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 XX MONTH 20XX, 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

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Sydney 10 AUGUST 2020

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:	SSD-10404
Applicant:	TM Insight Operations Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1-4 DP1239035 and Lot 17 DP 13961 (formerly Lot 2 DP 1212087 and Lots 20-22 DP 13961)
Development:	The construction and operation of a warehouse and distribution facility to operation as a customer fulfilment centre. This will incorporate ambient and chilled warehouse space, freezer chamber, bakery, plant, data centre, energy areas and ancillary office space.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10404-Mod-1	19 March 2021	Director, Industry Assessments	Minor amendments to the building design and site layout including – size and location of rooftop plant and screening treatments, new service driveway, reconfiguration of fuel bays to include a second fuel bay, increased size and revised location of sprinkler tanks, plant room façade height extension and additional signage zones.
SSD-10404-Mod-2	Withdrawn 27 September 2024	N/A	N/A
SSD-10404-Mod-3	28 May 2026	A/Team Leader Industry Assessments	Modifications to the quantities of dangerous goods stored on site

DEFINITIONS

Applicant	The Trust Company (Australia) Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
Calendar year	A period of 12 months commencing on 1 January
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
Department	NSW Department of Planning, Industry and Environment
Development	The development described in Schedule 1, the EIS and Response to Submissions, 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 of the Department
EIS	The Environmental Impact Statement titled *Horsley Drive Business Park Stage 2 – Building 1,* prepared by Ethos Urban dated February 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
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 *Heritage Act 1977,* and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the *National Parks and Wildlife Act 1974'*, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (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 Note: “material harm” is defined in this consent
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: 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
Modification Assessments	**The document assessing the environmental impact of a proposed modification of consent and any other information submitted with the following modification applications made under the EP&A Act:** **a) SSD-10404-Mod-1 – Statement of Environmental Effects – Horsley Drive Business Part Stage 2 – Building 1, prepared by Ethos Urban Pty Ltd, dated 8 December 2020.** **b) SSD-10404-Mod-3 – Modification Report Horsley Drive Business Park - Stage 2 – Building 1 SSD-10404 MOD 3, prepared by Ethos Urban Pty Ltd, dated 4 March 2026.**
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 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The use of a warehouse and distribution centre for the operation of a customer fulfilment centre as described in the EIS and RTS
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Planning Secretary	Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
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 "*Aboriginal cultural heritage consultation requirements for proponents 2010*" (DECCW)
RTS	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 *Horsley Drive Business Park Stage 2 – Building 1*, prepared by Ethos Urban and dated June 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 Schedule1
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
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 and Response to Submissions;

(d) **in accordance with the Modification Assessments; and**

(e) in accordance with the Development Layout in Appendix 1.

Note: *The Applicant is to ensure the development is not inconsistent with SSD 7664 (as modified) per the requirements of section 4.24 of the EP&A Act.*

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(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

A5. 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.

LIMITS OF CONSENT

Lapsing

A6. 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.

Works under SSD-7664-Mod-1

A7. Operation of the development is not permitted to commence until the works associated with the re-alignment of Cowpasture Road described under SSD-7664-Mod-1, are approved by Council, as the relevant roads authority under section 138 of the *Roads Act 1993* and have been constructed by the Applicant, to the satisfaction of the roads authority.

NOTIFICATION OF COMMENCEMENT

A8. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:

(a) construction;

(b) operation; and

(c) cessation of operations.

A9. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

A10. 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

A11. 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).

A12. 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.

A13. 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.

COMPLIANCE

A14. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

A15. 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.

A16. 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.

A17. The Applicant is to inform WaterNSW prior to the commencement of any construction works within 20 metres of the Upper Canal Corridor.

BUILDING CODE OF AUSTRALIA

A18. All new buildings and structures (including external walls) that are part of the development, must be constructed in accordance with the relevant requirements of the 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.*

A19. 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.

A20. The Applicant must provide a copy of the documentation given to the Principal Certifier to the Planning Secretary within seven days after the Principal Certifier accepts it.

UTILITIES AND SERVICES

A21. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

A22. 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*.

A23. Before the issue of a 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 the development to enable fibre to be readily connected to any premises; and

(b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.

A24. Before the issue of an Occupation Certificate the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

OPERATION OF PLANT AND EQUIPMENT

A25. 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.

WORKS AS EXECUTED PLANS

A26. Before the issue of the 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

A27. 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.

A28. 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.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the Construction Environmental Management Plan 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.

B2. The Applicant must:

(a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and

(b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

B3. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed driveway accesses to the development are designed in accordance with Council's engineering design guidelines and can accommodate the turning path of a 26 m B-Double vehicle.

Parking

B4. Traffic associated with the development is not permitted to utilise public streets for parking.

