

Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Kristina Keneally MP
Minister for Planning

Sydney,

2 Jan .

2009

SCHEDULE 1

Application Number:	08_0066
Proponent:	Goodman International Limited
Approval Authority:	Minister for Planning
Land:	Lot 2 DP 120673
Project:	Establishment of a DHL Logistics Hub and associated infrastructure

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DEFINITIONS

BCA	Building Code of Australia
Council	Fairfield City Council
Coles Myer National Distribution Centre	The construction and operation of a Coles Myer National Distribution Centre and associated infrastructure (DA-283-11-2004-I), determined by the Minister on the 30 June 2005
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DWE	Department of Water and Energy
EA	Environmental Assessment titled <i>Oakdale CENTRAL Concept Plan (CP#1) and Estate Works + DHL Project Application (PA#1)</i> , prepared by Goodman International and dated 9 May 2008
EEC	Endangered Ecological Community as defined under the NSW <i>Threatened Species Conservation Act 1995</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Project	The development as described in the EA
Proponent	Goodman International, or its successors in title
Response to Submissions	The Proponent's response to issues raised in submissions
RTA	Roads and Traffic Authority
SCA	Sydney Catchment Authority
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in Appendix 4

SCHEDULE 2: ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) response to submissions;
 - (c) document titled "Response to WESLIA/DOP requirements" including site plans SK 61(A), SK 62(A) and SK 63(A) (see Appendix 1), dated 11 August 2008, and prepared by Goodman International;
 - (d) statement of commitments (see Appendix 4); and
 - (e) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

Structural Adequacy

5. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent 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 project.

Protection of Public Infrastructure

6. Prior to commencement of construction, the Proponent shall:
 - (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council; and
 - (b) submit a copy of this report to the Director-General.
7. The Proponent shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Utilities

8. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Sydney Water and Council.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used on site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

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

Pre-Operation Compliance Audit

11. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

Subdivision

12. The Proponent may subdivide the land in general accordance with the subdivision plan with OAK PA1 12(A), as amended by drawings SK61(A), SK62 (A) and SK63 (A) (see Appendix 1 and 2). However, prior to obtaining a subdivision certificate, the Proponent shall prepare a final subdivision plan for the land in consultation with Council, and to the satisfaction of the Director-General.

Note: Any easements in the subdivision plan must nominate Council as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by the Department of Lands.

Planning Agreement

13. Within 12 months of this approval, the Proponent shall enter into a planning agreement with the Minister, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Department on 11 September 2008 by the Proponent which must include the matters set out in Appendix 5.
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SCHEDULE 3: SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND TRANSPORT

Old Wallgrove Road

1. Prior to the commencement of operation, the Proponent must undertake the following upgrades of Old Wallgrove Road between Roberts Road:
 - (a) local widening between Roberts Road and site to achieve a 7m road width;
 - (b) local widening at bends to accommodate B-doubles;
 - (c) provision of a passing bay for southbound traffic; and
 - (d) installation of 60km/h signposting for southbound traffic.

All upgrades are to be undertaken in consultation with SCA and to the satisfaction of Blacktown City Council.

2. Following approval by the Roads Authority, and prior to the commencement of operation of the project, unless otherwise agreed by the Director-General, the Proponent shall complete the upgrade of Old Wallgrove Road between Roberts Road and Wallgrove Road has been completed in accordance with the Minister's consent for the Coles Myer National Distribution Centre (DA-283-11-2004-I) and as detailed in the Developer Agreement executed between Goodman and the Minister on 23 June 2005.

Intersection Upgrades

3. Following approval by the Roads Authority, and prior to the commencement of operation of the project, unless otherwise agreed by the Director-General, the Proponent shall provide dedicated right hand turn lanes on the southern and northern approach of the intersection of Old Wallgrove Road and Wallgrove Road, in accordance with RTA's requirements and to the satisfaction of the Director-General and RTA.

Note: For the avoidance of doubt, the cost incurred by Goodman for the upgrade can be offset to its regional roads contributions obligations.

Creek Crossing

4. All road crossing over the tributary to Ropes Creek and Ropes Creek shall be bridge structures.
5. Prior to the construction of the bridge crossing over the Ropes Creek tributary, the Proponent must provide a copy of the final design to the Director-General, demonstrating that the bridge crossing has been designed:
 - (a) in consultation with DPI and DWE; and
 - (b) having regard to DPI's *Policy and Guidelines for Fish Friendly Waterway Crossings* and DWE's *Guidelines for controlled activities - Watercourse crossings*

Design of Internal Roads and Parking

6. The Proponent shall ensure that the internal road network and parking associated with the project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004 and AS 2890.2:2002.

