

## ASSESSMENT REPORT

### PENRITH LAKES SCHEME (DA2 MOD 6, DA3 MOD 5 & DA4 MOD 10)

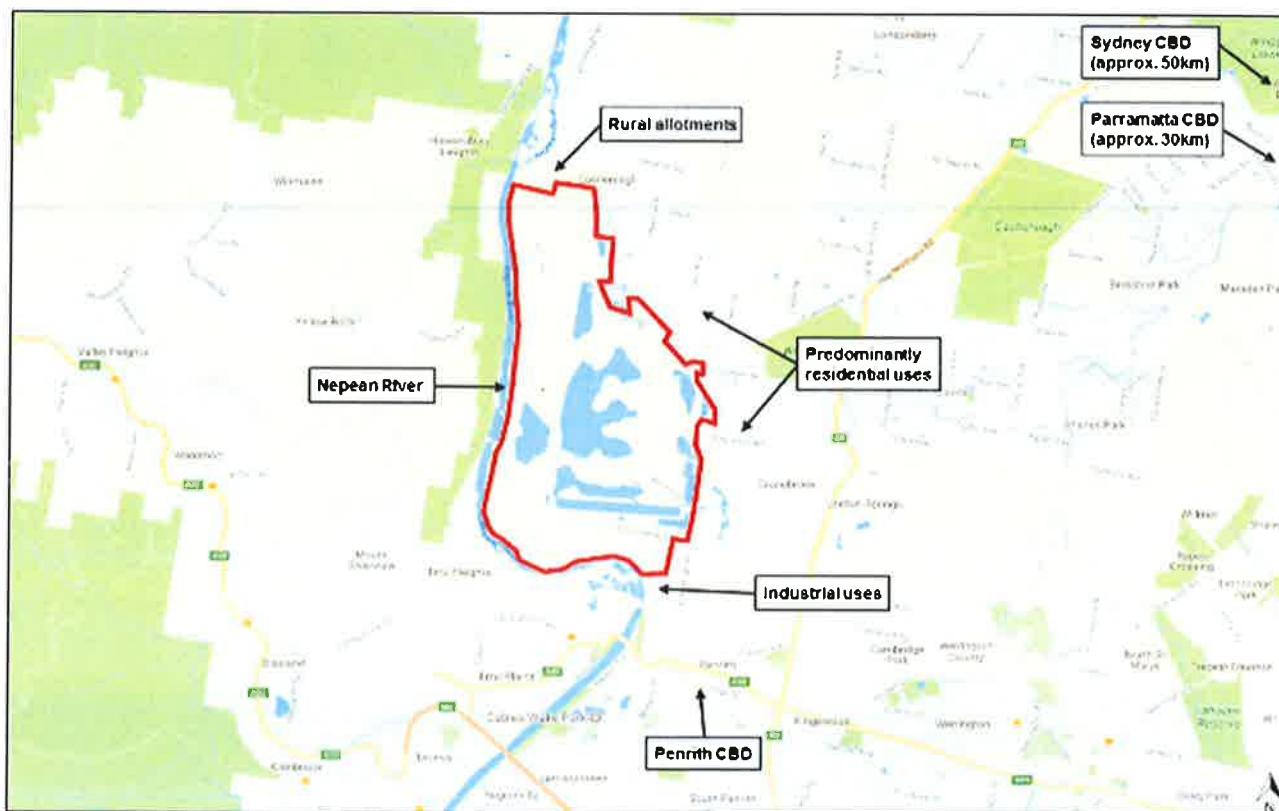
#### 1. INTRODUCTION

This report is an assessment of a request to modify three Development Applications (DAs) (DA2 MOD 6, DA3 MOD 5 & DA4 MOD 10) for extractive operations and rehabilitation activities at Penrith Lakes (the Penrith Lakes Scheme) in the Penrith local government area.

The request has been lodged by the Penrith Lakes Development Corporation (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to extend the operating hours for the approved importation of eight million tonnes of virgin excavated natural material (VENM) and excavated natural material (ENM) to the site.

