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

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

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

25 July, 2004 File No. S04/00487

SCHEDULE 1

Development Application: DA No. 40-2-2004-i

Application made by: ING Real Estate Pty Ltd ("the Applicant");

To: the Minister for Infrastructure and Planning;

In respect of: Lot 2 DP 864567 and Lot 1 DP 520478, 2 Unwin Street, Camellia (also known as 3 Shirley Street, Granville);

For the following: The Applicant proposes to construct a new 10,275m^2 distribution facility consisting of a warehouse, offices, amenities and associated vehicular access and parking. The proposal involves:

- construction of a one storey warehouse which includes double storey office elements located at either end of the building;
- integration of the retained heritage façade into the new building;
- car parking with provision of 88 car spaces; and
- landscaping of the street frontages and car parks around the building.

Operation of Consent Pursuant to section 83 of the *Environmental Planning and Assessment Act 1979*, this consent becomes effective and operates from the date that is endorsed on the notice of the determination of the development application given to the Applicant in accordance with section 8(1) of the *Environmental Planning and Assessment Act 1979.*

Lapse of Consent

Pursuant to sections 95(1) of the *Environmental Planning and Assessment Act 1979*, this development consent will lapse 5 years after the date from which it operates unless the use of any land, building or work the subject of the consent is physically commenced before the date on which the consent would lapse.

Appeal Rights

If the Applicant is dissatisfied with this determination, section 97 of the *Environmental Planning and Assessment Act 1979* grants it a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

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	ING Real Estate Pty Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate
Council	Parramatta City Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies
DEC	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	Master Plan for proposed Rosehill Industrial Estate adopted 17 March 2003 by Parramatta City Council
Minister	Minister for Infrastructure and Planning, 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
SEE	The State of Environmental Effects supporting the Development Application for the Rosehill Industrial Estate Stage 4 – Building B 2 Unwin Street Camellia
site	the land to which this consent applies

1. 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, commissioning, operation and where relevant, the decommissioning of the development.

Scope of Development

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

a) Development Application No. 40-2-2004-i lodged with the Department of Infrastructure, Planning and Natural Resources on 13 February 2004;

b) *Statement of Environmental Effects for Development Application Rosehill Industrial Estate Stage 4 – Building Bg, 2 Unwin Street Camellia, prepared by planningmatters pty ltd and dated December 2003;*

c) the letter from planningmatters dates 2 July 2004 regarding the proposed phased works plans;

d) plans accompanying the development application, with drawing numbers: ADA – 1000, ADA – 1001 - A, ADA – 1002 - C, ADA – 1003 - C, ADA – 1004 - C, ADA – 1005 – C, ADA – 2001 – D, ADA – 3001 - B, 397.00 – DA, 397.03 – DA, 397.04 – DA, DAC01 – B, DAC02 – B, DAC03 – B, DAH01 – A, DAH02; ADA -2001 – Elevations Phased Works; ADA – 1002 – B – Building B Plan Phased Works; and

e) the conditions of this consent.

1.3 In the event of an inconsistency between:

a) the conditions of this consent and any document listed from condition 1.2a) to 1.2e) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and

b) any document listed from condition 1.2a) to 1.2e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

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.

1.5 Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements shall only be combined with the prior agreement of the Director-General of Infrastructure, Planning and Natural Resources and the Director-General (or equivalent) of the other relevant party.

> Note: the purpose of conditions 1.4 and 1.5 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent.

Statutory Requirements

1.6 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.

Dispute Resolution

1.7 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 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. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.

a) commencement of construction of development; 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 agree.

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 1.2 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.

3. PART 4A CERTIFICATION AND STRUCTURAL ISSUES

Certification

3.1 Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

a) the name, address and telephone number of the Principal Certifying Authority;
b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

4. UTILITIES AND SERVICES

4.1 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.

4.2 Prior to the commencement of construction works that may affect services/utilities (as identified in condition 4.1), the Applicant shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

4.3 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.

4.4 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 water and wastewater systems.

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

5. ENVIRONMENTAL PERFORMANCE

Noise Impacts

Construction and Operation Noise

5.1 Noise associated with construction and operation of the development of the proposal shall comply with the Department of Environment and Conservation's Environmental Noise Manual (in particular Table 2.2 Amenity Criteria in Section 2.2) and the Protection of the Environment Operations Act 1997.

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

5.3 The hours of construction specified under condition 5.2 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 5.2 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.

