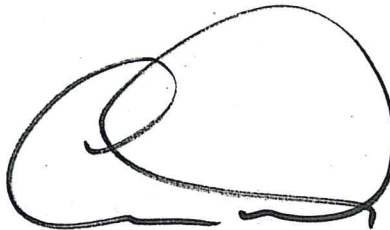


Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure under delegation dated 27 February 2013, I hereby modify the development consent SSD-4953 referred to in Schedule 1, subject to the Conditions in Schedule 2.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney 18 MARCH 2013

SCHEDULE 1

State Significant Development Consent (SSD-4953), granted by the Minister for Planning and Infrastructure on 21 May 2012 for a dangerous goods warehouse and distribution development at 23-107 Erskine Park Road, Erskine Park (Lot 1 DP 1128233) in the Penrith City local government area.

SCHEDULE 2

1. Replacing the definition of 'Applicant' in the definitions list as follows:

Applicant	Prime Constructions Pty Ltd, or its successors in title
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2. Replacing the definition of 'Development' in the definitions list as follows:

Development	The development as described in the EIS and RTS, as modified by SSD-4953 MOD 1
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3. Inserting a new definition 'SSD-4953 MOD 1' in the definitions list in alphabetical order as follows:

SSD-4953 MOD 1	Modification application SSD-4963, accompanying Environmental Assessment dated November 2012 and Response to Submissions Report dated February 2013, prepared by McKenzie Group Consulting (NSW) Pty Ltd
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4. Replacing Condition 2 after Condition 1 in Schedule 2 with the following:

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) EIS;
 - (b) Development plans (Appendix 1);
 - (c) RTS;
 - (d) SSD-4953 MOD 1;
 - (e) Statement of Commitments; and
 - (f) conditions of this consent.

5. Replacing Condition 12 and Condition 13 after Condition 11 in Schedule 3 with the following:

Operational Noise Criteria

12. The Applicant shall ensure that the noise generated by the operations on-site does not exceed the limits in Table 1 at any private residential receiver.

Table 1: Noise impact assessment criteria dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Receiver 1 (517 - 537 Mamre Road, Orchard Hills)	36	36	36	45
Receiver 2 (100 Pine Creek Circuit, St Clair)	35	35	35	45
Receiver 3 (45 Corio Drive, St Clair)	35	35	35	45
Receiver 4 (80 Cowarra Drive, St Clair)	35	35	35	45

Note:

- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Operating Hours

13. The Applicant shall comply with the operating hours in Table 2 for the site.

Table 2: Operating Hours

Activity	Day	Hours
Construction (Fit-out)	Monday - Friday	7.00am – 6.00pm
	Saturdays	7.00am – 1.00pm
	Sundays and Public Holidays	Nil
Operations	All days	24 hours

6. Inserting new Conditions 14A and 14B after Condition 14 in Schedule 3 with the following:

- 14A. Within 2 months of the approval of SSD-4953 MOD 1, during a period of 24 hour a day operation as described in the Environmental Assessment for SSD-4953 MOD 1, the Applicant shall undertake a Noise Compliance Validation Assessment. This assessment shall:
- be prepared by a suitably qualified and experienced expert in consultation with the EPA;
 - be submitted to the EPA and the Department within 2 weeks of its completion;
 - include noise monitoring undertaken at day, evening and night (as defined in the EPA's *Industrial Noise Policy*) over 3 consecutive operating days for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour at night.

- (d) identify whether the project is complying with the development noise limits specified in Condition 12 (Table 1) of this Schedule; and
- (e) outline the mitigation measures to be implemented if exceedences of the development noise limits are identified, to the satisfaction of the Director-General.

Meteorological Monitoring

- 14B. By 25 April 2013, unless otherwise approved by the Director-General, the Applicant shall install a meteorological weather monitoring station on the site that complies with the requirements in the latest version of the EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline. The meteorological station must be maintained so as to be capable of continuously monitoring the following parameters: air temperature, wind direction, wind speed, rainfall and relative humidity.