

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Modification Assessments

Sydney 16 May 2016

SCHEDULE 1

Development Approval: MP 08_0016 granted by the Minister for Planning on 12 July 2010

For the following: Printing, Warehouse and Distribution Facilities Project

Applicant: Lot 62 Erskine Park Ltd

Consent Authority: Minister for Planning

The Land: Lot 62: DP 1090695, 133-145 Lenore Lane, Erskine Park

Modification: MP 08_0016 MOD 3: the modification includes:

- reduction of the height of the office from two to one storey and consequential reduction of gross floor area (from 635m² to 633m²);
- amendments to the architectural design of the office and warehouse facades;
- removal of vehicular exit point to the internal estate road;
- relocation of the fire services tank; and
- amendment of car parking layout and deletion of one loading bay.

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

- (a) Schedule 2 – Administrative Condition 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
- a) EA;
 - b) statement of commitments;
 - c) Submissions Report; and
 - d) Modifications application 08_0016_Mod 1 and supporting document titled – *Lot 62, 133-145 Lenore Lane Erskine Park Section 75W Environmental Assessment Report* prepared by Urbis, and dated December 2012 containing, architectural, landscape and civil engineering plans and revised Statement of Commitments related to Lot 1 in DP1023886;
 - e) Modification application 08_0016 Mod 2 and supporting document titled – *Environmental Assessment Report, Section 75W Modification 2, 133A Lenore Drive, Erskine Park*, and dated December 2015 containing architectural, landscape and civil engineering plans, specialist consultant reports and revision Statement of Commitments related to Lot 2 in DP1023886; ~~and~~
 - f) Modification application 08_0016 MOD 3, supporting document titled Section 75W Modification 3 Environmental Assessment Statement – 133A Lenore Lane, Erskine Park containing architectural and civil engineering plans and specialist consultant statements, and document titled Clarifications Given to Submission and Revised Statement of Commitments both prepared by Logos and dated 6 May 2016; and**
 - ~~f-g)~~ Conditions of this approval.

Note: The Proponent's Statement of Commitments is included in Appendix 1. The Site Layout of the project is shown in Appendix 2. The Landscape Plan is shown in Appendix 3.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

- (b) Schedule 3 – Specific Environmental Condition 10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Stormwater and Drainage

10. The Proponent shall prepare and implement a Stormwater and Drainage Management Plan for the project to the satisfaction of the Secretary. This plan must:
- a) be submitted to the Secretary for approval prior to the commencement of construction of the stormwater and drainage system;
 - b) be prepared in accordance with Council;
 - c) be prepared in accordance with DECCW's *Managing Urban Stormwater* guidelines;
 - d) be generally consistent with the submitted Stormwater Drainage Concept Plan prepared by Costin Roe Consultants and include detailed plans of the proposed stormwater detention, treatment and control infrastructure;

- e) be generally consistent with the submitted Stormwater Drainage Concept Plan prepared by Costin Roe dated December 2015 **Consultants and the updated Stormwater Drainage Concept Plan prepared by Costin Roe Consultants dated April 2016** as it relates to Lot 2 in DP1023886 and include detailed plans of the proposed stormwater detention, treatment and control infrastructure;
 - f) include a program to monitor stormwater quantity and quality; and
 - g) describe the measures that would be implemented to maintain this infrastructure during the life of the project.
- (c) Schedule 3 – Specific Environmental Condition 16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

Architectural Design

16. The Proponent shall;
- a) undertake architectural design of the warehouse facilities on Lot 1 in DP 1203886 in accordance with the Architectural Design Drawings prepared by Broaden Management Industrial Pty Ltd dated August 2009 and Axis Architectural dated November 2012.
 - b) undertake architectural design of the warehouse facilities on Lot 2 in DP 1203886 in accordance with the Architectural Design Drawings prepared by Logos Property Group dated **November 2015-April 2016**.
 - c) provide screening in accordance with the details provided on 16/02/2016 that wholly encompasses the height and width of the sprinkler tanks adjacent to the southern facade of the warehouse.
- (d) Schedule 3 – Specific Environmental Condition 17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

