



Our Reference: P-533661-I9j1
Contact: Gavin Cherry
Telephone: (02) 4732 8125

15 August 2023

Attn Christopher Eldred
Email: christopher.eldred@dpie.nsw.gov.au.

Dear Mr Eldred,

Penrith Council Comments on Proposed Modification No. 2 - Penrith Lakes Employment Lands Subdivision – Amendment to Construction Hours (DA9876 – Mod2)

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned proposal.

Council's Environmental Management Team have reviewed the application and raise concerns with the proposal that should be considered and addressed in the assessment of the modification application:-

a) Justification for 24 Hour Construction

It is noted that Section 2.3 of the Interim Construction Noise Guideline (2009) (ICNG) requires the applicant to *"provide the relevant authority with clear justification for reasons other than convenience"* for the approval of out of standard hours construction works. Further, the ICNG states *"In general, only works undertaken on public infrastructure need to be undertaken outside the recommended standard hours"*. In addition Section 5.2.6 of the SEE states, *"Approval of the modification as requested has the benefit of permitting construction to be completed at an expedited timetable which will limit any potential disruption caused by the development"*.

The submitted information and justification supporting the proposed modification application is not considered to meet the threshold requirements to justify the amendment of conditions to allow out of standard hours construction works. Justification that the development duration will be shortened is not sufficient grounds to support the requested allowance and it must be otherwise demonstrated that there will be no adverse impact to nearby sensitive receivers which includes residential properties.

b) Construction Noise Impacts

The impact of construction noise from excavation/site preparation activities as well as building works have been assessed in the noise impact assessment however the assessment shows that excavation/site preparation works will cause the greatest impacts and exceed the project criteria at the two residential receivers on Old Castlereagh Road to the north of the site. The identified exceedance is during the evening and night-time periods when those works are being undertaken in development stages Nos. 8-13. There are however



recommendations suggested on the appropriate time of day that excavation/site preparation works can be carried out for each stage of the development and if the restrictions recommended in the Noise Impact Assessment are incorporated and adopted as conditions of consent, this aspect of the application is not of concern.

c) Construction Vibration Impacts

The application does not sufficiently address of construction vibration impacts stemming from the requested extended construction hours. An assessment of vibration impacts, as required by Section 4.4 of the ICNG, should be submitted to the Department for assessment as part of the Modification Application.

Section 7.2.2 Post-approval Stage of the ICNG also provides details on the framework for managing environmental performance during construction, including community engagement and the development of a noise management plan. The acoustic assessment report submitted with the application includes only limited information in this regard. A more detailed CNVMP should be provided to address these requirements.

d) Road Traffic Noise Impacts

An assessment of road traffic noise impact is required to be prepared and submitted for assessment. Such an assessment should address the noise impacts of additional vehicles that will be using Old Castlereagh Rd and ensure compliance with the criteria set out in Table 3 of the NSW EPA's Road Noise Policy. Of particular concern is the impact on the residential properties on Old Castlereagh Rd from the additional vehicles accessing the site during nighttime time hours.

Should you require any further information regarding the comments, please contact Paul Reynolds, Council's Environmental Health Team Leader on (02) 4732 8313 or myself on (02) 4732 8125.

Yours Sincerely,

Gavin Cherry
Development Assessment Coordinator