again, I would like the Roads Minister to provide a documented submission to NSW Planning about this concern and whether they reject/support concerns for a dual carriageway between McCarthy's Lane and Gate 3.</p>	<p>Roads and Maritime Services and Penrith City Council are responsible for reviewing Castlereagh Road traffic volumes as necessary to warrant dual carriageway. There is currently no program to upgrade this corridor.</p>
	<p>Does this proposal have any connection to the Penrith Lakes subdivision proposals? Can NSW Planning request PLDC provide documented commentary about this i.e. what is the future intended outcome for Penrith Lakes i.e. recreation, mix use, etc ?</p>	<p>This EA only addresses the requirement for additional fill to achieve the approved Two Year Plans.</p>

3 Conclusion

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

- Prepare a Traffic Management Plan for approval by Roads and Maritime Services prior to commencement of haulage.
- Prepare a Traffic Noise Management Plan for approval by DP&E prior to commencement of haulage.