

Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, I modify the development consent referred to in schedule 1, as set out in schedule 2.

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

5 FEBRUARY

2014

SCHEDULE 1

The development consent (DA2) granted by the Minister for Planning and Environment on 24 February 1987, for the Penrith Lakes Scheme.

SCHEDULE 2

1. Insert the following after (e) in "APPLICATION":
 - (g) Modification Application DA2 MOD 4 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, VENM Importation Modification dated August 2012, including the response to submissions dated November 2012.

2. Delete condition 36BB and replace with the following condition:

36BB. The applicant shall ensure that the development described in DA2 MOD 4 complies with the hours of operation set out in Table 2:

Monday to Friday	Saturdays	Sundays and Public Holidays
7.00am to 6.00pm	7.00am to 1.00pm	No work

Table 2 – Hours of Operation

3. Insert the following condition after condition 17 of the Schedule:
 - 17A. "Prior to the commencement of the importation of VENM onto the site, PLDC shall notify the EPA and the Department regarding the sources of the VENM including documentation certifying the material is VENM as defined in the Protection of the Environment Operations Act".
4. Delete the words "in MOD 87-6-2005, MOD 123-10-2006 and DA2 MOD3" in condition 36D, and replace with "in MOD 87-6-2005, MOD 123-10-2006 and DA2 MOD4".
5. Delete condition 46A and replace with the following:
 - 46A. "All VENM transport to and from the site shall be via the approved routes as shown in Figures 2 and 2A below and described in the VENM S75W Environmental Assessment. No trucks shall use Castlereagh Road south of Old Castlereagh Road or Mulgoa Road to access or egress the site".



Figure 2 – Approved VENM Transport Route from the North



Figure 2a – Approved VENM Transport Route from the South

6. Delete condition 49A and replace with the following:

49A. “Prior to the commencement of importation of VENM the Applicant shall submit a Project Traffic and VENM Management Plan to the Department. This plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan (TNMP) to be prepared in consultation with the Environment Protection Authority (EPA), and to the satisfaction of the Director General.

The CTMP shall:

- Cover the period of transporting the VENM to the site;
- Outline the construction vehicle routes (once PLDC has determined the VENM sources);
- Outline other proposed traffic management measures for all proposed access points; and
- Describe the number of trucks per route, hours of operation, access arrangements and traffic control (including how PLDC intends to ensure only approximately 70 truck movements per day along Old Castlereagh Road).

The TNMP must include (but not be limited to):

- An investigation and description of all reasonable and feasible measures to reduce traffic noise;
- Noise compliance/monitoring assessment provisions (especially with regards to Old Castlereagh Road);
- Mitigation measures to be implemented should monitoring indicate exceedances of EPA criteria;
- Measures to regulate traffic volumes on the haulage routes into the site (as described in the EA);
- Vibration limits;
- Auditing provisions;
- Commitment to implement all feasible and reasonable noise mitigation measures; and
- A program to monitor traffic noise and respond to complaints”.

7. Delete condition 49B and replace with the following:

49B. The proponent shall ensure that:

- (a) all loaded vehicles entering or leaving the site are covered,
- (b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they leave the site,
- (c) the vehicle access points passing through gates 1, 2 and 3 must be sealed from Castlereagh Road to at least 5 metres beyond the gates,
- (d) a wheel wash facility must be installed, maintained and operated at gates, 1, 2 and 3, and
- (e) Appropriate measures must be put in place at gates 1, 2 and 3 to ensure that all vehicles leaving gates 1, 2 and 3 have their wheels washed before leaving the site. All waste water generated in the washing process must be disposed in a manner that does not pollute waters.