Landscape Design

17. The Proponent shall;
- a) undertake landscaping on Lot 1 in DP 1203886 in accordance with Landscape Concept Drawings prepared by Environmental Partnership (NSW) and landscape plans prepared by Habitation Landscape Architecture, dated November 2012 (see Appendix 3);
 - b) undertake landscaping on Lot 2 in DP 1203886 in accordance with the Landscape Concept Drawings prepared by Place Design Group and dated 2015.
 - c) ensure that planting within the transmission easement to the north of the site (and within 3 metres of the residential properties to the north of the site) is undertaken with the approval of TransGrid;
 - d) complete all landscaping prior to commencement of operation; and
 - e) maintain landscaping on site and immediately to the north of the site on TransGrid's easement during the life of the project.
 - f) **ensure that all front fencing is:**
 - i. **located behind the landscaped setback and not located along the site boundary;**
 - ii. **a maximum height of 2.1 metres; and**
 - iii. **black powder coated steel palisade fencing.**
- to the satisfaction of the Secretary.

APPENDIX 1 STATEMENT OF COMMITMENTS

- (e) Appendix 1 – Statement of Commitments is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

STATEMENT OF COMMITMENTS

In accordance with the Director-General Requirements, a Statement of Commitments indicating how environmental impacts arising from the proposal will be managed and minimized is provided.

If approved and acted upon, the Proponent will undertake the project in accordance with the following commitments.

Administrative Commitments

Commitment to minimise harm to the Environment

The Proponent will implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction and operation of the project.

Terms of Approval

The Proponent will carry out the project generally in accordance with the:

- a) Environmental Assessment Report dated July 2009 prepared by PacLib Management including accompanying appendices in relation to Lot 1 in DP1023886
- b) Environmental Assessment Section 75W Modification 2 Report dated December 2015 containing architectural, landscape and civil engineering plans and revised Statement of Commitments in relation to Lot 2 in DP1023886
- c) **Modification application 08_0016 Mod 3 and supporting document titled *Section 75W Modification 3 Environmental Assessment Statement - 133A Lenore Lane, Erskine Park* containing architectural and civil engineering plans and specialist consultant statements**
- d) Drawings prepared by PacLib Industrial in relation to Lot 1 in DP1023886
- e) Drawings submitted for Modification 2 prepared by Logos Property Group, Place Design Group and Costin Roe in relation to Lot 2 in DP1023886
- f) **Drawings submitted for Modification 3 prepared by Logos Property Group and Costin Roe in relation to Lot 2 in DP1023886**
- g) Statement of Commitments
- h) Conditions of Approval.

Drawings

Architectural Drawings

Plan No:	Plan Name	Revision No	Prepared by:
DA-002	Site Plan	F	Axis Architectural
DA 101	Warehouse 2 Floor Plan	C	Axis Architectural
DA 102	Warehouse 2 Mezzanine Plan	A	Axis Architectural
DA 106	Roof Plan Warehouse 2	C	Axis Architectural
DA 111	Office 2 Floor Plan	C	Axis Architectural
DA 112	Warehouse Amenities	A	Axis Architectural
DA 200.1	Elevations	D	Axis Architectural
DA 200.2	Coloured Elevations Warehouse 2	E	Axis Architectural
DA 203.1	Office 2 Elevations	C	Axis Architectural
DA 210.1	Warehouse 2 sections	C	Axis Architectural
DA 205	Perspectives but as amended by 205 Rev B for Warehouse 2 (Refer below).	B	Axis Architectural
ERSK-DA-001	Estate Plan	4 <u>2</u>	Logos Property Group
ERSK-DA-002	Lot 2 Site Plan	4 <u>2</u>	Logos Property Group
ERSK-DA-100	Warehouse Floor Plan	4 <u>2</u>	Logos Property Group