Soil, Water Quality and Stormwater Impacts

5.4 The Applicant shall take all reasonable measures, as described in the Sediment Control Plan and Stormwater Management Plan (Plans DAC01-B, DACO2-B, DAC03-B, DHO1-A and DHO2-A), to minimise soil erosion and the discharge of sediments and pollutants from the site during construction.

5.5 The proposed construction works shall be carried out so that:

(a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Duck Creek; and
(b) No materials are likely to be carried by natural forces to the bed, shore or waters of Duck Creek.

5.6 Erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.

5.7 The proposed system of erosion, sediment and pollution control is effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

5.8 Any material that is to be stockpiled on site is to be adequately stabilised and covered to prevent erosion or dispersal of the material.

5.9 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.

5.10 Works as executed plans certified by a suitably qualified person are to be submitted to the Principal Certifying Authority prior to occupation of the premises certifying that the stormwater drainage system has been constructed in accordance with the approved plans. A copy of the works as executed plans is to be submitted to Council's Development Unit to update the on site detention data base for the upper Parramatta River Catchment Trust.

5.11 The applicant shall ensure the building footprint does not encroach on the existing flood path easement that runs east to west at the southern end of the building as shown in figure 2 of the supporting SEE.

5.12 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.

Air Quality Impacts

Dust Emissions

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

Traffic and Transport

Internal Roads and Parking

5.14 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 2890.1-1993* and *AS 2890.2-1989*.

5.15 The Applicant shall clearly mark all visitor, disabled, ambulance and service vehicle parking areas and ensure a minimum of 2 disabled car spaces are provided.

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

Access

5.17 The Applicant shall ensure that all B-Double vehicles enter and leave the site in a forward direction.

5.18 All access to and from the site shall be in accordance with the architectural and development drawings in Appendix A of the SEE.

5.19 No materials, machinery, signs or vehicles used in or resulting from the construction or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

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

5.21 The Applicant shall consult with the RTA prior to occupation of the building to address the cumulative impact of additional development within the Rosehill Industrial Precinct on the James Ruse Drive/Grand Avenue/Hassell Street intersection.

Dangerous Goods

5.22 The Applicant shall not store or handle any material, which has been classified as a dangerous good under the Australian Dangerous Goods Code, on site.

Waste

5.23 During construction and operation of the development the Waste Management Plan in Appendix G of the SEE shall be implemented at all times.

Visual Amenity

5.24 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*.

5.25 Nothing in this consent allows the Applicant to erect or display any advertising structure(s) or advertisements associated with the development, other than the tenant signage and the proposal to retain the Australian Aluminium Company signage in locations on the building as identified by drawing ADA-2001-D.

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

Landscaping

5.26 Landscaping associated with the current proposal and as referred to in condition 17 of the Council approved site preparation DA (DA No. IT/01449/03) shall be completed in accordance with the consent and approved Landscape Plans (refer to condition 7.1 (i)), prior to occupation of use of the premises and shall be maintained for the full life of the development.

5.27 All trees for the site must be grown and planted in accordance with Clarke, R, 1996. Purchasing Landscape Trees: - A guide to assessing tree quality, Natspec Guide No. 2.

5.28 Prior to the commencement of any works in the vicinity of trees or other existing site features that are to be retained (either on-site or on adjoining street reserve), physical protection measures including those shown on the approved plans shall be implemented and maintained at all times.

5.29 Retained trees or treed areas shall be fenced with a 1.8m high chainmesh fence to minimise disturbance to existing ground conditions within the canopy dripline or a setback as specified on the approved landscaping plan for the duration of the construction work.

5.30 Within 90 days of completing the landscape works outlined in the approved Landscape Plans (refer to condition 7.2 c)), 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.

Built Form

5.31 The built form of the proposal when constructed shall be consistent with the built form requirements of the relevant plans listed under condition 1.2d).

6. ENVIRONMENTAL AUDITING

Independent Environmental Auditing

6.1 Within two years of the commencement of construction of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:

a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and
d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

7. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

7.1 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) arrangements for community consultation and complaints handling procedures during construction;

g) implement the Waste Management Plan provided in Appendix G of the SEE

h) implement the Landscape Management Plans and landscape statement provided in section 3.2.5 and Appendix B of the SEE.

i) a Noise Management Plan to outline measures to minimise and mitigate noise impacts on surrounding land uses as a result of the construction of 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 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

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.

8. ENVIRONMENTAL REPORTING

Incident Reporting

8.1 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.

8.2 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 8.1 of this consent, within such period as the Director-General may agree.