

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT AND INTEGRATED
DEVELOPMENT
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT,
1979**

I, the Minister for Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to

- (i) minimise any adverse environmental impacts associated with the development;
- (ii) provide for the on-going environmental management of the development; and
- (iii) provide for regular environmental monitoring and reporting on the future performance of the development.

SIGNED

Andrew Refshauge MP
Deputy Premier
Minister for Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 20 November 2002

File: S02/01506

SCHEDULE 1

Development Application: DA-253-8-2002.

Application made by: Austrak AFS Pty Ltd.

Consent Authority: The Minister for Planning.

Land: Lot 2 and 3 DP 863831, Pembroke Road, Minto in the Campbelltown local government area.

Proposed Development:	<p>The construction and operation of a warehouse and distribution centre, and intermodal rail freight terminal, comprising:</p> <ul style="list-style-type: none">➤ General warehousing and cold storage;➤ Ancillary offices and amenities;➤ Warehouse factory sales outlet for Streets products;➤ Car parking;➤ Intermodal rail terminal;➤ Guardhouses and weighbridges;➤ Truck marshalling areas; and➤ Landscaping.												
State Significant Development:	<p>The proposed development is classified as State significant development because of a Declaration made by the Minister for Planning on 3 August 1999 applying to the development of railway freight terminals, under Section 76A (7) of the <i>Environmental Planning and Assessment Act, 1979</i>.</p>												
BCA Classification:	<table><tr><td>Class 5</td><td>-</td><td>office, gatehouse</td></tr><tr><td>Class 6</td><td>-</td><td>wholesale outlet retail store</td></tr><tr><td>Class 7</td><td>-</td><td>carpark, warehouse facility general storage, freezer facility, canopies</td></tr><tr><td>Class 10b</td><td>-</td><td>feature mast</td></tr></table>	Class 5	-	office, gatehouse	Class 6	-	wholesale outlet retail store	Class 7	-	carpark, warehouse facility general storage, freezer facility, canopies	Class 10b	-	feature mast
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Class 10b	-	feature mast											
Note:	<ol style="list-style-type: none">1) To ascertain the date upon which this consent becomes effective, refer to Section 83 of the Act.2) To ascertain the date upon which this consent is liable to lapse, refer to Section 95 of the Act.3) If the Applicant is dissatisfied with this determination, Section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.												

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979.</i>
Applicant	Austrak AFS Pty Ltd.
BCA	Building Code of Australia.
construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation works.
Council	Campbelltown City Council.
dB(A)	decibel (A-weighted scale).
day	the period from 7.00AM to 6.00PM Monday to Saturday and 8.00AM to 6.00PM Sundays and public holidays.
Department	NSW Department of Planning.
Director-General	Director-General of the NSW Department of Planning, or delegate.
DLWC	NSW Department of Land and Water Conservation
EPA	NSW Environment Protection Authority
evening	the period from 6.00PM to 10.00PM
L _{A1} (1 minute)	the noise level exceeded 1 percent of the time when measured over a 1 minute period.
L _{Aeq} (15 minute)	equivalent average sound pressure that is measured over a 15 minute period.
Minister	NSW Minister for Planning, or delegate.
night	the period from 10.00PM to 7.00AM Monday to Saturday and 10.00PM to 8.00AM Sundays and public holidays.
office, warehouse & rail freight terminal operation	the development to which this consent applies. any activity that relates to the intended receipt, dispatch, storage and distribution of goods.
PCA	Principal Certifying Authority - the Minister or an accredited certifier, appointed under Section 109E of the Act, to issue a Part 4A Certificate as provided under Section 109C of the Act
site	the land to which this consent applies.
utility	any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply.

This instrument includes changes made by MOD-53-6-2008 in November 2008 (marked in red)

GENERAL

Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the office, warehouse and rail freight terminal.

