

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent and/or minimise environmental impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the project.

Signed 1 March 2007

Frank Sartor MP
Minister for Planning

Sydney

2007

SCHEDULE 1

Application No:	06_0208
Proponent:	CSR Ltd
Approval Authority:	Minister for Planning
Land:	Lot 20 DP 1101801; and a portion of the adjoining Crown Road Reserve
Project:	Stage 1 implementation of the approved concept plan for a warehouse and distribution complex and associated infrastructure, including the: <ul style="list-style-type: none">• subdivision of the site;• bulk earthworks across the site;• construction and use of a warehouse and distribution building on site area H (see figure in Appendix 2);• provision of essential services to the site; and• relocation of an existing creek on site.

SCHEDULE 2

DEFINITIONS

AEP	Annual exceedance probability
BCA	Building Code of Australia
Council	Penrith City Council
Department	Department of Planning
DCP	Penrith Development Control Plan 2006
Director-General	Director-General of the Department (or delegate)
DNR	Department of Natural Resources
EA	Environmental Assessment accompanying the project application prepared by BBC Consulting Planners, and dated August 2006
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
Minister	Minister for Planning
Approved Concept Plan	Minister's approval of concept plan number 06_0216
Project	See brief description in Schedule 1, and more detailed description in EA
Proponent	CSR Ltd, or its successors in title
RTA	Roads and Traffic Authority
Site	Land to which this project application applies (see Schedule 1)

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) subdivision plan for Lot 20 DP 1101801 (see drawing numbered 75793.01.P34, prepared by Lean Hayward);
 - (c) bulk earthworks plan (see drawings numbered DA 101-112);
 - (d) warehouse and distribution building and associated infrastructure (see drawings numbered DA 01-05 and 06056-SK-06 to 08, prepared by Morris Bray Architects);
 - (e) streamworks design concept (see drawings numbered DA 201-221, prepared by Brown Consulting);
 - (f) stormwater concept plan (see drawings numbered DA 301-312, prepared by Brown Consulting);
 - (g) statement of commitments (see Appendix 1); and
 - (h) conditions of this approval.
3. Prior to the commencement of construction, the Proponent shall revise the plans referred to in condition 2 above to the satisfaction of the Director-General. The revised plans must accommodate the modifications made to the approved concept plan covering the project.
4. If there is any inconsistency between the above, the most recent plan/document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
5. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Subdivision

6. Prior to obtaining a subdivision certificate for the proposed subdivision of Lot 20 DP 1101801, the Proponent shall prepare a final subdivision plan for the lot to the satisfaction of Council.

Note: Any easements in the subdivision plan must nominate Council as the authority to release, vary or modify the easement. The form of these easements must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.

Structural Adequacy

7. The Proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes: Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Protection of Public Infrastructure

8. The Proponent shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used on the site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Planning Agreement

10. Prior to the commencement of construction, the Proponent shall enter into a planning agreement with the Minister administering the EP&A Act (Corporation), under Division 6 of Part 4 of the EP&A Act. This agreement must be generally consistent with commitments in the terms of the offer made by the Proponent to the Corporation on 23 February 2007, and specifically provide for the:
- (a) transfer of at least 33.4 hectares of the Proponent's land to the Corporation towards the creation of a biodiversity corridor;
 - (b) payment of \$88,200 into an insurance fund for the protection of this corridor; and
 - (c) payment of \$3,452,753 to the Corporation to establish and maintain this corridor.

Section 94 Contributions

11. Prior to the commencement of construction, the Proponent shall pay Council \$8,573,453 for road and drainage works in the Erskine Park Employment Area.

Notes: This contribution is subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics; and may be reduced by any amount already paid by the Proponent for works included in the relevant Section 94 contributions plan, consistent with section 94(6) of the EP&A Act.

