

Modification of Development Consent

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Ryan Pritchard
Acting Director
Regional Assessments

Sydney **28 AUGUST** 2018

SCHEDULE 1

Development consent: 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 7: the modification is for the importation of an additional 300,000 tonnes of Virgin Excavated Natural Material and/or Excavated Natural Material to the site.

SCHEDULE 2

The consent is modified as follows:

- (a) Schedule 1 – Development Application is amended by the insertion of the **bold and underlined** 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.
- **Modification Application DA3 MOD 7 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, S4.55(1A) – Modification Application, dated 10 May 2018, including Submissions Report dated 20 June 2018 and additional information dated 12 July 2018.**

- (b) Condition 15B is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck-out~~ words/numbers as follows

15B Prior to the commencement of VENM and ENM importation in accordance with MOD 5 **7**, PLDC shall notify the EPA and Department regarding the sources of VENM and ENM including documentation that material has been classified in accordance with the Waste Classification Guidelines, Part 1 Classifying Waste, EPA 2014 and the requirements of the EPA 2014 Excavated Natural Material Order and Excavated Natural Material Exemption.

- (c) Condition 31A is amended by the insertion of the **bold and underlined** words / numbers as follows:

31A The Applicant shall ensure that the development described in DA2 MOD3 and DA3 MOD4 and DA3 MOD5 **and DA3 MOD 7** complies with the hours of operation set out in Table 2:

Monday to Friday	Saturdays	Sundays and Public Holidays
6:00 am to 9:00 pm	6:00am to 3:00pm	No work

Table 2 – Hours of Operation

- (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 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 vehicles 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., **and**
 - (f) **within eight weeks from the date of approval for DA3 MOD 7, an automated jet spray wheel wash and associated drainage pond is to be installed, to the satisfaction of the EPA, to ensure that all vehicles 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.**
- (e) Condition 41C is deleted and replaced as follows:
- 41C The importation of VENM and ENM shall be limited to 8.3 million tonnes at a maximum rate of 3 million tonnes per year.
- (f) After Condition 41C insert the following new Condition 41CC
- 41CC The importation of VENM and ENM in accordance with DA3 MOD 7 is not to be placed within 100m of the configuration of the Duralia Lake and Main Lake A floodway specified in the Penrith Lakes Development Corporation 2012 Water Management Plan: Stage 1, dated August 2012.

**End of modification
(DA3 MOD 7)**