Note: Estate Road 4 must be designed in consultation with SCA.

7. Estate Road 4 shall be a temporary access road until the regional road network associated with the Western Sydney Employment Lands Investigation Area has been finalised.

Note: The Director-General may require Estate Road 4 to be closed and an alternative access to the site to be provided.

8. The Proponent shall ensure that sight distance requirements are maintained at the truck crossover point between buildings 1A and 2A (see Appendix 1).

Vehicle Queuing and Parking

9. The Proponent shall ensure that:
 - (a) all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage; and
 - (b) that the project does not result in any vehicles queuing on the public road network.

SOIL AND WATER

Discharges

10. Except as may be expressly provided in an Environment Protection Licence for the project, the Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Construction

11. During construction the Proponent shall implement and maintain all erosion and sediment control measures detailed in the Soil and Water Management Plan, including drawing number 21-16225-C011 Rev 2, submitted with the EA.
12. Within 6 months of this approval the Proponent shall revise drawing number 21-16225-C011 Rev 2 to include erosion and sediment controls for the whole site.

Rainwater Harvesting

13. Prior to the commencement of operations, the Proponent shall provide the necessary infrastructure on site to enable roof and hardstand stormwater to be collected, stored and discharged separately to the satisfaction of the Director-General.

Note:

- a) *Unless the Director-General agrees otherwise, the roof stormwater infrastructure should include:*
 - *a rainwater collector system with a design capacity for the 1 in 20 year (critical duration) storm event; and*
 - *roof water reservoirs or storage tanks with a capacity of at least 440KL/ha of roof services or 190 KL/ha gross land area (whichever is larger), and the ability to discharge flows (by way of pumped rising mains or gravity mains) to any regional rainwater harvesting infrastructure at a rate of 11.6 l/s per megalitre of storage.*
 - b) *The relevant infrastructure may be provided on a progressive basis, in accordance with confirmation of the Regional Rainwater Harvesting Scheme's feasibility, and the status of the scheme. In this regard, the dual pipework for the warehouse buildings can be provided in conjunction with the building construction. The required storage tanks, and associated connecting pipes, can be installed in conjunction with the construction of the regional infrastructure (ie. regional trunk mains and connector pipes) by the relevant infrastructure provider.*
14. During operations, the Proponent shall participate in any regional rainwater harvesting initiatives to the satisfaction of the Director-General.

Note: This participation will involve making the roof stormwater infrastructure on site available for connection to any regional rainwater harvesting infrastructure.

Stormwater Management

15. The design of any stormwater outlets into a riparian zone or watercourse and their spillways must be a soft engineering design and must be consistent with the DWE's *Guidelines for controlled activities – Outlet structures*.
16. Prior to commencement of operation, the Proponent shall prepare and implement a Stormwater Management Plan to the satisfaction of the Director-General. The plan must:
 - (a) be prepared in consultation with Council and SCA;
 - (b) include detailed plans showing the design of the stormwater management scheme for the site, including any rainwater harvesting infrastructure;
 - (c) demonstrate that post development flows will not exceed predevelopment flows for a range of ARI from 1 year up to and including the 100 year ARI;
 - (d) demonstrate that the stormwater control infrastructure (including discharge rates, stormwater quality and detention volumes) will conform with, or exceed all relevant requirements and guidelines, particularly of any requirements of Council, and that the infrastructure can accommodate discharges from the Austral Bricks site;
 - (e) demonstrate that the stormwater control infrastructure will not be impacted by saline soils and groundwater;
 - (f) justifying the size of stormwater detention structures in relation to the provision of regional rainwater harvesting infrastructure;
 - (g) describe the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices throughout the life of the project; and
 - (h) include a stormwater quality monitoring program for the operation of the project and detail the procedures to be undertaken if any non-compliance is detected. The program shall:
 - include quantitative monitoring for flow and pollutant concentrations,
 - be reported annually,

- make a quantitative assessment of the effectiveness of the stormwater control devices against the assumptions made in flow and quality modelling, and
- the need for the continuing quantitative assessment by monitoring to be reviewed after 3 year.