Pre-Operation Compliance Audit

12. Prior to the commencement of operations on site, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and must include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

SPECIFIC ENVIRONMENTAL CONDITIONS

CREEK REALIGNMENT

Creek Realignment Performance Measures

13. The Proponent shall:
- (a) realign the creek on site in general accordance with revised streamworks concept plan (see condition 3 above);
 - (b) provide, as far as practicable, a 20 metre riparian zone on both sides of the realigned creek;
 - (c) ensure that:
 - the realigned creek emulates a stable natural creek system in behaviour and appearance, with suitable aquatic and terrestrial habitat;
 - the reaches and sinuosity of the realigned creek mimic the reaches and sinuosity of the existing creek as far as is practicable;
 - the flows within the realigned creek do not exceed the stability of its bed or banks;
 - there is no increase in tractive stress within the realigned creek;

- the realigned creek can withstand flow events up to the 1 in 100 year storm event;
 - there is equivalent floodplain area for seasonal inundation of water that mimics the wetting and drying cycle of the existing creek; and
- (d) monitor and maintain the realigned creek, to the satisfaction of the Director-General.

Creek Realignment Plan

14. The Proponent shall prepare and implement a Creek Realignment Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared by a suitably qualified expert whose appointment has been endorsed by the Director-General;
 - (b) be prepared in consultation with Council and DNR;
 - (c) be submitted to the Director-General for approval prior to the commencement of construction;
 - (d) include a detailed:
 - Stream Works Management Plan;
 - Vegetation Management Plan; and
 - program to monitor and maintain the realigned creek and associated riparian zone; and
 - contingency plan to respond to any potential failures of the realigned creek, or planting with the associated riparian corridor.

Stream Works Management Plan

15. The Stream Works Management Plan must:
- (a) be prepared in accordance in accordance with DNR's *Watercourse and Riparian Area Planning, Assessment and Works Design Guideline* (Draft Version 1: January 2007);
 - (b) establish performance and completion criteria for the proposed creek realignment;
 - (c) include detailed plans of all physical works associated with the proposed creek realignment;
 - (d) describe how material from the existing system will be relocated, preferably without involving storage; and if storage is required, the duration of the storage and the procedures that would be implemented to maximise the retention of soil fauna and microbes;
 - (e) describe how the realigned creek would be commissioned.

Vegetation Management Plan

16. The Vegetation Management Plan must:
- (a) be prepared in accordance with the DNR's guidelines *How to Prepare a Vegetation Management Plan – DRAFT Version 6: January 2007*;
 - (b) establish performance and completion criteria for the proposed creek realignment;
 - (c) include detail plans:
 - identifying the vegetation to be retained/removed and areas to be rehabilitated;
 - indicating the measures to be implemented to:
 - revegetate the areas to be rehabilitated, including plant material, densities and species mix (consisting of native trees, shrubs and groundcover species local to the area);
 - prevent damage to riparian zones, such as physical barrier(s) (e.g., fence);
 - (d) describe how the implementation of these plans would be staged.

Note: The areas referred to as Compensation Zone 1 and 2 on drawing SK12, Rev.01 dated 27/10/2006 are to be included as part of the VMP.

Independent Audit

17. Within 3 months of completing the physical works associated with the creek realignment, the Proponent shall commission a suitably qualified expert whose appointment has been endorsed by the Director-General to:
- (a) survey of the realigned creek and associated riparian zone; and
 - (b) certify that the creek realignment works have been carried out in accordance with the approved creek realignment plan.

SOIL AND WATER

Water and Sewer Services

18. Prior to the commencement of construction, the Proponent shall make suitable arrangements with Sydney Water for the provision of water and sewer services to the project.

Stormwater Performance Criteria

19. The Proponent shall ensure that the stormwater management scheme for the project results in:
 - (a) no net increase in flood peaks for all storm events up to and including the 1% annual exceedance probability;
 - (b) no increase in the flood extent on Lot 11 DP 229784;
 - (b) a net improvement in water quality downstream of the site;
 - (c) suitable environmental flows to the creek downstream of the site.
20. The design of any stormwater outlets into a riparian zone or watercourse and their spillways must be a soft engineering design and must be consistent with the DNR's *Watercourse and Riparian Area Planning, Assessment and Works Design Guideline*.

