

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2, 3 and 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

15 Dec.

2008

SCHEDULE 1

Application Number:	08_0109
Proponent:	Woolworths Ltd
Approval Authority:	Minister for Planning
Land:	Lot 8 DP 1097134
Project:	Woolworths Erskine Park Data Centre Project

TABLE OF CONTENTS

DEFINITIONS	1
ADMINISTRATIVE CONDITIONS	2
Obligation to Minimise Harm to the Environment	2
Terms of Approval	2
Management Plans	2
Structural Adequacy	2
Protection of Public Infrastructure	2
Operation of Plant and Equipment	2
SPECIFIC ENVIRONMENTAL CONDITIONS	3
Noise	3
Soil and Water	3
Flora and Fauna	4
Transport	4
Visual	5
Energy Efficiency	5
Waste	5
Hazards	5
Air	5
ENVIRONMENTAL MANAGEMENT AND MONITORING	6
Environmental Management Strategy	6
Environmental Reporting	6
Auditing	6
APPENDIX A: SITE PLANS	7

DEFINITIONS

BCA	Building Code of Australia
Council	Penrith City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DWE	Department of Water and Energy
EA	Environmental Assessment titled <i>Woolworths Erskine Park Data Centre Project</i> prepared by Phillip Jones Environmental Planning and dated October 2008.
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Project	The development as described in the EA
Proponent	Woolworths Limited, or its successors in title
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in the EA

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) site plans NEP-DA-10-920 (B); NEP-DA-11-920 (B); NEP-DA-40-900 (B) (see appendix A);
 - c) statement of commitments; and
 - d) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Management Plans

5. With the approval of the Director-General, the Proponent may submit any management plan required by this approval on a progressive basis.

Structural Adequacy

6. The Proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Protection of Public Infrastructure

7. The Proponent shall:
 - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Prior to commencement of construction, the Proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council, and submit a copy of this report to the Director-General.

8. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Sydney Water.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used on the site is:
 - maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

10. The Proponent shall comply with the restrictions in Table 1, unless otherwise agreed with the Director-General.

Table 1: Construction and Operation hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.

Operational Noise Assessment Criteria

11. During the project, the Proponent shall ensure that noise from the project does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day	Evening	Night	Night
	L _{Aeq}			L _{A1} (1 minute)
2 Dunstaffnagel Place, Erskine Park	43 <small>(L_{Aeq}, 15min)</small>	37 <small>L_{Aeq} (period)</small>	35 <small>L_{Aeq} (period)</small>	50
5B Lenore Lane, Erskine Park	48 <small>L_{Aeq} (period)</small>	50 <small>L_{Aeq} (period)</small>	42 <small>(L_{Aeq}, 15min)</small>	52
Surrounding Industrial Premises	70 <small>L_{Aeq} (period)</small>	70 <small>L_{Aeq} (period)</small>	70 <small>L_{Aeq} (period)</small>	N/A

Notes:

- Noise from the premises is to be measured at any point within 1 metre of any residential boundary or other noise sensitive areas in the vicinity of the premises to determine compliance with the L_{Aeq}(15 minute) noise limits in the above table.
- Noise emission limits apply under meteorological conditions of wind speeds up to 3 m/s at 10 metres above ground level or temperature inversions conditions of 3 °C/100m and wind speed up to 2 m/s at 10 metres above the ground. To determine compliance with this condition, noise from the development must be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary.
- However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

SOIL AND WATER

Discharges

12. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding

13. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with:
- the requirements of all relevant Australian Standards; and
 - the DECC's *Storing and Handling Liquids: Environmental Protection, Participants Manual*.

Soil and Water Management

14. The Proponent shall carry out the project in accordance with the Soil and Water Management Plans submitted with the EA, including:
 - the Salinity Assessment and Management Plan;
 - the Erosion and Sediment Control Plans (NEP-CV-11-900 [A] and NEP-CV-51-900 [A]);
 - the Stormwater Management Plan and Drainage Concept Plan (NEP-CV-10-900[A]) subject to detailed design in consultation with Council and to the satisfaction of the Director-General prior to construction (with the exception of site earthworks which may commence following Project approval) ; and
 - the Site Water Management Plan for water conservation and recycling.
15. The Proponent shall implement the erosion and sediment control plan prior to construction.

