

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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 development



Mike Young
Executive Director
Energy, Industry and Compliance

Sydney

31 MARCH 2021

File: SF21/26309

SCHEDULE 1

Application Number:	SSD-10436
Applicant:	ESR Developments (Australia) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lots 201-203 DP 1244593 Horsley Park NSW 2175
Development:	The construction, fit-out and operation of eight warehouse and distribution tenancies in four buildings with a total gross floor area (GFA) of 112,819 m ² including offices, loading docks, hardstand areas, truck and car parking areas, landscaping, associated infrastructure and signage.

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DEFINITIONS

Applicant	ESR Development (Australia) Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Calendar year	A period of 12 months commencing on 1 January
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment (DPIE)
Development	The development described in Schedule 1, the EIS, Response to Submissions, Supplementary Response to Submissions and Supplementary Information including the works and activities comprising the construction, fit-out and operation of eight warehouse and distribution tenancies in four buildings with a total gross floor area of 112,819 m ² including offices, loading docks, hardstand areas, truck and car parking areas, landscaping, associated infrastructure and signage, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group (former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement Horsley Logistics Park State Significant Development Application (SSD-10436)</i> , prepared by Urbis, dated July 2020, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	NSW Environment Protection Authority
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>

Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	Natural Resources Access Regulator, DPIE
OEMP	Operational Environmental Management Plan
Operation	The use of warehousing and distribution centres and ancillary offices as described in the EIS, RtS, Supplementary RtS and Supplementary Information
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>Response to Submissions Horsley Logistics Park State Significant Development Application (SSD-10436)</i> , prepared by Urbis, dated November 2020
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Supplementary Information	The Applicant's supplementary information in response to issues raised by the Department and includes the document titled <i>Memorandum – Horsley Logistics Park – NVIA Addendum Report – Collated Response to DPIE RFI's</i> , prepared by SLR, dated 12 March 2021
Supplementary Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the RtS and includes the document titled <i>Supplementary Response to Submissions Horsley Logistics Park State Significant Development Application (SSD-10436)</i> , prepared by Urbis, dated 22 December 2020
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Water DPIE	Water Group, Department of Planning, Industry and Environment
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions (RtS), Supplementary RtS, and Supplementary Information;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The following limits apply to the development:
- (a) the maximum Gross Floor Area (GFA) for the land uses in the development must not exceed the limits outlined in Table 1; and
 - (b) the largest vehicle permitted to access the site is a 26 m B-Double heavy vehicle.

Table 1 Maximum GFA for Development

Land Use	Maximum GFA square metres (m ²)
Warehousing	
Lot 201	42,233
Lot 202	15,880
Lot 203	18,370
Lot 204A	4,517
Lot 204B	3,454
Lot 204C	3,397
Lot 204 D	3,156
Total	91,007
Office	
Lot 201	1,095
Lot 202	800
Lot 203	800
Lot 204A	777

Land Use	Maximum GFA square metres (m ²)
Lot 204B	400
Lot 204C	400
Lot 204D	400
Total	4,672
Total GFA	95,679

A7. The Applicant must ensure the development is consistent with the development controls in Table 2:

Table 2 Development Controls

Maximum Building Height	Development Control
Lot 201	15 m
Lot 202	15 m
Lot 203	15 m
Lot 204	13.7 m

A8. The Applicant must ensure the development provides car parking in accordance with the following rates:

- (a) 1 space per 300 m² of warehouse GFA;
- (b) 1 space per 40 m² of office GFA; and
- (c) 1 space for accessible parking for every 100 car parking spaces.

A9. The Applicant must ensure that heavy vehicles entering and exiting Lot 204 are limited to two inbound and two outbound movements during any 15-minute period during the night.

A10. Prior to the commencement of construction on each Lot, the Applicant must provide the Planning Secretary with evidence that the site preparation and infrastructure works carried out under Fairfield City Council DA 893.6/2013 have been completed to the satisfaction of Council.

NOTIFICATION OF THE COMMENCEMENT

A11. The date of the commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:

- (a) construction; and
- (b) operation.

A12. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

A13. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A14. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A17. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out 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.

DEMOLITION

- A19. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the Building Code of Australia (BCA).

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

COMPLIANCE

- A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONTRIBUTIONS TO COUNCIL

- A22. Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

OPERATION OF PLANT AND EQUIPMENT

- A23. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- A24. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A25. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and

- (b) an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

A26. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

A27. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

A28. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* (NSW).

A29. Before the issue of a Subdivision or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:

- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

A30. Before the issue of the final Occupation Certificate for each warehouse, the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

A31. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

A32. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A33. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

VISUAL AMENITY

Landscaping

- B1. Prior to the commencement of construction, the Applicant must prepare a detailed Landscape Plan for the development to the satisfaction of the Planning Secretary. The Landscape Plan must:
- be prepared in consultation with Fairfield City Council;
 - include the planting of trees with a height at maturity which would screen the western portion of the Lot 201 warehouse within the 4 m wide area shown on Figure 6;
 - be prepared and certified by a qualified landscape architect in accordance with Section 4.2 Landscape Design of the 327-335 Burley Road, Horsley Park Development Control Plan (March 2016); and
 - detail the quantity, species and expected mature height of the proposed planting on-site.
- B2. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The LMP must form part of the OEMP in accordance with condition C5 and must:
- detail the quantity, species and expected mature height of the proposed landscaping for the 4 m wide area shown in Figure 4;
 - describe the monitoring and maintenance measures to manage revegetation and landscaping works;
 - be consistent with the Applicant's Management and Mitigation Measures included at Appendix 2; and
 - describe the monitoring and maintenance procedures to ensure the landscaping works provide effective visual impact mitigation including the landscaped buffer, retaining walls and bund constructed along the southern boundary of the site.
- B3. The Applicant must:
- not commence construction until the Landscape Plan is approved by the Planning Secretary;
 - not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
 - must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan for the life of the development.

Lighting

- B4. The Applicant must ensure the lighting associated with the development:
- complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Note: *This condition does not apply to temporary construction and safety related signage and fencing.*

- B5. Prior to the commencement of operation of each warehouse building, the Applicant must prepare an Outdoor Lighting Management Plan (OLMP) to the satisfaction of the Planning Secretary. The OLMP must form part of the OEMP in accordance with condition and must:
- be prepared by a suitably qualified and experienced person(s);
 - describe the locations and types of any outdoor lights; and
 - detail measures to mitigate light spill.

Signage and Fencing

- B6. All signage and fencing must be erected in accordance with the development plans included in the EIS, RtS, Supplementary RtS, and Supplementary Information.