ERSK-DA-120	Roof Plan	4 <u>2</u>	Logos Property Group
ERSK-DA-150	Office Floor Plan	4 <u>2</u>	Logos Property Group
ERSK-DA-200	Building Elevations	4 <u>2</u>	Logos Property Group
ERSK-DA-210	Building Sections	4 <u>2</u>	Logos Property Group
ERSK-DA-S01	Shadow Diagram	4 <u>2</u>	Logos Property Group
ERSK-DA-P01	Artist Impression	4 <u>2</u>	Logos Property Group
DA-M-01	Material Finishes Specification	B <u>C</u>	Logos Property Group

Landscape Drawings

Plan No:	Plan Name	Revision No	Prepared by:
L01	Landscape Plan 01	C	Habitation Landscape Architects
L02	Landscape Plan 02	C	Habitation Landscape Architects
2515047-000	Cover Sheet	A	Place Design Group
2515047-100	Landscape Plan 01	A	Place Design Group

Civil Engineering Drawings

Plan No:	Plan Name	Revision No	Prepared by:
Co11888.00 -C15	Site Master Plan	C	Costin Roe
Co11888.00 -C22	Erosion & Sediment Control Plan – Sheet 2	C	Costin Roe
Co11888.00 -C23	Erosion & Sediment Control Details – Sheet 2.	B	Costin Roe
Co11888.00 -C42	Concept Stormwater Plan – Sheet 2	E	Costin Roe
Co11888.00 -C43	Concept Stormwater Plan – Sheet 3	D	Costin Roe
Co11888.00 -C44	Concept Stormwater Plan – Sheet 4	C	Costin Roe
Co11888.00 -C45	Concept Stormwater Plan – Sheet 5	D	Costin Roe
Co11888.00 -C46	Concept Stormwater Details – Sheet 1	B	Costin Roe
Co11888.00 -C47	Concept Stormwater Details – Sheet 2	B	Costin Roe
Co11888.00 -C52	Finished Levels Plan – Sheet 2	D	Costin Roe
Co11888.00 -C53	Finished Levels Plan – Sheet 3	D	Costin Roe
Co11888.00 -C54	Finished Levels Plan – Sheet 4	C	Costin Roe
Co11888.00 -C55	Finished Levels Plan – Sheet 5	D	Costin Roe
Co11888.00 -C65	Retaining Wall Details – Sheet 1	B	Costin Roe
Co11888.00 -C66	Retaining Wall Details – Sheet 2	B	Costin Roe
CO11888.04-DA10	Drawing List & General Notes	B <u>C</u>	Costin Roe
Co11888.04-DA20	Erosion and Sediment Control Plan	B <u>C</u>	Costin Roe
Co11888.04-DA25	Erosion and Sediment Control Details – Sheet 1	B <u>C</u>	Costin Roe
Co11888.04-DA26	Erosion and Sediment Control Details – Sheet 2	B <u>C</u>	Costin Roe
Co11888.04-DA40	Drainage/MUSIC Catchment Plan	B	Costin Roe

		<u>C</u>	
Co11888.04-DA41	Stormwater Drainage Plan	<u>B</u>	Costin Roe
		<u>C</u>	
Co11888.04-DA45	Concept Stormwater Details – Sheet 1	<u>B</u>	Costin Roe
		<u>C</u>	
Co11888.04-DA46	Concept Stormwater Details – Sheet 2	<u>B</u>	Costin Roe
		<u>C</u>	
Co11888.04-DA50	Finished Levels Plan	<u>B</u>	Costin Roe
		<u>C</u>	

If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

Construction Certificate

The Proponent will obtain a Construction Certificate prior to any engineering or building works.

