



Our reference: SF17/45272; DOC19/29180-15  
Contact: Ms Alex McGuirk, (02) 6333 3807

The General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Attention: Ms Lauren Stevens, Development Planner

13 January 2020

Dear Ms Stevens,

### **BELL QUARRY REHABILITATION PROJECT DA294/18**

I refer to the designated development application DA294/18 for the proposed rehabilitation project at the former Bell sand quarry (the Premises) first referred to the NSW Environment Protection Authority (EPA) by Lithgow City Council (Council) on 9 January 2019 (the Project).

As you are aware, the Project proposes to receive 2.2 million tonnes of waste at the Premises at up to 140,000 tonnes per year from earthworks projects across Sydney and the local regional area and apply that waste to existing quarry voids. The Premises is located adjacent to the Blue Mountains National Park / Greater Blue Mountains Area which is included on the UNESCO World Heritage List and the National Heritage List. The Premises intersects an unnamed tributary to the Wollangambe River, which is within the catchment of the declared wild river known as the Colo River, Greater Blue Mountains World Heritage Area.

The EPA provided input into the Secretary's Environment Assessment Requirements (SEARs) for the Project on 8 November 2016. The EPA has subsequently commented on DA298/18 as follows:

- EPA letter 20 March 2019 re the environmental impact assessment (GHD, August 2018)
- EPA letter 2 September 2019 re the submissions report (GHD, June 2019)
- Meeting 3 October 2019 between proponent, Council and EPA
- EPA letter 15 October 2019 following the meeting 3 October 2019.

Since the environmental impact assessment was written, the proponent has clarified that the proposed waste types to be received at the Premises are virgin excavated natural material (VENM) and excavated natural material (ENM) only. VENM and ENM are subject to various exemptions from the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*, including an exemption from the environment protection licensing requirement for "waste disposal (application to land)".

While VENM/ENM is exempt from this waste disposal licensing requirement (provided the conditions of the ENM order and exemption are met), and therefore from the integrated development provisions of the *Environmental Planning and Assessment Act 1979*, resource recovery waste orders and exemptions explicitly provide that the EPA is not in any way endorsing the use of the substance, or guaranteeing that the substance will confer benefit, or guaranteeing that the environment, human health or agriculture will not be harmed.

Regardless of any resource recovery waste orders and exemptions provided by the EPA, and having regard to the information provided to the EPA to date, including the GHD letters dated 11 October 2019 and 1 November 2019, the EPA maintains its recommendation that the Project be refused.

If you have any questions regarding this matter, please contact Ms Alex McGuirk at the Central West (Bathurst) Office of the EPA on (02) 6333 3807 or via email at [central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'SL', is positioned above the printed name and title.

**SHERIDAN LEDGER**  
**Unit Head Central West Region**  
**Environment Protection Authority**