

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

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.



Howard Reed  
Director  
Resource Assessments

Sydney

29 June

2017

### SCHEDULE 1

The project approval for the Holcim Regional Distribution Centre, Rooty Hill (05\_0051) granted by the NSW Land and Environment Court on 24 November 2006.

### SCHEDULE 2

1. In the list of definitions delete the terms "AEMR", "DECCW", "Department, the", "Director-General, the", "Director-General's Report", "Site" and "NOW", and their definitions, and insert the following in alphabetical order:

Annual Review	The review required by condition 6.3
BCA	Building Code of Australia
EPA	Environment Protection Authority
Department, the	Department of Planning and Environment
Secretary, the	Secretary of the Department (or nominee)
DPI Water	Department of Primary Industries – Water
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
Site	Land to which Project Approval 05_0051 applies
2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "shall" and replace with "must", except in conditions 1.2 and 1.7.
4. Delete all references to "DECCW" and replace with "EPA" in conditions 2.5, 2.7, 2.38, 3.2, 3.4, 5.3, 5.4, 5.5, 6.1, 6.2, 6.4 and 6.5, and replace with "OEH" in conditions 2.22, 2.24, 2.27, 2.28 and 2.37.
5. Delete all references to "Roads and Traffic Authority" and "RTA", and replace with "RMS".
6. Delete all references to "NOW" and replace with "DPI Water".
7. Delete all references to "Annual Environmental Management Report" and "AEMR", and replace with "Annual Review".
8. In condition 1.1:
  - (a) at the end of sub-paragraph e), delete the word "and"; and
  - (b) delete sub-paragraph f) and g), and insert the following:
    - f) the *Environmental Assessment Report – Rooty Hill Distribution Centre Minor Modification*, prepared by Umwelt (Australia) Pty Limited and dated February 2017; including the *Response to Submissions for Proposed Minor Modification to Holcim Regional Distribution Centre (RDC), Rooty Hill, NSW*, dated 16 May 2017; and

- g) the conditions of this approval.
9. In condition 1.8, before the second instance of the word "project", insert the word "the".
10. After condition 2.8, insert the following:

2.8A The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 2 at any residence on privately-owned land.

**Table 2: Air quality criteria**

Pollutant	Averaging Period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a,d</sup> 25 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b,d</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a,d</sup> 8 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	24 hour	<sup>b,d</sup> 25 µg/m <sup>3</sup>
Total suspended particulates (TSP)	Annual	<sup>a,d</sup> 90 µg/m <sup>3</sup>

**Note:**

"Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 2.8, 3.1(b) and 5.3(d) to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

**Notes to Table 3:**

<sup>a</sup>Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup>Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).

<sup>c</sup>Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method, or its latest version.

<sup>d</sup>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

11. In conditions 2.21 and 4.4:
- (a) delete the words "and implement"; and
  - (b) after the last paragraph, insert the words "The Proponent must implement the management strategy as approved from time to time by the Secretary."
12. In conditions 2.24, 5.2, 5.3, 5.4 and 5.5:
- (a) delete the words "and implement"; and
  - (b) after the paragraph, insert the words "The Proponent must implement the management plan as approved from time to time by the Secretary."
13. In condition 2.31:
- (a) delete the word "and" at the end of sub-paragraph g);
  - (b) delete sub-paragraph h);
  - (c) insert the following:
    - h) from the date of the approval of MOD 2, Part J of the Blacktown Development Control Plan (2015), titled *Water Sensitive Urban Design and Integrated Water Cycle Management* (in place of the document listed in paragraph g) above); and
    - i) current water-sensitive design best-practice guidelines, such as *Sensitive Urban Design Technical Guidelines for Western Sydney* (Upper Parramatta River Catchment Trust) dated May 2004.
14. In condition 3.1:
- (a) delete the words "and implement";
  - (b) in sub-paragraph b), after the words "recorded in µg/m<sup>3</sup>", insert the words "to demonstrate compliance with condition 2.8A"; and
  - (c) in the last paragraph, delete the words "shall be approved by the Director General prior to the commencement of any activities associated with the project and", and at the end of the paragraph, insert the words "The Proponent must implement the management plan as approved from time to time by the Secretary."

15. After condition 3.5, insert the following:

**Note:** This condition only requires audits to be undertaken and reported for the period prior to the approval of MOD 2.

3.5A Within a year of the date of the approval of MOD 2, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and commence, and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan or program required under these approvals);
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;
- (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
- (f) be conducted and reported to the satisfaction of the Secretary.

3.5B Within 12 weeks of commencing an audit under condition 3.5A, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Proponent must implement these recommendations, to the satisfaction of the Secretary.

16. In condition 5.3:

- (a) in sub-paragraph b) vii), after the words "if any non-compliance is detected", insert the words "with the criteria in condition 2.3 or the noise mitigation measures described in the **Noise Management Plan**"; and
- (b) in sub-paragraph d) vi) and viii), after the words "condition 2.8", insert the words "and 2.8A".

17. Delete condition 5.6 and replace with the following:

5.6 Within 3 months of the submission of an:

- (a) incident report under condition 6.1 below;
- (b) Annual Environmental Management Report under condition 6.3 below;
- (c) Independent Environmental Audit report under condition 3.5 or condition 3.5B above; and
- (d) any modifications to this consent,

the Proponent must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The Proponent must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.

**Note:** The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.

18. After condition 5.6, insert the following:

5.7 Where consultation with any public authority is required by the conditions of this consent, the Proponent must:

- (a) consult with the relevant public authority prior to submitting the required document to the Secretary for approval;
- (b) submit evidence of this consultation as part of the relevant document;
- (c) describe how matters raised by the authority have been addressed and any matters not resolved; and
- (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Proponent.

5.8 Any reference to a guideline, policy, standard or similar document that must be taken into account, complied with or otherwise applied under any condition of this consent means a reference to that document or any later version or replacement of that document as it existed at the date at which the document must be applied.

19. In the Statement of Commitments:

- (a) renumber Attachments "2" and "3" as Attachments "1" and "2", respectively; and
- (b) in Statement of Commitment 1, delete the words "modification application and this EA report" and insert the words "the documents listed in condition 1.1".