

Green font represents 11 December 2005 S96(2) modification (MOD 1)
Gold font represents 18 December 2006 s96(1A) modification (MOD 2)
Light green font represents 4 July 2009 s96(2) modification (MOD 3)
Purple font represents 5 February 2014 S75W modification (MOD 4)
Red font represents 30 April 2015 S75W modification (MOD 5)
Blue font represents 6 November 2017 s75W modification (MOD 6)
Orange font represents 28 August 2018 s4.55(1A) modification (MOD 8)
Grey font represents 8 January 2019 s4.55(2) modification (MOD 7)
Light blue font represents 10 February 2020 4.55(1A) modification (MOD 10)
Pink font represents 27 February 2020 4.55(1A) modification (MOD 9)
Forest green font represents 27 February 2020 4.55(2) modification (MOD 11)
Brown font represents 24 April 2026 4.55(2) modification (MOD 12)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION
BY THE MINISTER PURSUANT TO CLAUSE 8 OF SYDNEY
REGIONAL ENVIRONMENTAL PLAN NO. 11 –
PENRITH LAKES SCHEME

In accordance with clause 8 of Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme, I, the Minister for Planning and Environment, determine the development application referred to below by granting consent to that application subject to the conditions set out in the Schedule.

[SIGNATURE]
BOB CARR
Minister for Planning
and Environment

Sydney, 24 Feb 1987

APPLICATION

~~APPLICANT: Penrith Lakes Development Corporation~~

~~DEVELOPMENT APPLICATION:~~

~~Development for the purposes of implementing the Penrith Lakes Scheme –~~

~~(a) as defined in Schedule 1 of Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme.~~

~~(b) on land described on the attached plan – B.1-40015 and described in the Schedule.
(Application lodged on the 1 December 1986 with the Department of Environment and Planning – File No: 86/2720).~~

APPLICATION

APPLICANT: Penrith Lakes Development Corporation

DEVELOPMENT APPLICATION: Development for the purposes of implementing the Penrith Lakes Scheme as described:

- a) In schedule 1 of Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme;
- b) On land described in the attached plan – B/1-40015 and described in the Schedule;
- c) Development Application (DA) 86/2720 and accompanying information lodged on 1 December 1986 with the Department of Planning and Environment; and
- d) Modification Application (MOD) 87-6-2005 lodged with the Department of Planning on 26 June 2005, and accompanying information:
 - Statement of Environmental Effects titled “Penrith Lakes Development Corporation, Penrith Lakes Scheme, Statement of Environmental Effects – Dynamic Compaction Prototype Trail, dated June 2005; and
 - Supplementary assessment titled “Penrith Lakes Development Corporation, Dynamic Compaction Prototype Trail Supplementary Assessment” dated 21 September 2005.
- e) Modification Application MOD 123-10-2006 lodged with the Department of Planning on 9 October 2006 and accompanying Statement of Environmental Effects titled “*Penrith Lakes Development Corporation, Penrith Lakes Scheme, Statement of Environmental Effects – Dynamic Compaction*”, dated October 2006.
- f) Modification Application DA2 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.
- g) Modification Application DA2 MOD 4 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, VENM Importation Modification Assessment dated August 2012, including response to submissions dated November 2012.
- h) Modification Application DA2 MOD 5 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, Importation of VENM and ENM Modification, dated 25 September 2014, including response to submissions dated 13 January 2015.
- i) Modification Application DA2 MOD 6 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.
- j) Modification Application DA2 MOD 8 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.
- k) Modification Application DA2 MOD 7 and accompanying Environmental Assessment titled Statement of Support for Section 4.55(2) Modification Application to DA 02, DA 03 and DA 04, dated May 2018, including response to submissions dated 28 September 2018 and the following plans:

Plan Number	Plan Name	Revision	Date
<u>110088/CC200</u>	<u>Cover Sheet, Index and Notes</u>	C	<u>n.d</u>
<u>110088/CC201</u>	<u>Setout Plan</u>	C	<u>29/10/18</u>
<u>110088/CC202</u>	<u>Engineering Plan</u>	C	<u>29/10/18</u>
<u>110088/CC203</u>	<u>Channel Long Section</u>	C	<u>29/10/18</u>
<u>110088/CC204</u>	<u>Channel Cross Sections Sheet 1</u>	C	<u>29/10/18</u>
<u>110088/CC205</u>	<u>Channel Cross Sections Sheet 2</u>	C	<u>29/10/18</u>
<u>110088/CC206</u>	<u>Scour Protection Plan</u>	C	<u>29/10/18</u>
<u>110088/CC207</u>	<u>Cut and Fill Plan</u>	C	<u>29/10/18</u>
<u>110088/CC208</u>	<u>Stormwater Management Plan & Notes</u>	C	<u>29/10/18</u>

- (l) Modification Application DA2 MOD 10 and accompanying documentation titled Penrith Lakes Scheme S4.55(1A) Modification Application, dated 4 July 2019, including additional information dated 13 December 2019 and the Importation Protocol, Version 9.3, revision 04, dated 30 January 2020.
- (m) Modification Application DA2 MOD 9 and accompanying documentation titled Statement of Environmental Effects Section 4.55(1A) Modification Application to DA2, DA3 and DA4 14-278 Old Castlereagh Road Penrith, dated 13 August 2019, including Response to Submissions dated 12 September 2019 and additional information dated 19 December 2019.
- (n) Modification Application DA2 MOD 11 supporting documents dated 10 July 2019 (excluding any plans or documents relating to changes to landform as removed from the scope of MOD 11 on 21 August 2020), revised SEE entitled "Section 4.55(2) Modification of Development Consent DA2 (REF 86/2720) – Penrith Lakes Scheme" dated 13 September 2019, additional information dated 21 August 2020 and additional transport information dated 28 September 2020.
- (o) Modification Application DA2 MOD 12 and accompanying documentation titled PLDC DA Modification – Statement of Support for Modification to DA3 dated 08 November 2024 prepared by ARUP, including response to submissions and information request documentation and reports submitted 11 March 2025 and 18 November 2025 and 2 February 2026, including revised drawings prepared by J. Wyndham Prince titled "2 Year Plan – Lot 4 Phase 1 & 2" – Drawing ID:110088SK220 dated 29/10/2025 and the Penrith Lakes DA2 and DA3 Mod Flood Impact Assessment report prepared by Worley consulting dated November 2025.

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

SCHEDULE

STATUTORY RESPONSIBILITY

1. That the Applicant (and its successors in title) shall for the duration of this Development Consent meet the statutory requirements of all public authorities having statutory responsibilities in respect of the proposed development, and shall negotiate with all authorities having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1A. The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction or operation of the development.

TERMS OF APPROVAL

1B. The Applicant shall carry out the development generally in accordance with the development application (as described under "Application" above) and conditions of this consent. If there is any inconsistency between the documents listed under "Application", the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

~~STATE POLLUTION CONTROL COMMISSION~~ ENVIRONMENT PROTECTION AUTHORITY APPROVALS

2. That the Applicant shall, prior to the commencement of construction of the proposed development obtain from the ~~State Pollution Control Commission~~ EPA all statutory approvals required under the Clean Air Act 1961, Clean Waters Act, 1970 and Noise Control Act, 1975, in regard to any necessary pollution control safeguards.

GUARANTEE

3. (a) That the Applicant shall guarantee to meet the cost of remedial works to be carried out by the Minister in the event of –
- (i) any defects arising in the landforms, structures, plant, equipment or associated works; or
 - (ii) in relation to (i) above the costs of any remedial works should be reviewed in accordance with clause 4 and 5 and the guarantee adjusted accordingly.
- (b) That for the purposes set out in (a) above the Applicant shall lodge with the Minister a Bank Guarantee, in a form approved by the ~~Director~~ Secretary executed by a bank whereby the bank undertakes to pay to the Minister the agreed sum in the event of –
- (i) the applicant failing to perform or committing a breach of the conditions; or
 - (ii) any defects arising in the landforms, structures, plant, equipment or associated works,

the Applicant's obligation under this condition shall remain in force until the Minister is satisfied that the conditions set out in this consent have been fully

performed and upon the Minister being so satisfied, the said Bank Guarantee or any unused part thereof shall be released to the Applicant.

