

**DETERMINATION OF A DEVELOPMENT APPLICATION
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Under Section 80 of the *Environmental Planning and Assessment Act 1979*, I, the Minister for Urban Affairs and Planning approve the development application in Schedule 1, subject to the conditions in Schedule 2.

These conditions are necessary to:

- (i) Minimise any adverse environmental impacts associated with the development; and
- (ii) Provide for the on-going environmental management of the development.

Andrew Refshauge MP
Minister for Urban Affairs and Planning

Sydney, 9 November 2001 File No: R96/00167

Schedule 1

Development Application:	DA No. 153-06-01
Applicant:	National Rail Corporation Ltd.
Consent Authority:	Minister for Urban Affairs and Planning
Land:	Lot 35 DP 1007367, 20 Dasea Street, Chullora.
Proposed Development:	The proposal involves: • Extending and strengthening the failing pavement adjacent to the south of the existing terminal buildings; • Relocating the railway tracks leading to the terminal buildings; • Relocating an existing fence to the southern boundary of the property; • Demolishing ancillary sheds to the south of the existing terminal buildings, and removing the end walls of the Annex B terminal building; • Carrying out associated minor infrastructure works; and • Improving the existing fire services.
State Significant Development:	The proposal is classified as State Significant Development under Section 76A(7)(b)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> .
Integrated Development:	The proposal requires an approval from the Department of Land and Water Conservation under Part 3A of the <i>Rivers and Foreshores Improvement Act 1948</i> , and is therefore classified as Integrated Development under Section 91 of the <i>Environmental Planning and Assessment Act 1979</i> .

SCHEDULE 2 CONDITIONS OF CONSENT

DEFINITIONS

The Act	Environmental Planning and Assessment Act 1979
The Applicant	National Rail Corporation Ltd.
BCA	Building Code of Australia
Council	City of Bankstown
DA	Development Application
The Department	Department of Urban Affairs and Planning
The Director-General	Director-General of the Department of Urban Affairs and Planning, or her delegate
DLWC	Department of Land and Water Conservation
EPA	Environmental Protection Authority
SEE	Statement of Environmental Effects

GENERAL**Obligation to Minimise Harm to the Environment**

1. The Applicant shall implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA submitted to the Department by the Applicant;
 - (b) SEE, titled *Statement of Environmental Effects for Alterations and Additions to the Sydney Freight Terminal, Chullora*, prepared by BBC Consulting Planners, dated June 2001; and
 - (c) Conditions of this consent.
3. If there is any inconsistency between the above, or between these conditions and any previous conditions of consent for the rail freight terminal, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) Any report, plan or correspondence submitted in accordance with the conditions of this consent; or
 - (b) The implementation of any actions or proposal contained in these reports, plans, or correspondence.

Structural Adequacy

5. Before any construction work starts, the Applicant shall obtain a Construction Certificate for the proposed development from the Principle Certifying Authority.

Compliance

6. Throughout the life of the development, the Applicant shall secure, renew, maintain, and comply with all the relevant statutory approvals for the development.
7. The Applicant shall ensure that its employees, contractors, sub-contractors, and lessees are aware of, and comply with, the conditions of this consent.

8. Before starting the proposed works, the Applicant shall certify in writing to the Director-General that it has obtained all the necessary statutory approvals for the construction of the development, and complied with all the relevant conditions of this consent and/or any other statutory requirements for the development.

SPECIFIC ENVIRONMENTAL CONDITIONS

Alternative Track Layout

9. With the written approval of the Director-General, the Applicant may carry out the proposed relocation of the railway tracks in general accordance with the plans submitted to the Department by BBC Consulting Planners, in the letter dated 27 July 2001.

Demolition

10. All demolition work shall be carried out in accordance with *AS 2601-1991 The Demolition of Structures*.

Note: If any of the buildings scheduled for demolition contain asbestos, the Applicant must contact Work Cover NSW for the specific requirements associated with demolishing, handling, and disposing of this material.

Noise

11. The Applicant shall ensure that the construction and demolition works comply with the construction noise goals in the EPA's *Environmental Noise Control Manual*.
12. The Applicant shall ensure that all construction and demolition work is carried out between 7am and 6pm Monday to Friday, or between 8am and 1pm on Saturday.
13. No construction or demolition work shall be carried out on Sundays or public holidays.
14. If the proposed trackworks require existing operating rail tracks to be decommissioned and new tracks to be provided and commissioned, the Applicant may carry out the proposed trackworks outside the designated construction hours (in Condition 12 and 13). Prior to carrying out these works, the Applicant shall:
 - (a) Advise the Director-General in writing; and
 - (b) Advise residents who are likely to be affected by the proposed works by letter drop.The letter to the Director-General and the residents must identify when these works will be carried out, explain the reasons for carrying out these works outside regular construction hours, and provide contact details for people to register any complaints about the proposed works.
15. The Applicant shall not use a mobile concrete crushing plant on the site during construction without the approval of the EPA.

Erosion and Sediment Controls

16. The Applicant shall ensure that the proposed works are designed, constructed and operated so they minimise any potential adverse impacts on the surrounding aquatic and riparian environment, and do not cause erosion, increase flood levels, or result in the sedimentation of the surrounding watercourses¹.
17. The Applicant shall prepare and implement an Erosion and Sediment Control Plan for the proposed works in accordance with the Department of Housing's *Managing Urban Stormwater: Soils and Construction Manual*.

¹ DLWC GTA

18. The Applicant shall not carry out any demolition or construction work before the Erosion and Sediment Control Plan has been approved by DLWC and the Director-General.

Note: Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of, the stream without the prior issue of a Part 3A permit by DLWC (see attachment for DLWC's General Terms of Approval).

Water Quality

19. The Applicant shall not wash the concrete mixers and pumps associated with the construction works on site.

Air Quality

20. The Applicant shall implement dust suppression techniques during the demolition and construction works.

Flora

21. The damage or removal of any *Acacia pubescens* plant is strictly prohibited.

ENVIRONMENTAL MANAGEMENT

Construction Management Plan

22. The Applicant shall prepare and implement a Construction Management Plan for the proposed development. This plan must:
- (a) Describe the proposed construction works;
 - (b) Outline the proposed construction program;
 - (c) Set standards and/or performance measures for the relevant environmental issues associated with the construction work;
 - (d) Describe what actions and measures will be implemented to mitigate the potential impacts of these construction works, and ensure that these works will comply with the relevant standards and/or performance measures;
 - (e) Describe what procedures will be implemented to:
 - Register, report, and respond to any complaints during the construction works; and
 - Ensure the operational health and safety of construction workers;
 - (f) Identify the key personnel who will be involved in the construction works, and provide contact numbers for this personnel;
 - (g) Explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected;
 - (h) Included a detailed:
 - Erosion and Sediment Control Plan
 - Waste Management Plan
 - Noise Management Plan; and
 - Dust Management Plan

23. The Applicant shall not carry out any demolition or construction works on the site before the Director-General has approved the Construction Management Plan for the proposed development.

Environmental Management Plan

24. The Applicant shall update the existing Environmental Management Plan for the operation of the rail terminal to incorporate the proposed changes.
25. The Applicant shall submit a copy of this amended plan to the Director-General within one month of completing the proposed construction works.

Dispute Resolution

26. If the Applicant, Council, and/or any NSW Government agency (other than the Department), cannot agree on any aspect of these conditions - apart from the General Term of Approval - then the dispute shall be referred to the Director-General (or, if necessary, the Minister), whose determination on the matter shall be binding on all parties.