#### 2. SUBJECT SITE

The Penrith Lakes Scheme is located approximately 50 kilometres (km) north-west of Sydney Central Business District (CBD), 30 km north-west of Parramatta CBD and 3 km north of Penrith CBD. The site is bound by the Nepean River to the west and south and Castlereagh Road to the east and north. Residential development in Cranebrook is located beyond Castlereagh Road to the west of the site. The site adjoins industrial lands to the south-west and rural allotments to the north (Figures 1 and 2).



**Figure 1:** Location of the Penrith Lakes Scheme, the site outlined red (Base Source: Nearmap)

The site comprises a large extractive and rehabilitation operation that has traditionally supplied sand and gravel for use in construction since the 1880s and more intensely from the 1960s until mid-2000s. The site covers an area of approximately 1,935 hectares (ha) within the Penrith Castlereagh floodplain.

The Proponent has managed the operation since the 1980s and ceased quarrying and extractive operations in September 2015. The Proponent is now undertaking the next phase of the development relating to site rehabilitation and the development of the final landform.

The Sydney International Regatta Centre (SIRC) and Eastern Lakes have been completed and dedicated to the State.

Two existing properties are located within the boundary of the Penrith Lakes Scheme, being Nepean Park and the Castlereagh Christian Conference Centre (**Figure 2**), these properties are not part of the Penrith Lakes Scheme and are separately owned/operated.



**Figure 2:** Aerial view of the Penrith Lakes Scheme and its surroundings. The site outlined red and active fill tipping areas highlighted blue (Base Source: Nearmap)

### 3. PENRITH LAKES SCHEME

The Penrith Lakes Scheme is a 30 year quarrying and rehabilitation project being undertaken by a joint-venture company, the Penrith Lakes Development Corporation Limited (PLDC). The Scheme is located on a 1,940 hectare site within the Nepean River floodplain that is being progressively transformed from a sand and gravel quarry into a water-oriented recreation park and other lands suitable for rural tourism or employment uses. Quarrying activities on the site finished in September 2015 and PLDC has been progressively rehabilitating the site.

In 1987, the Government entered into a Deed of Agreement with the proponent in relation to the Penrith Lakes Scheme. The Deed outlines the rights and responsibilities of each party in the implementation of the Penrith Lakes Scheme. The 1987 Deed provided for the dedication of land by

PLDC to Government following the end of extraction activities and the completion of site rehabilitation works.

Extraction and rehabilitation activities at Penrith Lakes have historically been governed by the *Sydney Regional Environmental Plan No.11 – Penrith Lakes Scheme* (SREP 11). In 2012, SREP 11 was renamed *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* (SEPP PLS) and in January 2017 the SEPP was amended.

Under the amended SEPP, the Penrith Lakes Scheme allows for approximately 80 ha of waterways, 110 ha of parklands, 118 ha of environmental area, 33 ha of employment area and 52 ha of tourism area. Another 1,330 ha of unzoned land is likely be the subject of future land use planning following the completion of flood investigations and consultation with the community.

#### 4. APPROVAL HISTORY

There are a number of development consents that govern the activities on the site, including the quarrying activities and rehabilitation works.

Under SREP 11, provision was made for the submission of sequential DAs for the progressive release of resource-bearing land within the Penrith Lakes Scheme. Four consents (DA1 to DA4) have subsequently been approved by the Minister (the Original DAs), summarised in **Table 1**.

**Table 1: Summary of the Original DAs**

Consent / Date	Description
DA 1 Dated July 1982	Interim extraction while detailed planning studies and preparation of SREP 11 undertaken.
DA 2 Dated 24 February 1987	Applies to land east of the former alignment of Castlereagh Road (southern part) and includes Lake A, the Southern Wetlands and Quarantine Lake
DA 3 Dated 27 June 1995	Applies to land east of the former alignment of Castlereagh Road (northern part)
DA 4 Dated 9 September 1998	Applies to land west of the former alignment of Castlereagh Road and includes the Wildlife Lake, Quarantine Lake, Lake A, Lake B and the Southern Wetlands.

The land associated with the four original DAs is shown at **Figure 4**.

