



Our reference: ECM: 7376170
Contact: Gavin Cherry
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4 November 2016

Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Natasha Harras

Dear Ms Harras,

Penrith Lakes Scheme Modification Applications

Thank you for the opportunity to provide comments in relation to the following modifications relating to the Penrith Lakes Scheme:

- DA 2 MOD 6 to Importation of VENM and ENM - Penrith Lakes Development Scheme
- DA 3 MOD 5 - Importation of VENM and ENM - Penrith Lakes Development Scheme
- DA 4 MOD 10 - Importation of VENM and ENM - Penrith lakes Development Corporation.

The applications have been reviewed and the following comments are provided for consideration in the assessment of the application:-

i) Acoustic Management

The exhibition information has been reviewed including the Summary Report prepared by ARUP, Job Number 243932-01 dated 1 December 2015. The following comments are made for consideration and address:-

- The assessment report relies on the concept of 'shoulder periods' from the Road Noise Policy (EPA) which outlines '*at times, it may be reasonable to carry the standard time periods applied to the day and night where the noise level in an area may begin to rise sharply earlier than 7:00am.*' The assessment report provides noise monitoring graphs that show that the noise levels in the assessment locations are rising to peak levels at or around 6am. No concerns are raised with the 6am-7am period being considered part of the daytime criteria.
- The summary report however relies on data collected more than 3 years ago. It is also Council's understanding that the data was collected prior to expanded VENM/ ENM operations occurring on the site. Further noise readings are necessary, to adequately assess the impact of current operations as well as the additional impacts from the proposed expanded operations.

- Section 6.1 of the Summary Report outlines that *'for the typical scenario, VENM/ENM haul traffic is predicted to comply with the Road Noise Policy (RNP) criteria for receiver location on all road segment's*. The report does not clearly indicate or justify this statement and it is requested that this is further explained.
- The applicant proposes to manage traffic noise through a Noise Management Plan, which has not been provided as a part of the modification. To enable adequate assessment of the proposal and required mitigation measures to manage offsite impacts, the Noise Management Plan should be submitted and assessed as part of the application to consider if the modification is suitable and reasonable.

ii) **Public Interest**

Council has historically received a number of complaints from residents within the vicinity of the development site, regarding existing truck movements to and from the site outside of the approved hours of operation. In addition, representations have been received in response to the proposed application that non-compliant hours of access and truck movements are still occurring. Where formal complaints are received they are forwarded to the Environment Protection Authority (EPA) for consideration and investigation. The outcomes of these investigations should be discussed with the EPA given the proposal is seeking to expand hours of operation.

It should however be verified that existing operations are ensuring compliance with the issued conditions of consent as currently imposed, prior to consideration of the proposed expanded operation. As the activity is licensed by the Environment Protection Authority, this authority will need to be satisfied that the changes in operating hours will not have adverse effect on the adjoining residential areas. Motion activated CCTV systems are also recommended to be installed at each entry point to monitor truck access to and from the site, with data emailed to the appointed regulatory authority (EPA to monitor site operations and determine any breaches in hours of operation with appropriate compliance action pursued.

It is considered that inadequate information has been submitted to support the proposed modification, or suitably address the concerns of local and nearby residents. The applicant should be requested to prepare and submit additional information to address the above concerns if the application is to be pursued.

Should you require any further information or would like to discuss this matter further, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely



Gavin Cherry
Development Assessment Co-Ordinator