Scope of Development

- 1.2 The Applicant shall carry out the development generally in accordance with:
- a) Development Application No. DA-253-8-2002-i lodged with the Department of Planning on 6 August 2002;
 - b) The Statement of Environmental Effects titled *"Development Approval Submission to Planning NSW and Campbelltown City Council at Austrak Business Park Pembroke Road, Minto for Proposed Office, Warehouse and Rail Terminal Development"* prepared by Austrak AFS Pty Ltd and dated August 2002;
 - c) *"Traffic and Car Parking Assessment to Accompany a Proposed Warehousing, Office and Rail Terminal Complex for Austrak Business Park on Pembroke Road, Minto"* dated June 2002 and prepared by Transport & Urban Planning Associates;
 - d) The letter dated 23 September 2002 from Transport & Urban Planning Associates to PlanningNSW about the Magnum Drive access arrangements and the impact of future widening of Pembroke Road;
 - e) The letter dated 27 September 2002 from Gutteridge Haskins & Davey Pty Ltd to Austrak AFS Pty Limited about *"Review of Environmental Assessment Report for former Unilever Powder Plant at Pembroke Road, Minto"*;
 - f) *"Proposed Office, Warehousing and Rail Terminal Development Pembroke Road, Minto Assessment of Environmental Noise Impact"* dated 30 October 2002 and prepared by Acoustic Logic Consultancy Pty Ltd;
 - g) Development Approval Drawings prepared by Beca identified as follows: 2561239-A-DA-001 rev B; 2561239-A-DA-002 rev A; 2561239-A-DA-003 rev A; 2561239-A-DA-004 rev A; 2561239-A-DA-005 rev A; 2561239-A-DA-006 rev A; 2561239-A-DA-007 rev A; 2561239-A-DA-008 rev A; 2561239-A-DA-009 rev A; and 2561239-A-DA-010 rev A;
 - h) Development Approval Drawings prepared by Austrak AFS Pty Ltd identified as follows: DA_MIN_00_01 rev C; DA_MIN_00_05 rev C; DA_MIN_00_06 rev B; DA_MIN_00_07 rev C; and DA_MIN_00_08 rev C; and
 - i) The conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under a) to i) above, the conditions of consent shall prevail to the extent of the inconsistency.

- 1.2A To avoid any doubt, development consent is not granted for any modifications to the rail terminal and container park located to the west of the site as part of MOD 53-6-2008.

Rail Sidings

- 1.3 The extent, location, design and construction standards and rail corridor access and operational conditions of all rail sidings within the site shall be subject to the approvals of the relevant rail authorities, Planning NSW and the conditions of this consent.

Provision of Documents

- 1.4 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

Note: At the date of this consent, an appropriate electronic format for submission to the Director-General is the "portable document format" (pdf) or another format that may be readily converted to pdf.

Statutory Requirements

- 1.5 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the office, warehouse and rail freight terminal. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Compliance

- 1.6 The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.
- 1.7 The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.

- 1.7A The Applicant may elect to construct the development in stages with commensurate staging of compliance with the conditions of

this consent. Where stages are proposed, the Applicant shall submit a Staging Report to the satisfaction of the Director-General by 31 January 2009, or as otherwise agreed to by the Director-General. The report shall provide the overall framework for the development and adequate details of the staging, including details of how compliance with the conditions of consent will be ensured across and between the stages of the development.

Note: Stages refer to the division of a development into multiple contract packages for construction purposes, and/or the construction or operation of the overall development in discrete sections.

- 1.8 Prior to the commencement of construction of the office, warehouse and rail freight terminal, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has obtained all the necessary statutory approvals for the construction works, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development pertaining to that aspect of the development to be constructed.
- 1.9 Prior to the commencement of operation of the office, warehouse and rail freight terminal, the Applicant shall certify in writing, to the satisfaction of the Director-General that it has obtained all the necessary statutory approvals for operations, and complied with all relevant conditions of this consent and/or any other statutory requirements for this development.
- 1.10 Notwithstanding conditions 1.8 and 1.9 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 1.11 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the SEE and those documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

Dispute Resolution

- 1.12 In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under Section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. CONSTRUCTION CERTIFICATION

- 2.1 In relation to the construction and occupation of the office, warehouse and rail freight terminal, the Applicant shall provide to the Director-General and Council the following:
- a) written notification of the appointment of a Principal Certifying Authority;
 - b) copies of all Construction Certificates issued for the office, warehouse and rail freight terminal;
 - c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - d) copies of all Occupation Certificates issued for the office, warehouse and rail freight terminal; and
 - e) written notification of the intention to occupy the office, warehouse and rail freight terminal, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.
- 2.2 The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the office, warehouse and rail freight terminal will comply with:
- a) the Building Code of Australia; and
 - b) all relevant provisions of the Act, including the payment of a long service levy under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*.

3. ENVIRONMENTAL PERFORMANCE

Demolition

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

Traffic and Transport Impacts

Parking

- 3.2 The Applicant shall provide 374 car parking spaces in accordance with drawing 2561239-A-DA-004 rev A, prepared by Beca.
- 3.3 The carpark design shall comply with *AS 2890.1 1993 Parking Facilities - Off-Street Car Parking*.
- 3.4 Disabled, visitor, wholesale outlet and service vehicle parking spaces shall be clearly signposted and designated in accordance with relevant Australian Standards.
- 3.5 A bicycle rack shall be installed within the carpark area with provisions for 10 bicycles to stand, and associated amenities on-site for employees.