All of the Original DAs have been modified. However, there are two modifications to DA2, DA3 and DA4 which are considered relevant to the current modification applications, which are summarised below:

**Table 2: Summary of relevant modifications to the consents**

MOD no.	Summary of Modifications	Approval Date
DA2 MOD4 DA3 MOD3 DA4 MOD8	Change to the timing of works to 2014-2016, amendment of the area for Virgin Excavated Natural Material (VENM), expand the source of VENM (including North-West Rail construction site), change to haulage routes, removal of one access point and updated noise monitoring	5 February 2014
DA2 MOD5 DA3 MOD4 DA4 MOD9	Increasing the amount of VENM and Excavated Natural Material (ENM) imported to eight million tonnes, expand the source of VENM and ENM to include sites anywhere in Sydney, change to the timing of importation of VENM and ENM to mid-2015.	30 April 2015

The three DAs each contain conditions restricting the hours of operation for the importation of VENM and ENM to the site to:

- between 7 am to 6 pm Monday to Friday;
- between 7 am to 1 pm Saturday; and
- no work on Sunday or public holidays.

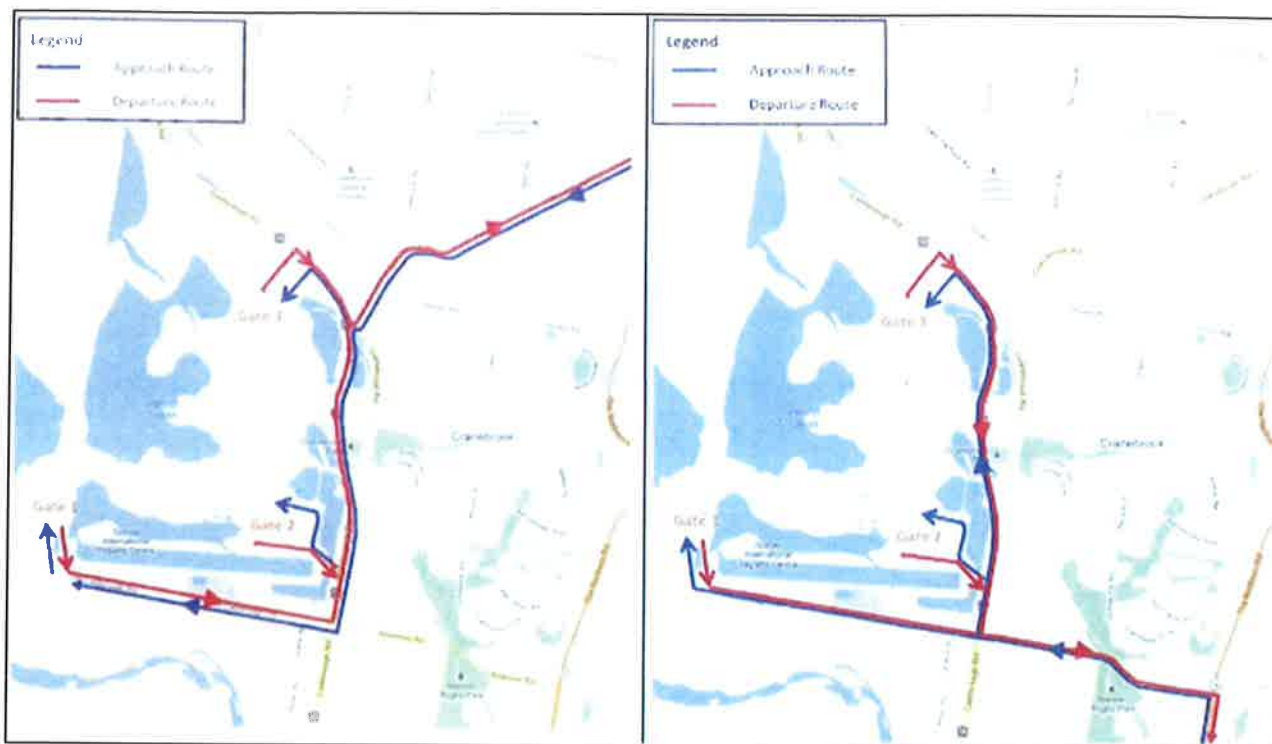
The approved truck haulage routes for the importation of fill to the site and vehicular entrances are shown at **Figure 5**.