NOISE

Hours of Work

- B7. The Applicant must comply with the hours detailed in Table 3, unless otherwise agreed in writing by the Planning Secretary.

Table 3 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

B8. Works outside of the hours identified in condition B7 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers; or
- (b) works agreed to in writing by the Planning Secretary; or
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B9. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

Construction Noise and Vibration Management Plan

B10. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert whose appointment is approved by the Planning Secretary;
- (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in condition B57; and
- (g) include a complaints management system that would be implemented for the duration of the development.

B11. The Applicant must:

- (a) not commence construction of any relevant stage until the CNVMP required by condition B10 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

B12. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 4.

Table 4 Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
NCA01	44	43	38	52
NCA02	40	40	38	52
NCA03	44	43	38	52

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 1 for the location of residential sensitive receivers.

Noise Verification Report

- B13. A Noise Verification Report must be prepared by a suitably qualified and experienced acoustic consultant and submitted to the satisfaction of the Planning Secretary at the following stages of the development:
- (a) prior to issue of a Construction Certificate for the Lot 201 warehouse and Occupation Certificate for the Lot 204 warehouse to confirm the required noise mitigation measures;
 - (b) within three months of the commencement of operation of each warehouse; and
 - (c) within three months of the occupation of the warehouses by any new tenants for the life of the development.
- B14. The Noise Verification Reports required by condition B13 must include:
- (a) an analysis of compliance with noise limits undertaken in accordance with the *NSW Noise Policy for Industry* (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Australian Standard 2018);
 - (b) a detailed maximum noise level event assessment undertaken in accordance with the *NSW Noise Policy for Industry* (EPA, 2017);
 - (c) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and
 - (d) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the limits specified in condition B12 and when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.

Acoustic Barrier and Awning

- B15. Prior to the commencement of operation of the Lot 201 warehouse, the Applicant must construct the acoustic barrier shown on Lot 201 Site & Facility Plan (Drawing Number 200226-DA-201-A100, Issue C).
- B16. Prior to the commencement of operation of Lot 204 warehouse, the Applicant must construct the awning shown on Lot 204 Site & Facility Plan (Drawing Number 200226-DA-204-A100, Issue C).

Road Traffic Noise

- B17. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

Loading Area Management Plan

- B18. Prior to the commencement of operation of the Lot 204 warehouse, the Applicant must prepare a Loading Area Management Plan (LAMP) to manage noise emissions. The LAMP must form part of the OEMP in accordance with conditions C5 and must:
- (a) detail the management measures to restrict the number of heavy vehicles accessing Lot 204 to two inbound and two outbound movements during any 15-minute period during the night;
 - (b) require the provision of annual heavy vehicle noise measurements from each tenancy on Lot 204 in operation to verify the sound power level of heavy vehicles manoeuvring in the loading areas are below the sound power levels used in the Supplementary Information; and
 - (c) detail measures to reduce noise emissions from the operation of the loading area at night including:
 - (i) avoiding the use of waste areas;
 - (ii) limiting the use of forklifts; and
 - (iii) ensuring non-tonal reversing beepers (or equivalent mechanism) are fitted to forklifts.
- B19. The Applicant must:
- (a) not commence occupation of Lot 204 until the LAMP required by B18 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the LAMP approved by the Planning Secretary.

VIBRATION

Vibration Criteria

- B20. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

B21. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition B20.

B22. The limits in conditions B20 and B21 apply unless otherwise outlined in a CNVMP in accordance with condition B10, approved as part of the CEMP required by condition C2 of this consent.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

B23. Prior to the commencement of construction of each warehouse building, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B24. The Applicant must:

- (a) not commence construction until the CTMP required by condition B23 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Access

B25. Prior to the commencement of construction, the Applicant must submit design plans and swept path analysis in consultation with Council and to the satisfaction of the Certifier which demonstrates each access driveway is:

- (a) designed to accommodate the turning path of a 26 m B-Double heavy vehicle and to avoid vehicle conflicts on Johnston Crescent; and
- (b) designed to be consistent with the most recent version of the relevant AUSTROADS guidelines.

Parking

B26. Prior to the commencement of construction, the Applicant must submit a plan to the Certifier showing the locations and dimensions of the proposed bicycle parking provision within the development showing compliance with Australian Standard *AS 2890.3:2015 Bicycle parking and access arrangements*. The bicycle parking must be secure and located undercover with convenient access from the street and building entries.

Operating Conditions

B27. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);

- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTRROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Green Travel Plan

B28. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Green Travel Plan (GTP) to the satisfaction of the Planning Secretary. The GTP must form part of the OEMP required by condition C5 and must:

- (a) be prepared in consultation with TfNSW;
- (b) detail parking provision for each tenancy;
- (c) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives;
- (d) include specific accessibility requirements for employees with mobility impairments, and the measures that are in place to address the requirements including any priority arrangements;
- (e) include a map of preferred walking and cycling routes and preparation of a Transport Access Guide that details access arrangements for employees and visitors detailing:
 - (i) cycle parking provision at each site and recommended last mile cycle route from local cycle network to each site; and
 - (ii) a website link to TfNSW trip planner;
- (f) a communication strategy for engaging employees and visitor regarding sustainable transport use to the site;
- (g) measures to promote the health and wellbeing benefits of active travel to the site;
- (h) identification of the number of staff who can reasonably access the site from walking or cycling; and
- (i) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B29. The Applicant must:

- (a) not commence operation until the GTP is approved by the Planning Secretary;
- (b) implement the most recent version of the GTP approved by the Planning Secretary for the duration of the development; and
- (c) provide a copy of the latest GTP and Transport Access Guide to each tenancy within the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B30. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

B31. Prior to the commencement of any construction, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline.

Stormwater Management

B32. Prior to the commencement of construction of each warehouse, the Applicant must prepare a Stormwater Management Plan to the satisfaction of the Planning Secretary. The Stormwater Management Plan must form part of the CEMP and OEMP required by conditions C2 and C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;
- (b) detail the design of stormwater management system for the development generally in accordance with the conceptual design in the EIS;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004); and
- (e) be prepared in accordance with the *327-335 Burley Road, Horsley Park Development Control Plan* (March 2016).

B33. The Applicant must:

- (a) not commence construction until the Stormwater Management Plan required by condition B32 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Stormwater Management Plan approved by the Planning Secretary for the duration of the development.

