

Notice of Modification

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

I, the Executive Director of Major Project Assessment as delegate of the Minister:

- approve the modification to the project referred to in schedule 1, subject to the conditions in schedule 2;
- determine the environmental assessment requirements for subsequent development and project applications associated with the concept plan; and
- determine that any development or an activity associated with the approved Concept Plan with a capital investment of less than \$30 million that employs less than 100 people, be subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*, whichever is applicable, unless the development is, in the opinion of the Minister, development of a kind that is described in Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005*.



Chris Wilson
Executive Director
Major Project Assessment

Sydney

24 July 2008

2008

File No: 9043259

The Concept approval (06_0216) is modified by:

1. deleting Schedule 1 and 2 and replacing with the following

SCHEDULE 1

Application No:	06_0216 and 06_0216 MOD 1
Proponent:	GPT Group
Approval Authority:	Minister for Planning
Land:	Lot 22 and 23 DP 1120114; and a portion of adjoining Crown Road (see Appendix 1)
Concept Plan:	Construction and use of a manufacturing, warehouse and distribution complex and associated infrastructure, including certain amenity uses on site C.

SCHEDULE 2

DEFINITIONS

Amenity Uses	Amenity uses for Site C include child care facilities, business premises food and drink premises, medical centres, pubs, recreational facilities, service stations and neighbourhood shops
BCA	Building Code of Australia
Concept Plan	Concept plan for the proposed manufacturing, warehouse and distribution complex and associated infrastructure at Erskine Park, depicted generally in Figure 1 in Appendix 1, and described in: the environmental assessment in support of the concept plan application for the proposal, prepared by BBC Consulting Planners, and dated August 2006; and the modification application prepared by BBC Consulting Planners and dated June 2008
Council	Penrith City Council
Day	period from 7am to 6pm, Monday to Saturday, and 8am to 6pm, Sundays and Public Holidays
Department	Department of Planning
DCP	Penrith Development Control Plan (2006)
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	period from 6pm to 10pm.
Minister	Minister for Planning
Night	period from 10pm to 7am, Monday to Saturday, and 10pm to 8am, Sundays and Public Holidays
Project	Construction and use of a manufacturing, warehouse and distribution complex and associated infrastructure, including certain amenity uses on site C (see Appendix 1)
Proponent	GPT Group, or its successors in title
RTA	Roads and Traffic Authority
Site	Land to which the concept plan application applies (see schedule 1)
Statement of Commitments	See Appendix 2

GENERAL TERMS OF APPROVAL

1. Concept plan approval is granted for:
 - (a) subdivision of the site;
 - (b) bulk earthworks across the site;
 - (c) construction and use of an interchangeable maximum gross floor of 193,500m² for manufacturing, warehouse, distribution, and certain amenity on site C including child care facilities, business premises food and drink premises, medical centres, pubs, recreational facilities, service stations and neighbourhood shops;
 - (d) provision of a range of associated infrastructure to provide essential services to the site;
 - (e) a stormwater management scheme, including the realignment of the creek on site; and
 - (f) a landscape concept plan.

Note: The general scope of this approval is depicted in the:

- *concept master plan (see Appendix 1);*
- *plan of subdivision of Lot 20 DP 1101801, as detailed in Subdivision Certificate No 11554, approved by Land Development Certificates Pty Ltd and dated 19 February 2008;*
- *bulk earthworks plan (see drawings numbered DA 101-112, prepared by Brown Consulting, submitted to the Department 18 May 2007 and approved 28 June 2007);*
- *streamworks design concept (see drawings numbered DA 201-228, prepared by Brown Consulting, submitted to the Department 18 May 2007 and approved 28 June 2007); and*
- *stormwater concept plan (see drawings numbered DA 301-313, prepared by Brown Consulting, submitted to the Department 18 May 2007 and approved 28 June 2007).*

LIMITS ON APPROVAL

2. This approval does not allow any components of the project to be carried out without further approval or consent being obtained.

NOISE LIMITS

3. The proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1.

Table 1: Project Noise Limits (dB(A))

Noise Location	Assessment	Day		Evening		Night		
		L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq} (1 min)
Emmaus Village, Baker Drive		55	43	45	42	40	38	48
Erskine Park		55	41	45	41	40	37	47

Notes:

- 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.

CONSISTENCY OF FUTURE DEVELOPMENT

4. The Proponent shall ensure that all development on site is carried out generally in accordance with the:
 - (a) concept plan (see condition 1 above);
 - (b) statement of commitments; and
 - (c) conditions of this approval.
5. If there is any inconsistency between the above, then the most recent plan/document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