Rainwater Harvesting – Site Area H

21. Prior to the commencement of operations, the Proponent shall provide the necessary infrastructure on site area H (see figure in Appendix 2) to enable roof and hardstand stormwater to be collected, stored and discharged separately to the satisfaction of the Director-General.

Note: Unless the Director-General agrees otherwise, the roof stormwater infrastructure should include:

- a rainwater collector system with a design capacity for the 1 in 20 year (critical duration) storm event; and
- roof water reservoirs or storage tanks with a capacity of at least 440KL/ha of roof services or 190 KL/ha gross land area (whichever is larger), and the ability to discharge flows (by way of pumped rising mains or gravity mains) to any regional rainwater harvesting infrastructure at a rate of 11.6 l/s per megalitre of storage.

22. During operations, the Proponent shall participate in any regional rainwater harvesting initiatives in the Western Sydney Employment Hub to the satisfaction of the Director-General.

Note: This participation will involve making the roof stormwater infrastructure on site available for connection to any regional rainwater harvesting infrastructure.

Stormwater Management Scheme

23. The Proponent shall prepare and implement a Stormwater Management Scheme to the satisfaction of the Director-General. This scheme must:
 - (a) be prepared by a suitably expert whose appointment has been endorsed by the Director-General;
 - (b) be prepared in consultation with Council;
 - (c) be submitted to the Director-General for approval prior to the commencement of construction;
 - (d) include detailed plans showing the proposed stormwater management scheme for the site, including any rainwater harvesting infrastructure;
 - (e) demonstrate that the proposed stormwater scheme would comply with the performance criteria in conditions 19 and 20 above;
 - (f) describe how the efficiency and effectiveness of the proposed scheme would be monitored and maintained over time.

Erosion and Sediment Control

24. During construction, the Proponent shall:
 - (a) carry out all reasonable and feasible measures to minimise soil erosion and the discharge of sediment from the site to downstream waters; and
 - (b) implement the Erosion and Sediment Control Plan as detailed in drawing DA110 and DA111 submitted with the EA.

TRANSPORT

Public Road Reserve

25. Prior to the commencement of construction, the Proponent shall create a public road reserve of at least 20 metres from the end of the proposed turning head on Templar Road and the boundary of Lot 11 DP 229784 to the satisfaction of Council and the Director-General.

Templar Road Extension

26. The Proponent shall extend Templar Road in general accordance with plan numbered CC201, and to the satisfaction of Council.

Notes: This does not include the construction of a road from the end of Templar Road to the boundary of Lot 11 DP 229784

Construction Traffic

27. During construction, the Proponent shall ensure that:
- all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the project do not track dirt onto the public road network; and
 - the public roads used by these trucks are kept a clean.

Internal Road Network and Parking

28. The Proponent shall design, construct, and maintain the internal road network and parking associated with the project in accordance with the latest versions of the Australian Standards AS 2890.1:2004 and AS 2890.2:2002.
29. During operations, the Proponent shall ensure that no vehicles associated with the project park or queue on the public road network at any stage.

NOISE

Construction Noise Goals

30. For the first 6 months of construction, the Proponent shall use its best endeavours to ensure that noise from the project does not exceed the construction noise goals in Table 1 at any privately-owned residence.

Table 1: Construction Noise Goals – First 6 Months dB(A)

Location	L _{10, 15 minute}
Erskine Park Lenore Lane	46
Emmaus Village	48

Noise Limits

33. After the first 6 months of construction, the Proponent shall ensure that noise from the project does not exceed the limits in Table 2 at any privately-owned residence.

Table 2: Noise Limits dB(A)

Location	Operation			
	Day L _{Aeq,(15 minute)}	Evening L _{Aeq (15 minute)}	Night L _{Aeq (15 minute)}	Night L _{1 (1 minute)}
Erskine Park	41	41	37	47
Emmaus Village	43	42	38	48
Lenore Lane	41	41	37	47

Notes:

- Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeq(15 minute)} noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the L_{A1(1 minute)} noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- The noise emission limits identified in the above table apply under meteorological conditions of:
 - wind speeds of up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

Construction Hours

31. The Proponent shall only carry out construction works between 7am and 6pm Monday to Friday, and 7am and 1 pm on Saturdays. No construction work is allowed on Sundays or public holidays.

