

Notice of Modification

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

As delegate for the Minister for Planning, I approve the modification to Project Approval (06_0208) subject to the conditions in Schedule 2.

SHaddad

Sam Haddad
Director-General

Sydney *21st April* 2009

SCHEDULE 1

The project approval (06_0208) granted by the Minister for Stage 1 implementation of the approved concept plan.

SCHEDULE 2

The development consent is modified by:

1) Replacing condition 2 with the following:

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
- a) EA;
 - b) plans attached in Appendix A of the EA;
 - c) modification application DA 06_0208 MOD 1 titled "*Connect @ Erskine Park Pad H Development Site H3 Target Off-site Facility & Site H1 Speculative Warehouse*" dated 2009;
 - d) conditions of this approval.

2) Deleting condition 3;

3) Replacing condition 8 with the following:

Protection of Public Infrastructure

8. The Proponent shall:
- a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council, and to the satisfaction of the Director-General, prior to the commencement of construction
 - b) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - c) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

4) **Replacing condition 13 with the following:**

Creek Realignment Performance Measures

13. The Proponent shall:

- a) realign the creek on site in general accordance with revised streamworks concept plan;
- b) provide, as far as practicable, a 20 metre riparian zone on both sides of the realigned creek;
- c) ensure that:
 - the realigned creek emulates a stable natural creek system in behaviour and appearance, with suitable aquatic and terrestrial habitat;
 - the reaches and sinuosity of the realigned creek mimic the reaches and sinuosity of the existing creek as far as is practicable;
 - the flows within the realigned creek do not exceed the stability of its bed or banks;
 - there is no increase in tractive stress within the realigned creek;
 - the realigned creek can withstand flow events up to the 1 in 100 year storm event;
 - there is equivalent floodplain area for seasonal inundation of water that mimics the wetting and drying cycle of the existing creek; and
- d) monitor and maintain the realigned creek, to the satisfaction of the Director-General.

5) **Inserting new condition 16a immediately following condition 16:**

16a. The Proponent shall ensure that any vegetation removed as part of the stormwater infrastructure works described under DA 06_0208 MOD 1 is replaced to the satisfaction of Director-General prior to the commencement of operations.

6) **Replacing condition 21 with the following:**

Rainwater Harvesting

21. Prior to the commencement of operations, the Proponent shall provide the necessary infrastructure on site to enable roof and hardstand stormwater to be collected, stored and discharged separately to the satisfaction of the Director-General.

Note:

- a) *Unless the Director-General agrees otherwise, the roof stormwater infrastructure should include:*
 - *a rainwater collector system with a design capacity for the 1 in 20 year (critical duration) storm event; and*
 - *roof water reservoirs or storage tanks with a capacity of at least 440KL/ha of roof services or 190 KL/ha gross land area (whichever is larger), and the ability to discharge flows (by way of pumped rising mains or gravity mains) to any regional rainwater harvesting infrastructure at a rate of 11.6 l/s per megalitre of storage.*
- b) *The relevant infrastructure may be provided on a progressive basis, in accordance with confirmation of the Regional Rainwater Harvesting Scheme's feasibility, and the status of the scheme. In this regard, the dual pipework for the warehouse buildings can be provided in conjunction with the building construction. The required storage tanks, and associated connecting pipes, can be installed in conjunction with the construction of the regional infrastructure (ie. regional trunk mains and connector pipes) by the relevant infrastructure provider.*

7) **Replacing condition 23 with the following:**

23. The Proponent shall prepare and implement an addendum to the Stormwater Management Scheme to the satisfaction of the Director-General. This scheme must:

- a) be prepared in consultation with Council;
- b) be submitted to the Director-General for approval prior to the commencement of operations;
- c) include the approved stormwater management plans for the site, including any rainwater harvesting infrastructure;
- d) describe how the efficiency and effectiveness of the proposed scheme would be monitored and maintained over time.

8) **Replacing condition 26 with the following:**

Templar Road

26. The Proponent shall, to the satisfaction of Council:
- ensure that the access driveways to the extension of Templar Road within the road reserve required by condition 25 are amalgamated or designed in order to provide maximum sight distance for entering and exiting vehicles, prior to the commencement of construction;
 - ensure that signage and vegetation does not impede sight distances from the access driveways to Templar Road; and
 - construct the extension of Templar Road.

9) **Replacing condition 31 with the following:**

Operational Noise Assessment Criteria

31. During the project, the Proponent shall ensure that noise from the project does not exceed the noise limits presented in Table 2 at any privately owned residence.

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

Location	Day	Evening	Night	Night
		L _{Aeq} (15 minute)		L _{A1} (1 minute)
Emmaus Village	43	42	38	48
Erskine Park	41	41	38	47
Lenore Lane	41	41	37	47

Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy.

10) **Inserting new condition 31a immediately following condition 31:**

Cumulative Noise Assessment Criteria

- 31a. During the project, the Proponent shall ensure that noise from the project and all other development within the Connect@Erskine Park estate does not exceed the noise limits presented in Table 3.

Table 3: Project Noise Limits (dB(A))

Location	Day	Evening	Night
		L _{Aeq} (period)	
Emmaus Village, Baker Drive	55	45	40
Erskine Park	55	45	40

Note: Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy.

11) **Replacing condition 34 with the following:**

34. The Proponent shall commission the following noise audits by a suitably qualified expert to assess whether the project is complying with the noise limits in conditions 31 and 31a:
- within three months of the commencement of operations when the Project is operating under normal conditions; and
 - following the commencement of night time operations.

The results of these noise audits must be provided to the satisfaction of the Director-General.

12) **Replacing condition 38 with the following:**

38. The Proponent shall implement the Landscape Management Plan 08_087 LO1 submitted to the Department with DA 06_0208 MOD 1, prior to the commencement of operations.