Wastewater

17. Prior to the commencement of operation, the Proponent shall prepare and implement a Recycled Water Irrigation Management Plan to the satisfaction of the Director-General. The plan must:
- (a) include the final design of the sewerage system;
 - (b) demonstrate that the design of the sewerage system is consistent with Sydney Water's and Council's requirements;
 - (c) demonstrate that the disposal and irrigation of treated sewage is consistent with the *Environmental Guidelines Use of Effluent by Irrigation* (DECC) and the *Australian guidelines for water recycling: managing health and environmental risks (phase1) - 2006*;
 - (d) outline the design and management of the irrigation system, including measures to minimise soil degradation and nutrient and salt accumulation; and
 - (e) include details of the management of any solid waste including methods to monitor and dispose of the waste;
 - (f) include:
 - the wastewater and soil quality impact assessment criteria and the effluent treatment and irrigation system performance measures;
 - details of the wastewater and soil monitoring program;
 - procedures for reporting the monitoring results against the criteria, to determine the annual site nutrient and salt balance and the trigger levels for nitrogen and phosphorus in the soil;
 - contingency measures to address exceedances, pollutant triggers and problems with wastewater management systems; and
 - a description of how the effectiveness of actions and measures would be monitored over time.

Bunding

18. All chemicals, fuels and oils shall be stored in appropriately banded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:
- (a) requirements of all relevant Australian Standards; and
 - (b) DECC's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management*.

FLORA AND FAUNA

19. The Proponent shall establish, conserve and maintain approximately 4.27 hectares of native vegetation on the site as shown conceptually in Appendix 3.
20. Prior to the commencement of operation, Proponent shall prepare and implement a Vegetation Management Plan (VMP) for the project to the satisfaction of the Director-General. The VMP shall:
- (a) be prepared by a suitably qualified expert, in consultation with DWE;
 - (b) be prepared in accordance with DWE's *Guidelines for controlled activities – Vegetation Management Plans*;
 - (c) describe the detailed measures that will be implemented to enhance and protect the Environmental Conservation Area, including the timing of these works;
 - (d) detail measures that would be implemented to:
 - minimise impacts on riparian vegetation from the construction of the bridge crossing over the Ropes Creek tributary; and
 - manage any potential conflicts between riparian zones, bush fire asset protection zones and stormwater infrastructure;
 - (e) assign responsibility for ongoing management of the Environmental Conservation Area; and
 - (f) detail a program to monitor the effectiveness of these works and measures.

NOISE

Operating Hours

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

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.

Noise Limits

22. The Proponent shall ensure that the noise from the operation of the project does not exceed the noise limits presented in Table 2.

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

Day	Evening	Night	Location
L_{Aeq} (15 minute)		L_{A1} (1 minute) or L_{Amax}	
35	35	35	49
At any residence or other noise sensitive receiver			

Notes:

- a) To determine compliance with the L_{Aeq} (15 minute) noise level limits in the above table, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling (rural situations) is more than 30 metres from the boundary. To determine compliance with the L_{A1} (1 minute) noise level limits in the above table, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- b) The noise emission limits identified in the above table apply under meteorological conditions of:
- wind speeds of up to 3 m/s at 10 metres above ground level; and
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.
- c) The noise limits do not apply if the Proponent has an agreement with the relevant owner of lands within these locations to generate higher noise levels and the Proponent has advised the Department in writing of the terms of this agreement.

AIR QUALITY

Dust

23. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
24. During construction, the Proponent shall ensure that:
- (a) all trucks entering or leaving the site with loads have their loads covered;
 - (b) trucks associated with the project do not track dirt onto the public road network; and
 - (c) the public roads used by these trucks are kept a clean.

Odour

25. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the *Protection of the Environment Operations Act 1997*, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in

the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

26. Within 6 months of the commencement of operations during a period in which the project is operating at normal capacity, the Proponent shall conduct an Odour Audit of the project to the satisfaction of the Director-General. This audit shall:
- be undertaken by a suitability qualified and experienced person;
 - assess whether the project is complying with odour assessment criteria detailed in relevant DECC guidelines; and
 - provide details of any odour complaints received, and any action taken to respond to these complaints.

ENERGY

Energy Management Plan

27. Prior to the commencement of operation, the Proponent shall prepare and implement an Energy Management Plan for the project to the satisfaction of the Director-General. This plan must include energy consumption levels, predicted energy savings and options for alternative energy sources including solar power generation and potential for third party access to roofs for solar generation.