PROJECT APPLICATION REQUIREMENTS

Industrial Buildings

6. The Proponent shall ensure that in seeking approval for the implementation of the various industrial buildings (excluding development on site area H and E – see figure in Appendix 1), the application includes:
 - (a) a detailed description of the layout and design of the proposed development;
 - (b) an assessment demonstrating that this layout and design is generally consistent with the site development and urban design requirements for the Erskine Park Employment Area in the DCP and if there are any inconsistencies, then justification for these inconsistencies;
 - (c) building design including:
 - consideration of the height, bulk and scale of the proposed buildings;
 - an assessment of compliance with the Building Code of Australia;
 - water and energy requirements and opportunities for incorporating efficiency measures;
 - (d) a detailed infrastructure plan for the provision of the following:
 - water supply, sewer, gas, electricity, telecommunications services;
 - fire-fighting services;
 - external lighting;
 - stormwater management, including the provision of any regional rainwater harvesting infrastructure;
 - parking and access, including bicycle facilities;
 - (e) a detailed landscape plan using endemic species only and details of the areas to be landscaped, including the location and species for all plantings;
 - (f) a description of the measures that would be implemented to:
 - monitor and maintain the infrastructure and landscaping on site over time;
 - minimise energy and water use on site;
 - avoid, minimise, reuse and recycle waste;

- (g) a noise assessment of the proposed development in accordance with the NSW *Industrial Noise Policy* including:
 - demonstration that the operational noise generated by the proposed development and any other development on the project site would not exceed the noise criteria detailed in Table 1; and
 - demonstration that the traffic noise generated by the proposed development and any other development on site would not exceed the noise criteria in the DECC's *Environmental Criteria for Road Traffic Noise*;
- (h) a greenhouse gas assessment;
- (i) a traffic assessment of the proposed development prepared in accordance with the RTA's Guide to Traffic Generating Developments including:
 - an assessment of the number of vehicles to be generated by the proposed development;
 - identification of transport routes to be utilised by traffic generated by the proposed development;
 - demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network; and
 - a sustainable travel plan including measures to increase non car travel, such as cycling and public transport;
- (j) an air quality assessment of the proposed development;
- (k) a hazard assessment in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) and *Applying SEPP 33* (DUAP, 1994); and
- (l) a construction management plan, containing a:
 - noise and dust management plan;
 - soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guidelines;
 - traffic management plan and
 - waste management plan.

Amenity Facilities

7. The Proponent shall ensure that in seeking approval for the implementation of the various amenity facilities, the application includes:
- (a) a detailed description of the layout and design of the proposed development;
 - (b) an assessment justifying the suitability of the site and proposed use, having regard to:
 - the aims and objectives of relevant local environmental plans including the *Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)*;
 - any conflicts with the surrounding industrial area, such as conflicts associated with traffic, noise and air quality;
 - (c) an assessment demonstrating that this layout and design is generally consistent with the site development and urban design requirements for the Erskine Park Employment Area in the DCP and if there are any inconsistencies, then justification for these inconsistencies;
 - (d) building design including:
 - consideration of the height, bulk and scale of the proposed buildings;
 - an assessment of compliance with the Building Code of Australia;
 - water and energy requirements and opportunities for incorporating efficiency measures;
 - details of the provision of infrastructure and utilities to the site;
 - (e) a detailed landscape plan using endemic species only and details of the areas to be landscaped, including the location and species for all plantings;
 - (f) a description of the measures that would be implemented to:
 - monitor and maintain the infrastructure and landscaping on site over time;
 - minimise energy and water use on site;
 - avoid, minimise, reuse and recycle waste;
 - (g) a noise assessment of the proposed development in accordance with the NSW *Industrial Noise Policy* including:
 - demonstration that the operational noise generated by the proposed development and any other development on site would not exceed the noise criteria detailed in Table 1; and
 - demonstration that the traffic noise generated by the proposed development and any other development on site would not exceed the noise criteria in the DECC's *Environmental Criteria for Road Traffic Noise*;
 - (h) a traffic assessment of the proposed development prepared in accordance with the RTA's Guide to Traffic Generating Developments including:
 - an assessment of the number of vehicles to be generated by the proposed development;
 - identification of transport routes to be utilised by traffic generated by the proposed development;
 - demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network; and

- a sustainable travel plan including measures to increase non car travel, such as cycling and public transport;
- (i) an air quality assessment of the proposed development; and
- (j) a construction management plan, containing a:
 - noise and dust management plan;
 - soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guidelines;
 - traffic management plan and
 - waste management plan.

LIABILITY TO LAPSE

8. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this concept plan within 5 years of the date of this approval.

APPENDIX 1
INDICATIVE LAYOUT OF THE CONCEPT PLAN



DEVELOPMENT DATA SHEET

OVERALL SITE AREA	37.44 Ha
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	BUILDING AREA	SITE AREA
SITE AREA C BUILDING	TBA	36 115 SQM.
SITE AREA D BUILDING	33 125 m2	59 315 SQM.
SITE AREA E BUILDING	31 250 m2	53 770 SQM.
SITE AREA F BUILDING	35 750 m2	62 125 SQM.
SITE AREA G BUILDING	27 650 m2	43 000 SQM.
BIO-DIVERSITY AREA 1		21 235 SQM.
SITE AREA H BUILDING	39 892 SQM.	98 830 SQM. (18 748 SQM.) (10 081 SQM.) BIO-DIVERSITY & WATERWAY BUFFER AREA

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CLIENT :



PROJECT :

LENORE DRIVE ERSKINE PARK

TITLE :

CONCEPT PLAN

hansen yuncken
Building Value



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SCALE 1:2000 @ A1	JOB GPLE-MH-025	DATE 05-05-08	REV A