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

I, the Minister for Infrastructure and Planning, pursuant to 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 generally to minimise any adverse environmental impacts associated with the development.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,	2005	File No. 9037342

SCHEDULE 1

Application made by:	Macquarie Goodman Management Limited ("the Applicant").
To:	The Minister for Infrastructure and Planning ("the Minister").
In respect of:	Lot 12 DP 854284; Lot 1 & 2 DP 357029; Lot 1 DP 67209; Lot 1 DP 186510; Lot 1 DP 186511; Lots 120-123 & 125-128 DP 11427 at 350-374 Parramatta Road, Homebush West;
For the following:	the construction and operation of warehouse and distribution facilities (Buildings F& G);
Development Application:	DA-297-12-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 December 2004, accompanied by *Statement of Environmental Effects for a Warehouse and Distribution Facility (Buildings F & G) at 350-374 Parramatta Road, Homebush West,* prepared by BBC Consulting Planners and dated November 2004;
State Significant Development	Under the provisions of the *State Environmental Planning Policy No. 34 – Major Employment-Generating Industrial Development*.

Appeal Rights

There is no right of appeal to the Land and Environment Court under section 98 of the *Environmental Planning and Assessment Act 1979*, for a third-party objector because the development is not "designated development". The Applicant has right of appeal to the Land and Environment Court under section 97 of the *Environmental Planning and Assessment Act 1979* operable within 12 months of the date endorsed on the notice of determination given the Applicant.

Commencement of Consent

Pursuant to section 83(1)(a) of the *Environmental Planning and Assessment Act 1979*, this consent operates from the date that is endorsed on the notice of determination given to the Applicant.

Lapse of Consent

Pursuant to section 95 of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to lapse five years after the date from which it operates unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.

KEY TO CONDITIONS

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	*Environmental Planning and Assessment Act, 1979*
Applicant	Macquarie Goodman Management Limited
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate
Council	Strathfield Municipal Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies
EPA	Environment Protection Authority (now part of the Department of Environment and Conservation)
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
dust	any solid material that may become suspended in air
Masterplan Consent	Development Consent DA 31/96 granted 30 August 1996
Minister	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), or delegate
operation	all activities undertaken after the issue of an occupation certificate
OSD	on-site detention
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
Regulation	*Environmental Planning and Assessment Regulation, 2000*
RTA	NSW Roads and Traffic Authority
site	the land to which this consent applies

1. GENERAL

Scope of Development

1.1 The Applicant shall carry out the development generally in accordance with:

a) Development Application No. 297-12-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 December 2004;

b) *Statement of Environmental Effects for a Warehouse and Distribution Facility (Buildings F & G) at 350-374 Parramatta Road, Homebush West,* prepared by BBC Consulting Planners Pty Ltd and dated November 2004;

c) correspondence with subject *Revised DA Submission – Buildings F & G Parramatta Road, Homebush West*, prepared by Macquarie Goodman and dated 17 December 2004;

d) correspondence with subject *Buildings F & G 350-374 Parramatta Road, Homebush West*, prepared by BBC Consulting Planners Pty Ltd and dated 31 December 2004;

e) correspondence with subject *Buildings F & G 350-374 Parramatta Road, Homebush West*, prepared by BBC Consulting Planners Pty Ltd and dated 18 January 2005;

f) amended plans with drawing numbers:

   i) DA_01-B, DA_02-B, DA_03-B; DA_05-B, DA_07-B, DA_08-B, DA_09-B, DA_10-B, DA_11-B, DA_12-B, DA_13-B, DA_14-B, DA_15-B, dated 16 December 2004;

   ii) DA_03 dated 30 November 2004;

   iii) DA_04-C, DA_06-C, DA_16-A, dated 12 January 2005;

   iv) 04-013-03-A;

   v) 24248_1-0_C01, 24248_1-0_C02, 24248_1-0_C03, 24248_1-0_C04, 24248_1-0_C05, 24248_1-0_C06, 24248_1-0_C07, 24248_1-0_C08; and

g) the conditions of this consent.