**Figure 4:** The land associated with the different DAs (Source: DA4 MOD 8)





**Figure 5:** Approved truck haulage routes to the site and site gate entrances (Source: Modification Application)

## Environmental Protection Licence

In addition to the DAs, the Proponent holds an Environmental Protection Licence (EPL), under the provisions of the *Protection of the Environment Operations Act 1997*. The EPL licence permits crushing, grinding or separating works, extractive industries and other land based activities. The Environment Protection Authority (EPA) is the regulatory authority that administers the licence, which governs the operations of the site.

## 5. PROPOSED MODIFICATION

The Proponent seeks to modify three of the approvals which apply to the site:

- DA2 (Modification 6)
- DA3 (Modification 5)
- DA4 (Modification 10)

The key modification sought is to extend the hours of operation for the importation of VENM and ENM to the site as summarised in **Table 3**.

**Table 3: Comparison of approved and proposed modified operating hours**

	Approved	Proposed	Description of Change
Monday to Friday	7 am to 6 pm	6 am to 9 pm	1 additional hour (am) 3 additional hours (pm)
Saturday	7 am to 1 pm	6 am to 3 pm	1 additional hour (am) 2 additional hours (pm)
Sunday	No Work	No Work	No change

The modifications also propose maximum truck movements to be split between the three entrance gates (illustrated at **Figure 5**) as follows:

- 6:00 am to 7:00 am – up to 40 truck movements/hour
- 7:00 am to 6:00 pm – up to 60 truck movements/hour
- 6:00 pm to 9:00 pm – up to 30 truck movements/hour

The Proponent has confirmed the modification does not propose any other changes to the development or existing conditions of consent.

The Proponent has stated, due to its size, nature and significant need for fill, the Penrith Lakes Scheme is one of only a few locations in Sydney suitable for the disposal of large amounts of tunnel spoil. The Proponent is seeking to extend the hours of operation to:

- increase the ability to manage truck movements during peak traffic periods
- allow for a broader window in which VENM and ENM can be delivered to the site. The importation of these excavated materials arises arising from current tunnelling works and critical excavation projects (including Sydney Metro, North Connex, West Connex and future metro tunnels).

## 6. STATUTORY CONSIDERATION

### 6.1 Section 75W

The original DAs for the progressive extraction, rehabilitation, reconstruction and landscaping of Penrith Lakes were approved by the then Ministers under Part 4 of the EP&A Act.

However, under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), for the purposes only of modification, a development consent granted by the Minister under Part 4 of the EP&A Act (relating to State Significant Development) before 1 August 2005 are taken to be approvals under Part 3A of the Act and section 75W of the Act applies to any modification of the consents.

Although Part 3A was repealed on 1 October 2011, section 75W continues to apply under the transitional provisions of Schedule 6A of the EP&A Act, and hence any modification to the approvals continue to be made under the former section 75W of the EP&A Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposals do not constitute new applications.

### 6.2 State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (SEPP PLS)

Clause 8 of SEPP PLS relates to development for the purposes of implementing the Penrith Lakes Scheme and sets out the matters for consideration before granting consent. The Department has considered the applicable provisions of clause 8 in **Table 4**.

**Table 4: Consideration of the relevant provisions of clause 8 of SEPP PLS**

Requirement	Departments Comment	Complies
<b>Clause 8 – Development for the purposes of implementing the Penrith Lakes Scheme</b>		
(2) The consent authority shall grant consent to development to which this clause applies unless: (a) the consent authority is of the opinion that the development the subject of the application: (i) does not fully implement the Penrith Lakes Scheme on the land to which the application for development relates, (ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or (iii) is not generally in accordance with the structure plan, and	The proposed extension of hours of operation: <ul style="list-style-type: none"> <li>• applies entirely to the land to which the development relates;</li> <li>• satisfactorily implements the Penrith Lakes Scheme; and</li> <li>• does not alter the structure plan and therefore maintains compliance.</li> </ul> The proposed extension of hours of operation:	Yes