Operating Conditions

B5. 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*, AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* and *AS 2890.2:2018 Parking facilities Off-street commercial vehicle facilities*;

(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 AUSTROADS guidelines;

(c) the development does not result in any vehicles associated with the development from 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 are carried out on-site within the designated loading/unloading areas and must not obstruct vehicle movements within the site;

(g) entry and exit driveways of the site must be identified through signposting and line markings. Pavement arrows must be installed to clarify the direction of travel within the site;

(h) all trucks entering or leaving the site must do so in a forward direction and have their loads covered and do not track dirt onto the public road network; and

(i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

B6. Prior to the commencement of operation, the Applicant must prepare, in consultation with Council, a Loading Dock Management Plan. The Plan must detail measures to ensure that trucks are parked within the site and do no impact on traffic flow into, within or out of the site. The Loading Dock Management Plan is to include:

(a) site details including site access and site operations;

(b) key roles and responsibilities; and

(c) Internal Traffic Management Plan detailing dock access, loading and unloading procedures, signage and linemarking, parking and pedestrian management.

B7. The Applicant must implement the most recent version of the Loading Dock Management Plan required by condition B6 for the operating life of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B8. 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

B9. Prior to the commencement of any construction or other surface disturbance associated with the development, 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 and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

B10. The Applicant must take all reasonable steps to minimise the potential for sediment, dust or water from the site to enter the Upper Canal corridor. Should sediment, dust or water from the site enter the Upper Canal, the Applicant is to rectify the issue immediately and inform WaterNSW.

B11. No stockpiles are to be located within 20 metres of the Upper Canal corridor.

Discharge Limits

B12. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

B13. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:

(a) be designed by a suitably qualified and experienced person(s);

(b) be generally in accordance with the conceptual design in the EIS;

(c) be in accordance with applicable Australian Standards;

(d) be designed so as to not impede upstream flows from the Upper Canal corridor or stormwater structures, nor result in increase flows onto WaterNSW land from the site;

(e) be generally in accordance with Council's *Stormwater Management Policy 2017*; and

(f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Dust Minimisation

B14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B15. 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.

Air Quality Discharges

B16. The Applicant must install and operate equipment in line with best practice.

Odour Management

B17. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Works and Operations

B18. The Applicant must comply with the hours detailed in Table 1.

Table 1 *Hours of Work*

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

B19. Works outside of the hours identified in condition B18 may be undertaken in the following circumstances:

(a) works that are inaudible at the nearest sensitive receivers;

(b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or

(c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B20. 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 Construction Noise and Vibration Management Plan.

Construction Noise and Vibration Management Plan

B21. The Applicant must prepare a Construction Noise and Vibration Management Plan 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;

(b) be approved by the Planning Secretary prior to the commencement of construction 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) include details of a vibration monitoring program prepared in consultation with WaterNSW to demonstrate the limits outlined in condition B25 are being met. As a minimum, monitoring must occur at a location between the property boundary between proposed Lot 1 and the Upper Canal interface. Monitoring is to remain in place for the duration of construction activities within proposed Lot 1 or for a period agreed to by WaterNSW;

(e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;

(f) include strategies that have been developed with the community for managing high noise generating works;

(g) describe the community consultation undertaken to develop the strategies in condition B21(f); and

(h) include a complaints management system that would be implemented for the duration of the development.

B22. The Applicant must:

(a) not commence construction until the Construction Noise and Vibration Management Plan required by condition B21 is approved by the Planning Secretary; and

(b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

B23. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

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

Location	Day $L_{Aeq(15\ minute)}$	Evening $L_{Aeq(15\ minute)}$	Night $L_{Aeq(15\ minute)}$	Sleep Disturbance L_{AMax}
28 Trivet Street, Wetherill Park	52	49	47	57

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 (as may be updated or replaced from time to time).*

Operational Noise Verification Report

B24. A noise verification report must be submitted to the Planning Secretary within three months of the commencement of operation. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:

(a) an analysis of compliance with noise limits specified in condition B23;

(b) an outline of management actions to be taken to address should the limits specified in condition B23 be exceeded; and

(c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

Note: *If an acoustic barrier is required to achieve the noise limits, it must meet the requirements set out in the consent for SSD 7664, as modified.*

Operational Driver Code of Conduct

B25. Prior to the commencement of operation, the Applicant must prepare a Driver Code of Conduct and induction training for the operation of the development to minimise road traffic noise. The Applicant must implement the most recent version of the Driver Code of Conduct and induction training for the life of the development.

VIBRATION

Vibration Criteria

B26. Vibration caused by construction at the site must comply with a vibration criterion of 8-10mm/s at the Upper Canal corridor in accordance with the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999).

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B27. If any item or object of Aboriginal heritage significance is identified on site:

(a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;

(b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and

(c) Heritage NSW must be contacted immediately.