Access and Internal Road Works

- 3.6 Directional pavement arrows shall be installed on all internal roads.
- 3.7 All driveways shall be clearly signposted.
- 3.8 The design of all internal roadways and ramps shall be wide enough to accommodate through traffic and turning two-way traffic.
- 3.9 The design of the truck marshalling areas, driveways, ramp grades and sight distances shall comply with *AS 2890.2-2002 Parking Facilities - Off-Street Commercial Vehicle Facilities*.
- 3.10 Vehicles associated with the warehouse and distribution centre and rail freight terminal are not permitted to park or stand on public roadways at any time.
- 3.11 No parking shall be permitted on the internal roadways and outside the designated parking areas.
- 3.12 All trucks entering the development shall be wholly contained within the site before being required to stop.
- 3.13 The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.

- 3.14 The Applicant shall provide to the Roads and Traffic Authority details of the proposed Magnum Drive access arrangements taking into account the future widening of Pembroke Road.

Access Routes

- 3.15 All trucks shall enter and exit the site to/from Pembroke Road, Rose Payten Drive, Campbelltown Road and F5 Freeway only in a southerly direction between the hours of 10.00pm and 7.00am.

Water Quality Impacts

Erosion and Sediment Control

- 3.16 All soil and/or vegetation disturbed or removed from the site shall be disposed of to, or stored at, an appropriate location where it cannot be washed off the site.
- 3.17 All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel wash facility.
- 3.18 All erosion and sedimentation controls required as part of this consent shall be maintained at or above design capacity for the duration of the construction works, and until such time as all ground disturbed by the construction works, has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Details of the erosion and sedimentation controls shall be included in the Erosion and Sedimentation Management Plan required under condition 6.2 of this consent

Site Drainage and Stormwater

- 3.19 The Applicant shall prepare and implement a site stormwater management system that addresses both the quality and quantity of runoff from the site.
- 3.20 All stormwater runoff naturally draining to the site must be collected, treated and discharged through the site's stormwater system.
- 3.21 All stormwater runoff from roads, carparks and hardstand areas shall be treated prior to discharge.
- 3.22 The stormwater management system shall include measures to intercept on-site spills of polluting substances.
- 3.23 The Applicant shall design, implement and maintain a stormwater management system for the site which shall be capable of collecting, containing and treating all stormwater for at least a one in three month ARI storm peak flow.

Details of the stormwater management system shall be included in the Stormwater Management Plan required under condition 6.4 of this consent.

Noise Impacts

- 3.24 Construction activities associated with the development, including the delivery of material to and from the site, shall only be carried out between the following hours:
- between 7:00am and 6:00pm Monday to Friday inclusive;
 - between 8:00am and 4:00pm Saturdays; and
 - at no time on a Sunday or a public holiday.

Works outside these hours which may be permitted include:

- the delivery of materials which is required outside these hours requested by police or other authorities for safety reasons; and
- emergency work to avoid the loss of lives and/or property to prevent environmental harm.

- 3.25 The Applicant shall operate and maintain the office, warehouse and rail freight terminal to ensure that the noise levels generated by the development does not exceed the following levels at the "most affected residence"

LOCATION	DAYTIME NOISE OBJECTIVE dB(A) _{Leq15} min	EVENING NOISE OBJECTIVE dB(A) _{Leq15} min	NIGHTTIME NOISE OBJECTIVE dB(A) _{Leq15} min	NOISE OBJECTIVE FOR INTERMITTENT PLANT dB(A) _{L1}
Pembroke Road	49	45	40	52
Kimberley Street	40	38	35	45
Campbelltown Road	60	56	47	57

- 3.26 For the purpose of compliance monitoring against the noise limit specified under condition 3.25 of this consent, noise from the office, warehouse and rail freight terminal shall be:

- measured at the most affected point on or within the receptor site boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
- where applicable, subject to the modification factors provided in Section 4 of the EPA's *Industrial Noise Policy*.

- 3.27 Notwithstanding condition 3.26 of this consent, should direct measurement of noise from the site be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *Industrial Noise*

Policy). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

- 3.28 All plant and equipment such as ventilation and air conditioning systems shall be designed to ensure that the noise level generated shall not exceed the following noise limits at the most affected residence:

LOCATION	NOISE OBJECTIVE IN dB(A) L_{eq}
Pembroke Road	39 day 39 evening 32 night

- 3.29 The noise limits identified in conditions 3.24 and 3.27 of this consent applies under the following meteorological conditions:
- wind speeds of up to 3m/s at 10 metres above the ground level; and
 - temperature inversion conditions up to 3°C per 100 metres.
- 3.30 The Applicant shall prepare and implement a system for receiving, logging and responding to noise complaints. Prior to the issue of an Occupation Certificate, details of the noise complaints system shall be provided to the Director-General.