<p>(b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that:</p> <p>(i) development should not be carried out until other land to which this Policy applies is developed for purposes which include an extractive industry,</p> <p>(ii) the land, the subject of the application, will not be rehabilitated and reconstructed:</p> <p>(A) generally in accordance with the structure plan, or</p> <p>(B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or</p> <p>(iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Policy applies.</p>	<ul style="list-style-type: none"> <li>• does not affect active operations on the site which have now ceased</li> <li>• facilitates the required rehabilitation and reconstruction works in accordance with the structure Plan and Penrith Lakes Scheme.</li> </ul> <p>The proposed extension of hours of operation does not affect compliance with the existing approvals.</p>	
<p>(3) The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters specified in clause 1 of Schedule 2 and addressing the matters specified in clause 2 of that Schedule.</p>	<p>The Proponent submitted an Environmental Assessment (EA) and a subsequent updated Submissions Report. The EA and subsequent Submission Report adequately addresses clause 1 of Schedule 2 by addressing the (relevant) required matters to be included in the statement of environmental effects.</p>	<p>Yes</p>
<p>(4) In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters:</p> <p>(c) the statement of environmental effects accompanying the application,</p> <p>(k) the need and frequency to monitor the implementation of the subject development.</p>	<p>The Department has carefully considered the:</p> <ul style="list-style-type: none"> <li>• EA and the Submissions Report and an assessment of the key issues is provided at <b>Section 8</b></li> <li>• need to monitor truck movements to and from the site is discussed at <b>Section 8.2.</b></li> </ul>	<p>Yes</p>

### 6.3 Approval Authority

The Minister for Planning is the approval authority for the applications. However, the Executive Director, Key Sites and Industry Assessment may determine the applications under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 public submissions in the nature of objections.

## 7. CONSULTATION

### 7.1 Consultation

The Department made the modification applications publicly available on its website and referred the applications to Penrith City Council (Council), EPA, Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS) for comment. Letters were also sent to adjoining owners/occupiers about the proposed modifications.

**Council** did not object to the proposal and provided the following comments:

- Based on the noise monitoring data provided, Council raises no concern with the Proponent's noise assessment including the 6am to 7am period as part of the 'daytime criteria' for noise assessment/monitoring
- However, Council notes the noise monitoring data is three years old and should be updated;
- The Noise Management Plan should be updated to reflect the current proposal and form part of the determination of the application
- Motion activated CCTV should be installed at the entry points of the site to monitor truck numbers and access times.

**EPA** did not object to the proposal and stated that the environmental impacts associated with the modification have been satisfactorily addressed.

**RMS** did not object to the proposal and confirmed it is satisfied with the proposed extension of operating hours.

**OEH** provided no comment on the application

Eight **public** submissions were received in response to the proposal, comprising seven objections (including submissions by the Castlereagh Christian Centre and Nepean Park) and one in support.

Key issues raised in public submissions include:

- adverse noise impacts
- the noise monitoring should be updated to take account of existing noise levels
- air quality and dust impacts
- adverse traffic impacts on the local road network
- adverse safety impacts resulting from intensity of truck movements
- deterioration of road surfaces
- the Penrith Lakes Community Advisory Committee should be re-established to consider community feedback.

The Castlereagh Christian site is a conference centre with overnight accommodation for up to 48 people and a caretakers residence. It raised concern that its accommodation, conference and caretaker residence would be adversely affected by the additional noise resulting from the extension of hours. It suggested:

- on-site tipping/distribution by the south entry be limited to 7.00 am – 6.00 pm
- tipping zones be located an adequate distance from boundaries of sensitive properties.

Nepean Park is a private residence previously known as Dixons residence. The owners raised concern that the number of truck movements during the morning and evening periods would have adverse noise impacts. Nepean Park also raised concern with the Proponents noise assessment, considering the impacts during the 6.00 am – 7.00 am period should not be assessed against the 'daytime criteria' for noise assessment. The submission also raised concern the Proponent's recommendation to manage truck movements to reduce impacts and divide movements between entries is vague.

## **7.2 Response to Submissions (RtS)**

Following the notification of the modification application the Department placed copies of all submissions received on its website and requested that the Proponent provide a response to the issues raised in the submissions.

The RtS contains further information and clarification of the key issues raised by the government authorities and in public submissions. The RtS did not include any amendments to the proposal.

