

Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.


Sam Haddad
Director-General

Sydney

28th April

2011

SCHEDULE 1

The project approval for Stage 1 Infrastructure for the Hoxton Park Warehouse Project, granted by the Minister for Planning on 3 June 2010 (10_0008).

SCHEDULE 2

1. Delete the definitions for "DECCW", "NOW", "Department", "Director-General" and "Minister" and insert in alphabetical order the following:

Basin 6	The northern detention basin, located on land immediately to the north of the Hoxton Park Warehouse Project.
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure
DPI	Department of Primary Industries
Minister	Minister for Planning and Infrastructure
OEH	Office of Environment and Heritage

2. Delete all references to "DECCW" and replace with "OEH".
3. Delete all references to "NOW", and replace with "DPI".
4. In condition 2 of schedule 2, delete all words after "(see Appendix 3);" and insert:
 - (g) modification application 10_0008 MOD 2 and accompanying Environmental Assessment titled: *Len Waters Industrial Estate (Former Hoxton Park Aerodrome) Modifications to Concept Plan and Stage 1 Infrastructure Project Applications to Include the Northern Detention Basin and Rezone the Land to the North of the Industrial Zone*, dated November 2010; and
 - (h) conditions of this approval.
5. In condition 6 of Schedule 2 immediately after "Road Two," insert "the construction of the link road over Hinchinbrook Creek and the construction of Basin 6 (including any associated drainage works),".
6. After condition 13A of schedule 3 insert:
 - 13B. Prior to construction commencing for Basin 6, the Proponent shall:
 - (a) establish the offset area, indicated as orange, in Appendix 1B;
 - (b) develop a vegetation management plan for the offset area, to the satisfaction of Council;
 - (c) provide adequate funding for the revegetation/rehabilitation of the offset area;
 - (d) enter into an agreement for the maintenance and management of the offset area, to the satisfaction of Council.
4. After condition 18 of schedule 3 insert:
 - 18A The Proponent shall ensure that Basin 6 is constructed in accordance with the relevant stormwater management guidelines, to the satisfaction of Council.

5. After condition 30 of schedule 3 insert:

ABORIGINAL HERITAGE

30A The Proponent shall ensure that any subsurface archaeological investigation program be conducted in accordance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

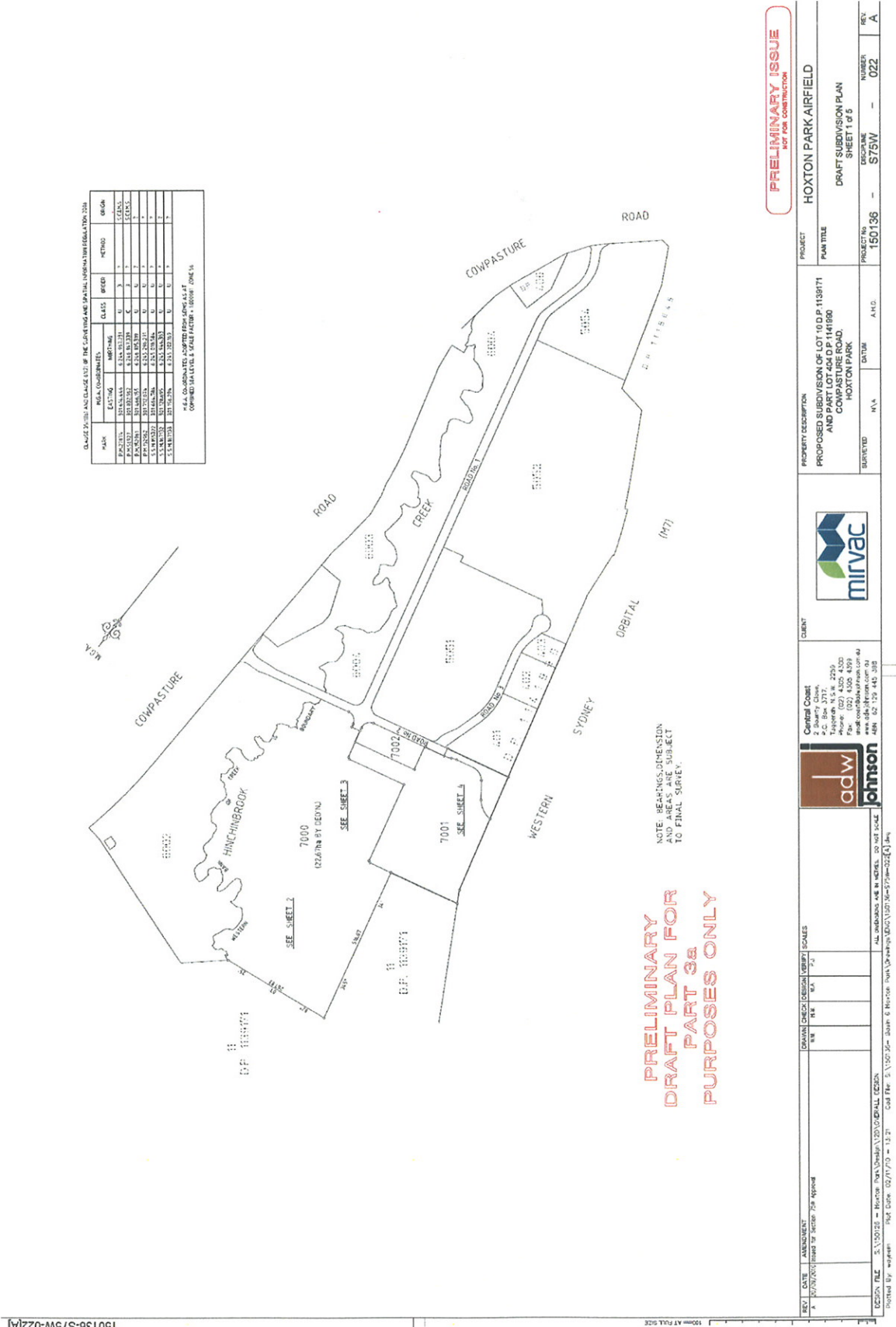
30B The Proponent shall ensure that the local Aboriginal community representatives are given the opportunity to collect and surface objects prior to works commencing for the construction of Basin 6 and provide OEH with details regarding the storage location proposed for any Aboriginal objects collected during the course of monitoring, within 3 months of the date of this approval.

