

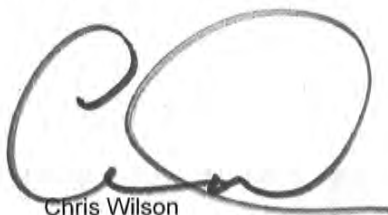
Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the development application referred to in Schedule 1, subject to the Conditions in Schedules 2 to 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.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney

21 MAY

2012

SCHEDULE 1

Application Number:	SSD-4953
Applicant:	Prime Constructions Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Building B1, 23-107 Erskine Park Road, Erskine Park (Lot 1 DP 1128233)
Development:	Dangerous Goods Warehouse and Distribution Development

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DEFINITIONS

Applicant	Prime Constructions Pty Ltd
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
Development	The development as described in the EIS and RTS
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
EIS	The Environmental Impact Statement titled 'Environmental Impact Statement, Dangerous Goods Storage Facility, 23-107 Erskine Park Road, Erskine Park NSW 2759 (Lot 1 DP 1128233) and accompanying appendices, prepared by McKenzie Group Consulting (NSW) Pty Ltd and dated November 2011
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Facility	The development as described in the EIS
FRNSW	Fire and Rescue NSW
Minister	Minister for Planning and Infrastructure, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OC	Occupational Certificate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	Has the same meaning as development (see above)
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.
RMS	Roads and Maritime Services
RTS	The Response to Submissions Report titled ' <i>Response to Submissions Dangerous Goods Storage Facility 23-107 Erskine Park Road, Erskine Park NSW 2759 (Lot 1 DP 1128233)</i> ' and accompanying appendices, prepared by McKenzie Group Consulting (NSW) Pty Ltd and dated November 2011
Safety Case	A 'Safety Case' as defined under the <i>Work Health & Safety Regulation 2011</i> and required by WorkCover NSW
Site	The land referred to in Schedule 1
Statement of Commitments	The Applicant's commitments in the EIS
WorkCover	WorkCover NSW

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Applicant 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 development.

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) EIS;
 - (b) Development plans (Appendix 1);
 - (c) RTS;
 - (d) Statement of Commitments; and
 - (e) conditions of this consent.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any audits, reports, plans, programs, strategies, studies or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these audits, reports, plans, programs, strategies, studies or correspondence submitted by the Applicant.

Management Plans/Monitoring Programs

5. With the approval of the Director-General, the Applicant may:
 - (a) submit any management plan or monitoring program required by this consent on a progressive basis; and
 - (b) combine any management plan or program required by this consent with any similar management plan or program that have been approved under previous consents or approvals.

Surrender of Existing Development Consents

6. Within 12 months of this Consent, the Applicant shall surrender development consent DA 11/0302 issued by Council, in accordance with Clause 97 of the EP&A Regulation.

Structural Adequacy

7. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing 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 Applicant 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 development.*

Protection of Public Infrastructure

8. The Applicant shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

9. The Applicant shall ensure that all plant and equipment used for the development is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

GENERAL

1. The Applicant shall comply with the requirements of the EPA set out in any EPL issued for the site/development.

HAZARDS AND RISK

Pre-construction

2. The Applicant shall consult with WorkCover NSW prior to the commencement of the detailed design of the development and obtain requirements for updating of the site risk assessments and preparation of the Safety Case required under the *Work Health and Safety Regulation 2011*. The Applicant shall comply with all reasonable WorkCover requirements.
3. The Applicant shall prepare the studies set out under subsections 3(a) to 3(c) (the pre-construction studies) of this condition. Construction, other than of preliminary works that are outside the scope of the hazard studies, shall not commence until study recommendations have been considered and, where appropriate, acted upon. The Applicant shall submit the studies to the Director-General no later than one month prior to the commencement of construction of the development (other than preliminary works), or within such further period as the Director-General may agree.
 - (a) FIRE SAFETY STUDY
A Fire Safety Study for the development. This study shall cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study shall meet the requirements of Fire and Rescue NSW.
 - (b) FINAL HAZARD ANALYSIS
A Final Hazard Analysis of the development, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.
 - (c) CONSTRUCTION SAFETY STUDY
A Construction Safety Study, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'*.

Pre-commissioning

4. The Safety Case shall be submitted to WorkCover not later than six months prior to commissioning or within such further period as WorkCover may agree.
5. Prior to commissioning, the Applicant shall develop and implement the plans and systems set out under subsections 5(a) to 5(b) of this condition. The Applicant shall submit to the Director-General documentation describing the plans and systems no later than two months prior to the commencement of commissioning of the development, or within such further period as the Director-General may agree.
 - (a) EMERGENCY PLAN
A comprehensive Emergency Plan and detailed emergency procedures for the development. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) SAFETY MANAGEMENT SYSTEM
A document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The Safety Management System shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*. Records shall be kept on-site and shall be available for inspection by the Director-General upon request.

The Emergency Plan and Safety Management System will be deemed to satisfy this condition if they meet WorkCover's requirements for Emergency Plans and Safety Management Systems for Major Hazard Facility's under the *Work Health and Safety Regulation 2011*.