The Department made the RtS publicly available on its website and referred the RtS to relevant government authorities.



**Council** considered the RtS and reiterated its comments that the Noise Management Plan should reflect the current proposal and form part of the determination of the application and CCTV should be provided. However, Council also acknowledged the EPA is the appropriate regulatory authority for the environmental aspects of the proposal and that consultation has occurred with the EPA as part of the assessment process (who have raised no concerns).

## **8. ASSESSMENT**

The Department considers the key issue associated with the proposed modification is the noise impacts associated with the extended hours of operation. These can be divided into on-site noise impacts (controlled by conditions of approval) and off-site noise impacts on surrounding roads caused by trucks approaching and departing the site.

All other issues are considered in **Table 4** below.

### **8.1 External (Road Traffic) noise**

Concerns were raised in public submissions about the extended hours of importation of VENM and ENM to the site resulting in adverse traffic noise impacts. Concerns were also raised about the Proponent's NMP and noise monitoring data being out of date and impacts being assessed during the 6 am – 7 am period against the 'daytime criteria' rather than the more restrictive 'night-time' criteria.

In response, the Proponent has confirmed:

- the NMP will be updated prior to the commencement of works
- the EPA's Road Noise Policy (RNP) allows for an extension of the application of 'daytime' criteria where the road noise level begins to rise sharply before 7.00 am (where the morning peak begins before 7.00 am road noise is more consistent with the daytime noise environment than the night time noise environment).

The Department notes, for measurement purposes, the NMP extends the daytime criteria to include the hour from 6.00 am to 7.00 am (with daytime criteria therefore applying to the site from 6.00 am to 10.00 pm), based on a detailed noise monitoring assessment of background noise levels, which indicates there is a rise to peak road noise levels around 6.00 am. On the basis of the detailed noise monitoring, the Department is satisfied the proposal meets the RNP's requirement for extending the 'daytime criteria' and therefore considers the assessment of impacts during the 6.00 am to 7.00 am period against the 'daytime criteria' is appropriate. The Department notes Council also agrees with this approach. The Department acknowledges the detailed noise monitoring used for this assessment is four years old, but considers that the commencement time of the morning peak is unlikely to have altered significantly during the last four years and therefore updated monitoring is not required for this assessment.

On this basis, only the daytime noise criteria would apply to the proposed extended hours and the Proponent therefore relies on the existing NMP submitted with the previous modifications (refer to **Table 2**), which considers the road traffic noise impacts on surrounding premises during the daytime criteria. Specifically, the NMP has considered the RNP, which provides guidelines for acceptable traffic noise levels from developments which have potential to create additional traffic on existing roadways. The RNP daytime criteria for road traffic noise is 60 decibels (dBA), where existing traffic noise exceeds 60 dBA, the RNP states noise from new developments should not increase existing noise levels by more than 2 dBA, subject to the implementation of reasonable measure to mitigate noise impacts

The NMP identifies nearby sensitive receivers external to the site and the predicted noise levels at these receivers using a worst-case scenario to determine whether the proposal would exceed the maximum of 2 dBA above the RNP daytime background noise level. The results are presented in **Table 5**.

**Table 5: Comparison between existing background and predicted noise levels**

Receiver	Existing Background Noise Level	Predicted Noise Level	Compliance with RNP (i.e. <60 dBA or +2 dBA)
<b>Predicted Noise (dBA)</b>			
1	55	58	< 60 dBA - complies
2	63	63	No change – complies
2A	65	65	No change – complies
3	71	72	+ 1 dBA – complies
4	58	59	+ 1 dBA – complies
5	59	59	No change – complies
6	59	60	+ 1 dBA – complies

Noise levels from truck movements associated with the importation of VENM and ENM are negligible at most receivers, with traffic noise generally remaining unchanged or increasing by only one decibel. At the one location (a dwelling on Old Castlereagh Road) road traffic noise would increase by 3 dBA under a worst case scenario but remains below the RNP daytime criteria for road traffic noise of 60 dBA.