1.2 In the event of an inconsistency between:

a) the conditions of this consent and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and

b) any document listed from condition 1.1a) to 1.1f) inclusive, and any other document listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

1.3 This consent does not exclude or supersede any requirements that may apply to the development set out in conditions of Schedule 2 of the Masterplan Consent (as modified by DA 31/96-M1, DA 31/96-M2, MOD-19-12-2001-i, MOD-40-6-2002-i, MOD-5-1-2003-i, MOD-3-4-2003-I and MOD-95-09-2003-i).

Statutory Requirements

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

Surrender of Consents

1.5 Prior to the issue of the Occupation Certificate associated with DA 297-12-2004-i, the Applicant shall surrender development consents associated with DA 77-3-2004-i, in accordance with Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

Dispute Resolution

1.6 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter may 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. COMPLIANCE

2.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

2.2 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.

2.3 At least two weeks prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this consent applicable prior to that event:

a) commencement of any construction works subject of this consent; and
b) commencement of operation of the development.

2.4 Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may require.

2.5 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 documents listed under condition 1.1 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 require.

3. UTILITIES AND SERVICES

3.1 Prior to the commencement of construction, 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 likely to be affected by the construction and operation of the development. Should any of the services require adjustment or relocation as a result of the development, the Applicant shall consult with the relevant utility provider(s) for those services identified and make arrangements to adjust and/or relocate services as required.

3.2 Prior to the commencement of construction works that may affect services/utilities (as identified in condition 3.1), the Applicant shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

3.3 The Applicant shall bear the full cost associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged during the proposed works.

3.4 The Applicant shall obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* from Sydney Water prior to connection of the development to the relevant water and wastewater systems.

3.5 The Applicant shall ensure that all the proposed works comply with Sydney Water's *Guidelines for Building Over/Adjacent to Sewers*.

4. ENVIRONMENTAL PERFORMANCE

Demolition

4.1 The Applicant shall undertake all demolition work strictly in accordance with *AS 2601-2001 The Demolition of Structures.*

4.2 The Applicant shall meet the requirements of the WorkCover Authority with respect to all demolition activities associated with the handling and disposal of asbestos-containing materials.

Noise Impacts

Acoustic Barrier

4.3 Prior to the commencement of any construction works, the Applicant shall build an acoustic barrier to a height of 4 metres above ground level as described in the Statement of Environmental Effects as listed in condition 1.1b).

Construction Noise

4.4 The Applicant shall ensure that construction and demolition activities associated with the development do not exceed the criteria specified in Table 1.

Table 1 – Construction Noise Criteria

Assessment Location	Construction Noise Criteria, dB(A) Location – 39 Courallie Avenue (middle of rear yard)
Background Noise Level (RBL)	42
4 weeks and under	62
Greater than 4 weeks but less than 26 weeks	52
Greater than 26 weeks	47

4.5 Construction activities associated with the development shall only be conducted between 7:00 am and 6:00 pm from Monday to Friday inclusive, and from 8:00 am to 1:00 pm on Saturdays. No construction activity is permitted on a Sunday or a Public Holiday.

4.6 The hours of construction specified under condition 4.5 of this consent may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 4.5 shall be:

a) considered on a case-by-case basis;
b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
c) accompanied by a written demonstration that the varied construction hours will not adversely impact on the acoustic amenity of residents in the vicinity of the site.

4.7 The Applicant shall not crush any concrete or demolition waste on the site without the written approval of the Director-General. In seeking this approval, the Applicant shall submit a detailed report to the Director-General with the Construction Management Plan (refer to condition 5.1 of this consent) that:

a) describes the proposed crushing activities in detail;

b) assesses the following potential impacts associated with these proposed activities, and describe what measures would be implemented to manage, mitigate, or off-set these impacts:
   - noise;
   - water quality;
   - dust; and
   - waste management.

c) describe how the effectiveness of these measures would be monitored during the proposed activities to ensure that they comply with the relevant criteria in these conditions; and if any non-compliance is detected, and

d) describe what procedures would be followed to ensure compliance.