Construction Noise Management Plan

32. The Proponent shall prepare and implement a Construction Noise Management Plan to the satisfaction of the Director-General. This plan must:
- (a) be prepared by a suitably qualified expert whose appointment has been endorsed by the Director-General;
 - (b) be submitted to the Director-General for approval prior to construction;
 - (c) identify the reasonable and feasible noise mitigation measures that could be implemented to reduce the construction noise impacts of the project;
 - (d) describe what measures would be implemented to:
 - seek to comply with the construction noise goals in condition 29 during the first 6 months of construction;
 - comply with the noise limits in condition 30 after the first 6 months of construction;
 - (e) include a protocol for notifying residences in the vicinity of the site during the noisiest construction periods, and responding to any noise complaints received; and
 - (f) a program to regularly monitor and record the noise generated during construction, and if necessary, adjust construction operations on site to ensure compliance with the relevant noise goals/limits.

Noise Compliance Audit

33. Within 3 months of the commencement of operations on site, or as directed by the Director-General, the Proponent shall:
- (a) commission a suitably qualified expert to assess whether the project is complying with the noise limits in condition 30, and
 - (b) provide the results of this assessment to the Director-General.

DUST

34. During the project, the Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.

VISUAL

Signage

35. Prior to installing any signage on the site, the Proponent shall submit detailed plans of this signage to the Director-General for approval. These plans must be prepared in consultation with Council, and be generally consistent with the requirements in the EPEA DCP. Following approval, the Proponent must ensure that the signage is installed in accordance with the approved plans.

Fencing

36. Prior to installing any fencing on the site, the Proponent shall submit detailed plans of this fencing to the Director-General for approval. These plans must be prepared in consultation with Council, and be generally consistent with the requirements in the EPEA DCP. Following approval, the Proponent must ensure that the fencing is installed in accordance with the approved plans.

Landscaping

37. The Proponent shall prepare and implement a Landscape Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with Council, and submitted to the Director-General for approval prior to the commencement of construction.
38. During the project, the Proponent shall:
- (a) maintain the landscaping on the site to the satisfaction of the Director-General; and
 - (b) ensure that the landscaping on the site does not impede driver sight distance of vehicles entering or leaving the site.

Lighting

39. The Proponent shall ensure that the lighting associated with the project:
- (a) complies with the latest version of Australian Standard *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screen and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

WASTE

40. During the project, the Proponent shall implement reasonable and feasible measures to minimise the waste generated by the project.