Operating Hours

- 3.31 Operation of the office, warehouse and rail freight terminal may be undertaken twenty four (24) hours a day seven (7) days a week.
- 3.32 The operating hours of the wholesale factory outlet shall be restricted to the following hours:
- between 9:00AM and 5:00PM Monday to Saturday inclusive; and
 - at no time on a Sunday or a public holiday.
- 3.33 A separate development application shall be lodged for the operation of factory tours at the site.

Building Material

- 3.34 Details of the exterior treatment of the development, including samples of the colours and materials, must be submitted to the Director-General for approval prior to the commencement of construction.

Disabled Access and Facilities

- 3.35 Access and facilities for people with disabilities shall be provided in accordance with the relevant provisions of the BCA and all relevant Australian Standards.

Landscaping

- 3.36 The landscaping shall incorporate a continuous 4.5 metre high earth mound along the eastern boundary of the site.
- 3.36A The Applicant shall submit a landscape plan, to be prepared in consultation with Campbelltown City Council and approved by the Director-General, immediately following the completion of Stage 2. The landscape plan shall be implemented no later than two months following the completion of Stage 2.
- 3.37 All noxious weeds, as listed under the *NSW Noxious Weed Act 1993*, on site shall be removed during construction and operation of the office, warehouse and rail freight terminal.
- 3.38 Appropriate weed management for the site, especially landscaped areas, shall be undertaken for the life of the office, warehouse and rail freight terminal. Details of this shall be included in the Landscape Management Plan required under condition 6.4 of this consent.
- 3.39 Landscaping of the site shall maximise the use of flora species endemic to the locality.
- 3.40 The Applicant shall install, operate and maintain an irrigation system throughout all landscaped areas. Such a system shall provide full coverage to all landscaped areas with no overspray onto hard surfaces.

Details of the irrigation system proposed shall be included in the Landscape Management Plan required under condition 6.4 of this consent. The system shall comply with all relevant Australian Standards.

Note: It is recognised that some irrigation is necessary, however, the Applicant is encouraged to reduce the dependence on irrigation by planting trees and shrubs that are endemic to the area and capable of withstanding low levels of water as reflected in condition 4.28 of this consent

Salinity Management

- 3.41 All activities associated with the construction and operation of the office, warehouse and rail freight terminal shall not lead to an increase in the salinity hazard of the site or land downslope of the site.

Waste Management Impacts

- 3.42 A designated area for the storage and collection of waste and recyclable materials shall be provided on the site. Details of this

shall be provided in the Waste Management Plan required under condition 6.4 of this consent.

- 3.43 All wastes generated on the site during construction and operation shall be classified in accordance with the EPA's publication *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and be disposed of to a facility that may lawfully accept the waste.
- 3.44 The Applicant shall be responsible for involving and encouraging employees and contractors to minimise domestic waste production on site and reuse/recycle where possible.

Dangerous Goods

- 3.45 The Applicant shall not store or handle any material classified as a dangerous good under the Australian Dangerous Goods Code.

Emergency Plan

- 3.45A The Applicant shall submit for the approval of the Director-General a comprehensive **Emergency Plan** and detailed emergency procedures for the development, including procedures for the response to an emergency scenario involving the accidental release of ammonia. The plan shall be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, Industry Emergency Planning Guidelines and submitted to the Director-General no later than one month prior to the commencement of operation of the extended cold storage facility.

Community Enhancement

- 3.46 Prior to the commencement of operation of the office, warehouse and rail freight terminal or within such other time as agreed by the Director-General, the Applicant shall negotiate an agreed outcome with Council for an appropriate level of contribution (financial or in-kind) and as applicable, towards mitigating any cumulative social and/or community impacts as the result of the proposed development

Should such negotiated outcome not be reached, the Applicant shall abide with the reasonable requirements of the Director-General concerning community enhancement contribution in light of an independent investigation to establish community enhancement need as the result of the cumulative impact of the proposed development. The investigation shall be carried out by an independent person(s) to be appointed by the Director-General in consultation with the Applicant and Council, and paid for by the Applicant. The independent investigation shall be based on the principles of nexus and reasonableness as to relevant cumulative social and/or community impacts.

Air Quality Impacts

Dust Emissions

- 3.47 The Applicant shall design, construct, operate and maintain the office, warehouse and rail freight terminal in a manner that minimises dust emissions from the site.
- 3.48 During construction of the office, warehouse and rail freight terminal, the Applicant shall take all practicable measures to ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle.

Ventilation

- 3.49 The details of any mechanical ventilation and/or air conditioning for the office, warehouse and rail freight terminal must be certified by a competent person, in accordance with Council's requirements, the BCA and relevant Australian Standards, and to the satisfaction of the PCA prior to commencement of any work related to those activities.

