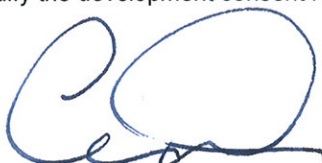


Notice of Modification

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

As delegate for the Minister of 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 4) granted by the Minister for Urban Affairs and Planning on 9 September 1998, for the Penrith Lakes Scheme.

SCHEDULE 2

1. Delete "**proposed development**" and replace with:

proposed development:

Development as described in the development application identified as DA 4 and its supporting papers for the purposes of implementing the Penrith Lakes Scheme as defined in Schedule 1 of *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme* on land described in, and identified on the plan, attached at Schedule B, and subsequently modified by:

- Modification Application and accompanying noise assessment dated June 2004, and prepared by Wilkinson Murray Pty Ltd;
- Modification Application and accompanying SEE dated March 2005, and prepared by Arup Pty Ltd (which was subsequently modified by the supplementary noise information prepared by Arup Pty Ltd, and dated 22 August 2005); and
- Modification Application DA4 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.

2. Delete the definitions for "the consent authority", "the Director General", "EPA", "the Minister", "NPWS" and "DEC" in the Definitions section and replace with:

- a) the consent authority means the Minister for Planning
- c) the DECC means the Department of Environment and Climate Change
- d) the Director-General means the Director-General of the Department of Planning, or delegate
- e) the Minister means the Minister for Planning
- k) the RTA means the Roads and Traffic Authority
- l) VENM means Virgin Excavated Natural Material, as defined in the *Protection of the Environment Operations Act 1997*

3. Delete all references to "DEC", "EPA" and "NPWS" and replace with "DECC".

4. Delete all references to “Department of Urban Affairs and Planning” and replace with “Department of Planning”.
5. Delete the table in condition 30 of schedule A, and replace with:

Sand and gravel extraction, including haulage to processing plants	5.00am to 9.00pm, Monday to Friday; 5.00am to 7.00pm, Saturday.
Overburden stripping and rehabilitation	7.00am to 7.00pm, Monday to Saturday;
Importation of VENM	7.00am to 6.00pm, Monday to Friday; 7.00am to 1.00pm, Saturday

6. Delete the table in condition 31 of Schedule A, and replace with:

Sand and gravel extraction, including haulage to processing plants	7.00am to 6.00pm, Monday to Friday; 7.00am to 1.00pm, Saturday.
Overburden stripping and rehabilitation	7.00am to 5.00pm, Monday to Friday; 7.00am to 1.00pm, Saturday.
Importation of VENM	7.00am to 6.00pm, Monday to Friday; 7.00am to 1.00pm, Saturday

7. Insert the following after condition 42 of schedule A:

- 42A. All VENM transport to and from the site and the M4 Motorway shall be via the approved route as shown in Figure 2 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.

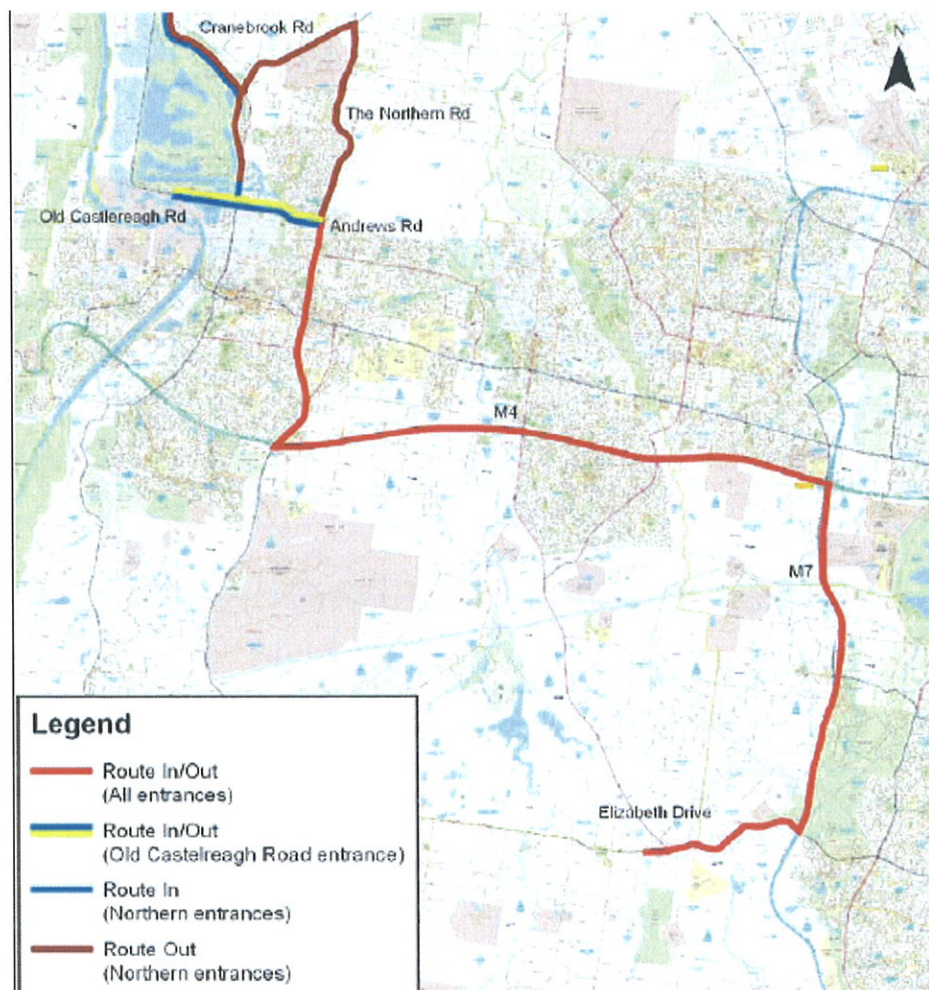


Figure 2 – Approved VENM Transport Route

8. Insert the following after condition 48 of schedule A:

48A. 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 travelling on Castlereagh Road into the northern most access; and
- advance warning signs, to the satisfaction of the RTA.

Road Haulage

48B. 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.

48C. 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 65(d) of schedule A).

9. Insert the following after condition 65(c) of schedule A:

(d) Prior to the commencement of importation of VENM the Applicant shall submit a Traffic Noise Management Plan prepared in consultation with DECC, and to the satisfaction of the Director-General. 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.