- (c) For the purposes of clause 3(b) "agreed sum" means the sum calculated in accordance with clauses 4, 5 and 6.
- (d) The original bank guarantee shall be lodged with the Minister within 3 months of the commencement of operations of the proposed development. Any renewal of the bank guarantee necessitated by the review of the cost of remedial works referred to in clauses 4, 5 and 6 shall be lodged with the Minister within 3 months of the date of each detailed consent.
- (e) That if the Applicant fails to comply with or breaches any of the conditions of consent, or in the event of any defects arising in the landforms, structures, plant, equipment or associated works, within the defects liability period set out in clause 7, then but not otherwise, the Minister may thereupon undertake works, including constructing a pump and pipeline, rounding off banks, fencing, demolishing, recontouring, revegetating and remove or take such other action as it may think fit to compel the Applicant's compliance with the said conditions and all losses and expenses consequent upon such construction, demolition, recontouring, revegetation or removal or any other action as aforesaid and all damages which may sustain thereby shall be recovered by the Minister from the Applicant as a debt in any Court of competent jurisdiction to the extent of the Bank Guarantee referred to in clause 3(b).
- (f) That in the event of default by the Applicant in respect of matters referred to in this consent, or in the event of any defects arising, in the land forms, structures, plant, equipment or associated works, the Minister:
 - (i) may serve on the Applicant a notice (which is hereinafter referred to as "the default notice") -
 - (a) indicating the matters, in which, in the opinion of the Minister, the Applicant is said to be in default;
 - (b) requiring the Applicant, in the manner and within the date and time specified in the default notice to:
 - (1) rectify the default referred to therein, and allowing reasonable time for rectification of any such default; and
 - (2) showing cause why the Minister should not exercise his right under condition 3(e) PROVIDED THAT the Minister may defer the coming into operation of condition 3(e) above until the expiration of the time specified in the default notice; and
 - (3) showing cause why the Minister should not institute proceedings under section ~~423~~ 9.45 of the Environmental Planning and Assessment Act.
 - (ii) may consider any explanation and representation made by the Applicant in pursuance of subclause (i)(b)(2) of this condition.

CALCULATION OF BANK GUARANTEE

4. Bank Guarantee for Defects, arising in Structures, Plant, Equipment or Associated Works

The guarantee for each two year period shall be for an amount of 2.5% of the estimated value of works to be undertaken adjusted each two years, at the time of detailed consent.

5. Bank Guarantee for Defects Arising in Landforms

The guarantee for each two year period shall be for an amount of 2.5% of the estimated value of the total landform cost adjusted each two years, at the time of detailed consent.

6. Breach of any Conditions of Consent

The guarantee for each two year period shall be the amount calculated by reference to the estimated cost to complete banks, construct foreshores of incomplete lakes, fence and provide a pump station and pipeline in the event of the Applicant terminating all extraction of works pursuant to Clause 59.

7. Liability Period

The defects liability period shall be -

- (a) for plant, equipment and associated works 12 months after the issue of a Certificate of Practical Completion in respect of the previous 2 year period; and
- (b) for landforms and flood structures 12 months after issue of Certificate of Practical Completion in respect of the previous 2 year period, with the final two year period in any consent warranted for a period of two years, fair wear and tear excepted.

NOTIFICATION OF EXISTING CONSENTS

8. The conditions included in existing consent (DA1 - consent given 8th July 1982) on land to which this application relates shall be modified to include the conditions set out in this consent.

STAGING SEQUENCE

9. The Applicant shall carry out development in accordance with the Mining Sequence Plans except as provided for in condition 10.

B4 - 30039
B4 - 30040
B4 - 30041
B4 - 30042
B4 - 30043
B4 - 30044
B4 - 30045
B4 - 30046
B4 - 30047

10. Condition 9 may be varied –

- (i) when the consent authority following consultation with the Applicant directs otherwise.

- (ii) when the consent authority deems appropriate following a request for change of sequence from the applicant.

DETAILED CONSENT - (TWO YEAR PLANS)

11. The Applicant will lodge with the consent authority at two yearly intervals, detailed plans of works to be carried out within the subsequent two years. The first of such intervals shall be two years from the date of this consent.

12. Prior to preparing such plans the Applicant will consult with the relevant authorities and organisations as directed by the Secretary ~~Department of Agriculture—Division of Fisheries National Parks and Wildlife Service and any other authorities that may be nominated from time to time by the consent authority.~~

13. Such plans shall be drawn at a scale of 1:1000 and show -

- (a) engineering design details and their relationship to the Mining Sequence Plan
- (b) shall include details of landscaping and final rehabilitation plantings to be undertaken including species name, density or spacing, location and number of trees and shrubs to be planted. The plan will also include details of proposed ground cover plantings or sowing of grasses
- (c) shall demonstrate the proposed respective locations of site for plant, buildings, roads, means of access to works, drainage, parking area and other works generally if applicable

14. Consent is deemed to have been refused where the consent authority has not determined the detailed plans within ninety days after lodgement of those detailed plans with the consent authority, except when notified otherwise by the consent authority.

14A. Documentation associated with DA2 Mod 12, including drawings prepared by J. Wyndham Prince titled "2 Year Plan – Lot 4 Phase 1 & 2" – Drawing ID:110088SK220 dated 29/20/2025 are approved for the purposes of satisfying condition 11, for the two-year period from 28 June 2026 to 28 June 2028.

DETAILED CONSENT - YEAR 1/2

15. The Applicant may, immediately after the granting of consent to this application, begin rehabilitation in Year 1/2 area. Year 1/2 area being that area described in plans:

B5 - 10043
B5 - 10044
B5 - 10045
B5 - 10046
B5 - 10047
B5 - 10048

16. This detailed consent is conditional on the following:

The Applicant following consultation with ~~National Parks Wildlife Service~~ EPA to resubmit to the ~~Director-Secretary~~ for his ~~their~~ consent within six months of this consent plans and details of the subsequent 18 months proposed works drawn at a scale of 1:1000 which;

- (a) shall include details of final rehabilitation plantings to be undertaken including species names, density or spacing, location and number of trees and shrubs to be planted. The plan will also include details of proposed ground cover plantings or sowing of grasses.
- (b) shall demonstrate the proposed respective locations of site for plant, buildings, roads, means of access to works, drainage, parking area and other works generally if applicable.

LAND REHABILITATION

Erosion Control

17. All land rehabilitation is to be in accordance with the Land Rehabilitation Manual 1987 (prepared by the Applicant in conjunction with the ~~Soil Conservation Service~~ Department of Primary Industries). Within 4 months of the approval of DA2 MOD 12, the Land Rehabilitation Manual shall be updated to the satisfaction of the Secretary.

~~17A. Prior to the commencement of the importation of VENM onto the site, PLDC shall notify the EPA and the Department regarding the sources of the VENM including documentation certifying the material is VENM as defined in the Protection of the Environment Operations Act.~~

17A. Within 1 month of commencement of VENM and ENM importation in approved under DA2 MOD 7, PLDC shall implement erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction guideline*. These erosion and sediment control measures shall be inspected and maintained by PLDC for the duration of VENM and ENM importation on the site.

17B Prior to commencement of VENM and ENM importation approved under DA2 MOD 11, PLDC and/or future owners shall implement erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction guideline*. These erosion and sediment control measures shall be inspected and maintained for the duration of VENM and ENM importation on the site.

17BB Within 4 months of the approval of DA2 MOD 12, PLDC and/or future owners shall implement erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction guideline* and the updated Land Rehabilitation Manual referred to in Condition 17. These erosion and sediment control measures shall be inspected and maintained for the duration of VENM and ENM importation on the site.

~~17C Prior to the commencement of VENM and ENM importation in accordance with MOD 5-8 7, PLDC shall notify the EPA and the 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.~~

17CG Prior to the commencement of fill importation pursuant to MOD 7, MOD 9, and MOD 10 and MOD 11 and within 4 months of the approval of DA2 MOD 12, the EPA and Department shall be notified confirming the sources of the fill, 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 including and provided with documentation, prepared by an appropriately qualified environmental consultant, and confirming that the material complies with the requirements of the relevant:

- (a) The Sydney Metro tunnel spoil order November 2018
- (b) The Sydney Metro tunnel exemption November 2018
- (c) The M4-M5 Link tunnel spoil order 2019
- (d) The M4-M5 Link tunnel spoil exemption 2019.
- (ec) any other site-specific Resource Recovery Order and Exemption issued by the EPA.

