

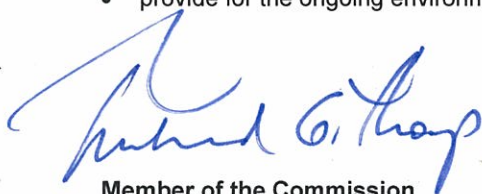
Project Approval

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

The Planning Assessment Commission of New South Wales (the Commission) approves the project referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

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.



Member of the Commission



Member of the Commission

Sydney,

3 June

2010

SCHEDULE 1

Application Number:	10_0008
Proponent:	Mirvac Projects Pty Ltd
Approval Authority:	Minister for Planning
Land:	Part Lot 404 and 405 DP 1147551
Project:	Stage 1 Infrastructure for the Hoxton Park Warehouse Project

TABLE OF CONTENTS

DEFINITIONS	1
SCHEDULE 2 ADMINISTRATIVE CONDITIONS	2
Obligation to Minimise Harm to the Environment	2
Terms of Approval	2
Limits of Approval	2
Demolition	2
Protection of Public Infrastructure	2
Service Providers/Additional Approvals	2
SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS	3
Project Works	3
Soil and Water	3
Traffic and Transport	4
Noise	4
Visual	5
Subdivision	5
Incident Reporting	6
APPENDIX 1: PROJECT PLANS	7
APPENDIX 2: PLAN OF SUBDIVISION	8
APPENDIX 3: STATEMENT OF COMMITMENTS	9

DEFINITIONS

AEP	Annual Exceedance Probability
ARI	Average Recurrence Interval
CEMP	Construction and Environmental Management Plan, prepared by Mirvac and dated 23 April 2010
Council	Liverpool City Council
DECCW	Department of Environment Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment titled <i>Former Hoxton Park Aerodrome. Concept Plan & Concurrent Project Applications for the Construction of Warehousing and Distribution Facilities for Woolworths</i> , prepared by JBA Urban Planning Consultants, and dated March 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning, or delegate
PCA	Principle Certifying Authority
Preferred Project Report	The Proponent's response to issues raised in submissions dated 12 May 2010
Project	The development as described in the EA as it relates to Stage 1 Infrastructure
Proponent	Mirvac Projects Pty Ltd, 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 and Appendix 1
Stage 1 Infrastructure	Including bulk earthworks, tree removal, installation of services and infrastructure, internal roads, establishment of building pads for residual warehouse lots, southern detention basin, landscaping and subdivision
Statement of Commitments	The Proponent's commitments in Appendix 3

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, operation, or decommissioning of the project.

TERMS OF APPROVAL

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) project plans SK-031, SK-024, SK-025, X09244.001.DA, SK-014, SK-015, SK-016, SK-017, SK-032 and Stormwater Management Plan (see Appendix 1);
 - (c) subdivision plan 150126-DP-010-A (see Appendix 2);
 - (d) preferred project report;
 - (e) statement of commitments (see Appendix 3); and
 - (f) conditions of this approval.
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 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:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

LIMITS OF APPROVAL

5. This approval only relates to Stage 1 Infrastructure, as described in the EA.
6. With the exception of Road two, no works are permitted to be undertaken in the lot identified as Lot 4050 in the subdivision plan (see Appendix 2).
7. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this project within 5 years of the date of this approval.

DEMOLITION

8. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.
9. All works involving the removal and disposal of asbestos must be undertaken by a contractor who holds a current WorkCover licence. Removal must be carried out in accordance with the National Occupational Health and Safety Commissions *Code of Practice for the Safe Removal of Asbestos*.

PROTECTION OF PUBLIC INFRASTRUCTURE

10. Prior to the commencement of construction, 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 RTA and Council; and
 - (b) submit a copy of this report to the Director-General, RTA and Council.
11. The Proponent 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.

SERVICE PROVIDERS/ADDITIONAL APPROVALS

12. Prior to the construction of utility works, the Proponent shall obtain all relevant approvals from service providers.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

PROJECT WORKS

13. During construction, the Proponent shall:
- (a) carry out all reasonable and feasible measures to minimise soil erosion and the discharge of sediment from the site to downstream waters;
 - (b) carry out all reasonable and feasible measures to minimise dust generated by the project;
 - (c) ensure that all plant and equipment used on site is:
 - maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner;
 - (d) 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
 - public roads used by these trucks are kept clean; and
 - (e) implement and maintain all the measures and controls detailed in the revised CEMP, submitted in the preferred project report, including:
 - erosion and sediment control measures;
 - noise management;
 - dust management;
 - traffic management;
 - management of hazardous materials;
 - waste management; and
 - responding to complaints and dispute resolution.

SOIL AND WATER

Discharge Limits

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

Fill

15. Any fill material brought to site must be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment (Waste) Regulation 2005*.

Note: Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to the Department, Council or the Principle Certifying Authority on request.

16. Stockpile areas shall not extend east of proposed access road No. 1 and existing floodway areas from the upper catchment areas (west of the M7) shall be maintained unobstructed and shall not be used for stockpiles until drainage infrastructure is constructed.

Flooding

17. Prior to any filling for construction of access road no. 1, the Proponent shall install appropriate bunding around the service station to ensure the existing flood inundation status of the subject site is maintained, unless otherwise agreed to by Council.
18. Within two months of the date of this project approval, the Proponent shall undertake a ground survey level to confirm the extent of any flood impact on the Bus Depot site as a result of the project. The results of the survey along with any engineering plan showing works required to mitigate any increase in the 1% AEP flood event must be submitted and implemented to the satisfaction of Council.