DANGEROUS GOODS

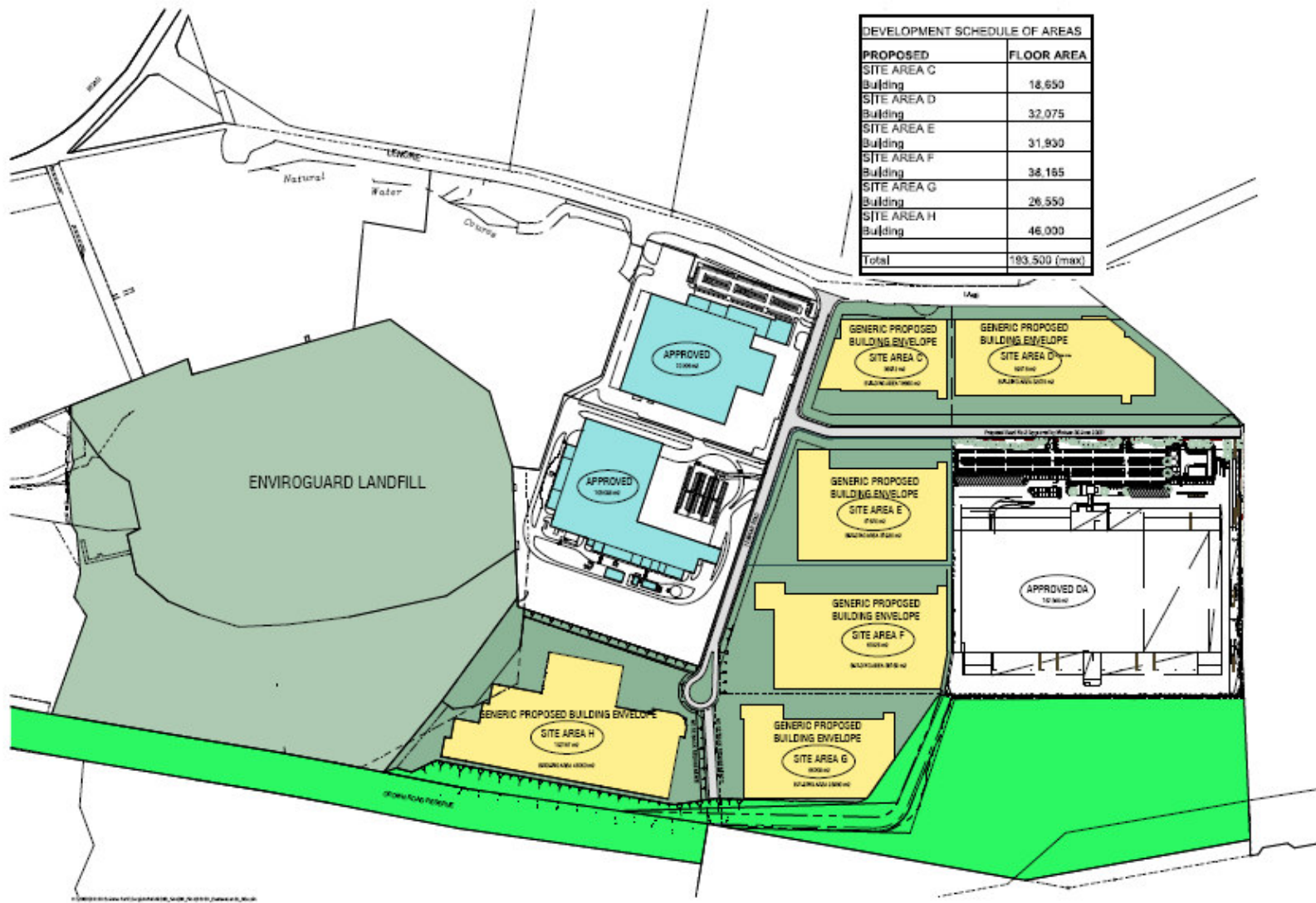
41. The Proponent shall not store or handle any hazardous chemicals, dangerous goods, fuels and/or oils on site.

ENVIRONMENTAL MANAGEMENT STRATEGY

42. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
- (a) Be submitted to the Director-General for approval prior to the commencement of construction;
 - (b) describe in broad terms the proposed environmental management strategy for the project;
 - (c) identify the person who would be responsible for overseeing the environmental management of the project, and provide contact details for this person;
 - (c) describe the procedures that would be implemented to:
 - keep the relevant agencies informed about the progress of the project;
 - receive, handle, respond to, record and report any complaints about the project;
 - resolve any disputes that may arise during the project; and
 - respond to any non-compliances.
43. The Proponent shall update this strategy to the satisfaction of the Director-General:
- (a) prior to operations on site; and
 - (b) every 3 years thereafter, or as directed by the Director-General.

**APPENDIX 1
PROPONENT'S STATEMENT OF COMMITMENTS**

APPENDIX 2
INDICATIVE LAYOUT OF THE CONCEPT PLAN FOR SITE



ARCHITECT: CSR DEVELOPMENT MANAGER/CUSTOMER: CSR PROJECT: CSR SITE LENORE LANE AND MAMRE ROAD ERSKINE PARK PROJECT NORTH DRAWING NAME: Concept Masterplan DRAWN: MB CHECKED: DATE: 1:5000 QAS DATE: 03103-ST-20B P07 DRAWING NUMBER: 03103-ST-20B P07