Groundwater Management

16. The Proponent shall prepare and implement prior to the commencement of operations, a Groundwater Management Plan for the project to the satisfaction of the Director-General. This plan must include:
 - the groundwater quality impact assessment criteria;
 - details of the groundwater monitoring program;
 - procedures for reporting the monitoring results against the criteria,
 - contingency measures to address exceedances and pollutant triggers; and
 - a description of how the effectiveness of actions and measures would be monitored over time.
17. The Proponent shall provide the results of groundwater monitoring annually to the Director-General and shall include a description of any actions required to ensure compliance with the relevant criteria.

Note: If, over time, the groundwater monitoring demonstrates that the Project is not having an impact on groundwater the Director-General may notify the Proponent that this monitoring is no longer required.

FLORA AND FAUNA

***Grevillia juniperina* Management Plan**

18. Prior to the commencement of construction, the Proponent shall prepare and implement a *Grevillia juniperina* Management Plan, in consultation with Greening Australia and to the satisfaction of the Director-General. The Plan shall detail the procedures to salvage, propagate and plant cuttings within the Project site and landscaping area.

TRANSPORT

Design of Internal Road and Parking

19. The Proponent shall ensure that the internal road network and parking associated with the project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004 and AS 2890.2:2002.

Vehicle Queuing and Parking

20. The Proponent shall ensure that:
 - all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage; and
 - that the project does not result in any vehicles queuing on the public road network.

Bicycle Racks

21. The Proponent shall provide suitable parking for bicycles and associated facilities such as change rooms at the facility.

Work Place Travel Plan

22. Prior to the commencement of operations, the Proponent shall prepare a Work Place Travel Plan to encourage sustainable transport to and from the site, in consultation with Council and to the satisfaction of the Director-General.

VISUAL

Signage

23. The Proponent shall not install any signage on site without the written approval of Council and the Director-General. In seeking this approval the Proponent shall:
- submit detailed plans of the proposed signage, which have been prepared in consultation with Council; and
 - demonstrate that the proposed signage is consistent with the relevant requirements in the DCP.

Landscaping

24. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

Lighting

25. The Proponent shall ensure that the lighting associated with the project:
- a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
 - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

ENERGY EFFICIENCY

26. The proponent shall prepare and implement an Energy Efficiency Program for the project, to the satisfaction of the Director-General. The program must:
- a) be approved by the Director-General within the first year of operations;
 - b) compare the proposed energy usage of the project to other existing Australian data centres, and set benchmarks for industry best practice;
 - c) investigate reasonable and feasible energy efficiency measures available;
 - d) describe the measures that would be implemented onsite, demonstrating the use of best available technology; and
 - e) include a program to monitor and report annually on the efficiency of the measures implemented and ensure the project would continue to operate at industry best practice over time.

WASTE

27. The Proponent shall carry out the project in accordance with the Waste Management Plan submitted with the EA and ensure that waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the DECC's *Waste Classification Guidelines*.

HAZARDS AND RISK

28. The Proponent shall ensure that all dangerous goods and hazardous substances are stored and handled on site in accordance with the Dangerous Goods Code and AS 1940-2004: *The storage and handling of flammable and combustible liquids*.

AIR

29. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
30. During construction, the Proponent shall ensure that:
- all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the project do not track dirt onto the public road network; and
 - the public roads used by these trucks are kept clean.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

31. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to carrying out any development on site, and:
- a) provide the strategic context for environmental management of the project;
 - b) identify the statutory requirements that apply to the project;
 - c) describe in general how the environmental performance of the project would be monitored and managed;
 - d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies; and
 - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.

ENVIRONMENTAL REPORTING

Incidents

32. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
33. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
- describes the date, time, and nature of the exceedance/incident;
 - identifies the cause (or likely cause) of the exceedance/incident;
 - describes what action has been taken to date; and
 - describes the proposed measures to address the exceedance/incident.

AUDITING

Pre-Operation Compliance Audit

34. Within 3 months of the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.