- ~~17D — PLDC must submit updated plans of the flowpath between Duralia Lake and Lake A. The updated plans must:~~
- ~~a) be submitted to and approved by the Secretary prior to issue of the construction certificate or commencement of works associated with DA2 MOD 7;~~
 - ~~b) be prepared by a suitably qualified and experienced person;~~
 - ~~c) make reference to the geotechnical requirements as set out in the Northern Lot 4 Precinct Two Year Plan (dated November 2015), particularly sections 3.2.4 and 4.4.1, in relation to the western transition of the flowpath between Duralia Lake and Lake A between RL21.0m AHD to the operating level of Lake A;~~
 - ~~d) ensure the Duralia Lake and Lake A flowpath transitions are consistent with the transitions from the Lakes and flowpath up to the finished ground levels to the north and south of the flowpath, at typically RL24.m/RL24.5m;~~
 - ~~e) include on the Scour Protection Plan, plan number 110088/CG206 Rev C dated 29/10/18, a note referencing drawing PLDC — 11862 Rev B Northern Lot 4 Precinct — Two Year Plan.~~

~~PLDC must carry out the development in accordance with any updated plans approved by the Secretary under this condition.~~

Bank Slopes

18. The completed landforms above normal water level shall have an overall slope no steeper than 6H:IV. Intermediate slopes steeper than this are permissible provided the overall slope is no greater than 6H:IV.

Drainage and Erosion Control

19. Capacities of drainage and erosion control works are to be determined in accordance with the Australian Rainfall and Run-off Manual.

20. Minimum design storm return periods are to be

- lateral drains 5 years
- waterways 20 years

21. A minimum of 100mm of topsoil is to be spread on all the reconstructed landforms which are to be revegetated.

Revegetation

22. Revegetation of landforms must commence within 30 days from the placement of topsoil. Extension of this time may be granted where site conditions prevent revegetation works being carried out.

Repairs and Maintenance

23. Land shall be maintained, repaired and managed to the satisfaction of the **Secretary Soil Conservation Service**. Repairs and maintenance works are to be carried out as necessary, **and where directed by the Secretary**, in consultation with the **Soil Conservation Service relevant agencies**.

Landscaping Species Selection

24. Indigenous native trees and shrubs of the floodplain shall be used. Exception may be within the curtilage of heritage items where species selection may be in accordance with the relevant conservation plan or in specific theme areas.

Plant Density

25. Planting of trees and shrubs will be at a density of 163 units per hectare of future land area.

26. Condition 25 may be varied where the land area concerned may be future urban or where the land may be otherwise unable to support 163 units per hectare. Such variation should be: specifically referred to in the appropriate landscaping plan.

Water Plants

27. Both submergent and emergent varieties of water plants to be planted concurrently to the first filling of any lake. Landscape plans should make reference to where such planting will occur, density and species.

Geo-Technical

28. All geo-technical works to be carried out in accordance with drawings

B5 - 10054 - General arrangement of geo-technical works

B5 - 10055 - Cross sections

WATER

Water Management Plan

29. The Applicant shall submit to the consent authority a detailed overall water management plan giving further details of studies proposed, water management modelling and monitoring program including particularly details of DA2 by 31 December 1987 for approval of the Department of Water Resources.

Reticulation Pipes

30. Alternative methods for water transfer are to be made available should water levels be reduced to a level that causes the reticulation pipes to be unserviceable.

Observation Bores

31. The Applicant is to install and monitor 5 observation bores, by the 31st December, 1987 in locations to be nominated by the Department of Water Resources.

NOISE

32. ~~The Applicant~~ Works and/or development carried out pursuant to this approval, as modified, shall not exceed the following maximum noise levels in those areas designated.

(a) Cranebrook Village and Other Dwellings outside the Scheme area (but not on the Escarpment) - see figure 2

(i) Maximum Noise Levels

Noise levels as measured at any one dwelling in Cranebrook or any other dwelling outside the Scheme area (but not including residences along Castlereagh Escarpment) are not to exceed the following criteria.

Maximum Noise Limits (L10)

Absolute maximum - 70dB(a) *
Greater than - 65dB(A) for 1 month
Greater than - 60dB(A) for 3 months
Greater than - 55dB(A) for 24 months
Less than - 55dB(A) for remainder of time

(ii) The above absolute maximum may be exceeded as a result of the construction of noise control works e.g. noise bunds.

(iii) In the area south of Cranebrook village all rehabilitation works shall be setback 20 metres from the residential area.

(iv) In the area north of Cranebrook village all rehabilitation works shall be set back 50 metres from the residential area.

(b) Noise Reduction Measures

The Applicant or, where relevant, anyone else acting on this consent, as modified, shall:

(i) complete within a 3 month period the rehabilitation works for the area south of Cranebrook Village

(ii) construct noise bunds around Cranebrook Village in accordance with drawing B10-10008 prior to the commencement of extraction or rehabilitation operations on land described in Schedule 4.

(c) Dwellings on the Castlereagh Escarpment - see figure 2

(i) Maximum Noise Levels

Noise levels as measured at any one dwelling on the escarpment are not to exceed the following criteria.

Maximum Noise Limit (L10)

Absolute maximum - 70dB(A)
Greater than - 65dB(A) for 3 months
Greater than - 55dB(A) for 24 months
Less than - 55dB(A) for remainder of time

- (ii) All extraction and rehabilitation to take place a minimum of 200 m from dwellings on the escarpment.

HOURS OF OPERATION

33. Non-Noise Sensitive Areas

- (i) The standard hours of operation for non-noise sensitive areas are:
- * sand and gravel extraction including haulage to processing plants
- 6.00am to 7.00pm Monday to Saturday
 - * overburden stripping and rehabilitation
- 7.00am to 7 00pm Monday to Saturday
 - * none of the above works are to be undertaken on Sundays or Public Holidays
- (ii) All works carried out between 6 a.m. and 7 a.m. to conform to 5dBA above the existing background noise level.

34. Noise Sensitive Areas (defined in schedule 3)

The hours of operation for extraction and rehabilitation south of Cranebrook Village are:

- * 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
- * none of the above works are to be undertaken on Sundays or Public Holidays

35. Variation to hours of operation

An application to vary hours of operation may be made by the Applicant for the **Directors Secretary's** consent to suit special circumstances such as, an extension in hours to increase production rates in non-noise sensitive areas. In seeking such a consent the Applicant shall submit an assessment of noise impacts related to the proposed variation and identify any necessary works to mitigate any adverse impacts.

36. Maintenance and Purchase of Machinery and Vehicles

- (i) All machinery used in quarry and reconstitution operations shall be properly maintained so as to prevent undue noise.
- (ii) Any new machinery or equipment purchased for use on site, either in addition to or as replacement of existing machinery or equipment, shall be fitted with the manufacturers standard noise control equipment available at the time of purchase.

DYNAMIC COMPACTION: NOISE AND VIBRATION

36A. Prior to commencement of the development described in Mod 87-6-2005, the Applicant shall:

- (a) secure a written agreements with the tenants of the Poplars heritage complex

and/or the Department to allow exceedences of the noise and human comfort ground vibration limits for the Poplars heritage complex outlined in Tables 2 and 3 of condition 36C of this consent;

(b) undertake a dilapidation survey of the Poplars heritage complex; and

(c) develop and following approval implement a Dynamic Compaction Noise and Vibration Management Plan which details the procedures that would be implemented prior to, and during the development to:

- i) comply with the noise and ground vibration limits in Tables 2 and 3 of condition 36C of this consent, including:
 - a. the details of any negotiated agreements with nearest sensitive receivers; and
 - b. the details of the buffer distances that would be maintained between the works and sensitive receivers, until compliance with relevant noise and vibration limits can be demonstrated;
- ii) monitor noise and vibration impacts at sensitive receivers, including continuous monitoring for ground vibration, and regular visual inspections of the Poplars Heritage Complex;
- iii) keep the community (including nearest sensitive receivers) informed of the works;
- iv) receive, handle and respond to complaints relating to noise and/or vibration;
- v) report on and respond to any non-compliance relating to noise and/or vibration, including the cessation of works, where necessary;
- vi) resolve any disputes which may arise during the development; and
- vii) compensate for any damage to private residences or public infrastructure that is caused by the development,

to the satisfaction of the ~~Director-General~~ Secretary.