Operation Noise

4.8 The Applicant shall design, construct, operate and maintain the development to ensure that noise generated during the operation of the development does not exceed the noise limits specified in Table 2, at the times indicated, at the location indicated in the Table.

Table 2 - Operation Noise Limits

Assessment Location	Day	Evening	Night
	$L_{Aeq\ (15\ minute)}$ dB(A)	$L_{Aeq,\ period}$ dB(A)	$L_{Aeq,\ period}$ dB(A)
39 Courallie Avenue (middle of rear yard)	47	42	40

For the purpose of this condition, time periods shall be defined as follows:

i) Day - the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays; and

ii) Evening - the period from 6pm to 10pm; and

iii) Night - the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

4.9 For the purpose of assessment of noise impacts specified under condition 4.8 of this consent, noise from the development shall be:

a) measured at the most affected point on or within the residential boundary for $L_{Aeq(15\ minute)}$ noise levels;

b) measured at 1m from the dwelling for $L_{A1(1\ minute)}$ noise levels;

c) measured at wind speeds up to $3ms^{-1}$ at 10 metres above ground level;

d) measured at temperature inversion conditions up to 3^oC per 100 metres; and

e) subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000).

4.10 Notwithstanding condition 4.8 of this consent, should direct measurement of noise from the development be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). 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.

Soil and Water Quality Impacts

4.11 The Applicant shall take all reasonable measures, as described in plan 24248_1-0_C02, to minimise soil erosion and the discharge of sediments and pollutants from the site during construction.

4.12 The Applicant shall grade the floor of the development so that any water or spillages on these floors drain away from external doors.

Stormwater

4.13 The Applicant shall operate and maintain the stormwater system, as described in plans 24248_1-0_C03, 24248_1-0_C04, 24248_1-0_C05, 24248_1-0_C06, 24248_1-0_C07 and 24248_1-0_C08.

4.14 The Applicant shall design and construct the connection of the stormwater run-off to the street drainage system, as shown on the plan 24248_1-0_C04, to the satisfaction of Council.

4.15 The Applicant shall design, construct and maintain the stormwater management infrastructure within the development to:
- a) accommodate all stormwater from the site for a 1 in a 100 year storm event;
- b) restrict future stormwater flows from the site (including any stormwater from external catchments) to existing flow levels or better;
- c) treat all stormwater to minimise the discharge of sediments and other pollutants from the site;
- d) comply with the relevant provisions in the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* and relevant Council stormwater policy; and
- e) prevent the drainage of stormwater onto neighbouring properties.

4.16 The Applicant shall be responsible for, and bear the full cost associated with, monitoring and maintaining all stormwater infrastructure on the site during the life of the development.

Soil Contamination and Remediation

4.17 Prior to the occupation of the development, the Applicant shall submit the following to the Director-General:
- a) a copy of the Validation Report that summarises the remediation and validation works undertaken for the development site, in accordance with the EPA's *Guidelines for Consultants Reporting on Contaminated Sites 1997*; and
- b) a copy of the Site Audit Statement and Report prepared by a site auditor accredited under the *Contaminated Land Management Act 1997.*

Air Quality Impacts

Dust Emissions

4.18 The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises dust emissions from the development.

Traffic and Transport

Internal Roads and Parking

4.19 The Applicant shall design and construct all internal road works, including the associated parking facilities and loading bays, in accordance with the relevant RTA and Council standards and codes, including *AS/NZS 2890.1:2004* and *AS 2890.2-2002.*

4.20 The Applicant shall clearly mark all visitor, disabled, ambulance and service vehicle parking areas.

4.21 The Applicant shall install signage to demarcate all vehicle movements within the site.

Access

4.22 The Applicant shall ensure that the swept path of the largest vehicle entering and exiting the subject site, as well as, manoeuvrability through the site, shall be in accordance with Austroads Standards.