Note: Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to the Department, Council or the Principle Certifying Authority on request.

Bunding

19. In accordance with relevant Australian Standards and DECCW's Storing and Handling Liquids: Environmental Protection manual, all chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund.

Note: The bunding requirements do not apply to liquids stored in minor package sizes within the warehouse where there is no potential for spilt liquids to reach pervious surfaces or the external drainage system. Appropriate spill kits must be maintained within the warehouse to manage any spillage.

Management

20. Prior to the commencement of any site regrading works associated with the project, the Proponent shall demonstrate to the satisfaction of the PCA that erosion and sediment controls have been implemented.
21. The Proponent shall prepare and implement a Stormwater and Drainage Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be submitted to the Director-General for approval at least one month prior to the completion of the stormwater and drainage system;
 - (b) be prepared in consultation with Council;
 - (c) be prepared in accordance with DECCW's *Managing Urban Stormwater* guidelines and Council's Trunk Drainage Scheme(s);
 - (d) include a stormwater drainage plan, including hydraulic calculations based on a 1 in 5 ARI;
 - (e) include provision for the safe passage of 1 in 100 year ARI flows from the Upper Catchment areas (west of the M7) through the site;
 - (f) includes detailed plans of the proposed stormwater treatment and control infrastructure, and any stormwater outlets into a riparian zone or natural watercourse and their spillways;
 - (g) include a program to monitor stormwater quantity and quality; and
 - (h) describes the measures that would be implemented to maintain this infrastructure during the life of the project.

TRAFFIC AND TRANSPORT

Access

22. The Proponent shall ensure that the project's access road to Cowpasture Road is signalised prior to the occupation of the Big W Warehouse (MP10_0009) and/or Dick Smith Warehouse (MP10_0010) Projects.

Internal Roads

23. The Proponent shall ensure that:
 - (a) all internal roads and intersections:
 - comply with AS2890.2:2002, or its latest versions, and Austroads Road Design;
 - accommodate B-double access; and
 - are completed prior to the occupation of the Big W Warehouse (MP10_0009) and/or Dick Smith Warehouse (MP10_0010) Projects;
 - (b) speed signs are installed at regular intervals on all access roads to limit speeds of vehicles to 50km/hr;
 - (c) access to Lots 401, 402 and 403 is maintained at all times; and
 - (d) road lighting is designed and installed to the satisfaction of Council.
24. Prior to the issue of a Subdivision Certificate, the Proponent shall install, as indicated on the approved drawings:
 - (a) a 2.5m cycle path along the northern side of access road number 2;
 - (b) a 1.5m footpath along main access road number 1; and
 - (c) 1.5m footpath along access road number 3 for the Dick Smith Warehouse Project.

The cycle path and footpaths must be designed and installed to Council's satisfaction.

Vehicle Queuing and Parking

25. The Proponent shall ensure that:
 - (a) 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
 - (b) that the project does not result in any vehicles queuing on the public road network.

NOISE

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

Table 1: Project Hours

Activity	Day	Time
All activities	Monday – Friday	7:00am to 6:00pm
	Saturday	7:00am to 4:00pm
	Sunday and Public Holidays	Nil

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.

27. The proponent shall ensure that noise generated from construction does not exceed the noise impact assessment criteria in Table 2.

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

Location	Approved Project Hours L _{Aeq} (15 min)
Any residence in Hinchinbrook	52
Any residence in Middleton Grange	57

Note: Limits apply in accordance with DECCW's Interim Construction Noise Guideline

VISUAL

28. Prior to the operation of either the Big W (MP 10_0009) or Dick Smith (MP 10_0010) Facilities, the Proponent shall implement the landscaping in accordance with the modified Concept Plan (MP 10_0007) for the site.
29. Prior to the operation of either the Big W (MP 10_0009) or Dick Smith (MP 10_0010) Facilities, the Proponent shall apply a graffiti resistant coating to any fences or structures that have frontage to a public area, including but not limited to roadways and public reserve.

Note: Any graffiti carried out on the site shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Signage and Fencing

30. The Proponent shall not install any additional estate signage or fencing on site that is included in the EA, without the written approval of the Director-General. In seeking this approval the Proponent shall:
- submit detailed plans of the proposed signage or fencing, which have been prepared in consultation with Council; and
 - demonstrate that the proposed signage or fencing is consistent with the relevant requirements in the *Liverpool Development Control Plan 2008*, and *State Environmental Planning Policy No 64 – Advertising and Signage*.

SUBDIVISION

31. Prior to the issue of a Subdivision Certificate, the Proponent shall submit work as executed plans to the Department and Council for public roads and infrastructure associated with this approval. 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.
32. Prior to or concurrent with the issue of a Subdivision Certificate, any easements for services, rights of carriageway and restrictions as to user that are applicable under Section 88B of the *Conveyancing Act 1919* must be created.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

33. Prior to or concurrent with the issue of a Subdivision Certificate for the project, the Proponent shall:
- ensure that all civil works are completed and that each lot is connected to services, drainage and utilities;

- (b) demonstrate to the satisfaction of Council, that all drainage has been constructed to Council's requirements;
- (c) dedicate proposed Lot 4055 to Council as open space; and
- (d) dedicate all constructed roads to Councils as public roads.

INCIDENT REPORTING

- 34. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department, and any other relevant agency. This report must:
 - (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.
- 35. The Director-General may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

**APPENDIX 1:
PROJECT PLANS**

**APPENDIX 2:
PLAN OF SUBDIVISION**

**APPENDIX 3:
STATEMENT OF COMMITMENTS**