36AA. Prior the commencement of the development described in MOD 123-10-2006, the Applicant shall revise and implement the Dynamic Compaction Noise and Vibration Management Plan to the satisfaction of the ~~Director-General~~ Secretary.

36B. The Applicant shall ensure the development described in MOD 87-6-2005 and MOD 123-10-2006 complies with the hours of operation set out in Table 1:

Monday to Saturday	Sundays and Public Holidays
7.00 am to 7.00 pm	No work

Table 1 Hours of Operation

36BB. The Applicant shall ensure that the development described in DA2 MOD4, DA2 MOD5 and DA2 MOD6 and DA2 MOD 8, and DA2 MOD 7, DA2 MOD 9 and DA2 MOD10 and DA2 MOD 12 complies with the hours of operation set out in Table 2:

Monday to Friday	Saturdays	Sundays and Public Holidays
7.00 am to 6.00 pm 6:00 am to 9:00 pm	7.00 am to 1.00 pm 6:00am to 3:00pm	No work

Table 2 – Hours of Operation

36BBB Development described in DA2 MOD 11 and MOD 12 is permitted to be carried out on a 24 hour basis, 7 days a week subject to any restrictions on operating hours that may be required by a Dust Management Plan and Noise Management Plan approved under Condition 37B.

- 36C. The Applicant shall ensure the development described in MOD 87-6-2005 and in MOD 123-10-2006 complies with the noise limits set out in Table 2, unless it has secured a written agreement from the affected landowner to exceed these limits.

Sensitive Receiver	Noise Limits
	dB(A), L _{Aeq} , 15 minutes, daytime
Poplars Heritage Complex (at occupied residence only)	43
Cranebrook Village	45
South Cranebrook residences	39
Upper Castlereagh Uniting Church residence	51
Whitewater Stadium (when in used)	48
39 and 47 to 65 Old Castlereagh Road and Waterside Estate	47 (7am to 6pm) 42 (6pm to 10pm) 37 (10pm to 7am)
Business/industrial area that lies between the MOD 11 site and east to Castlereagh Road and south-east to Boundary Creek	70 (offices/retail) 75 (industrial premises)

Table 2 Noise Limits

Notes:

- Noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in condition 36C.
- Where it can be demonstrated that direct measurement of noise from the premises is impractical, the Department of Environment and Conservation may accept alternative means of determining compliance. See Chapter 11 of the *NSW Industrial Noise Policy*.
- The modification factors presented in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise levels where applicable.
- The noise emission limits identified in condition 36C apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level.

- 36D. Works and/or development carried out pursuant to this approval, as modified, must comply. The Applicant shall ensure that the development described in MOD 87-6-2005, MOD 123-10-2006 and in DA2-MOD5 complies with the vibration limits set out in Table 3, unless written agreement it has been secured a written agreement from the affected landowner to exceed these limits.

Sensitive Receiver	Ground Vibration Limits	
	Building Damage (peak particle velocity)	Human Comfort (vibration dose value)
Residences at Cranebrook Village, South Cranebrook, and Upper Castlereagh Uniting Church	5 mm/s	0.20 m/s ^{1.75}
Poplars Heritage Complex	3 mm/s	0.40 m/s ^{1.75}
McCarthy's Cemetery	3 mm/s	N/A
Whitewater Stadium	10 mm/s	N/A

Table 3 Ground Vibration Limits

Note:

Vibration dose values sourced from Table 2.4 in "Assessing Vibration: a technical guideline" (DEC, 2006).

- 36E. Within 1 month of commencing dynamic compaction operations described in MOD 123-10-2006, the Applicant shall prepare a noise compliance assessment to the satisfaction of the DEC EPA. The assessment shall be prepared by a suitably qualified and experienced acoustic consultant and shall assess compliance with the noise and the human comfort vibration limits in Tables 2 and 3 of condition 36C. The report should provide details of offset distances determined from monitoring in order to satisfy these limits at all off site sensitive receivers where a written agreement from the affected landowner has not been secured.

AIR QUALITY

37. The development shall comply with the air quality criteria in Table 5 and 6: [table references updated to Table 5 and 6]

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 $\mu\text{g}/\text{m}^3$

Table 5 Total suspended particulate matter criteria

Pollutant	Averaging period	Maximum total deposited dust level
Deposited dust	Annual	4 $\text{g}/\text{m}^2/\text{month}$

Table 6 Deposited dust criteria

Noise and Dust Management Plans

37A PLDC shall prepare and implement a Noise Management Plan (NMP) and a Dust Management Plan (DMP) for VENM and ENM importation approved under DA2 MOD 7. The NMP and DMP must:

- be submitted to the Secretary within three months of commencement of works associated with DA 2 MOD 7;
- be prepared in consultation with Council and the EPA;
- verify that the project meets the relevant noise and air quality criteria in the approval and EPL;
- if any non-compliances occur, describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval and the EPL;
- include provisions to ensure that the project achieves and maintains best practices in both equipment and operations to minimise dust and noise impacts in accordance with conditions of approval;
- outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and

The NMP and DMP must be approved prior to importation of 9.5 million tonnes of VENM and ENM.

~~PLDC must carry out the~~ The development, including all fill importation, must be undertaken in accordance with any NMP and DMP approved by the Secretary under this condition.

37B PLDC and/or future owners shall prepare and implement a Noise Management Plan (NMP) for traffic and construction noise and a Dust Management Plan (DMP) for VENM and ENM importation approved under DA2 MOD 142.

1. The NMP and DMP must:
 - (a) be approved by the Secretary ~~within 4 months of the approval of MOD 12 prior to relating to the importation of the an additional 3.35 6.8 million tonnes of VENM and ENM across Lot 4;~~
 - (b) be prepared by a suitably qualified and experienced person(s);
 - ~~(c) be prepared in consultation with Council;~~
 - (d) verify that the project meets the relevant noise and air quality criteria in the approval (i.e. Conditions 36C and 37 respectively);
 - (e) include provisions to ensure that the project achieves and maintains best practices in both equipment and operations to minimise dust and noise impacts in accordance with conditions of approval;
 - (f) require that all works cease immediately upon written advice from ~~Council or DPIEH~~ that a valid dust or noise complaint has been received. Works are not to recommence until ameliorative action is taken to the written satisfaction of ~~Council or the DPHIE~~ compliance teams.
2. The DMP must:
 - (a) detail all particulate emissions from all sources of the development;
 - (b) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (c) identify the control measures that will be implemented for each particulate emission source; and
 - (d) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) response procedures if any non-compliances occur, that describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
 - (vi) complaints register must document investigations undertaken to identify the causes(s) of and action(s) taken to rectify any complaints received; and
 - (vii) compliance monitoring.
 - (e) establish a communications strategy so that affected neighbours are kept informed about the development and are consulted about aspects likely to result in particulate emissions.
3. The NMP must:
 - (a) include matters listed under Condition 49A regarding a TNMP;
 - (b) consider traffic noise impacts along the entire haulage routes;
 - (c) if any non-compliances occur, describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
 - (d) outline procedures to record and manage responses to any complaints.

The development, including all fill importation, must be undertaken in accordance with any NMP and DMP approved by the Secretary under this condition. The NMP and DMP may be revised at any stage by submitting revised plans for approval by the Secretary.

38. PDLC and/or any future owner must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering. ~~That the applicant shall keep.~~ a All unsealed roads used for extractive or other material or over-burden haulage shall be kept sufficiently damp, at all times to prevent wind-blown or traffic generated dust. Plant shall be provided and operated to enable watering at least at a rate of 1.0 litres per square metre per hour;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network; and
- (d) rehabilitation works are carried out progressively on site to minimise exposed surfaces.

Grasses

39. Rehabilitated areas shall be grassed as soon as possible.

Operations Near Residences

40. When it is intended to carry out works in areas which are closer than 200 metres to adjoining residences then the Applicant shall advise, the ~~Secretary and the EPA State Pollution Control Commission and Council.~~

41. When wind speeds average 5 m/s and nearby residences are likely to be significantly affected by dust authorised ~~Council DPHI~~ or ~~SPCG-EPA~~ officers may direct the Applicant to cease operations.