Pre-startup

6. PRE-STARTUP COMPLIANCE REPORT
One month prior to the commencement of operation of the project, the Applicant shall submit to the Director-General, a report detailing compliance with Conditions 2 to 5, including:

- (c) dates of study/plan/system completion, commencement of construction and commissioning; and
- (d) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
- (e) responses to each requirement imposed by the Director-General under Condition 9.

Post-startup

7. POST-STARTUP COMPLIANCE REPORT

Three months after the commencement of operation of the project, the Applicant shall submit to the Director-General, a report verifying that:

- (a) the Emergency Plan required under Condition 5(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the Safety Management System required under Condition 5(b) has been fully implemented and that records required by the system are being kept.

Ongoing

8. HAZARD AUDIT

Twelve months after the commencement of operations of the proposed project and every three years thereafter, or at such intervals as the Director-General may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed project and within one month of each audit submit a report to the Director-General.

The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the project, prior to commencement of each audit and shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.

9. FURTHER REQUIREMENTS

The Applicant shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of Conditions 2 to 8 inclusive, within such time as the Director-General may agree.

WATER

- 10. The Applicant shall ensure that all surface water discharges from the site comply with:
 - (a) the discharge limits (both volume and quality) set for the development in any EPL; and
 - (b) Section 120 of the POEO Act.
- 11. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Environmental Protection Manual: Technical Bulletin Bunding and Spill Management*.

NOISE

Operational Noise Criteria

12. The Applicant shall ensure that the noise generated by the operations on-site does not exceed the limits in Table 1 at any private residential receiver.

Table 1: Noise impact assessment criteria dB(A)

Location	6.00am – 10.00pm	6.00am – 7.00am
	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Receiver 1 (517 - 537 Mamre Road, Orchard Hills)	33	38
Receiver 2 (100 Pine Creek Circuit, St Clair)	30	30
Receiver 3 (45 Corio Drive, St Clair)	30	34
Receiver 4 (80 Cowarra Drive, St Clair)	30	32

- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Operating Hours

13. The Applicant shall comply with the operating hours in Table 2 for the site, unless otherwise agreed in writing by the EPA.

Table 2: Operating Hours

Activity	Day	Hours
Construction (Fit-out)	Monday - Friday	7.00am – 6.00pm
	Saturdays	7.00am – 1.00pm
	Sundays and Public Holidays	Nil
Operations	All days	6.00 am to 10.00 pm

14. The Applicant shall implement suitable mitigation measures to minimise noise in the event that a non-compliance is identified with the noise impact assessment criteria in Table 1 of this consent in consultation with the EPA, to the satisfaction of the Director-General.

AIR

Odour

15. The Applicant shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Operation

16. The Applicant shall implement best practice air quality management during fit-out and operation including all reasonable and feasible measures to minimise odour, fume and dust emissions generated by the development.

WASTE MANAGEMENT

17. The Applicant shall implement reasonable and feasible measures to minimise the waste generated by the development.

18. The Applicant shall ensure that all waste generated on-site during fit-out and operation of the development is classified in accordance with the EPA's *Waste Classification Guidelines: Part 1 Classifying Waste*, and appropriately disposed of to a facility that may lawfully accept the waste.

TRAFFIC

Vehicle Queuing and Parking

19. The Applicant shall ensure that:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest versions of *AS 2890.1* and *AS 2890.2*;
 - (b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on-site before being required to stop;
 - (f) all loading and unloading of vehicles is carried out on-site;
 - (g) all heavy vehicles with loads enter and leave the site with loads covered at all times, except during loading and unloading; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

VISUAL IMPACT

Lighting

20. The Applicant shall ensure that the lighting associated with the development:
- (a) complies with the latest version of *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.

Signage and Fencing

21. The Applicant shall not install any signage or fencing, without the written approval of the Director-General. In seeking this approval the Proponent shall:
- (a) submit detailed plans of the proposed signage or fencing, which have been prepared in consultation with Council; and
 - (b) demonstrate that the proposed signage or fencing is consistent with the relevant requirements in the DCP.

ENERGY AND WATER EFFICIENCY

22. The Applicant shall implement all energy and water efficiency measures outlined in the EIS and regularly review opportunities to implement further efficiency measures.

SECURITY

23. The Applicant shall:
- (a) install and maintain a perimeter fence and security gates on the site; and
 - (b) ensure that the security gates on-site are locked whenever the site is unattended.

FIRE MANAGEMENT

24. The Applicant shall:
- (a) implement suitable measures to minimise the risk of fire on-site;
 - (b) extinguish any fires on-site promptly; and
 - (c) maintain adequate fire-fighting capacity on-site.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development 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 development;
 - (b) identify the statutory requirements that apply to the development;
 - (c) describe in general how the environmental performance of the development 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 development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - 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 development.

ENVIRONMENTAL REPORTING & AUDITING

Incident

2. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Department and other relevant agencies of the exceedance/incident. Within 7 days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Independent Environmental Audit

3. Within one (1) year of the commencement of operations of the project, and every three (3) years thereafter, or as otherwise agreed by the Director-General, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the relevant requirements in this consent and any relevant EPL (including any plan or program required under these consents);
 - (d) review the adequacy of any plans or programs required under these consents; and, if appropriate;
 - (e) recommend measures or actions to improve the environmental performance of the development, and/or any plan or program required under these consents.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

4. Within 6 weeks of completing any Independent Environmental Audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.

