



DOC19/509633-1

Ms Kathryn Saunders
Senior Development Assessment Planner
Penrith City Council
PO Box 60
PENRITH NSW 2751

EMAIL

Dear Ms Saunders

Filling works – 1669-1723 Elizabeth Drive, Badgerys Creek – DA19/0319

I refer to your email dated 13 June 2019 to the Environment Protection Authority (**EPA**) in relation to a request for comments or conditions in relation to DA19/0319 for the land application of fill material at 1669-1723 Elizabeth Drive, Badgerys Creek (**the Site**).

The proposal involves the importation and land application of approximately 600,000 cubic metres of fill material, being virgin excavated natural material (VENM), excavated natural material and other suitable exempted material. The filling works are to prepare the Site for future development of the Elizabeth Enterprise Precinct.

Based on the information provided, the EPA does not believe the proposed works trigger environment protection licensing under Schedule 1 of the *Protection of the Environment Operations Act 1997* (**POEO Act**). Therefore, the EPA will not be providing conditions or general terms of approval for this proposal.

The EPA would like to remind the Applicant of the following:

- The Applicant must ensure that it obtains and retains records of all material entering and being land applied at the Site, including the material's classification, certification (VENM), quantities, and details of where each type of material is being land applied at the Site;
- The Applicant should read each resource recovery order carefully to ensure that it complies with all aspects of that exemption, and retains all records as required by that exemption;
- If at any time the Applicant's activities at the Site triggers licensing under the POEO Act, it must notify the EPA immediately;
- The Applicant should note that even though the activities may not trigger licensing under the POEO Act, the Applicant must still comply with other provisions of the POEO Act such as section 120 in relation to water pollution and section 126 relating to air pollution.

Please note that the EPA has not assessed or commented on biodiversity or Aboriginal cultural heritage issues, as these areas do not fall under the responsibility of the EPA.

If you have any questions regarding this matter, please don't hesitate to contact Deanne Pitts on 9995 5752.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CF', with a large, stylized loop at the end.

3 July 2019

CELESTE FORESTAL
Unit Head Waste Compliance
Environment Protection Authority