HERITAGE ITEMS

42. Prior to extraction taking place, in the vicinity of the following items of environmental heritage the applicant shall provide conservation plan for consent to the ~~Director Secretary~~ for each of the sites listed:

- (a) McCarthy's Cemetery;
- (b) Upper Castlereagh Methodist Church and Hall;
- (c) Upper Castlereagh School and Residence; and
- (d) Methodist Cemetery.

Conservation Plan

43. These plans should be prepared by a recognised conservation architect. The plans should be prepared with the following aims:

- (a) determine appropriate curtilages for each of the items of environmental heritage within the context and requirements of the scheme, and
- (b) prepare policies to ensure the heritage significance of these items is not diminished by the proposed development.

43A. Prior to undertaking any dynamic compaction works within 95 metres of "McCarthy's Cemetery" or the "Poplars Heritage Complex", the Applicant must commission a suitably qualified person(s), approved by the NSW Heritage Office, to undertake works to protect the heritage significance of these items from potential damage arising from dynamic compaction activities, to the satisfaction of the NSW Heritage Office.

43B. The Applicant shall not construct any trench for the purpose of surface vibration mitigation on land not previously excavated for quarrying purposes except to the satisfaction of the NSW Heritage Office.

FOR INFORMATION ONLY

43C. The Applicant shall rectify any damage caused by its activities to "McCarthy's Cemetery" or the "Poplars Heritage Complex", to the satisfaction of the NSW Heritage Office.

43D. Within 4 months of the approval of DA2 MOD12, the Applicant shall prepare and implement an updated Conservation Plan for "McCarthy's Cemetery" and the "Poplars Heritage Complex", to the satisfaction of the Secretary. The Conservation Plan must be prepared by a suitably qualified professional and include mitigation measures to address the visual and other impacts associated with the changed landform surrounding the sites, including landscaping and other measures. All approved mitigation measures shall be implemented by the Applicant and maintained throughout the life of the project, to the satisfaction of the Secretary.

Other Heritage Sites (see schedule 4)

44. Prior to any works being carried out in the vicinity of any of these items an investigation report shall be prepared for the approval of the ~~Director~~ Secretary. The report will identify whether the item should be removed and relocated and the cost of such a relocation.

PENRITH BEACH

44A. Whenever there is an agreement in place for the operation of Penrith Beach, the Applicant shall minimise disruption from construction and rehabilitation operations on the Beach, to the greatest extent possible.

TRANSPORT

45. That the transport route for the carriage of all materials shall be via internal trunk haul roads established from time to time in locations as approved by the ~~Director~~ Secretary. These locations in the case of carriage of overburden be generally indicated.

46. That no road, public reserve, public place, or other place not included in the routes referred to in condition 43 shall be used for the passage of vehicles in the transport of plant or extractive material between the lands and any State Highway, Trunk, Main, ~~local~~ or Secondary road as respectively classified under the ~~Main~~ Roads Act, ~~1924~~1993, as amended.

46A. All ~~VENM and EMN fill~~ transported to and from the site shall be via the approved routes as shown in Figures 2 and 2A below and described in the Importation of VENM and ENM Modification (as shown in DA2 MOD 5). In addition, as approved under DA2 MOD7, up to 1,000,000 tonnes of fill may be transported to the site using Lugard Street. 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 from the North



Figure 2a - Approved VENM Transport Route from the South

Should Lugard Street be used for transporting fill, the Applicant or anyone else acting on this consent shall advise the Secretary at the commencement of fill works and provide a monthly record of the monthly and cumulative total of fill transported to the site using this street.

46AA Use of the Old Castlereagh Road vehicle access point for transporting fill approved under DA2 MOD 11 and DA2 MOD 12 to the site shall be restricted to the hours of 7am to 6pm daily. The Lugard Street access point may be used 24 hours per day.

- 46B (1) PLDC shall investigate the need for road upgrades on the section of Castlereagh Road between McCarthy's Lane and Nepean Street to accommodate the VENM and ENM importation approved under DA2 MOD 7. The assessment shall:
- (a) be prepared by a suitably independent and qualified expert;
 - (b) be prepared in consultation with ~~Penrith City Council and the~~ RMS Transport for NSW;
 - (c) establish any road upgrades and traffic management measures required to address all road pavement and traffic safety issues associated with VENM and ENM importation in accordance with DA2 MOD 7 on this section of road.

The assessment shall be submitted to the Secretary for approval prior to importation of 9 million tonnes of VENM and ENM to the site.

(2) If road upgrade works are required under condition 46B(1), PLDC shall provide those road upgrades on the above section of Castlereagh Road between McCarthy's Lane and Nepean Street, prior to importation of 9.5 million tonnes of VENM and ENM to the site, to the satisfaction of the ~~RMS Transport for NSW~~.

Note: these works must be provided at no cost to Penrith City Council or ~~RMS Transport for NSW~~ and all required separate approvals for the road works must be obtained from the relevant authority.

- 46C (1) PLDC shall prepare a precondition road survey in accordance with ~~RMS Transport for NSW~~ specifications for the haulage roads identified in Condition 46A. The precondition road survey must be prepared by a suitably qualified and experienced person within 1 month of commencing importation of VENM and ENM to the site approved under DA2 MOD 7. A copy of the precondition road survey shall be submitted to the Department, ~~RMS Transport for NSW and Council~~ within 1 week of the date of the precondition road survey.

(2) Further dilapidation reports shall be undertaken by PLDC for haulage roads identified in Condition 46A on a four monthly basis for the duration of works approved under DA2 MOD 7, with a final post-dilapidation report prepared at the completion of works. A copy of each dilapidation report shall be submitted to the Department ~~and Transport for NSW RMS and Council.~~

(3) PLDC shall rectify any deterioration of the road pavement as a result of the VENM and ENM importation approved under DA2 MOD 7 that adversely affects the existing road users during the works. At completion of the works, a final post-dilapidation report shall be carried out. All maintenance and permanent repairs will be carried out within six months of completion of works, to a condition equivalent to that identified in the precondition road survey, and prior to the release of any occupation certificate for works approved under DA2 MOD 7, to the satisfaction of the relevant authority.

46D (1) PLDC and/or future owners shall prepare a precondition road survey in accordance with TfNSW specifications for the components of Lugard Street and Old Castlereagh Road that are haulage roads as identified in Condition 46A. The precondition road survey must be prepared by a suitably qualified and experienced person within 1 month of commencing importation of VENM and ENM to the site approved under DA2 MOD 11 ~~and within 4 months of the approval of DA2 MOD 12.~~ A copy of the precondition road survey shall be submitted to the Department ~~and TfNSW and Council~~ within 1 week of the date of the precondition road survey.

(2) PLDC and/or future owners shall rectify any deterioration of the road pavement as a result of the VENM and ENM importation approved under DA2 MOD 11 ~~and DA2 MOD 12~~ that adversely affects any other road users during the works. At completion of the works, a post-dilapidation report shall be carried out. All maintenance and permanent repairs will be carried out within six months of completion of works, to a condition equivalent to that identified in the precondition road survey, subject to fair wear and tear as determined by ~~the Secretary Council,~~ and prior to the release of any occupation certificate for works approved under DA2 MOD 7, to the satisfaction of the relevant authority.

Note: these works must be provided at no cost to Penrith City Council or ~~RMS-Transport for NSW~~ and all required separate approvals for the road works must be obtained from the relevant authority.

Relocation of Castlereagh Road

47. The survey and preliminary design for the relocated road as indicated generally in REP 11 shall be carried out 11 and submitted to the ~~Director~~ Secretary by 31 December 1987 for ~~his~~ their consent.

Excavation Vicinity of Castlereagh Road

48. Where excavation takes place within 100 metres of Castlereagh Road 1.2 metre high earth embankment should be built as a safety measure. The embankment may be built no closer than 20 metres to Castlereagh Road. Details of the embankment to be submitted as part of the appropriate two year detailed consent application.

Access

49. Appropriate approval is required from ~~the Department of Main Roads~~ Transport for NSW for the location and design of access to be provided at any point in Castlereagh Road.

