

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue
Director – Resource Assessments
Department of Planning, Industry and Environment

Sydney 3 November 2020

SCHEDULE 1

The project approval (MP 08_0223) for the Lidsdale Siding Upgrade Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure, on 3 May 2013.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the terms “DRG” and “RMS” and their definitions, and insert the following in alphabetical order:

EPA	Environment Protection Authority
TfNSW	Transport for NSW

2. In the definition for “EA”:
 - delete “and” at the end of the first dot point; and
 - delete the full stop at the end of the second dot point and insert:
“; and
 - MOD 3 – Modification Report titled ‘*Lidsdale Siding: Modification report for the modification to development consent 08_0223*’ dated 14 April 2020, Submissions Report dated 22 May 2020 and additional information dated 19 June 2020 and 20 July 2020”

3. Delete all references to “RMS” and replace with “TfNSW”.

4. In condition 2 of Schedule 3:

- a) within ‘Table 1’:
 - i. in row 3 of column 2 (relating to ‘Day’ limits at Location 2), delete “46” and replace with “48”;
 - ii. in row 4 of column 2 (relating to ‘Day’ limits at Location 3), delete “47” and replace with “48”;
 - iii. in row 8 of column 2 (relating to ‘Day’ limits at Location 7), delete “41” and replace with “44”;
 - iv. in row 9 of column 2 (relating to ‘Day’ limits at Location 8), delete “40” and replace with “43”; and
 - v. in row 10 of column 2 (relating to ‘Day’ limits at Location 9) delete “39” and replace with “40”.
- b) delete “Appendix 4 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.” and replace with:

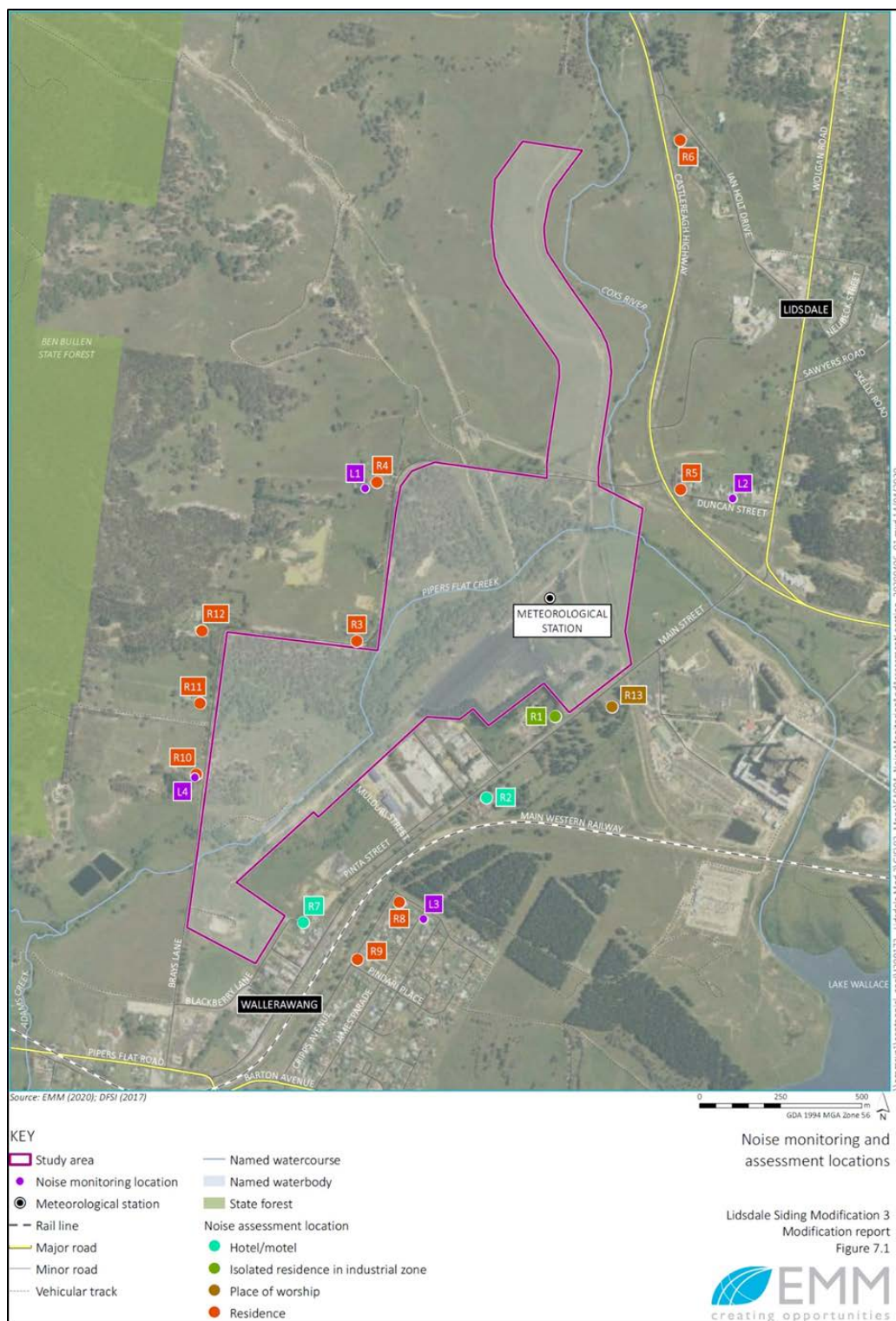
“Noise generated by the project must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

5. After condition 3 of Schedule 3, insert:
 - 3A. Upon receiving a written request from the owner of any residence within 100 m of Location R8 (see Appendix 3), the Proponent must:

- (a) undertake noise monitoring at the affected residence; and
- (b) implement noise mitigation measures consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government 2018)*, if noise generated by the project is measured to exceed the criteria in Table 1.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

6. In Appendix 3, delete the figure, and replace with the following figure:



7. Delete Appendix 4.

8. Update the Table of Contents.

End of modification
(08_0223 MOD 3)