Visual Amenity Impacts

- 3.50 The Applicant must ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting must be the minimum level of illumination necessary and shall comply with *AS 4282 1997 - Control of Obtrusive Effects of Outdoor Lighting*.
- 3.51 Nothing in this consent permits the Applicant to erect or display any advertising structure(s) or advertisements associated with the office, warehouse and rail freight terminal.

<p>Note: The Applicant may seek a separate development consent for the erection of advertising structures.</p>
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Heritage Impacts

- 3.52 In the event that a relic of indigenous significance is uncovered during the construction of the office, warehouse and rail freight terminal, all construction work in the vicinity of the relic shall cease and the Applicant shall contact the National Parks and Wildlife Service as soon as possible. The Applicant shall meet the requirements of the National Parks and Wildlife Service with respect to the treatment, management and/or preservation of any such relic.

4. UTILITIES AND PUBLIC WORKS

- 4.1 The Applicant shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or are likely to be affected by the construction and operation of the office, warehouse and rail freight terminal.
- 4.2 The Applicant shall consult with the relevant provider of the utilities identified in condition 4.1 of this consent and make arrangements to adjust and/or relocate their services as required. The cost of any such adjustment and/or relocation of services shall be borne by the Applicant.
- 4.3 Prior to commencement of construction, the Applicant shall provide documentary evidence from the utility providers identified in condition 4.1 of this consent, to the Director-General, confirming that their requirements have been satisfied.
- 4.4 All external work carried out on public property shall be in accordance with Council's requirements, except as otherwise permitted by this consent.
- 4.5 Prior to the issue of an Occupation Certificate, the Applicant shall obtain from Sydney Water a Section 73 Compliance Certificate under the *Sydney Water Act 1994*.

5. ENVIRONMENTAL MONITORING

General Monitoring Requirements

- 5.1 The results of all monitoring required under this consent shall be:
 - a) in a legible form, or in a form that can readily reduced to a legible form;
 - b) kept for at least four years after the monitoring or event to which the results relate took place;
 - c) produced in a legible form to the Director-General, upon request; and
 - d) include the following information: the date(s), time(s) and location(s) at which the monitoring was undertaken; and the name of the person who undertook the monitoring.

Noise Monitoring

- 5.2 At the commencement of operation for each stage of the development and at a frequency of every 6 months over a period of 2 years, the Applicant shall undertake compliance monitoring at the nearest affected residence against the noise limits in

condition 3.25 of this consent. If compliance is achieved over the 2 year period, then additional monitoring is only required in the event of a complaint. The results of the noise monitoring shall be made available to the Director-General upon request.

6. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan (CEMP)

6.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) to outline environmental management practices and procedures to be followed during the construction of the office, warehouse and rail freight terminal. The Plan shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction of the office, warehouse and rail freight terminal, including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) specific consideration of measures to address any requirements of the Department and Council during construction;
- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- e) a description of the roles and responsibilities for all relevant employees involved in the construction of the office, warehouse and rail freight terminal;
- f) the Management Plans listed under condition 6.2 of this consent.

The CEMP shall be submitted for the approval of the Director-General prior to the commencement of construction of the office, warehouse and rail freight terminal. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CEMP to the Council as soon as practicable.

- 6.2 As part of the CEMP for the office, warehouse and rail freight terminal, required under condition 6.1 of this consent, the Applicant shall prepare and implement the following Management Plans:
- a) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of

the office, warehouse and rail freight terminal. The Plan shall generally be consistent with the *Statement of Environmental Effects Construction and Operational Impacts* prepared by Lanigan Baldwin Pty Ltd, and shall include, but not necessarily be limited to:

- i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
- ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the warehouse and distribution centre;
- iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in DLWC's publication *Urban Erosion and Sedimentation Handbook*, the EPA's publication *Pollution Control Manual for Urban Stormwater*, and the Department of Housing's publications *Soil and Water Management for Urban Development* and *Managing Urban Stormwater - Soils and Construction* and;
- iv) design specifications for diversionary works, banks and sediment basins;
- v) an erosion monitoring program during construction of the office, warehouse and rail freight terminal;
- vi) description of procedures to ensure that the measures implemented to control sediment and erosion on site, are maintained at all times; and
- vii) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.

- b) a **Noise Management Plan** to outline measures to minimise impacts from the construction of the office, warehouse and rail freight terminal on local noise levels. The Plan shall include, but not necessarily be limited to:

- i) identification of all major sources of noise that may be emitted as a result of the construction of the office, warehouse and rail freight terminal;
- ii) specification of the noise criteria as it applies to the particular activity;
- iii) identification and implementation of best practice management techniques for minimisation of noise emissions;
- iv) procedures for the monitoring of noise emissions;
- v) demonstration of consistency with the guidelines in the EPA's *Noise Control Manual*; and
- vi) description of procedures to be undertaken if any non-compliance is detected.