- 49A "Prior to the commencement of importation of VENM the Applicant shall submit a Project Traffic and VENM Management Plan to the Department. This plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan (TNMP) to be prepared in consultation with the Environment Protection Authority (EPA), and to the satisfaction of the ~~Director General~~ Secretary.

The CTMP shall:

- Cover the period of transporting the VENM to the site;
- Outline the construction vehicle routes (once PLDC has determined the VENM sources);
- Outline other proposed traffic management measures for all proposed access points; and
- Describe the number of trucks per route, hours of operation, access arrangements and traffic control (including how PLDC intends to ensure only approximately 70 truck movements per day along Old Castlereagh Road).

The TNMP must include (but not be limited to):

- An investigation and description of all reasonable and feasible measures to reduce traffic noise;
- Noise compliance/monitoring assessment provisions (especially with regards to Old Castlereagh Road);
- Mitigation measures to be implemented should monitoring indicate exceedances of EPA criteria;
- Measures to regulate traffic volumes on the haulage routes into the site (as described in the EA);
- Vibration limits;
- Auditing provisions;
- Commitment to implement all feasible and reasonable noise mitigation measures; and
- A program to monitor traffic noise and respond to complaints

Prior to the commencement of the extended hours of operation, as approved by DA2 MOD6, the Applicant shall prepare and submit for the Department's approval an updated TNMP. The Updated TNMP shall include (but not be limited to):

- updated information ensuring the TNMP assessment reflects the extended hours of operation;
- detailed consideration of the impact of the extended hours of operation on nearby sensitive receivers (and any relevant new sensitive receivers since the preparation of the original TNMP), including any additional mitigation/management measures that may be required;
- confirmation the truck movements to the site will be split between each of the vehicular entrances to the site;
- confirmation of a maximum number of truck movements to the site per hour;
- confirmation of a maximum number of trucks per vehicle entrance per hour;
- confirmation of the maximum number of truck movements during peak periods; and
- confirmation of the method(s) for the appropriate monitoring of truck movements to/from the site.

49AA. Prior to the commencement of additional importation of VENM and ENM in accordance with DA2 MOD 5 the applicant will submit a revised Project Traffic and VENM Management Plan to the Department in accordance with the requirements of condition 41A. The plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan (TNMP) and outline the proposed management of additional vehicle movements associated with the increased requirements for VENM and ENM importation.

The TNMP shall be updated in accordance with the requirements of condition 49A.

49AAA The applicant must submit a revised Construction Traffic Management Plan in accordance with the requirements of condition 49A to the ~~Department Secretary~~ for approval prior to the commencement of extended hours of operation and additional importation of VENM and ENM under DA2 MOD 11, and within 4 months of the approval of DA2 MOD 12. The plan is to outline the proposed management of additional vehicle movements associated with the increased operating hours and requirements for VENM and ENM importation.

49B 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 DA2 MOD 8, 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.

~~49C The importation of VENM and ENM shall be limited to 13 million tonnes at a maximum rate of 3 million tonnes per year.~~

49C The importation of fill shall be limited to ~~13~~19.8 million tonnes at a maximum rate of 3 million tonnes per year and comprise of only:

- (a) VENM;
- (b) ENM;
- ~~(c) M4-M5 Link tunnel spoil order 2019 and exemption 2019;~~
- (d) Sydney Metro tunnel spoil order November 2018 and exemption November 2018 and/or
- (e) other material which meets the requirements of a site-specific resource recovery Order and Exemption issued by the EPA in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

~~49CC The importation of VENM and ENM in accordance with DA2 MOD 8 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.~~

~~49CCC In addition to condition 49C, 3.35 million tonnes of VENM, ENM and material subject to a site specific resource recovery order and exemption as issued by the EPA from time to time may be imported to the land at 14-278 Old Castlereagh Road (Lot 1, 2 and 3 of DP1263486)~~

49D. Prior to the commencement of importation of VENM or ENM using the northern most access, the road network adjacent to Gate 3 (Castlereagh Road north of Cranbrook Road intersection) would be upgraded to provide auxiliary left turn treatment for northbound traffic turning onto the site and right turn treatment for southbound traffic in consultation with Penrith City Council and RMS Transport for NSW.

Monitoring of Fill

- 49E PLDC, in consultation with anyone else acting on this consent (as modified), shall:
- 1) keep accurate records of the amount of ~~VENM and ENM fill~~ imported (in accordance with Condition 49C) to the site (on a monthly basis); and
 - 2) make these records publicly available on its website at the end of each calendar year.

Road Transport Protocol

49F PLDC shall prepare and implement a Road Transport Protocol, in consultation with ~~Council and RMS Transport for NSW~~. This protocol shall:

- 1) be submitted to the Secretary for approval within three months of commencement of works associated with DA 2 MOD 7;
- 2) include a Traffic Management Plan, which includes:
 - a) procedures to ensure that drivers adhere to the designated haulage routes;
 - b) details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements;
 - c) measures to ensure that the provisions of the Traffic Management Plan are implemented including, but not limited to, driver training in the heavy vehicle drivers' Code of Conduct; and
 - d) procedures for ensuring compliance with and enforcement of the heavy vehicle drivers' Code of Conduct; and
- 3) include a Code of Conduct for heavy vehicle drivers that addresses:
 - a) appropriate travelling speeds;
 - b) staggering of truck arrivals and departures to ensure a regular trucking schedule throughout the day;
 - c) instructions to drivers to maintain appropriate distances between vehicles;
 - d) instruction to drivers to adhere to the designated haulage routes;
 - e) instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations; and
 - f) appropriate penalties for infringements of the Code.

PLDC must carry out the development in accordance with any Road Transport Protocol approved by the Secretary under this condition.

Penrith Lakes Importation Protocol

~~49G All imported fill shall comply with the requirements of the Penrith Lakes Importation Protocol, prepared by ERM Consulting, Version 9.3, revision 04, dated 30 January 2020.~~

49G (a) All imported fill pursuant to Condition 49C (a to d), shall comply with the requirements of the Penrith Lakes Importation Protocol (PLIP), prepared by ERM Consulting, Version 9.3, revision 04, dated 30 January 2020;

(b) Prior to importation of fill pursuant to Condition 49C(e), an importation protocol must be prepared to reflect the fill approved by DA2 MOD9 and DA2 MOD 12. This importation protocol must:

- (i) be prepared to apply to the entire DA2 site area;
- (ii) be prepared in consultation with the EPA, ~~DPIE~~ Department of Climate Change, Energy, the Environment and Water (Water), Council and PLDC;
- (iii) have a similar structure to the PLIP approved by Condition 49G(a) and include sections related to material definitions, information required prior to accepting the material on the site, importation approvals (including an unexpected finds protocol) and import soil quality assurance/control measures, as relevant; and
- (iv) be submitted to the Secretary for approval within 4 months of the approval of DA2 MOD 12.

The importation of fill pursuant to Condition 49C(e) must be undertaken in accordance with the importation protocol approved by the Secretary under this condition

OTHER LANDOWNERS

Drainage

50. The Applicant is to permit natural drainage of adjacent existing development into the scheme.

51. The Applicant is not to carry out any works that would cause inundation of surrounding developed areas by discharges produced by a 100 year recurrence interval rainfall event.

52. Where the Applicant alters discharge patterns from existing development the proposed measures to facilitate drainage including details of scour protection works should be submitted to the Secretary Council for approval Councils consent with a supporting report by qualified civil engineer.

Damage to Other Property

53. That the Applicant carry out all works on the land the subject of the application in such a manner as not to cause any injury, loss or damage to persons and stock on any other property.

54. That the Applicant carry out any alterations as necessitated by the development to services or municipal facilities on the subject land or those adjoining the development. The alterations shall be carried out at the Applicant's expense to the satisfaction of the Secretary Council.

Adverse Water Supply

55. That the Applicant shall, if directed in writing by the ~~Secretary Council~~ the advice of the Department of ~~Water Resources~~ **Climate Change, Energy, the Environment and Water (Water)** and at the Applicant's cost, make available or make arrangements for a supply of water to any person in the immediate locality of the operations who at the date of consent was licensed under the Water Act, 1912, to extract water from an aquifer and who can demonstrate to the satisfaction of the Department of ~~Water Resources~~ **Climate Change, Energy, the Environment and Water (Water)** that the supply of such water has been adversely affected in quality or quantity by the operations. Provided that ~~the Secretary Council~~ in making such a direction shall not require an alternative supply of water exceeding the provision of the licence and shall specify a period for maintenance of the supply which in its opinion is reasonable having regard to the circumstances, after which the direction shall cease to have effect.