AIR QUALITY

Dust Minimisation

B34. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B35. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

BIODIVERSITY

Biodiversity Management Plan

B36. Prior to the commencement of construction, the Applicant must prepare a Biodiversity Management Plan (BMP) for the development in consultation with Fairfield City Council to the satisfaction of the Planning Secretary. The Biodiversity Management Plan must be approved by the Planning Secretary prior to the commencement of construction and must form part of the CEMP in accordance with condition C2. The Plan must include the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) describe procedures to manage impacts, including erosion and sediment controls, to protect the biodiversity values of:
 - (i) the 25 m Managed Environmental Zone adjacent to the eastern boundary of the site;
 - (ii) the E2 Environmental Conservation lot to the east of the site; and
 - (iii) the southern boundary landscape buffer and bund area.

B37. The Applicant must:

- (a) not commence construction until the Biodiversity Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Biodiversity Management Plan approved by the Planning Secretary.

BUSHFIRE PROTECTION

B38. The Applicant must ensure each warehouse building complies with the relevant provisions of the latest version of *Planning for Bush Fire Protection* (PBP) (RFS, 2019) and the asset protection zones recommended in the *Bushfire Protection Assessment – Horsley Logistics Park, Lots 201, 202, 203, 204*, prepared by Eco Logical Australia, dated 16 June 2020.

B39. The Applicant must manage the site as an inner protection area (IPA) in perpetuity in accordance with the requirements of Appendix 4 of the PBP.

B40. The Applicant must ensure warehouse buildings on Lots 201, 203 and 204 are constructed of non-combustible building materials and comply with Section 3 and 5 (BAL 12.5) of the Australian Standard *AS 3959-2018 Construction of buildings in bushfire-prone areas* or *National Standard – Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate, and Section 7.5 of the PBP.

- B41. The Applicant must ensure all roads of the development comply with the general and non-perimeter road requirements under Table 5.3b of the PBP.
- B42. The Applicant must ensure adequate provisions of water, electricity and gas be installed on-site in accordance with Table 5.3c of the PBP.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B43. The Applicant must prepare an Unexpected Finds Protocol. The Unexpected Finds Protocol must form part of the CEMP in accordance with condition C2 and detail that if any item or object of Aboriginal heritage significance, or relic as defined by the *Heritage Act 1977* (NSW) is identified as on-site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item, object or relic must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) the Aboriginal Cultural Heritage, Heritage NSW must be contacted immediately.
- B44. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974* (NSW).

INCIDENT MANAGEMENT

- B45. Prior to the commencement of construction of each warehouse building, the Applicant must finalise detailed designs of each buildings fire and life safety systems, including their configuration, in consultation with Fire and Rescue NSW (FRNSW).
- B46. Prior to the issue of a construction certificate for each warehouse building, the Applicant must undertake a fire engineering brief questionnaire in consultation with FRNSW.

HAZARDS AND RISK

- B47. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- B48. In the event of an inconsistency between the requirements B47(a) and B47(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- B49. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- B50. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- B51. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the *Biosecurity Act 2015* (NSW).

Waste Storage and Processing

- B52. Prior to the commencement of construction of each warehouse, the Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse.
- B53. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

CONTAMINATION

Unexpected Contamination

B54. Prior to the commencement of earthworks, the Applicant must prepare an Unexpected Contamination Procedure to ensure that potentially contaminated material is appropriately managed. The Procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary and Council, prior to its removal from the site.

Site Auditor

B55. Prior to the commencement of construction of each warehouse building, the Applicant must submit a Section A1 Site Audit Statement, or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan, prepared by an NSW EPA accredited Site Auditor to the Planning Secretary and Council. The Site Audit Statement must certify the site is suitable for the proposed use.

COMMUNITY ENGAGEMENT

B56. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 7, relevant regulatory authorities and other interested stakeholders.

Community Consultation Plan

B57. The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be approved by the Planning Secretary prior to the commencement of site preparation works;
- (b) be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;
- (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
- (d) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- (e) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions;
- (f) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (g) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) email, toll-free telephone number and postal address for receiving complaints;
 - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
 - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - (iv) procedures to resolve any disputes that may arise during the course of the development.

B58. The Applicant must:

- (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary; and
- (b) implement the approved Community Consultation Plan for the duration of the development.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: *the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Landscape Management Plan (see condition B1);
 - (b) Construction Noise and Vibration Management Plan (see condition B10);
 - (c) Construction Traffic Management Plan (see condition B23);
 - (d) Stormwater Management Plan (see condition B32);
 - (e) Biodiversity Management Plan (see condition B36);
 - (f) Unexpected Finds Protocol (see condition B43);
 - (g) Unexpected Contamination Procedure (see condition B54); and
 - (h) Community Consultation Plan (see condition B57).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:
 - (i) Landscape Management Plan (see condition B1);
 - (ii) Loading Area Management Plan (see condition B18);
 - (iii) Green Travel Plan (see condition B28);
 - (iv) Stormwater Management Plan (see condition B32); and
 - (v) Community Consultation Plan (see condition B57).
- C7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C8. Within three months of:
- (a) the submission of a Compliance Report under condition C14;
 - (b) the submission of an incident report under condition C10;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed.
- C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C11. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

- C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C14. Within three months after the first year of the commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Independent Audit

- C16. Within one year of the commencement of operation of any warehouse building, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Noise Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020);
 - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
 - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C17. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C16 of this consent;
 - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
 - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
 - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

ACCESS TO INFORMATION

- C19. At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation and remediation, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;

- (iv) the proposed staging plans for the development if the construction and operation of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the development;
 - (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

