

Notice of Modification

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

I, the A/Deputy Director-General of the Office of Sustainable Development Assessments & Approvals, modify the development consent referred to in Schedule 1 as set out in Schedule 2.



Chris Wilson
A/Deputy Director-General
Office of Sustainable Development Assessments & Approvals
(as delegate of the Minister for Planning)

Sydney 11 December 2005

File No: P91/01218

SCHEDULE 1

The development consent (DA 86/2720) granted by the Minister for Planning and Environment for the Penrith Lakes Scheme, on 24 February 1987.

SCHEDULE 2

1. Delete APPLICATION and replace with the following:

APPLICATION

APPLICANT: Penrith Lakes Development Corporation

DEVELOPMENT APPLICATION: Development for the purposes of implementing the Penrith Lakes Scheme as described:

- (a) in Schedule 1 of *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme*;
- (b) on land described in the attached plan – B/1-40015 and described in the Schedule;
- (c) Development Application (DA) 86/2720 and accompanying information lodged on the 1 December 1986 with the Department of Planning and Environment; and
- (d) Modification Application (MOD) 87-6-2005 lodged with the Department of Planning on 26 June 2005, and accompanying information:
 - Statement of Environmental Effects titled “*Penrith Lakes Development Corporation, Penrith Lakes Scheme, Statement of Environmental Effects - Dynamic Compaction Prototype Trial*” dated June 2005; and
 - supplementary assessment titled “*Penrith Lakes Development Corporation, Dynamic Compaction Prototype Trial Supplementary Assessment*” dated 21 September 2005.

2. Insert after condition 17, the following:

- 17A Prior to the commencement of the development described in MOD 87-6-2005, the Applicant shall implement erosion and sediment control measures in general accordance with the requirements of the Landcom Manual *Managing Urban Stormwater: Soils and Construction* (Volume 1 Edition 4), to the satisfaction of the Director-General.

3. Insert after condition 36, the following:

DYNAMIC COMPACTION: NOISE AND VIBRATION

- 36A. Prior the commencement of the development described in Mod 87-6-2005, the Applicant shall:
- (a) secure a written agreements with the tenants of the Poplars heritage complex and/or the Department to allow exceedences of the noise and *human comfort*

- ground vibration limits for the Poplars heritage complex outlined in Tables 2 and 3 of condition 36C of this consent;
- (b) undertake a dilapidation survey of the Poplars heritage complex; and
 - (c) develop and following approval implement a Dynamic Compaction Noise and Vibration Management Plan which details the procedures that would be implemented prior to, and during the development to:
 - i) comply with the noise and ground vibration limits in Tables 2 and 3 of condition 36C of this consent, including:
 - a. the details of any negotiated agreements with nearest sensitive receivers; and
 - b. the details of the buffer distances that would be maintained between the works and sensitive receivers, until compliance with relevant noise and vibration limits can be demonstrated;
 - ii) monitor noise and vibration impacts at sensitive receivers, including continuous monitoring for ground vibration, and regular visual inspections of the Poplars Heritage Complex;
 - iii) keep the community (including nearest sensitive receivers) informed of the works;
 - iv) receive, handle and respond to complaints relating to noise and/or vibration;
 - v) report on and respond to any non-compliance relating to noise and/or vibration, including the cessation of works, where necessary;
 - vi) resolve any disputes which may arise during the development; and
 - vii) compensate for any damage to private residences or public infrastructure that is caused by the development,
- to the satisfaction of the Director-General.

- 36B. The development described in MOD 87-6-2005 shall comply with the hours of operation set out in Table 1:

Monday to Friday	Saturday	Sundays and Public Holidays
7.00 am to 5.00 pm	7.00 am to 1.00 pm	No work

Table 1 Hours of Operation

- 36C The development described in MOD 87-6-2005 shall comply with the noise and ground vibration limits set out in Table 2 and 3, respectively:

Receiver	Noise Limits <small>L_{Aeq}, 15 minutes, daytime</small>
Poplars Heritage Complex	43 dBA ¹
Sensitive receivers at Cranebrook Village	46 dB/A

¹ At occupied residences only

Table 2 Noise Limits

Notes:

- (a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- (b) Noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in condition 36C.
- (c) Where it can be demonstrated that direct measurement of noise from the premises is impractical, the Department of Environment and Conservation may accept alternative means of determining compliance. See Chapter 11 of the *NSW Industrial Noise Policy*.
- (d) The modification factors presented in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise levels where applicable.
- (e) The noise emission limits identified in condition 36C apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level.

Receiver	Ground Vibration Limits (peak particle velocity)	
	Building Damage	Human Comfort
Sensitive receivers at Cranebrook Village	5 mm/s	Low probability of adverse comment in BS6472
Poplars Heritage Complex	3mm/s	0.56 mm/s ¹
McCarthy's Cemetery	3mm/s	N/A

¹ At occupied residences only

Table 3 Ground Vibration Limits

4. Delete condition 37 and replace with the following:

37. The development shall comply with the air quality criteria in Table 5 and 6:

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³

Table 5 Total suspended particulate matter criteria

Pollutant	Averaging period	Maximum total deposited dust level
Deposited dust	Annual	4 g/m ² /month

Table 6 Deposited dust criteria