Limits of Working

56. That the Applicant shall not excavate or stockpile -

- (a) within 30 metres of any Main, **Local** or County Road;
- (b) within 15 metres of any other dedicated road, any public place or public reserve; and
- (c) within 15 metres of any adjoining privately owned property except with the written permission of the owner of that property and the consent of the **Secretary Council**

except as provided for in condition 48.

TERMINATION OR TEMPORARY CESSATION OF EXTRACTION

Details

57. The Applicant shall within one month of the date of this consent prepare and submit to the ~~Director~~ **Secretary** for ~~his~~ **their** consent details of proposals for completion and construction of landforms, banks, fencing and works including the construction of a pump and pipeline in the event of termination of the extraction works or temporary cessation of such works.

Temporary Cessation of Works

58. Where the Minister after consultation with the Applicant notifies the Applicant that he has formed the view that effective sand and gravel extraction has temporarily ceased and considerable time will elapse before effective extraction will resume then the Applicant shall undertake and substantially complete the works consented to in those circumstances pursuant to clause 57 within one year of the date of the notification and shall totally complete such works within 2 years of that date.

Total Cessation of Works

59. Where the Applicant issues a termination notice to the Minister setting out the reasons for ceasing all sand and gravel extraction and the Minister agrees to such termination then the Applicant shall substantially complete the works consented to in those circumstances pursuant to clause 57 within one year of the date of the termination notice and shall totally complete such works within 2 years of that date.

MONITORING

Monitoring Programme

60. The Applicant shall carry out the tests, recording and reporting referred to in Clauses 61 and 62 to enable the impact of on-site activities to be assessed.

Land Rehabilitation

61. Compaction Tests

- (a) The Applicant will at its cost, be responsible for compaction tests at the following frequencies:
- * Engineered Zones - 1 test every 2500 cubic m
 - * Future Urban Area
 - Top Section - 1 test every 1000 cubic m
 - Bottom Section - 1 test every 2000 cubic m
- (b) Tests are not required in other construction zones.
- (c) The above frequencies have been determined on the basis that the Applicant has a suitably qualified Engineer on site to supervise earthworks. Frequency of testing is to increase to 1 test every 500 cubic metres in Engineered Zones and Future Urban Areas if such professional supervision is not provided.
- (d) Compaction tests shall be done in accordance with AS1289E4.1-1982 unless specific approval is given by the consent authority to change the test method.
- (e) Testing to be undertaken by a National Australian Testing Authority registered laboratory.
- (f) Should the applicant wish to undertake its own tests then:-
- (i) it is to be National Australian Testing Authority registered; and
 - (ii) a minimum of 10% of all tests are to be undertaken by an independent consultant.
- (g) Any failures are to be rectified by the Applicant.

62. Settlement

- (a) The Applicant shall install settlement plates at a rate of 1 plate per hectare in the Future Urban Area.
- (b) The Applicant shall install up to 10 settlement plates in Open Space areas, the location of which are to be nominated by the consent authority.
- (c) The Applicant shall arrange to have these plates surveyed at appropriate intervals (more frequently at commencement) until such time that settlement is substantially completed.

63. Records and Reporting

- (a) The Applicant will establish and maintain records of:-
- * works as executed diagrams;
 - * compaction test results;
 - * settlement plate results; and
 - * any other relevant information relating to construction.

- (b) Records are to be available for inspection by an appointee of the consent authority at any time during normal working hours.

Noise

- (a) The Applicant shall, on an annual basis, measure noise emanating from the overall quarry and reconstitution operations at four residential sites within proximity to the operations. One such site shall be the closest residential site to the operations. These measurements will be carried out using 20 minute spot checks.
- (b) The Applicant shall during periods when it is expected that noise levels may exceed 55dB(A) in noise sensitive areas measure noise levels emanating from the overall quarry and reconstitution operations at two residential sites within proximity to the operations. These measurements will be carried out using 20 minute spot checks. Measurements shall be undertaken at 3 monthly intervals until such time as that recorded levels are equal to or below 55dB(A).
- (c) The noise levels of all quarry and reconstitution machinery shall be tested in accordance with AS2012- 1977 on an annual basis as evidence that the noise level of individual item of machinery has not increased through improper maintenance or neglect. These tests will be commenced within three months from the date of this consent. Any new equipment will be tested within three months from the date of its arrival on site.
- (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 Climate Change, Energy, the Environment and Water Climate Change, and to the satisfaction of the ~~Director-General~~ Secretary of the Department of Planning, Housing and Infrastructure. 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.

64. Air Quality

- (a) The Applicant shall, on a monthly basis, obtain and analyse dust samples collected from eight sites shown generally on Figure 1. Vertical dust deposit gauges shall be located at each site and, in addition, directional dust gauges shall be located at Sites 2, 3, 4, 7 and 8. This monitoring shall continue for two years from the date of this consent. Such monitoring shall cease after this period provided results obtained during the period indicate that dust emanating from quarry and reconstitution operations has not exceeded 4g/sq.m./month (annual average) at neighbouring residences.
- (b) Two years prior to the preparation of DA3 dust monitoring shall recommence. Such monitoring shall include re-instatement of the gauges described above, the location of which shall be determined by the applicant in consultation with the ~~SPCC-EPA and Council~~.
- (c) PLDC shall install and operate a high volume dust sampler to ensure compliance with the 24 hour maximum concentration level. This monitoring shall continue for two years from the date of consent to the development application. Such monitoring shall cease after this period provided results obtained during the period indicate that dust emanating from quarry and reconstitution operations has not exceeded 260 µg/cubic.m./24 hour maximum concentration.
- (d) PLDC shall monitor wind speed and direction at the site shown generally on Figure 1.

- (e) A report containing the results of all air quality monitoring undertaken in the preceding 3 month period shall be submitted to the ~~State Pollution Control Commission~~ EPA and DPHI ~~Penrith City Council~~ within 2 months of the end of the period.

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING FOR LOT 4

Incident Notification

64A. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- a. date, time and location;
- b. a brief description of what occurred and why it has been classified as an incident; and
- c. identifying a contact person for further communication regarding the incident.

In this condition, incident means an occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.

Non-Compliance Notification

64B. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application and name), and set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Revision of Strategies, Plans, Protocols and Programs

64C. If necessary to improve the environmental performance of the development on Lot 4, cater for a modification, following the issue of a compliance order, or an environmental audit under Condition 65, or submission of an incident notification under condition 64A or compliance notification under condition 64B, the relevant strategies, plans, protocols and programs required under this consent must be revised to the satisfaction of the Secretary and submitted to the Planning Secretary for approval within six weeks of the review.

Monitoring Report Two Yearly Environmental Audit

65. Within 4 months of the Approval of DA2 Mod 12 and then at 2 yearly intervals thereafter, or other timeframe agreed by the Planning Secretary, the Applicant ~~shall~~ must lodge with the consent authority, ~~within 3 months of the end of that period, a monitoring 'Two Yearly Environmental Audit' report with regard to the previous two years activity, reviewing the environmental performance of the development, to the Satisfaction of the Secretary. This audit report must: The first of such intervals shall be two years from the date of this consent. The report shall contain the following;~~

- a) describe the development (including any rehabilitation) that was carried out in the previous two years and the development that is proposed to be carried out over the following two years;

- b) include a comprehensive review of the monitoring results and complaints records of the development over the previous 2 years, including a comparison of these results against the:
 - i. relevant statutory requirements, limits or performance measures/criteria;
 - ii. requirement of any plan, protocol, survey or program required under this consent;
 - iii. monitoring results of previous years; and
 - iv. relevant predictions in the documents listed in the definition of DEVELOPMENT APPLICATION in this consent ('a' through to 'o').
- c) identify any non-compliance or incident which occurred in the previous two years, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- d) evaluate and report on:
 - i. the effectiveness of the noise, air quality (dust), water, importation, rehabilitation, compaction & settlement and transport management systems;
 - ii. compliance with the performance measures, criteria and operating conditions of this consent;
- e) identify any trends in the monitoring data over the life of the development;
- f) identify and discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies;
- g) describe what measures will be implemented over the next two years to improve the environmental performance of the development;
- h) include the following minimum information requirements:
 - i. Works as executed drawings, 1:1000 scale with 1m contours;
 - ii. Details of where topsoil was stripped from, placed and method of placement;
 - iii. ~~A report~~ Details showing landforms completed and areas revegetated;
 - iv. A summary of all works undertaken in regard to repairs and maintenance of landforms;
 - v. The results of all noise monitoring undertaken in the previous 24 month period;
 - vi. The results of all air quality monitoring undertaken in the previous 24 month period.
 - vii. Photogrammatic surveys at an appropriate scale showing the extent of rehabilitation which has been carried out on the lands.
 - viii. The results of compaction and settlement tests.
 - ix. The species composition and location of plantings completed together with loss rates.
 - x. Planting times and methods and cumulative maintenance procedure.
 - xi. A description of all ancillary works which have an effect on the external environment; and
 - xii. And any other matters the consent authority may direct be included from time to time.