Operation Environmental Management Plan (OEMP)

- 6.3 The Applicant shall prepare and implement an **Operation Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during the operation of the office, warehouse and rail freight terminal. The Plan shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the office, warehouse and rail freight terminal, including all consents, licences, approvals and consultations;
 - b) a description of the roles and responsibilities for all relevant employees involved in the operation of the office, warehouse and rail freight terminal;
 - c) overall environmental policies and principles to be applied to the operation of the office, warehouse and rail freight terminal;
 - d) standards and performance measures to be applied to the office, warehouse and rail freight terminal, and a means by which environmental performance can be periodically reviewed and improved;
 - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
 - f) the Management Plans listed under condition 6.2 of this consent; and
 - g) the environmental monitoring requirement outlined under condition 5.2 of this consent.

The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the office, warehouse and rail freight terminal, or within such period as otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to Council as soon as practicable.

- 6.4 As part of the OEMP for the office, warehouse and rail freight terminal, required under condition 6.3 of this consent, the Applicant shall prepare and implement the following Management Plans:
- a) a **Stormwater Management Plan** to outline environmental management practices and procedures to be followed during the operation of the office, warehouse and rail freight terminal in order to control and manage site drainage and stormwater. The Plan shall include, but not necessarily be limited to:
 - i) detailed plans showing the design of the stormwater control infrastructure;

- ii) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant Council requirements and guidelines;
 - iii) the collection and reuse of stormwater equal to 50% (where feasible) of the site's natural infiltration capabilities;
 - iv) description of the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices; and
 - v) description of the procedures to be undertaken if any non-compliance is detected.

- b) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall be consistent with the revised landscaped plan as stipulated under condition 3.36(A), and shall include, but not necessarily be limited to:
 - i) details of all landscaping to be undertaken on the site including details of additional features such as soil and mulch details, irrigation details, retaining wall details, fencing details, details of hard surfaces, and any other landscape elements in sufficient detail to fully describe the proposed landscape works;
 - ii) details of existing and proposed utilities, as they relate to the development;
 - iii) maximisation of flora species endemic to the locality in landscaping the site;
 - iv) identification and details of staff recreation areas;
 - v) details of compliance with the landscaping requirements of Council's Industrial Development Policy No. 5.2.13;
 - vi) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and
 - vii) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state.

- c) a **Transport Management Plan** to outline management of traffic conflicts associated with the operation of the office, warehouse and rail freight terminal. The Plan shall include, but not necessarily be limited to:
 - i) restriction to routes;
 - ii) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
 - iii) demonstrate compliance with the EPA's *Environmental Criteria for Road Traffic Noise*. This may include implementing traffic management measures and controlling noise from heavy vehicle exhaust and engine brakes;

- iv) speed limits to be observed along routes to and from the site and within the site; and
 - v) behaviour requirements for vehicle drivers to and from the site and within the site.
- d) a **Waste Management Plan** to outline measures to manage resource consumption resulting from the operation of the office, warehouse and rail freight terminal. The Plan shall meet the requirements of Council, should there be any. The Plan shall include, but not necessarily be limited to:
- i) identification of the type and quantities of waste that would be generated;
 - ii) description of measures and actions to be taken to minimise waste generated by the operation of the office, warehouse and rail freight terminal;
 - iii) description of how waste would be handled and stored during operation, and reused, recycled and, if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines *Assessment, Classification and Management of Liquid and Non-Liquid Waste*; and
 - iv) details of programs for involving and encouraging employees and contractors to minimise domestic waste production on the site and reuse/recycle where possible.
- e) a **Noise Management Plan** to outline measures to minimise impacts from the operation of the warehouse and distribution centre on local noise levels. The Plan shall be consistent with the Noise Management Plan outlined in Chapter 4.3 of *Proposed Office, Warehousing and Rail Terminal Development Pembroke Road, Minto Assessment of Environmental Noise Impact* prepared by Acoustic Logic Consultancy Pty Ltd. The Plan shall include, but not necessarily be limited to:
- i) identification of all major sources of noise that may be emitted as a result of the operation of the office, warehouse and rail freight terminal;
 - ii) specification of the noise criteria as it applies to the particular activity;
 - iii) procedures for the monitoring of noise emissions;
 - iv) protocols for the minimisation of noise emissions; and
 - v) description of procedures to be undertaken if any non-compliance is detected.

6.5 Within three years of the commencement of operation, and at least every three years thereafter, the Applicant shall undertake a formal review of the OEMP required under condition 6.2 of this consent. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant shall notify the Director-General of completion of each

review, and shall supply a copy of the updated OEMP to the Director-General on request.