Director General Requirements

The Proponent will comply with any reasonable requirements of the Director-General arising from the Department's assessment of:

- Any reports, plans, strategies, programs or correspondence that are submitted in accordance with the approval; and
- The implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Building Code of Australia

The Proponent will ensure that the buildings and structures on the site are constructed in accordance with the relevant requirements of the *Building Code of Australia*. In addition, under Part 4A of the *Environmental Planning and Assessment Act, 1979*, the Proponent or its designated builder are required to obtain construction and occupation certificates for the proposed building works. Part 8 of the *Environmental Planning Assessment Regulation* sets out the requirements for the certification of the project.

Services

The Proponent will comply with the requirements of relevant public authorities in regard to the connection to, relocation and/or adjustment of services affected by the construction of the proposed development.

Prior to Construction Phase

Construction Environmental Management Plan (CEMP)

The Proponent will prepare and implement a CEMP, in accordance with the Department of Planning's *Guideline for the Preparation of Environmental Management Plans* to outline all environmental management practices and procedures to be followed during the construction of the project. The CEMP is to contain the following plans and studies:

- an erosion and sediment control plan incorporating the principles outlined in the Civil Engineering report prepared by Costin Roe;
- construction Management Plan including details, inter alia, in regard to provision of required amenities for construction works, protocols for the management of construction traffic, management of demolition and construction waste, complaints handling and occupational health and safety matters;
- a Dust Management Plan;
- a Noise Management Plan to detail measures to minimise noise emissions during the construction of the development. All construction works on the site, including excavation and placement of fill, will be undertaken in accordance with the EPA's Environmental Noise Control Manual; and
- construction Traffic Management Plan.

Safety Plan

The construction contractor will establish a Safety Plan before work commences on site to detail safe work methods and procedures to be followed on site and to ensure compliance with Occupational Health & Safety and statutory requirements. Such a plan is to address safety risks during demolition, excavation and construction activities: including:

- stability of adjacent structures;
- excavation support;
- fall from heights;
- protection of the public;
- traffic controls around the perimeter of the site, and
- working with high voltage electricity supply.

Construction Phase

Hours of Construction Work

Construction works including deliveries of materials to and from the site would be undertaken within the Department of Environment and Climate Change (DECC's) *Environmental Noise Control Manual*, namely:

- 7:00am to 6:00pm Monday to Friday;
- 8:00am to 1:00pm Saturdays; and
- No work on Sundays or public holidays.

Site Notices/Documentation

The building contractor will ensure that a 24 hour contact telephone number is displayed and attended by a person with authority over the works for the duration of the project.

A site notice will be prominently displayed on the boundary of the site for the purpose of informing the public of the project details.

A copy of the approved and certified plans, specifications and documents including conditions of approval will be kept on site at all times.

Protection of Public Places and Local Approvals

The Proponent undertakes to obtain any necessary approval under the *Local Government Act 1993*.

The Proponent undertakes to ensure that the public way is not obstructed by any materials, vehicles, skips or the like during the construction period.

Access and Car Parking

The proposed access, parking layout and servicing will be provided in accordance with the design requirements of *Australian Standards 2890.1-2004* (car access) and *Australian Standards 2890-2* (heavy vehicle access).

Air Quality

Appropriate dust control measures will be implemented during the preparation and construction stages of the proposed development.

Stormwater Management

Stormwater and drainage works on site will be undertaken generally in accordance with the Stormwater Management Plan prepared by Costin Roe for Lot 1 in DP1023886, and the stormwater Management Plan prepared by Costin Roe for Lot 2 in DP1023886. The following measures have been proposed to reduce the transfer of pollutants from the site:

- roof runoff to be separated from surface runoff;
- gross pollutant traps have been provided to treat litter and other coarse sediments from the surface runoff prior to discharging into the bio-retention swale; and
- a bio-retention swale has been allowed for in the landscaped setback fronting Lenore Drive to treat fine particles

Water Management

A rainwater reuse tank, 100,000 litres capacity to capture the roof water for reuse in toilet flushing and irrigation of planter beds, use in printing processes and landscaped areas will be installed;

Soil and Erosion Management

Stormwater and drainage works on site will be undertaken generally in accordance with the Soil and Erosion Management Plan, based on the *Blue Book for Managing Urban Stormwater- Soils and Construction* prepared by S&M Consulting for Lot 1 in DP1023886, and the *Civil*

Engineering Report prepared by Costin Roe for Lot 2 in DP1023886. During construction the Proponent shall carry out all reasonable and feasible measures to minimise soil erosion and the discharge from the site.