65A. Copies of the Two-Yearly environmental audit must be submitted to Council, the EPA and be made available on the Applicant's website.

Environmental Audit

65B. Environmental Audits of the development of Lot 4 must be conducted and carried out in accordance with the *Independent Environmental Audit Post Approval Requirements (2020)* or as updated from time to time and published on the Department's website. The timeframe requirements for audits specified in Condition 65 of this consent prevail.

Monitoring and Environmental Audits

65C. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, protocol, survey strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and environmental audit.

For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Certificate of Practical Completion

66. The Applicant shall issue to the Minister a Certificate of Practical Completion on completion of works authorised by each detailed consent pursuant to Clause 10.

Joint Inspection

67. That the Applicant shall make a representative available for joint inspection of the lands with ~~officers of the Council~~, the Department of Planning, Housing and Infrastructure, EPA, ~~Soil Conservation Service~~ Department of Primary Industries and any other statutory authorities concerned with the proposed operation of these conditions. Such inspections shall be carried out each six (6) months, ~~or at a time agreed to by the Secretary~~, but shall not be regarded as replacing any other inspections which any other authority is entitled to make.

Audit Checks

68. Inspections by ~~Public Works~~ Department of Planning Housing and Infrastructure will be carried out on an audit principle to ensure works are in accordance with approved plans.

LAND TO WHICH THIS APPLICATION APPLIES

Additional DA2 Areas

69. Those areas referred to as additional DA2 areas and specified in Chapter 8 of the Statement of Environmental Effects be withdrawn from the application.

Non-owner Consent

70. Those area's identified as private land, Crown land and public land on plan number B.1-40015 be withdrawn from the application.

(FILE NO.86/2720.)

ATTACHMENTS TO CONDITIONAL CONSENT DA2

Schedule 1 - Description of land the subject of DA2

Schedule 2 - Areas under existing development consents

Schedule 3 - Noise Sensitive Areas

Schedule 4 - Other Heritage Sites

Figure 1 - Location of monitoring points for noise and air

Figure 2 - General location of the Castlereagh escarpment and Cranebrook village.

Attached Plans

B.1-40015	Penrith Lakes Scheme Land & DA2
B 4-30039	Mining Sequence Key Plan
B 4-30040	Mining Sequence Stage 1
B 4-30041	Mining Sequence Stage 2
B 4-30042	Mining Sequence Stage 3
B 4-30043	Mining Sequence Stage 4
B 4-30044	Mining Sequence Stage 5
B 4-30045	Mining Sequence Stage 6
B 4-30046	Mining Sequence Stage 7
B 4-30047	Mining Sequence Stage 8
B5 10043	Landforms set-out Pors 80 & 85
B5 10044	Landforms set-out Pors 82 & 89
B5 10045	Landforms set-out Pors 82 & 89
B5 10046	Landforms set-out Pors 89
B5 10047	Landforms set-out Pors 89
B5 10048	Landforms set-out Pors 89
B5 10054	General Arrangement of geo-technical works
B5 10055	Cross sections
B10 10008	Cranebrook Village Noise Bund

Other Attachments

Statement of Environmental Effects
Land Rehabilitation Manual

DESCRIPTION OF SUBJECT LAND (DA2)

<u>LAND</u>	<u>TITLE REFERENCE</u>
Portion 69	CT Vol.1118 Fol.116 CT Vol.1217 Fol.89 CT Vol.7292 Fol.62 CT Vol.12771 Fol.88
Portion 70	Conv.No.312 Bk.2845 Conv.No.775 Bk.2549 Conv.No.987 Bk.2809 CT Vol.9650 Fol.101
Portion 71	Conv.No.521 Bk.2558 Conv.No.741 Bk.2575 Conv.No.775 Bk.2549
Portion 72	Conv.No.196 Bk.2544 CT Vol.7209 Fol.141 CT Vol.7864 Fol.23
Portion 81	Conv.No.495 Bk.2544
Portion 82	Conv.No.494 Bk.2544
Portion 89	CT Vol.3848 Fol.68 CT Vol.5884 Fol.87
Portion 297	CT Vol.8369 Fol.90

* All title references – Parish of Castlereagh, County of Cumberland.

SCHEDULE 2

AREAS UNDER EXISTING DEVELOPMENT CONSENTS

<u>LAND</u>	<u>TITLE REFERENCE</u>
Portion 301	CT Vol.9190 Fol.232 CT Vol.9190 Fol.233
Portion 302	CT Vol.5574 Fol.169
Portion 303	CT Vol.5547 Fol.170
Portion 304	CT Vol.7540 Fol.195
Portion 305	CT Vol.5370 Fol.23
Portion 306	CT Vol.7103 Fol.39
Portion 307	CT Vol.7068 Fol.105
Portion 308, Pt Por 321	CT Vol.10279 Fol.101
Portion 309	CT Vol.8117 Fol.100
Portion 310	CT Vol.8321 Fol.247
Portion 325	CT Vol.5547 Fol.168
Portion 337	CT Vol.7184 Fol.69
Portion 338	CT Vol.7068 Fol.24 CT Vol.14992 Fol.228
Portion 80	CT Vol.7186 Fol.104 CT Vol.7186 Fol.105 CT Vol.10347 Fol.27
Portion 85	Conv.No.693 Bk.2803 CT Vol.3483 Fol.17 CT Vol.9971 Fol.86 CT Vol.10547 Fol.179 CT Vol.10832 Fol.142
Portion 86	CT Vol.8317 Fol.22 CT Vol.10547 Fol.179 CT Vol.13001 Fol.43
Portion 89	Conv.No.330 Bk.2557 CT Vol.3848 Fol.68 CT Vol.5884 Fol.87 CT Vol.5712 Fol.175 CT Vol.6070 Fol.10 CT Vol.7344 Fol.16 CT Vol.7387 Fol.100 CT Vol.8168 Fol.110 Land in DP 356204
Portion 299	CT Vol.7960 Fol.60 CT Vol.10547 Fol.143

SCHEDULE 3

NOISE - SENSITIVE AREAS

North of Cranebrook Village

Portions 2, 3, 4, 84, 99, 247 and Part Portion 299

South of Cranebrook Village

Portion 86 and 85

The final boundary of noise sensitive areas within the above locations to be defined by the State Pollution Control Commission. Prior to such delineation the portions as described above shall be considered noise sensitive.

SCHEDULE 4

DA2 AFFECTED HERITAGE SITES

Free-standing structures:

1806 - 1867:

- 1 The Poplars cottage and outbuildings
- 2 Wright's cottage complex
- 4 Methodist Church

1867 - 1899:

- 10 Upper Castlereagh schoolhouse
- 11 Schoolmasters residence
- 12 Methodist Church hall

1900 - 1950:

- 20 Bungalow
- 23 Parker's homestead
- 24 Parker's slaughteryard
- 26 Weatherboard cottage

Cemeteries :

- 30 McCarthys Cemetery
- 31 Methodist Cemetery

Ruins of former structures:

- 33 Purcell's cottage
- 34 Lees' house
- 35 Kerry Lodge
- 36 Barn, dairy and house

Sites of former structures:

- 43 McCarthy's farm