7 REALIGNMENT OF MAGNUM DRIVE

Inspections - Civil Works

The following conditions have been applied to ensure that the development is constructed in accordance with the development approval.

The following stages of construction shall be inspected by Council. A Compliance Certificate or other documentary evidence of compliance with the relevant terms of the approval/standards is to be obtained prior to proceeding to the subsequent stages of construction.

Erosion And Sediment Control

- 7.1 (1) Direction/confirmation of required measures.
(2) After installation and prior to commencement of earthworks.
(3) As necessary until completion of work.

Subsoil Drains

- 7.2 After:
(1) Trench excavated.
(2) Pipes laid.
(3) Filter material placed.

Subgrade

- 7.3 Joint inspection with NATA Reg. Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.

Subgrade

- 7.4 10/12 tonne 3 point roller proof test, density tests and finished surface profiles prior to placement of sub-base.

Pavement Thickness Measurement (Dips)

- 7.5 After placement of kerb and gutter and prior to final trimming of sub-base.

Sub-Base

- 7.6 10/12 tonne 3 point roller proof test and finished surface profiles after finishing and prior to basecourse placement.

Basecourse

- 7.7 10/12 tonne 3 point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.

Asphaltic Concrete Seal

- 7.8 Finished surface profiles after sealing.

Final Inspection

7.9 All outstanding works.

THE SITE

The following conditions have been applied to ensure that the land and/or building will be developed so as to minimise impact on the amenity of the neighbourhood and environment.

Public Property

7.10 The applicant or the applicant's agent shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the construction work being repaired at the applicant's expense.

The kerb, gutter and footpath adjoining the site shall be kept clear of soil and debris during the course of construction. Should clearing of the kerb and gutter be necessary, the work will be completed by Council at the applicant's expense.

Note: To ensure adequate protection of Council assets.

The Development

The following condition/s have been applied to ensure that the land and/or building will be developed so as to minimise impact on the local environment and to achieve the objectives of the relevant planning instruments.

Compliance Certificates

7.11 Compliance Certificates (or reports from a Company or individual professionally experienced and qualified to give that evidence and containing documented authoritative evidence of compliance with the specifications, drawings, and development conditions) shall be obtained for the following prior to issue of the *Occupation Certificate*:

- a) *Work As Executed Plan.*
- b) *Material Testing Requirements.*
- c) *Geotechnical Testing And Reporting Requirements.*
- d) *Conditions Of Development Consent.*

Two collated copies of any related plans, documents, reports, forms or other evidence shall accompany the above documents.

Trees

- 7.12 No trees are to be cut down, lopped, destroyed or removed without the written approval of Council. In this regard the applicant shall liaise with Council's Manager Development Services to arrange a joint site inspection prior to commencing site works.

Note: Tree Preservation provisions of Council's Planning Instruments).

Design And Investigation By Council

- 7.13 Where Council design and/or investigation is required for any works necessitated by the development, costs shall be met by the developer

Note: Applied to ensure that the land and or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Maintenance Security Bond

- 7.14 A maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, must be lodged with Council upon application for issue of the Occupation Certificate. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of the Council, or for a period of six months from the date of release of the Occupation Certificate, whichever is the longer. Application for release of the bond must be made to Council in writing.

Note: Applied to ensure that the use of the land or building is consistent with the aims and objectives of the Environmental Planning Instrument and Development Control Plans affecting the land and that the development is conducted so as not to be prejudicial to the amenity of the local environment.

Dust Nuisance

- 7.15 Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the Department of Housing 1998 manual '*Managing Urban Stormwater - Soils & Construction*'. All haul roads and construction areas shall be treated & regularly watered as required to the satisfaction of the Principal Certifying Authority.

Note: Applied to ensure that the land and/or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Pollution Warning Sign

- 7.16 A sign must be erected at all entrances to the site prior to work commencing and maintained until the completion of works. The sign must be constructed of durable materials be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

WARNING UP TO \$1500 FINE It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Campbelltown City Council (02 4620 1510) Protecting Our Waterways

The warning and fine statement wording must be a minimum of 120mm high and the remainder, a minimum 60mm high. The warning and fine details must be red bolded capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

Note: To ensure compliance with Campbelltown DCP No.112 – Erosion and Sediment Control

Work On Private Land

- 7.17 No work shall be undertaken within adjoining private lands without the prior written consent of the owner(s). The applicant is to liaise with Council prior to commencing design works, and Council's approval of design plans for any work on private land shall be obtained prior to issue of the Construction Certificate.

Note: Applied to ensure that the land and or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Work On Public Land

- 7.18 No work shall be undertaken within public lands without the prior written consent of Council. The applicant is to liaise with Council prior to commencing design works, and Council's approval of design plans and consent in writing for the work on public land shall be obtained prior to issue of the Construction Certificate. All inspections, approval and restoration of such work shall be undertaken by Council at the applicant's expense unless otherwise approved in writing.