The Department also notes the proposed modification does not increase the total amount of VENM and ENM to be imported to the site (eight million tonnes) or increase the total number of truck movements to the site per day (476 trucks). The extension of hours of operation would therefore allow the approved 476 truck movements to be more spread out throughout the day, which would result in a reduction of traffic noise impacts at other times of the day.

The Proponent has also confirmed the truck movements would be spread across the three site entrances, which would reduce the traffic noise on any one external road segment.

The Department therefore considers the external road traffic noise impacts of the extended hours would comply with the guidelines set out in the RNP and not result in any unacceptable amenity impacts to surrounding residences outside of the site.

## **8.2 Noise within the site**

Noise inside the site (including truck movements) is currently controlled by existing DA conditions, the existing NMP and the EPL.

Council raised concern the Noise Management Plan (NMP) does not consider the extended hours of operation and needs to be updated to reflect the current modified proposal.

The EPA has confirmed it does not object to the extended hours and did not recommend any new conditions or changes to existing conditions.

Two private properties (identified in **Figure 2**) inside the site raised concerns with the extended hours:

- Nepean Park raised concern about noise impacts and stated the 6.00am – 7.00 am period should not be assessed against the 'daytime criteria' for noise assessment/monitoring purposes.
- Castlereagh Christian Centre raised concerns with noise impacts and suggested on-site tipping from the south entry should be limited to 7.00 am to 6.00 pm and tipping zones should be adequately separated from sensitive properties.

The Proponent has stated the provisions within the NMP together with the existing DAs' conditions would continue to apply to the operation of the site during the extended hours and are not proposed to be altered. As discussed above, the Proponent also confirmed the NMP will be updated prior to the commencement of works, and the proposal seeks to set limits on truck movements during the extended hours (total of 30 – 40 movements per hour). In addition, the truck movements would also be split between each site entrance so that the number of truck movements in any one park

of the site would be limited.

The Department notes there are a range of conditions on the existing approvals which regulate traffic and noise generated within the site and the modification does not propose to amend existing noise or traffic related conditions.

DA2 (which allows for temporary onsite works during extended hours of 6.00am to 11.00pm) includes a condition requiring that maximum noise at the Upper Castlereagh Uniting Church residence (now Castlereagh Christian Centre) is not to exceed 51dBA at all times. The condition would continue to apply to the extended hours of VENM and ENM truck movements and would be consistent with the noise impacts already permitted during extended hours of other activities including overburden stripping and rehabilitation works on the site.

With regard to the concerns raised by the Castlereagh Christian Centre regarding on-site tipping, the Department notes there is no proposed change to the active fill tipping locations (refer to **Figure 2**). In addition, subject to existing conditions limiting noise impacts and proposed new conditions limiting truck movements at each site entrance (discussed below), the proposed extended hours of operation would not result in unacceptable noise impacts. The Department therefore does not consider it reasonable to exclude the access via the southern gate from the extended hours of operation.

DA 4 (which also permits extended on-site operations) includes a condition limiting noise impacts to the Dixon Residence (now Nepean Park) during the hours of 5.00 am to 6.00 am and 7.00 pm to 9.00 pm to a maximum of 55dB(A) (unless otherwise provided by the EPL). Another condition places limits on noise outside these times, but could allow for some exceedances above 55dBA during the extended hours of 6.00 am to 7.00 am and 6.00 pm to 7.00 pm.

The Department considers it is appropriate that during all extended early morning and evening hours associated with VENM and ENM truck movements, maximum noise should not exceed 55dBA at Nepean Park. It is recommended the relevant condition on DA4 be updated accordingly.

The Department also recommends a new condition requiring the preparation of an updated NMP which includes confirmation of how truck movements will be split between each of the site entrances and specifies the maximum number of trucks allowed per gate per hour.

Subject to conditions ensuring truck movements will be limited and specifying maximum noise limits, the Department considers the on-site noise impacts associated with the extended hours of importation of fill would be acceptable.

