

# Notice of Modification

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

As delegate of the Minister for Planning under delegation, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney 6 November, 2017

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### SCHEDULE 1

<b>Development Approval:</b>	<b>DA 2</b> granted by the Minister for Urban Affairs and Planning on 24 February 1987
<b>For the following:</b>	Development for the purposes of implementing the Penrith Lakes Scheme
<b>Applicant:</b>	Penrith Lakes Development Corporation
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	Penrith Lakes Scheme
<b>Modification:</b>	<b>DA 2 MOD 6:</b> the modification is for the extension of the hours of operation for the importation of fill to the site

## SCHEDULE 2

The above approval (DA 2) is modified as follows:

- (a) Schedule 1 – Development Application is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

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 on 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; and
- (e) Modification Application MOD 123-10-2006 lodged with the Department of Planning on 9 October 2006 and accompanying Statement of Environmental Effects titled “*Penrith Lakes Development Corporation, Penrith Lakes Scheme, Statement of Environmental Effects – Dynamic Compaction*”, dated October 2006.
- (f) Modification Application DA2 MOD 3 and accompanying SEE titled *Penrith Lakes Development Corporation, Importation of VENM* dated 22 December 2008, including the response to submissions dated 12 May 2009.
- (g) Modification Application DA2 MOD 4 and accompanying Environmental Assessment titled *Penrith Lakes Development Corporation, VENM Importation Modification Assessment* dated August 2012, including response to submissions dated November 2012.
- (h) Modification Application DA2 MOD 5 and accompanying Environmental Assessment titled *Penrith Lakes Development Corporation, Importation of VENM and ENM Modification*, dated 25 September 2014, including response to submissions dated 13 January 2015.
- (i) Modification Application DA2 MOD 6 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, Section 75W Amendment Application - Importation ENM/VENM Summary Report, dated 1 December 2015, including Submissions Report dated 1 March 2017 updated on 12 April 2017.**

*Note: All references to VENM in this consent mean Virgin Excavated Natural Material, as defined in the Protection of the Environment Operations Act 1997.*

- (b) Condition 36BB is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

36BB. The Applicant shall ensure that the development described in DA2 MOD4, DA2 MOD5 **and DA2 MOD6** complies with the hours of operation set out in Table 2:

Monday to Friday	Saturdays	Sundays and Public Holidays
7.00 am to 6.00 pm <b><u>6:00 am to 9:00 pm</u></b>	7.00 am to 1.00 pm <b><u>6:00am to 3:00pm</u></b>	No work

Table 2 – Hours of Operation

- (c) Condition 36C is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows

36C. The Applicant shall ensure the development ~~described in MOD 87-6-2005 and in MOD 123-10-2006~~ complies with the noise limits set out in Table 2, unless it has secured a written agreement from the affected landowner to exceed these limits.

Sensitive Receiver	Noise Limits
	dB(A), L <sub>Aeq</sub> , 15 minutes, daytime
Poplars Heritage Complex (at occupied residence only)	43
Cranebrook Village	45
South Cranebrook residences	39
Upper Castlereagh Uniting Church residence	51
Whitewater Stadium (when in used)	48

Table 2 Noise Limits

Notes:

- 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.
- 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*.
- The modification factors presented in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise levels where applicable.
- 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.

- (d) Condition 36D is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

36D. The Applicant shall ensure that the development described in ~~MOD 87-6-2005, MOD 123-10-2006 and in DA2 MOD4~~ complies with the vibration limits set out in Table 3, unless it has secured a written agreement from the affected landowner to exceed these limits.

Sensitive Receiver	Ground Vibration Limits	
	Building Damage (peak particle velocity)	Human Comfort (vibration dose value)
Residences at Cranebrook Village, South Cranebrook, and Upper Castlereagh Uniting Church	5 mm/s	0.20 m/s <sup>1.75</sup>
Poplars Heritage Complex	3 mm/s	0.40 m/s <sup>1.75</sup>
McCarthy's Cemetery	3 mm/s	N/A
Whitewater Stadium	10 mm/s	N/A

Table 3 Ground Vibration Limits

Note:

Vibration dose values sourced from Table 2.4 in "Assessing Vibration: a technical guideline" (DEC, 2006).

- (e) Condition 49A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out words/numbers~~ as follows:

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 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;
- A program to monitor traffic noise and respond to complaints.

**Prior to the commencement of the extended hours of operation, as approved by DA2 MOD6, the Applicant shall prepare and submit for the Department's approval an updated TNMP. The Updated TNMP shall include (but not be limited to):**

- **updated information ensuring the TNMP assessment reflects the extended hours of operation;**
- **detailed consideration of the impact of the extended hours of operation on nearby sensitive receivers (and any relevant new sensitive receivers since the preparation of the original TNMP), including any additional mitigation/management measures that may be required;**
- **confirmation the truck movements to the site will be split between each of the vehicular entrances to the site;**
- **confirmation of a maximum number of truck movements to the site per hour;**
- **confirmation of a maximum number of trucks per vehicle entrance per hour;**
- **confirmation of the maximum number of truck movements during peak periods; and**
- **confirmation of the method(s) for the appropriate monitoring of truck movements to/from the site.**

- (f) Condition 49AA is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

49AA. Prior to the commencement of additional importation of VENM and ENM in accordance with DA2 MOD 5 the applicant will submit a revised Project Traffic and VENM Management Plan to the Department in accordance with the requirements of condition 41A. The plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan **(TNMP)** and outline the proposed management of additional vehicle movements associated with the increased requirements for VENM and ENM importation.

**The TNMP shall be updated in accordance with the requirements of condition 49A.**

**End of Modification  
(DA2 MOD6)**