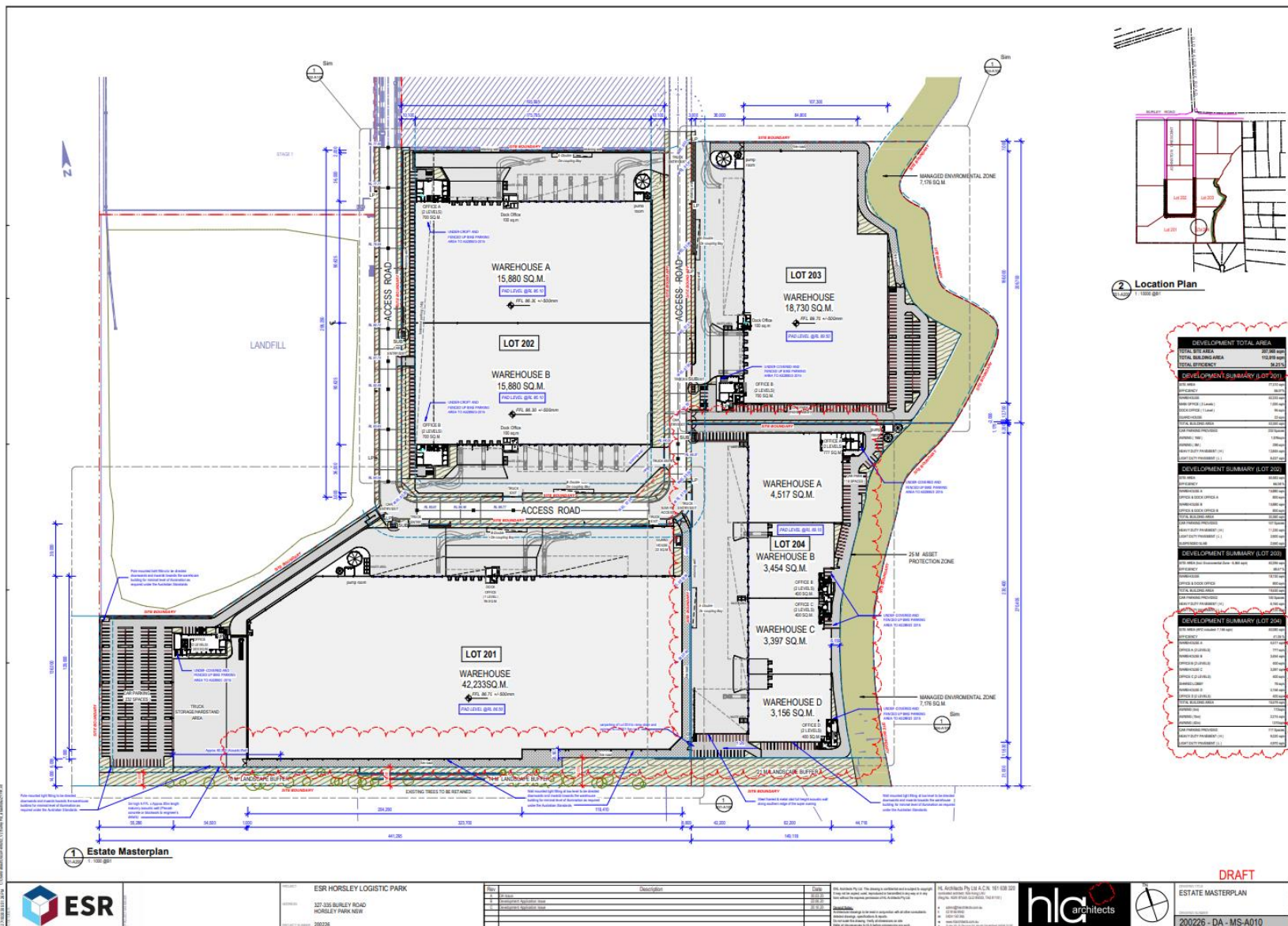


Figure 1: Site Plan

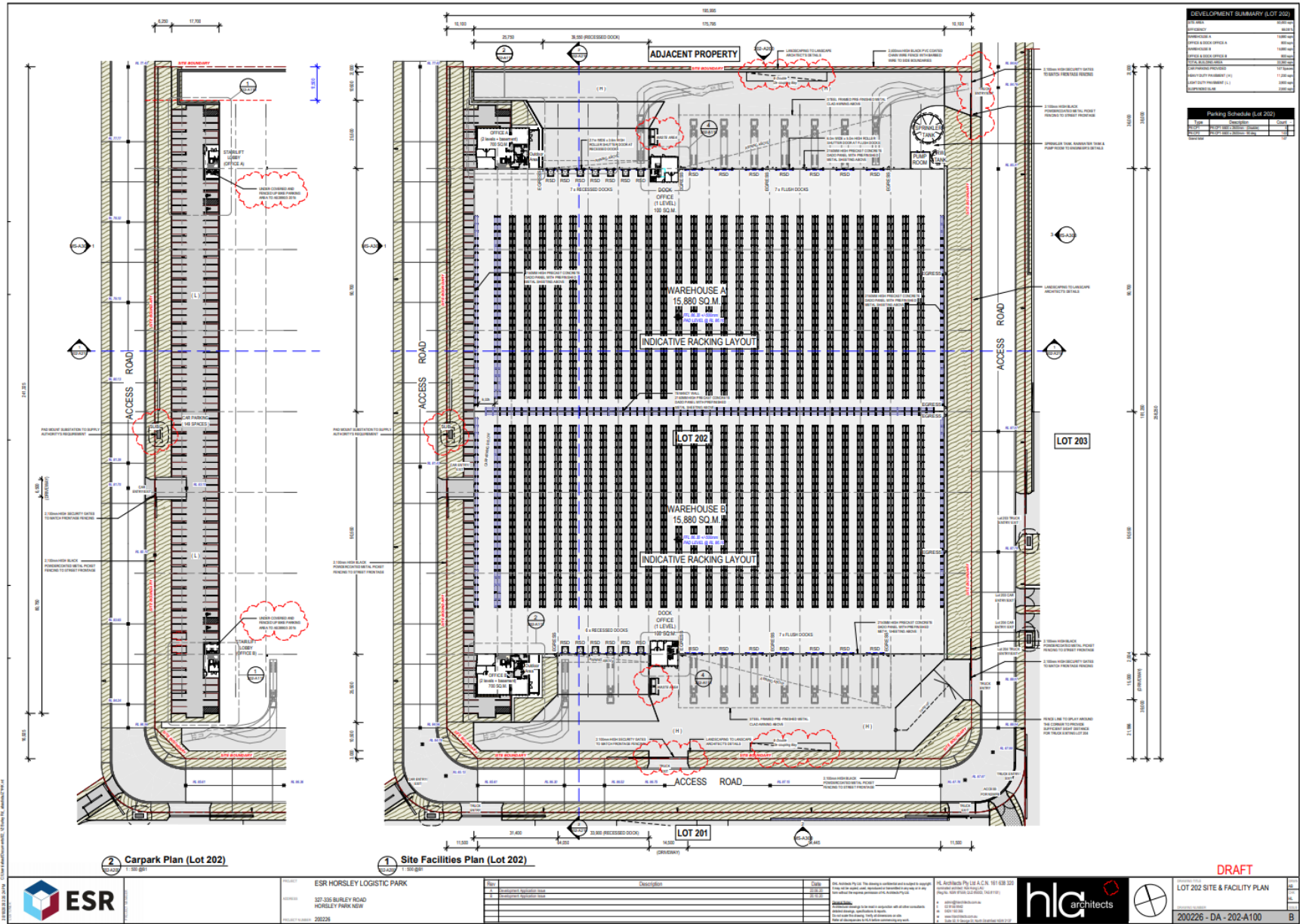


Figure 3: Lot 202 Plan

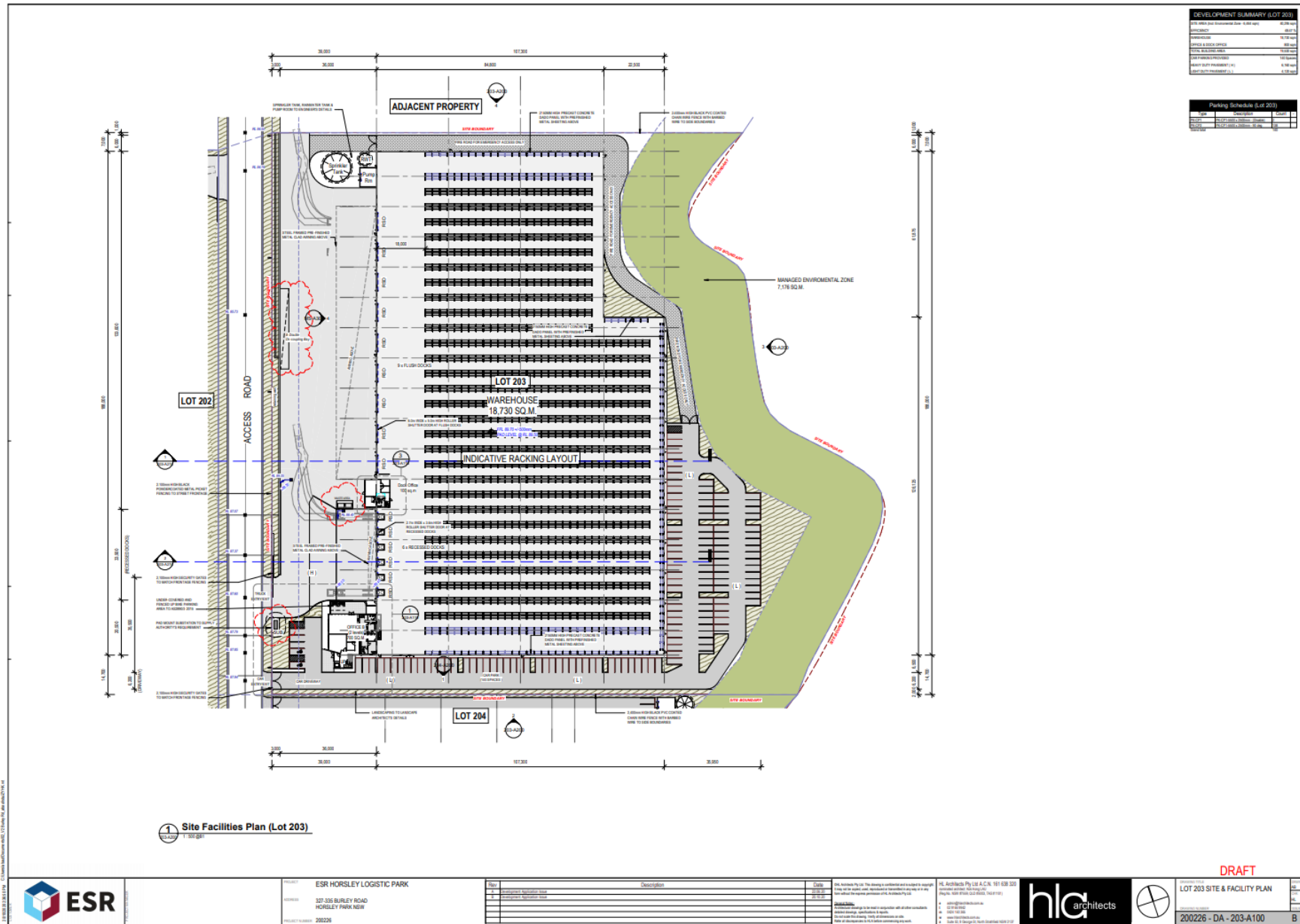


Figure 4: Lot 203 Plan

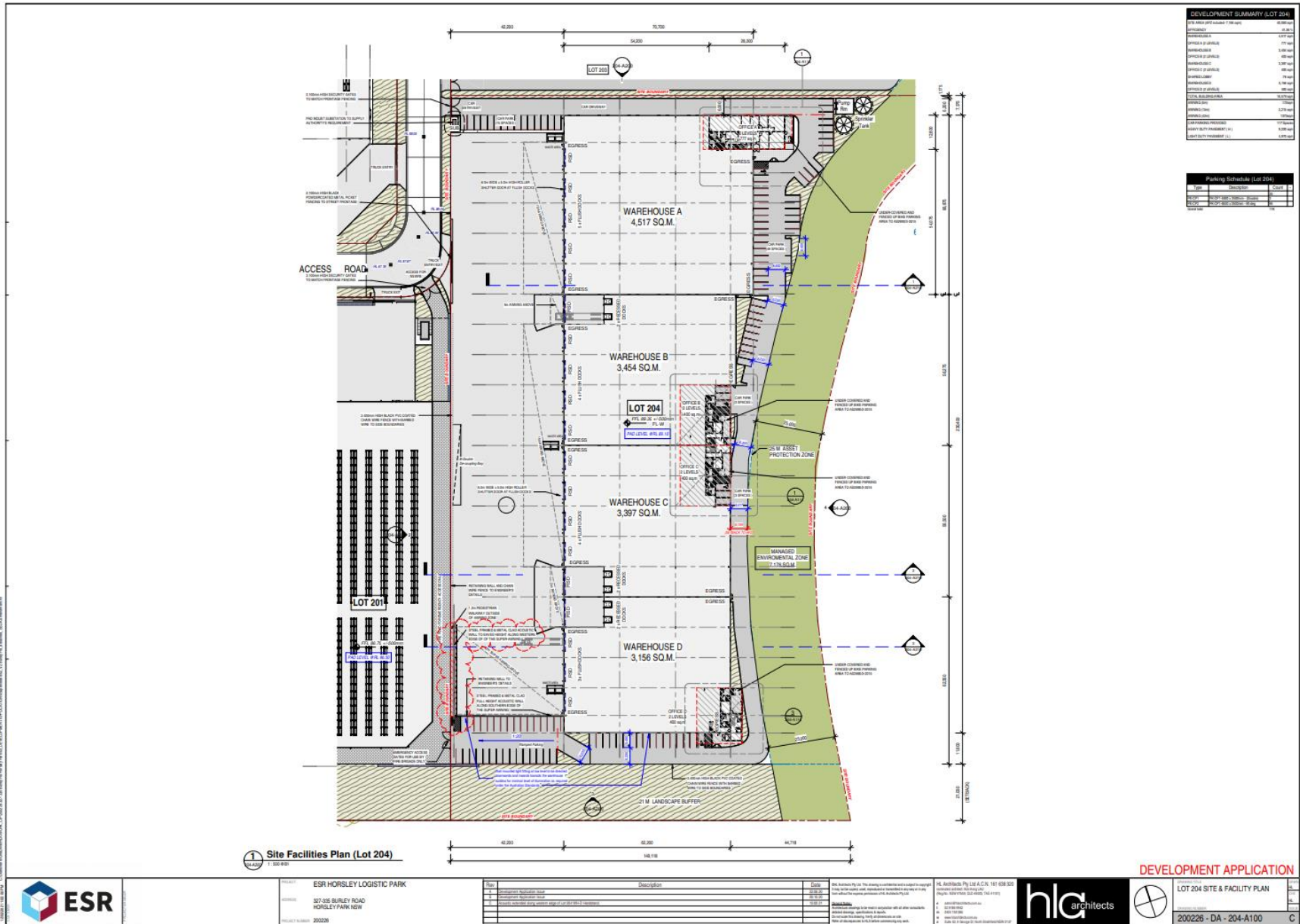


Figure 5: Lot 204 Plan

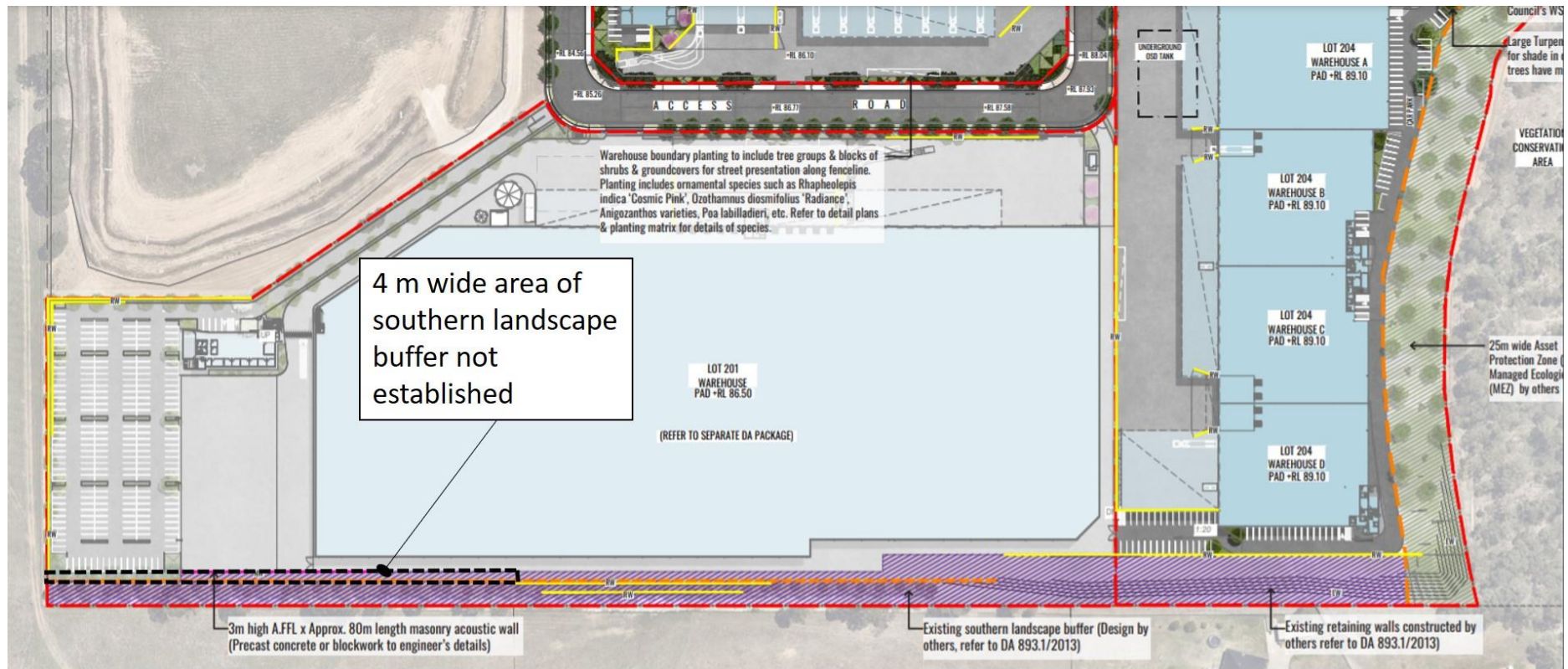


Figure 6: 4 m Wide Area of Southern Landscape Buffer within Lot 201



Figure 7: Noise Sensitive Receiver Locations

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Matter	Potential Impact	Mitigation Measure
Urban Design and Visual Impacts	Visual impacts to sensitive receivers	<ul style="list-style-type: none"> ▪ The colours, materials and finishes proposed are typical of this type of development. The proposed building facades consist of mainly grey tones including painted precast concrete, colorbond and zinc cladding. These colour tones visually break up the long facades, with highlight colours only use for signage elements, awnings or around the main office. ▪ The external finishes and materials to the southern elevations of Lot 201 and 204 are to have no 'red strip' and highlights. ▪ The designation of the E2 – Environmental Conservation land and the existing Terramesh bund on the southern boundary act as existing mitigation measures for the Proposal. Increased growth of intended landscaping will further act as an effective measure once the landscaping matures.
Traffic and Transport	Impacts on the road network during construction	<ul style="list-style-type: none"> ▪ Traffic control would be required to manage and regulate traffic movements into and out of the site during construction. ▪ Disruption to road users would be kept to a minimum by scheduling intensive delivery activities outside of peak network hours. ▪ Construction and delivery vehicles would be restricted to using Old Wallgrove Road, Lenore Drive, M7 Motorway and Mamre Road
	Impacts on the road network during operation	<ul style="list-style-type: none"> ▪ A Travel Plan (TP) strategy for the site be established and be prepared in line with the Travel Demand Management Strategy required by TfNSW. ▪ The site will require preparation of a Green Travel Plan (GTP) as requested by TfNSW as a condition of consent.