6. Immediately after Appendix 1A insert:

APPENDIX 1B Offset Areas for the Industrial Estate, Link Road and Basin 6



7. Delete Appendix 2 and insert:



8. Delete Appendix 3 and insert:

APPENDIX 3 STATEMENT OF COMMITMENTS

4.0 Revised Statement of Commitments

The proposed changes to the Concept Plan and Stage 1 Infrastructure Application necessitate the following changes to the Statement of Commitments for the development (refer Table 5). Deletions are shown in ~~bold strikethrough~~ and additions are shown in **bold italics**. Note: The revised statement of commitments shown below reflect that adopted in the most recent S75W amendments for the proposed bridge / link road.

Table 6 – Revised Statement of Commitments

Subject	No.	Commitments	Timing
Contamination	1.	A Construction Environmental Management Plan (CEMP) will be prepared by an environmental consultant and implemented. The plan will provide details on the following best practices in relation to the development of "Unexpected Finds Protocols" to provide clear guidance to site works for the management of unexpected findings during the site development process.	Prior to excavation / construction works
	2.	A post-demolition validation of the site will be conducted so as to confirm that items such as asbestos, additional USTs or signs of chemical contamination are not present on the site.	Post demolition and prior to excavation / construction works
Work Place Travel Plans	3.	Work Place Travel Plans will be prepared for each business on the site and issued to staff.	During staff orientation procedures.
Bushfire Protection	4.	A Positive Covenant, created under the provisions of the <i>Conveyancing Act 1919</i> , will be placed on the title of the land which will require compliance with the management prescriptions detailed in the Bushfire Report.	Prior to issue of a final occupation certificate
	5.	The proposed buildings will be designed and constructed in accordance with the recommendations of the Bushfire Consultant. Details of protection measures will be provided on construction drawings.	Prior to issue of a Construction Certificate.
	6.	A Bushfire Emergency Evacuation Plan will be created for the buildings on the site.	Prior to issue of an Occupation Certificate
Non-Indigenous Heritage Interpretation	7.	The recommendations in the Heritage Interpretation Plan and Strategy, will be implemented and will include the following: <ul style="list-style-type: none"> ▪ Interpretation signage which is easily distinguishable from directional signage; ▪ Name the new roads aviation specific names (subject to approval of relevant authority); ▪ Use of signage and other media which symbolise the WWII use of the site; ▪ Alignment and landscaping of new north/south access road. 	Within 3 months of final occupation.
	8.	Interpretative measures to be implemented in the areas occupied by the northern detention basin and B1 zone will be provided with the detailed project applications for those areas.	Submitted with applications for those parts of the site.
Construction	9.	The Construction and Environmental Management	Following