VISUAL IMPACT

Landscaping

28. Within 3 months of the date of this approval, the Proponent shall revise the Landscape Management Plan in consultation with Council and to the satisfaction of the Director-General. The revised plan must detail any changes to landscaping as a result of site layout changes to accommodate Chandos Parkway.

Signage

29. Prior to installing any signage on the site, the Proponent shall submit detailed plans of this signage to the Director-General for approval. These plans must be prepared in consultation with Council, and for any signage is visible from old Wallgrove Road, Blacktown City Council. Following approval, the Proponent must ensure that the signage is installed in accordance with the approved plans.

Fencing

30. Prior to installing any fencing on the site, the Proponent shall submit detailed plans of this fencing to the Director-General for approval. These plans must be prepared in consultation with Council and Council's Fencing Code. Following approval, the Proponent must ensure that the fencing is installed in accordance with the approved plans.
31. Fencing along all common boundaries between the site and the Warragamba-Prospect Pipelines must be designed in consultation with SCA and in accordance with Australian Standard *AS 1725:2003*.

Lighting

32. The Proponent shall ensure that the lighting associated with the project:
- complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; 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.

WASTE MANAGEMENT

33. The Proponent shall prepare, and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
- be submitted to the Director-General prior to operation;
 - be prepared in consultation with Council;
 - detail the measures that will be implemented to minimise waste generation associated with the project; and
 - include a program for monitoring the effectiveness of these measures.

ABORIGINAL AND CULTURAL HERITAGE

34. In the event that Aboriginal objects are uncovered during the course of the project, then work in the immediate areas shall cease, the Director-General and appropriate authorities shall be notified and expert archaeological advice must be sought from an appropriately qualified professional. Works may only commence in this area with the written approval of the Director-General.

Note: The appropriate authority is DECC and appropriate Aboriginal groups are the Deerubbin Local Aboriginal Land Council, Darug Tribal Aboriginal Corporation, Darug Custodian Aboriginal Corporation, and Darug Aboriginal Cultural Heritage Assessments.

ENVIRONMENTAL MANAGEMENT STRATEGY

35. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to carrying out any development on site, and:
- (a) provide the strategic context for environmental management of the project;
 - (b) identify the statutory requirements that apply to the project;
 - (c) describe in general how the environmental performance of the project would be monitored and manage;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.

INCIDENT REPORTING

36. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department, and any other relevant agency. This report must:
- (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.
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APPENDIX 1: SITE PLANS

APPENDIX 2: PLAN OF SUBDIVISION

APPENDIX 3: ENVIRONMENTAL CONSERVATION AREA

APPENDIX 4: STATEMENT OF COMMITMENTS

APPENDIX 5: GENERAL TERMS FOR THE PLANNING AGREEMENT

Under section 93I of the Environmental Planning and Assessment Act 1979 (**Act**), Goodman offers to enter into a planning agreement with the Minister for Planning within 12 months of the date of any approval of application 08_0066 (**DHL Approval**).

The agreement will provide that:

1. Goodman contribute a maximum of \$3.6 million payable to the Minister for Planning within 6 months of entering into the planning agreement for the provision of regional infrastructure within the broader Western Sydney Employment Hub (**Goodman Contribution**) in relation to Lot 1A (5.08ha) and Lot 2A (7.08ha) under the DHL Approval.
2. If a special infrastructure contribution (**SIC**) is determined under section 94EE of the Act (or 116O of the amended Act) that covers the land which is the subject of the DHL Approval:
 - o prior to Goodman making the Goodman Contribution, Goodman will pay the value of the SIC as if it had applied to the DHL Approval subject to the maximum amount being \$3.6 million; or
 - o after Goodman makes the Goodman Contribution and the value of the Goodman Contribution is more than the SIC, Goodman will be entitled to a credit for that difference in amount.
3. With the agreement of the Minister for Planning (or her delegate), Goodman may provide regional infrastructure within the Western Sydney Employment Hub in relation to Lot 1A (5.08ha) and Lot 2A (7.08ha) under the DHL Approval, or dedicate land for the provision of this infrastructure, and obtain a credit against the Goodman Contribution.

The value of the credit shall be determined by an independent person, and

- in relation to the provision of regional infrastructure works, be based on the cost of providing the works; and
 - in relation to the dedication of land for the provision of regional infrastructure works, be calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* as if a compulsory acquisition had occurred.
4. Goodman will provide suitable security for the Goodman Contribution once the planning agreement is entered into.