Matter	Potential Impact	Mitigation Measure
Noise and Vibration	Noise generation during construction of the Proposal	<ul style="list-style-type: none"> ▪ Implementation of any project specific mitigation measures required. ▪ Implement community consultation or notification measures detailing work activities, dates and hours, impacts and mitigation measures, indication of work schedule over the night time period, any operational noise benefits from the works (where applicable) and contact telephone number. ▪ All employees, contractors and subcontractors are to receive an environmental induction. ▪ Implementation of behavioural practices, such as no unnecessary shouting or loud radios on site and no dropping materials from height or throwing metal items. ▪ Where specified under Appendix C of the CNVG a noise verification program is to be carried out for the duration of the works in accordance with the Construction Noise and Vibration Management Plan and any approval and licence conditions. ▪ Where required, attended vibration measurements should be undertaken at the commencement of vibration generating activities to confirm that vibration levels are within the acceptable range to prevent cosmetic building damage. ▪ The CEMP must be regularly updated to account for changes in noise and vibration management issues and strategies. ▪ Undertake building dilapidation surveys on all buildings located within the buffer zone prior to commencement of activities with the potential to cause property damage. ▪ Where feasible and reasonable, construction should be carried out during the standard daytime working hours. Work generating high noise and/or vibration levels should be scheduled during less sensitive time periods. ▪ Construction respite period during normal hours and out-of-hours work. Work should be carried out in continuous blocks that do not exceed 3 hours each, with a minimum respite period of one hour between each block. ▪ Use quieter and less vibration emitting construction methods where feasible and reasonable. ▪ Noise generating equipment will be regularly checked and effectively maintained. ▪ The offset distance between noisy plant and adjacent sensitive receivers is to be maximised. Noise-emitting plant to be directed away from sensitive receivers. Only have necessary equipment on site.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Plan worksites and activities to minimise noise and vibration. ▪ Use of non-tonal and ambient sensitive reversing alarms. ▪ Minimise disturbance arising from delivery of goods to construction sites. ▪ Limit the use of engine compression brakes at night and in residential areas. ▪ Shield stationary noise sources such as pumps, compressors, fans where feasible and reasonable. ▪ Where practicable, work compounds, parking areas, and equipment and material stockpiles will be positioned away from noise-sensitive locations and take advantage of existing screening from local topography. ▪ At locations where there are high-risk receptors, vibration monitoring should be conducted during the activities causing vibration.
	Noise generation during operation of the Proposal	<ul style="list-style-type: none"> ▪ Construction of a 3m height x 80m length masonry acoustic wall along the southern end of the western truck storage/hardstand area. ▪ Construction of 12.45m high acoustic wall and extended 42m deep and 33m wide awning is located along the southern extent of the western hardstand to act as an acoustic barrier. ▪ Relocating heavy vehicle access routes away from the site boundary, taking advantage of screening afforded by the building envelope. ▪ Reducing peak 15-minute heavy vehicle movements across the development by staggering delivery/pickup times. ▪ Reducing peak 15-minute light vehicle movements across the development by staggering shift change times for employees. ▪ Minimising the concurrent use of forklifts and other mobile plant outside the warehouses (ie in the hardstand areas) and/or limiting their use to the less sensitive daytime and evening periods. ▪ The use of quieter mobile plant options, such as electric forklifts instead of gas-powered forklifts. ▪ Locating fixed mechanical plant away from the most-affected sensitive receivers, such as ground level locations instead of rooftop locations, and/or shielded behind the warehouse/office structures.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ The use of quieter fixed mechanical plant options, noting that this assessment assumes an indicative noise level for modelled mechanical plant. ▪ Acoustic screening, no less than 500 mm higher than the top of the plant, located as close as practicable to the plant. ▪ Best management practice – such as switching vehicles and plant off when not in use, no yelling/swearing/loud music onsite, education of staff and drivers regarding noise impacts, regular maintenance of plant and equipment to minimise noise emissions, use of silent or non-tonal reverse alarms instead of tonal alarms, minimising use of reverse alarms by providing forward manoeuvring where practicable. ▪ Investigate at-receiver noise mitigation if, through noise monitoring, it is found that the proposal cannot meet the relevant noise criteria.
Stormwater Management	Sediment run-off from the site entering the stormwater system of surrounding streets	<ul style="list-style-type: none"> ▪ Clearly visible barrier fencing shall be installed and elsewhere at the discretion of the site superintendent to ensure traffic control and prohibit unnecessary site disturbance. Vehicular access to the site shall be limited to only those essential for construction work and they shall enter the site only through the stabilised access points. ▪ Soil materials will be replaced in the same order they are removed from the ground. It is particularly important that all subsoils are buried and topsoils (landscaped areas only) remain on the surface at the completion of works. ▪ The construction program should be scheduled so that the period of time from starting land disturbance to stabilisation is minimised. Schedule works so that the duration from the conclusion of land shaping to completion of final stabilisation is less than 20 working days. ▪ Land recently established with grass species will be watered regularly until an effective cover has properly established and plants are growing vigorously. Further application of seed might be necessary later in areas of inadequate vegetation establishment. ▪ Where practical, foot and vehicular traffic will be kept away from all recently established areas. ▪ Earth batters shall be constructed in accordance with the Geotechnical Engineers Report. ▪ All earthworks, including waterways/drains/spillways and their outlets, will be constructed to be stable in at least the design storm event of 1 in 10-year ARI (Q10).

