

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

SCHEDULE 1

Development Approval:	DA 3 granted by the Minister for Urban Affairs and Planning on 27 June 1995
For the following:	Development for the purposes of implementing the Penrith Lakes Scheme
Applicant:	Penrith Lakes Development Corporation
Consent Authority:	Minister for Planning
The Land:	Penrith Lakes Scheme
Modification:	DA 3 MOD 5: 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 3) 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 defined in Schedule 1 of the State Environmental Planning Policy (Penrith Lakes Scheme) 1989, as described in Development Application 3 and the Stage Environmental Effects (SEE) dated 1994, and subsequently modified by:

- Modification Application and associated documents dated 18 April 1995; and
- Modification Application DA3 Mod 3 and accompanying Environmental Assessment titled Importation of VENM dated August 2012, including the response to submissions dated November 2012.
- Modification Application DA 3 MOD 4 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, Importation of VENM and ENM Modification, dated 25 September 2014 including the response to submissions dated 13 January 2015.
- **Modification Application DA3 MOD 5 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.**

- (b) Condition 31A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

32. The Applicant shall ensure that the development described in DA2 MOD3 and DA3 MOD4 **and DA3 MOD5** 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 <u>6:00 am to 9:00 pm</u>	7.00 am to 1.00 pm <u>6:00am to 3:00pm</u>	No work

Table 2 – Hours of Operation

- (c) Condition 41A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

- 41A 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.**

- (d) Condition 41B is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows:

41B. 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 41A.

**End of Modification
(DA3 MOD5)**