## **Conclusion**

The Department considers the proposed extended hours of operation for the importation of VENM and ENM to the site are acceptable for the following reasons:

- truck movements on surrounding streets during the extended hours would comply with EPAs RNP and therefore would not result in unacceptable road noise impacts
- existing and updated conditions setting maximum noise thresholds for operations on the site, updated NMP, and limitations on truck movements at each entry point will ensure the modifications do not result in unacceptable amenity impacts to nearby properties
- other than the extension of hours, all other aspects of the proposal remain the same including the total amount of VENM and ENM to be imported to the site, the total number of truck movements to the site per day (476 trucks), and the approved haulage routes or vehicular entry points (refer to **Figure 5**).



### 8.3 Other Issues

**Table 6: Assessment of Other Issues**

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Air quality, road surfaces, road safety,</i>	<ul style="list-style-type: none"> <li>Concerns were raised in public submissions about the impact of the modifications on air quality (including dust), deterioration of road surfaces and adverse impacts on road safety.</li> <li>The Department notes: <ul style="list-style-type: none"> <li>the proposals do not increase the total number of truck movements per day or the overall amount of VENM and ENM imported to the site</li> <li>truck haulage routes surrounding the site were considered and approved as part of the original DAs and would continue to apply during the extended hours</li> <li>the modifications do not propose to amend any of the existing conditions relating to air quality or dust suppression and monitoring which would continue to apply during the extended hours.</li> </ul> </li> <li>The Department considers the extended hours would allow truck movements to occur outside peak periods and therefore reduce road congestion and safety impacts during peak times.</li> <li>As the proposal, otherwise would not change any aspect which would affect air quality or road surfaces, the Department is satisfied the proposal would not result in any other adverse impacts.</li> </ul>	No additional conditions or amendments necessary.
<i>Closed Circuit Television (CCTV)</i>	<ul style="list-style-type: none"> <li>Council recommended motion activated CCTV be installed at site entrances to monitor trucks entering/leaving the site within the extended hours.</li> <li>The Proponent confirms the NMP will include noise management measures to proactively manage truck access to and from the site and does not proposed to install a CCTV network.</li> <li>The Department agrees it is important that the number of trucks are appropriately monitored during the extended hours. However, the Department notes CCTV is not the only possible option <del>for</del> to monitor movements and other methods could be used.</li> <li>The Department therefore recommends the NMP condition be updated to require confirmation of an appropriate form of monitoring of truck movements during the extended hours.</li> </ul>	The Department has recommended the NMP condition include a requirement for the appropriate monitoring of truck movements.

## 9. CONCLUSION

The Department has assessed the modification applications and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modifications are appropriate on the basis that:

- the modified proposals would be substantially the same as the original DA approvals
- traffic noise impacts to sensitive receivers during the extended hours of operation are below the recommended RNP daytime criteria
- noise impacts inside the site can be appropriately managed by existing and propose conditions of approval
- the extension of hours would allow truck movements to be spread throughout the day, which would result in a reduction of noise impacts at any one time and reduce traffic congestion during peak periods
- the extended hours end at 3.00 pm on Saturdays and no work is proposed on Sundays ensuring a respite period is provided
- the Department has recommended a condition requiring the NMP to be updated, including providing additional confirmation of how truck movements will be split between the entrance gates to mitigate noise and traffic impacts.

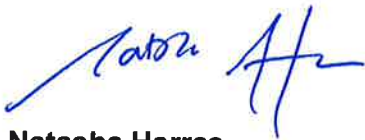
Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 10. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report
- determine that the applications fall within the scope of section 75W of the EP&A Act
- approve the modifications of DA 2, DA 3 and DA 4 at Penrith Lakes subject to conditions
- sign the attached notice of modification (**Attachment A**).

Recommended by:



**Natasha Harras**  
**Team Leader**  
**Modification Assessments**

Recommended by:



**Anthony Witherdin**  
**Director**  
**Modification Assessments**

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### DECISION

Approved by:



**Anthea Sargeant** 6/11/17  
**Executive Director**  
**Key Sites and Industry Assessments**

as delegate of the Minister for Planning.

## APPENDIX A: NOTICE OF MODIFICATION

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7991](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7991)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7992](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7992)

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7993](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7993)



## APPENDIX B: SUPPORTING INFORMATION

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

### 1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7991](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7991)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7992](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7992)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7993](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7993)

### 2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7991](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7991)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7992](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7992)  
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### 3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7991](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7991)  
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