Urban Design

Development will take place generally in accordance with design guidelines contained in the *Penrith Council Erskine Park Employment Area Development Control Plan 2006*.

Hazardous Zoning

That hazardous zones be implemented for equipment and areas where flammable liquids are stored. The hazardous zoning is to be established upon confirmation of design factors and accurate equipment locations at the construction phase of the project;

Operational Phase

Hours of Operation

The use of the premises will operate 24 hours per day, 7 days a week.

Waste Management

Site preparation, construction and operation of the development will be undertaken in accordance with a waste management plan. All wastes generated during the construction and operation of the facility will be classified and disposed of if necessary in accordance with the EPA's *Environmental Guidelines: Assessment, Classification and management of Liquid and Non- Liquid Wastes*.

The tenant will ensure that all waste generated on site during operation is classified in accordance with DECCW's *Waste Classification Guidelines* and disposed to a facility that lawfully may accept the waste.

Landscaping Plan and Buffer Treatment

Landscaping of the site will generally be undertaken in accordance with the detailed Landscape Plan and Report prior to occupation of the premises. Details of the landscape buffer to shield the development from residents to the north is to be planted on land within TransGrid easement with TransGrid approval prior to occupation.

Lighting

Provision will be made for external lighting during the detailed design phase. External lighting will be installed and maintained in accordance with AS 4282 – 1997 – *Control of Obtrusive Effects of Outdoor Lighting*.

Ecologically Sustainable Development (ESD)

ESD measures outlined in Environmental Assessment Report will be implemented during construction and operation of the building.

Acoustic and Management of Operational Noise

The protection of acoustic amenity for the premises and surrounds during operation will be carried out generally in accordance with recommendations made in the Site Operational Noise Management Plan, to be prepared prior to occupation, and will include:

- a) induction and certification for truck drivers to operate trucks on the site;
- b) induction and certification for truck drivers to operate trucks without exhaust brakes whilst on site;
- c) procedures for residents to contact site management in regard to complaints or additional information;
- d) follow-up procedures to inform residents of actions implemented following any noise complaints;
- e) regular audits at sensitive receiver locations to identify additional procedures to minimise noise emissions from the site; and
- f) within three (3) months of commissioning of the facility, site inspections and noise measurements be conducted by a qualified Acoustic Consultant to demonstrate that the operation of the facility satisfies the project specific noise goals.

Operational Noise- General

The Tenants will implement measures to manage and mitigate any acoustic impacts to meet the requirements of the Department of Environment and Climate Change's Industrial Noise Policy during operation of the premises.

The use of the site shall not give rise to the emission of an "offensive noise" as defined in the Protection of the Environment Operations Act.

Environmental Safeguard Procedures

The proposed design and operation of the facility will include environmental safeguards to provide sufficient protection to the site. These environmental management safeguards are in accordance to the recommendations contained within the Preliminary Hazard Analysis by Benbow Environmental Consulting, dated November 2012 and relate to:

- Spill control procedure;
- Use of chemical spill kits;
- Personnel entering hazardous area zones;
- Site isolation from stormwater;
- Ventilation of work areas;
- Reporting environmental incident;
- Preventative maintenance on environmental management equipment;
- Fire management;
- Emergency response procedure;
- Emergency evacuation procedure;
- Environmental housekeeping; and
- Training of a first response fire crew.
- Provision of essential hardware on-site in close proximity to the appropriate areas.

End of Modification MP08_0016 MOD 3