

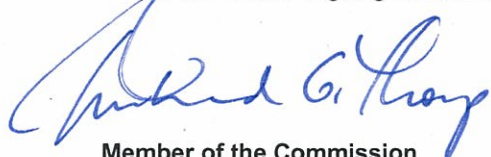
# Project Approval

## 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

<b>Application Number:</b>	10_0010
<b>Proponent:</b>	Mirvac Projects Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Part Lot 404 and 405 DP 1147551
<b>Project:</b>	Dick Smith Warehouse Facility and associated infrastructure

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## DEFINITIONS

AEP	Annual Exceedance Probability
ARI	Average Recurrence Interval
AHD	Australian Height Datum
CEMP	Construction and Environmental Management Plan, prepared by Mirvac and dated 23 April 2010
Council	Liverpool City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
EA	Environmental Assessment titled Former Hoxton Park Aerodrome. Concept Plan & Concurrent Project Applications for the Construction of Warehousing and Distribution Facilities for Woolworths, prepared by JBA Urban Planning Consultants, and dated March 2010
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
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
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
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 the Dick Smith Warehouse Project
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
Statement of Commitments	The Proponent's commitments in Appendix 2
Voluntary Planning Agreement	Voluntary Planning Agreement between Liverpool City Council and HPAL Freehold Pty Limited for Lot 22 DP 1042996 and dated 23 May 2008

**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) site plans DA-01, DA-06, DA-07, DA-10 and DA-11, DA-12 (see Appendix 1);
  - (c) preferred project report;
  - (d) statement of commitments (see Appendix 2); and
  - (e) 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 the Dick Smith Warehouse, as described in the EA.
6. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

**PROTECTION OF PUBLIC INFRASTRUCTURE**

7. 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.
8. 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.

**MANAGEMENT PLANS/MONITORING PROGRAMS**

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

**VOLUNTARY PLANNING AGREEMENT**

10. Prior to the issue of an Occupation Certificate, the Proponent shall use all reasonable measures to amend, execute and register upon the title of the land the Voluntary Planning Agreement in accordance with the EA and to the satisfaction of Council.

**SERVICE PROVIDERS/ADDITIONAL APPROVALS**

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

## **OPERATION OF PLANT AND EQUIPMENT**

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

**SCHEDULE 3  
SPECIFIC ENVIRONMENTAL, MANAGEMENT, REPORTING & AUDITING CONDITIONS**

**CONSTRUCTION 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 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
  - (d) 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*.

**Bunding**

15. 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 banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund.

**Flooding**

16. The Proponent shall ensure that:
- (a) the lowest habitable floor level for the building shall be no less than the 1% AEP flood plus half a metre freeboard;
  - (b) any structure below the 1% AEP flood plus half a metre freeboard shall be constructed from flood compatible building components;
  - (c) where floor levels are below the 1% AEP flood plus half a metre freeboard suitable provision shall be made to ensure any materials sensitive to flood damage could be lifted to a level no less than the 1% AEP flood plus half a metre freeboard in the event of flooding; and
  - (d) the level of the car parking shall be no less than the 5% AEP flood.

**Management**

17. 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) 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;
  - (f) include a program to monitor stormwater quantity and quality; and
  - (g) describes the measures that would be implemented to maintain this infrastructure during the life of the project.

## TRAFFIC AND TRANSPORT

### Internal Roads, Queuing and Parking

18. The Proponent shall ensure that:
- (a) all internal roads and parking on site complies with AS2890.1:2004 and AS2890.2:2002, or their latest versions;
  - (b) 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
  - (c) that the project does not result in any vehicles queuing on the public road network.

### Traffic Management

19. The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Director-General. This Plan must:
- (a) be prepared in consultation with Council and RTA, and be approved by the Director-General prior to commencement of operations;
  - (b) detail operational traffic management measures including a driver code of conduct and truck route management plan;
  - (c) detail the management measures that would be implemented to address any intersection performance issues in accordance with the MOU of 14 May 2010 (signed by Mirvac, the RTA and Woolworths);
  - (d) include a sustainable travel plan describing:
    - the measures that would be put in place to reduce light vehicle movements (for example provision of a shuttle bus linking with appropriate public transport during peak periods, car pooling etc);
    - how the plan would be implemented; and
    - how the effectiveness of the plan would be monitored over time;
  - (e) detail procedures to ensure site-related vehicles do not queue or park on public roads.

### Bicycle Racks

20. The Proponent shall provide parking for bicycles and associated facilities such as change rooms.

## NOISE

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

*Table 1: Construction and Operation Hours for the Project*

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	7:00am to 4:00pm
	Sunday and Public Holidays	Nil
Operation	All days	24 hours

*Notes:*

- 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.

22. The Proponent shall ensure that construction noise generated from the site does not exceed the noise impact assessment criteria in Table 2.

*Table 2: Construction Noise Limits (dB(A))*

Location	Approved Construction Hours
	$L_{Aeq}$ (15 min)
Any residence in Hinchinbrook	52
Any residence in Middleton Grange	57

23. The Proponent shall ensure that the combined operational noise from the project and site does not exceed the noise limits presented in Table 3.

*Table 3: Operational Noise Limits (dB(A))*

Location	Day	Evening	Night	
		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (1 min) or	L <sub>A</sub> max
Lvl 1 31A Rottnest Ave, Hinchinbrook	46	45	45	54
23 Ward Pl, Hinchinbrook	43	41	41	54
Hemsworth Ave, Middleton Grange	44	42	42	53

**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.
24. Within 6 months of the commencement of operation of the Project and during a period in which the project is operating at normal capacity, the Proponent shall conduct a Noise Audit of the project to the satisfaction of the Director-General. This audit shall:
- be undertaken by a suitably qualified acoustical expert and in accordance with the *NSW Industrial Noise Policy*;
  - validate the predictions made in the EA;
  - demonstrate compliance with the noise limits in Table 3; and
  - describe the contingencies that would be implemented, and the timing for implementation, should non compliances be detected.

## VISUAL

### Signage

25. Business identification signage detailed in plan DA 04 Rev B and dated 25 January 2010, is approved as part of this project approval. Any changes to the signage, including any addition signage associated with the project, must be approved prior to installation.

In seeking approval for any additional business identification signage the Proponent shall submit detailed plans of this signage to the Director-General. These plans must be prepared in consultation with Council. Following approval, the Proponent must ensure that the signage is installed in accordance with the approved plans.

### Fencing

26. The Proponent shall ensure that any fencing installed on site is consistent with the approved Site Entrance and Landscape Design Plan required under concept plan 10\_0007.

## WASTE

27. The Proponent shall ensure that all waste generated during the operation of the project is stored, handled and disposed of in accordance with the *Hoxton Park Big W Distribution Centre Waste Management Plan*, dated 22 January 2010 and submitted with the EA.

## ENVIRONMENTAL MANAGEMENT STRATEGY



28. 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 the commencement of occupation, and shall:
- (a) identify the statutory requirements that apply to the project;
  - (b) include a copy of the management plans and monitoring programs required in this approval;
  - (c) 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-compliances; and
    - respond to emergencies including emergency evacuation procedures detailed in the NSW Rural Fire Service's *Planning for Bush Fire Protection 2006*;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

#### **PRE-OPERATION COMPLIANCE AUDIT**

29. Within one month 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.
30. 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.

#### **INCIDENT REPORTING**

31. 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.

## **APPENDIX 1: PROJECT PLANS**

**APPENDIX 2:  
STATEMENT OF COMMITMENTS**