Note: Applied to ensure that the land and or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Earth Works/Filling Works

- 7.19 All proposed earthworks, including stripping, filling, and compaction shall be:

- a) undertaken in accordance with Council's current 'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended), AS 3798 'Guidelines for Earthworks for Commercial and Residential Development' (as amended), and approved construction drawings
- b) supervised, monitored, inspected, tested and reported on in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C requirements by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council
- c) certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798, and
- d) completed to the satisfaction of the Council.

Note: Applied to ensure that the land and or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Existing Vegetation

7.20 Existing vegetation shall be left undisturbed except where roads, drainage, site regrading or building are proposed. The Contractor shall suitably fence off all areas to be left undisturbed.

Public Safety

7.21 Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe fully signposted passage minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians at all times and that traffic control is undertaken and maintained strictly in accordance with AS 1742.3 (1996), the requirements set out in the RTA manual "Traffic Control at Work Sites" 1998, all applicable Traffic Management and Control Plans and that any Work Cover Authority requirements are met. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

Note: Applied to ensure that the land and/or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Road Construction

The following condition/s have been applied to ensure that adequate and safe public access is provided to the site for both pedestrian and

vehicular traffic in accordance with Council's adopted Development Control Plans.

Compliance With Council Specifications

7.22 All design and construction work, lots and roads created shall be in accordance with Council's current standards and requirements as follows:-

- a) Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b) Guidelines of Engineering Conditions to be Applied to Development and Building Applications (as amended)
- c) Stormwater Management Policy (as amended)
- d) All relevant Australian and State standards and publications.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

Alignment Of New Roads

7.23 The applicant shall liaise with adjoining land owners regarding the alignment and construction of all new roads.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

Road Construction

7.24 The full construction of all new roads to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and to the satisfaction of the Council. Engineering details shall be submitted in conjunction with the Construction Certificate application for approval.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

Construction Costs

7.25 The applicant shall, at the time of lodgement of the Occupation Certificate, advise Council in writing of the separate costs of road pavement construction, kerb and gutter construction and drainage construction.

Pavement Thickness Determination

7.26 A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's Specification for Construction of

Subdivisional Road and Drainage Works (as amended) shall be forwarded to the Principal Certifying Authority a minimum of 2 working days prior to the inspection of exposed subgrade for pavement thickness determination.

Note: Applied to ensure that the use of the land or building is consistent with the aims and objectives of the Environmental Planning Instrument and Development Control Plans affecting the land and that the development is conducted so as not to be prejudicial to the amenity of the local environment

Associated Works

7.27 The applicant shall undertake any works external to the development made necessary by the development, including additional road and drainage works or any civil works necessary to make a smooth junction with existing works.

Note: Applied to ensure that the land and/or building will be developed in a way which will minimise impact on the local environment and achieve the objectives of the relevant Planning Instruments.

Prior To Final Inspection

- 7.28 Upon completion of construction and prior to final inspection of the engineering works the applicant shall submit to Council the following documents:
- a) *Two complete sets of fully marked up and certified Work as Executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), and one additional separate fully marked up copy of the plan sheet(s) and the linemarking / signposting plan(s);*
 - b) *Two copies of concrete core tests, subgrade and pavement density reports, structural and all other testing undertaken.*
 - c) Two copies of all compliance certificates in accordance with consent authority requirements, including supply of sub-base material, supply of basecourse material, supply of concrete, and supply of bituminous materials

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be collated and suitably bound.

Note: Applied to ensure that the use of the land or building is consistent with the aims and objectives of the Environmental Planning Instrument and Development Control Plans affecting the land and that the development is conducted so as not to be prejudicial to the amenity of the local environment

Traffic Committee

- 7.29 Plans for any construction requiring linemarking or signposting shall be submitted to Council's Manager Development Services for referral to the Local Traffic Committee for approval prior to release of the Construction Certificate.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

Traffic Control Plans

- 7.30 Where traffic flows will be affected as a result of works associated with the development, the applicant shall prepare a Traffic Control Plan (T.C.P.) or plans in accordance with the Roads and Traffic Authority's manual "Traffic Control at Work Sites (1998) and Australian Standard AS 1742.3 (1996). The T.C.P.(s) shall either be approved by Council or be certified by an appropriately accredited traffic engineer and a copy forwarded to Council, prior to commencement of works. In accordance with Work Cover Authority requirements, a copy of the approved T.C.P.(s) shall be kept on site for the duration of the works.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

Linemarking / Signposting Documentation

- 7.31 The applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the linemarking / signposting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation and shall be submitted to Council prior to issue of the Occupation Certificate.

Note: Applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.