Subject	No.	Commitments	Timing
Management		Plan will be updated to reflect the requirements of any approval or change in scope of the project.	approval and prior to issue of a CC.
	10.	All construction undertaken on the site will comply with the CEMP.	During construction.
Aboriginal Heritage	11.	<ul style="list-style-type: none"> If impacts of site 45-5-0774 are proposed in relation to drainage works in this area, the Mirvac Group, through the registered Aboriginal stakeholder groups collect the stone artefacts comprising the site at this location; Aboriginal Archaeological records shall be updated if the above artefacts are removed. 	Prior to and during construction works.
	12.	<p>Recommendations made in relation to the construction of the northern detention basin and bridge over Hinchinbrook Creek will be addressed in future applications for those specific works.</p> <p>A subsurface archaeological investigation in the form of a test excavation will be undertaken in HPA PAD1 in any portion that is proposed for impact. These investigations will be undertaken in partnership with the Registered Aboriginal Stakeholder Groups and in accordance with the 'Strategy for Proposed Archaeological Investigations' prepared for the project.</p>	<p>During the preparation of a Project Application for the relevant scope of works.</p> <p>Prior to or concurrent with works commencing in the part of the site that is east of the former airstrip boundary fence.</p>
	13.	<i>Registered Aboriginal community representatives will be given the opportunity to collect #45-5-0786 prior to earthworks commencing. Registered Aboriginal Stakeholder Groups will then be given the opportunity to monitor earth works within the footprint of the basin (as shown in the Aboriginal Management Plan) and make collection of any cultural items as may be unearthed</i>	<i>In conjunction with earthworks associated with the detention basin</i>
Salinity	14.	A Salinity Investigation will be undertaken on the site. The investigation will be reported and include a Salinity Management Plan.	Following the completion of Bulk Earthworks.
Geotechnical	15.	The proposed earthworks will be undertaken in accordance with the geotechnical recommendations of Douglas Partners.	Prior to and during bulk earthworks.
Noise	16.	Fixed mechanical plant equipment will be selected and treated so as to comply with the established noise criteria for the project.	Prior to issue of a final occupation certificate.
	17.	Staff will be trained in relation to correct methods of container handling, prior to commencing work on site so as to reduce the potential for generation of adverse noise.	During staff orientation procedures.
	18.	<p>During construction works, noise mitigation measures will be implemented where required so as to ensure that works are carried out in accordance with the recommendations of Renzo Tonin and Associates Pty Limited.</p> <p>During non-standard hours, works which involved equipment activities above $L_{Aeq} 110dB(A)$ will be minimised or acoustically treated.</p>	Through the duration of construction works.
Ecology	19.	The recommendations made by GHD in relation to the construction of the northern detention basin and	During the preparation of a

Subject	No.	Commitments	Timing
		<p>bridge across Hinchinbrook Creek will be addressed as part of the detailed PAs for these works.</p> <p><i>A pre-clearance survey will be undertaken in the construction footprint of the proposed northern detention basin and associated spillway.</i></p>	<p>Project Application for the relevant scope of works.</p> <p><i>Prior to works commencing in that part of the site.</i></p>
	20.	A Biodiversity Off-set Strategy will be prepared in consultation with the DoP, Liverpool Council and DECCW.	Prior to or concurrent with commencement of any works within the Hinchinbrook Creek Corridor and the northern basin 6.
	21.	A fauna management protocol will be implemented for works within the Hinchinbrook Creek Corridor.	Prior to or concurrent with commencement of any works within the Hinchinbrook Creek Corridor.
	22.	The Vegetation Management Plan relating to the construction of the bridge across the Hinchinbrook Creek Corridor will be implemented.	Post completion of construction works within the Hinchinbrook Creek Corridor.
	23.	<i>The Vegetation Management Plan relating to the construction of the northern detention basin will be implemented.</i>	<i>Post completion of construction works associated with the northern detention basin.</i>
Energy Efficiency	24.	The proposed buildings will be constructed so as to be energy and water efficient as discussed in AECOM's ESD Report. The proponent commits to achieving a 15% reduction in greenhouse gas emissions	Within 3 months of final occupation of each warehouse building.
Waste Management	25.	A Waste Management Plan will be prepared for the two Mirvac Residual lots when the detailed Project Application is prepared.	Part of Project Application for Mirvac Residual lots.
Estate Entrance	26.	<p>Detailed plans for the Cowpasture Road entrance to the site will be prepared and submitted to the Department of Planning for approval. The plans will include information regarding:</p> <ul style="list-style-type: none"> ▪ Landscaping; ▪ Signage / site identification elements; ▪ Heritage interpretation elements; and ▪ Lighting. 	Within 2 four (4) months of the date of approval of the Concept Plan.
Flood Mitigation	27.	Flood mitigation measures will be constructed around the Bus Depot site which will render the Bus Depot site flood free during the 1 in 100 year flood event.	Design measures to be determined prior to issue of a Construction Certificate for the

Subject	No.	Commitments	Timing
			Link Road.
	28.	Mitigation measures will be implemented to reduce flow velocities which are increased by the proposed link road.	Design measures to be determined prior to issue of a Construction Certificate for the Link Road
Drainage	29.	An easement will be created on the land title in favour of Council for access to the underground drainage infrastructure in the south-western corner of the site	Prior to occupation of the residual lot.