4.23 The Applicant shall ensure that all vehicles enter and leave the site in a forward direction.

4.24 All vehicular, bicycle, and pedestrian access to and from the site shall be via Parramatta Road, and not via Manademar Avenue or Telopea Avenue.

4.25 The use of landscaping shall not affect driver sight distance for vehicles entering and exiting the site.

Hazards and Risk Impacts

4.26 The Applicant shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) and combustible liquids strictly in accordance with:

a) all relevant Australian Standards;
b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
c) the Environment Protection Authority's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Visual Amenity

4.27 The Applicant shall ensure that all new external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with *AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

4.28 Nothing in this consent allows the Applicant to erect or display any advertising structure(s) or advertisements associated with the development.

Note: the Applicant may seek separate development consent for the erection of advertising structures.

Landscaping

4.29 The Applicant shall landscape the site in accordance with the Landscape Management Plan (refer to condition 5.2d)), and maintain this landscaping for the full life of the development.

4.30 Within 90 days of completing the landscape works outlined in the Landscape Plan (refer to condition 5.2d)), the Applicant shall submit a Landscape Completion Report to the Director-General, which demonstrates that the landscaping works have been completed in accordance with the approved Plan.

Building Height

4.31 The exterior wall height of Buildings F & G must be in accordance to the relevant plans listed under condition 1.1f).

5. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

5.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the development. 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 development, 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 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 development;
f) the Management Plans listed under condition 5.2 of this consent;
g) arrangements for community consultation and complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General prior to the commencement of construction of the development, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General.

5.2 As part of the Construction Environmental Management Plan for the development, required under condition 5.1 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 (and associated dust impacts) during construction of the development. The Plan shall include, but not necessarily be limited to:
   vi) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;
   vii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in the Department of Housing's publication *Soil and Water Management for Urban Development*;
   viii) an erosion monitoring program during construction of the development; and
   ix) 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, monitor and mitigate noise impacts on surrounding land uses as a result of the construction and demolition activities associated with the development. The Plan shall include, but not necessarily be limited to:
   i) identification of the potential sources of noise during the proposed works;
   ii) specification of the noise criteria for the proposed works;
   iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise criteria. This should include measures as recommended by AS 2436-1981;
   iv) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating identification of monitoring locations with relevant noise limits for each location, noise monitoring frequencies, methodologies, who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected; and
   v) a description of what procedures would be followed to ensure compliance;

c) a **Waste Management Plan** to outline measures to minimise the production and impact of wastes generated at the site during construction of the development. In particular, detailed measures to ensure the appropriate removal, handling and disposal of hazardous waste materials. The Plan shall include, but not necessarily be limited to:

i) identification of the type and quantities of waste that would be generated;
ii) an outline of measures to be implemented to minimise the disposal of waste;
iii) a description of how the waste would be handled and stored during construction, and reused, recycled and, if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines *Assessment, Classification & Management of Liquid and Non-Liquid Waste*;
iv) a description of how the effectiveness of these measures would be monitored; and, if any non-compliance is detected; and
v) a description of what measures would be followed to ensure compliance.

d) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:

i) details of the proposed landscaping to be undertaken on the site;
ii) maximisation of flora species endemic to the locality in landscaping the site;
iii) outline of the standards and performance measures for the proposed landscaping;
iv) details of any trees that will need to be removed from the site; and
v) a program to ensure that all landscaped areas on the site (including landscaped areas fronting Parramatta Road) are maintained in a tidy, healthy state throughout the life of the development.

Operational Environmental Management Plan

5.3 The Occupation Certificate for the development shall not be issued before the Director-General has approved all the Management Plans and Strategies required under Schedule 2 of the Masterplan Consent. These plans and strategies shall include the detailed procedures for managing, maintaining, and monitoring the development over time, and for reporting to the Director-General.

6. ENVIRONMENTAL REPORTING

Incident Reporting

6.1 The Applicant shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.

6.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 6.1 of this consent, within such period as the Director-General may agree.