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> During windy weather, large, unprotected areas will be kept moist (not wet) by sprinkling with water to keep dust under control.
	Site stormwater runoff adversely impacts on stormwater flows and quality of the receiving waterways downstream of the site.	<ul style="list-style-type: none"> Including treatment trains of gross pollutant traps (GPT's) in the form of pit inserts, proprietary filters and raingardens/ bio-retention into the design of each development lot. Maintaining or improving the volume of stormwater flows to estate infrastructure from development lots. Storage Requirement (SSR) and Permissible Site Discharge (PSD) based on the individual lot areas.
Flooding	Future occupants of the site are exposed to flood risk	<ul style="list-style-type: none"> No mitigation measures as the site has been assessed as posing a very low risk of flooding affectation from Ropes Creek or other regional flooding.
Contamination and Remediation	Risk to health and safety of works and future and existing occupants of the site	<ul style="list-style-type: none"> Separate applications have addressed prior contamination of land within the HLP. All remediation works will be undertaken under separate development consents by CSR and are required to be completed prior to enacting any works on land the subject to each stage approved by SSD 10436. To ensure the effective delivery of the project, and to provide certainty that land is suitable in its remediated state for the approved development, a Site Audit Statement for the relevant development Lot, confirming its suitability for use for warehouse & Distribution purposes, is to be obtained prior to issuance of the first Construction Certificate under this development consent.
Bushfire	Future occupants of the site are exposed to bushfire risk	<ul style="list-style-type: none"> Identified APZ to be maintained in perpetuity to the specifications detailed in Planning for Bush Fire Protection 2019. The proposed development will be accessed by a two (2) truck and vehicle access points. Reticulated water supply to be provided to the development. Fire hydrant spacing, design and sizing comply with the Australian Standard AS 2419.1 (SA 2005). Hydrants are not located within any road carriageway.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads. ▪ Fire hydrant flows and pressures comply with AS 2419.1 (SA 2005). ▪ All above-ground water service pipes are metal. ▪ Electricity supply located underground. ▪ Gas services are to be installed and maintained in accordance with AS/NZS 1596:2014. ▪ The proposed structure is to be constructed to the following BAL rating based on the construction specifications detailed in either AS 3959:2018 Construction of buildings in bushfire prone (SA2018) areas or the NASH Standard: Steel Framed Construction in Bushfire Areas 2014 (NASH 2014): ▪ Inclusion of additional ember provisions detailed in section 7.5 of PBP as required. ▪ Any future landscaping meets the requirements of PBP and complies with the NSW RFS 'asset protection zone standards'. ▪ A clear area of low cut lawn or pavement is maintained adjacent to the building. ▪ Fencing/retaining walls to be constructed from hardwood or non-combustible material. ▪ Trees and shrubs are planted to not overhang over the roof and the tree canopy is not continuous. ▪ If proposed, a wind break is located on the elevation from which fires are likely to approach.
Air Quality	Air quality impacts of the proposed development during construction and operation	<ul style="list-style-type: none"> ▪ Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. ▪ Make the complaints log available to the local authority when asked. ▪ Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the log book. ▪ Perform daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular

Matter	Potential Impact	Mitigation Measure
		<p>dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary.</p> <ul style="list-style-type: none"> ▪ Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority, when asked. ▪ Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions. ▪ Perform daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary. ▪ Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority, when asked. ▪ Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions. ▪ Ensure all on-road vehicles comply with relevant vehicle emission standards, where applicable. ▪ Ensure all vehicles switch off engines when stationary - no idling vehicles. ▪ Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable. ▪ Ensure an adequate water supply on the site for effective dust/particulate matter suppression/ mitigation, using non-potable water where possible and appropriate. ▪ Use enclosed chutes and conveyors and covered skips. ▪ Minimise drop heights from loading shovels and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate. ▪ Avoid bonfires and burning of waste materials. ▪ Avoid scabbling (roughening of concrete surfaces) if possible. ▪ Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is

Matter	Potential Impact	Mitigation Measure
		<p>required for a particular process, in which case ensure that appropriate additional control measures are in place.</p> <ul style="list-style-type: none"> ▪ Use water-assisted dust sweeper(s) on the access and local roads to remove, as necessary, any material tracked out of the site. ▪ Avoid dry sweeping of large areas. ▪ Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport. ▪ Record all inspections of haul routes and any subsequent action in a site logbook. ▪ Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable)
Non -Indigenous Heritage	Adverse impact on non-indigenous or European heritage significance of the locality	<ul style="list-style-type: none"> ▪ Implementation of an unexpected finds protocol should an item of non-Indigenous heritage be uncovered on the site.
Aboriginal Heritage	Adverse impact on the aboriginal and cultural heritage significance of the locality	<ul style="list-style-type: none"> ▪ In the unlikely event that suspected human remains are encountered during the demolition of the existing building, all work in the area that may cause further impact, must cease immediately and the following measures must be implemented: <ul style="list-style-type: none"> – The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm. – The NSW Police must be contacted immediately. – Notify DPIE's Environment Line as soon as practicable and provide available details of the remains and their location. – No further action is to be undertaken until the NSW Police provide written clearance for the identified remains. – Should the remains be identified as Aboriginal, the appropriate Local Aboriginal Land Council must be notified. – A suitably qualified archaeologist and/or anthropologist with forensic training must be contacted.
Construction and Operational Waste	Disposal of waste generated during construction of the Proposal	<ul style="list-style-type: none"> ▪ Ensure project management of the site includes minimising waste generation, requiring the appropriate storage and timely collection of waste materials, and maximising re-use or recycling of materials.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Store wastes on site appropriately to prevent cross-contamination and guarantee the highest possible re-use value. ▪ Consider the potential of any new materials to be re-used and recycled at the end of the Project's life. ▪ Determine opportunities for the use of prefabricated components and recycled materials. ▪ Re-use formwork where appropriate. ▪ Retain roofing material cut-offs for re-use or recycling. ▪ Retain used crates for storage purposes unless damaged. ▪ Recycle cardboard, glass and metal wastes. ▪ Recycle or dispose of solid waste timber, brick, concrete, asphalt and rock, where such waste cannot be re-used on site, to an appropriately licenced construction and demolition waste recycling facility or an appropriately licenced landfill. ▪ Dispose of all asbestos and/or hazardous wastes in accordance with SafeWork NSW and NSW EPA requirements. ▪ Deliver batteries and florescent lights to drop off-site recycling facility. ▪ Return excess materials and packaging to the supplier or manufacturer. ▪ Dispose of all garbage via a council approved system
	<p>Disposal of waste generated during operation of the Proposal</p>	<p>Waste Avoidance</p> <p>Waste avoidance measures include:</p> <ul style="list-style-type: none"> ▪ Participating in take-back services to suppliers to reduce waste further along the supply chain ▪ Avoiding printing where possible ▪ Review of packaging design to reduce waste but maintain 'fit for purpose' ▪ Providing ceramic cups, mugs, crockery and cutlery rather than disposable items ▪ Purchasing consumables in bulk to avoid unnecessary packaging ▪ Presenting all waste reduction initiatives to staff as part of their induction program

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Investigating leased office equipment and machinery rather than purchase and disposal. <p>Re-use</p> <ul style="list-style-type: none"> ▪ Possible re-use opportunities include establishing systems with in-house and supply chain stakeholders to transport products in re-useable packaging where possible. <p>Recycling</p> <p>Recycling opportunities include:</p> <ul style="list-style-type: none"> ▪ Collecting and recycling e-wastes ▪ Flatten or bale cardboard to reduce number of bins required ▪ Paper recycling trays provided in office areas for scrap paper collection and recycling ▪ Collecting printer toners and ink cartridges in allocated bins for appropriate contractor recycling ▪ Development of 'buy recycled' purchasing policy.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.