

Notice of Modification

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

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



Chris Wilson
Executive Director

Sydney,

4th July

2009

SCHEDULE 1

The development consent (DA 3) granted by the Minister for Urban Affairs and Planning in April 1994, for the development of the Penrith Lakes Scheme.

SCHEDULE 2

1. Delete "**Development Application**" and the words immediately thereafter and replace with:

Development Application:

Development for the purposes of implementing the Penrith Lakes Scheme as defined in Schedule 1 of the *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme*, as described in Development Application 3 and the Statement of Environmental Effects (SEE) dated April 1994, and subsequently modified by:

- Modification Application and associated documents dated 18 April 1995; and
- Modification Application DA 3 MOD 2 and the accompanying SEE titled "*Importation of VENM*" dated December 2008, including the response to submissions dated 12 May 2009.

2. Insert the following after the second bullet points in conditions 30(i) and 31:

- | | | | |
|---|---------------------|---|---------------------------------------|
| * | importation of VENM | - | 7.00am to 6.00pm
Monday to Friday, |
| | | - | 7.00am to 1.00pm
Saturday |

3. Insert the following at the end of condition 30(i):

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

4. Insert the following after condition 40:

40A. All VENM transport to and from the site and the M4 Motorway shall be via the approved route as shown in Figure 1 below and described in the *VENM Importation Statement of Environmental Effects: Response to Submissions*. No trucks shall use Castlereagh Road south of Old Castlereagh Road or Mulgoa Road to access or egress the site.

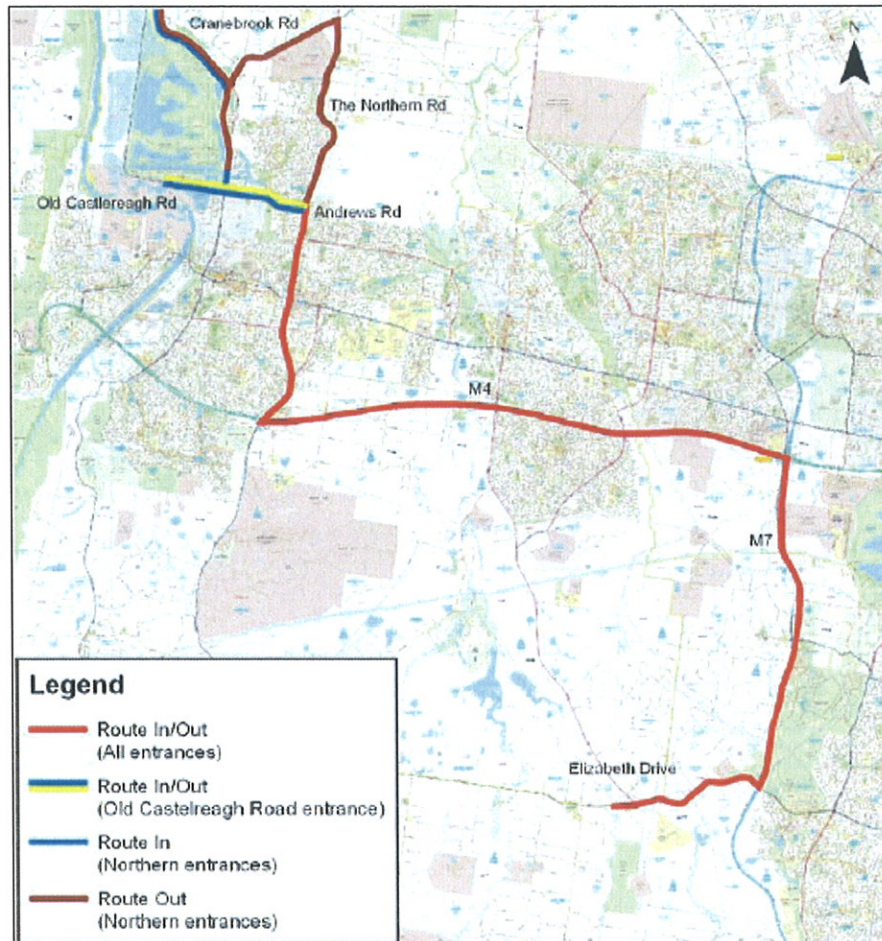


Figure 1 – Approved VENM Transport Route

5. Insert the following after condition 41:

- 41A. Prior to the commencement of importation of VENM using the northern most and second northern most access point, the Applicant shall upgrade the site entrances on Castlereagh Road to the north of Cranebrook Road to provide:
- AUL (auxiliary lane left turn treatment) for northbound traffic turning left into the site;
 - 'no right turn' signage for all southbound vehicles travelling on Castlereagh Road into the second most northern access, and for all southbound non-resident vehicles on Castlereagh Road into the northern most access; and
 - advance warning signs,
- to the satisfaction of the Roads and Traffic Authority.

Road Haulage

- 41B. The Applicant shall ensure that:
- (a) all loaded vehicles entering or leaving the site are covered; and
 - (b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road, before they leave the site.

- 41C. The importation of VENM shall be limited to 3 million tonnes over a 3 year period from the date of approval of the Traffic Noise Management Plan (referred to in Condition 57(d)).

6. Insert the following after condition 57(c):

- (d) Prior to the commencement of importation of VENM the Applicant shall submit a Traffic Noise Management Plan prepared in consultation with the Department of Environment and Climate Change, and to the satisfaction of the Director-General of the Department of Planning. The plan must include:
- an investigation and description of all reasonable and feasible measures to reduce traffic noise; and
 - a program to monitor traffic noise and respond to complaints.