B28. 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*.

HISTORIC HERITAGE

Unexpected Finds Protocol

B29. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

BIODIVERSITY

B30. No clearing of native vegetation is permitted by the construction and operation of this development.

HAZARDS AND RISK

Pre-construction

B31. The Applicant must prepare the studies set out under subsection (a) (pre-construction study). Construction, other than of preliminary works that are outside the scope of the hazard studies, must not commence until study recommendations have been considered and, where appropriate, acted upon. The Applicant must submit the studies to the Planning Secretary no later than one month prior to the commencement of construction of the development (other than preliminary works), or within such further period as the Planning Secretary may agree:

(a) **Fire Safety Study** - This study must cover the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. The study must meet the requirements of Fire and Rescue NSW.

Pre-commissioning

B32. Prior to commissioning, the Applicant must develop and implement the plans and systems set out under subsections (a) to (b). The Applicant must submit to the Planning Secretary documentation describing the plans and systems no later than two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree.

(a) **Emergency Plan** - a comprehensive Emergency Plan and detailed emergency procedures for the development. This plan must include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'.

(b) **Safety Management System** - a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The Safety Management System must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request.

Hazard Audit

B33. Within twelve months after the commencement of operation and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. The audits must: and within one month of each audit submit a report to the Planning Secretary.

(a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development; and

(b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines*'.

B34. Within one month of completing each audit carried out in accordance with condition B33, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Dangerous Goods

B35. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

(a) all relevant Australian Standards;

(b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and

(c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).

B36. In the event of an inconsistency between the requirements of conditions B35(a) to B35(c), the most stringent requirement must prevail to the extent of the inconsistency.

Bunding

B37. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded 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 Priority Weed Management

B38. The Applicant must:

(a) implement suitable measures to manage pests, vermin and declared priority 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 priority 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, priority weed has the same definition of the term in the* Biosecurity Act 2015.

Waste Storage and Processing

B39. 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.

Waste Management Plan

B40. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan. The Plan must:

(a) detail the type and quantity of waste to be generated during operation of the development and methods to minimise waste generation;

(b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009); and

(c) detail the materials to be reused or recycled, either on or off site.

B41. The Applicant must implement the most recent version of the Waste Management Plan required by condition B40 for the operating life of the development.

Statutory Requirements

B42. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B43. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B44. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

VISUAL AMENITY

Landscaping

B45. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan which is consistent with the landscape plans referenced in Appendix 1 to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

(a) detail the species to be planted on-site; and

(b) describe the monitoring and maintenance measures to manage revegetation and landscaping works.

B46. The Applicant must:

(a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.

(b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and

(c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B45 for the life of the development.

Lighting

B47. The Applicant must ensure the lighting associated with the development:

(a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*; and

(b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

B48. Prior to the installation of any permanent signage on the site, the Applicant must prepare a detailed Signage Strategy for the site, to the satisfaction of the Planning Secretary. The Strategy must:

(a) be prepared in consultation with Council; and

(b) include detailed design/guidelines for business identification signage within the site.

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

B49. All signage must be erected in accordance with the Signage Strategy and development plans approved under this consent.

BUSHIRE PROTECTION AND MANAGEMENT

B50. The development is to comply with the recommendations outlined in Section 4.2 of the Bushfire Assessment '*Horsley Drive Business Park - CFC*' prepared by Peterson Bushfire, dated 19 February 2020.

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) 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;
- (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- (c) 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;
- (d) 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;
- (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (f) 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
- (g) 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) Construction Traffic Management Plan (see Condition B1);
- (b) Erosion and Sediment Control Plan;
- (c) Construction Noise and Vibration Management Plan (see Condition B21);
- (d) Community Consultation and Complaints Handling.

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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C5. Within three months of:

- (a) the submission of an incident report under condition C7;
- (b) the approval of any modification of the conditions of this consent; or
- (c) 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, and the Planning Secretary must be notified in writing that a review is being carried out.

C6. 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

C7. 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

C8. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

C9. 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.

C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Monitoring and Environmental Audits

C11. 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

C12. At least 48 hours before the commencement of construction until the completion of all works under this consent, 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) 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;

(v) 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;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) the Compliance Report of the development;

(x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;

(xi) 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

APPENDIX 2	ARCHITECTURAL DRAWINGS PREPARED BY LEFFLER SIMES ARCHITECTS		
DRAWING NO.	**REV.**	**DATED**	**TITLE**
DA001	J	27/11/2020	COVER SHEET, SHEET LIST & LOCALITY PLAN
DA010	I	16/11/2020	SITE CONTEXT PLAN
DA015	H	16/11/2020	EXISTING CONDITIONS & SURVEY PLAN
DA020	K	16/11/2020	OVERALL SITE PLAN
DA030	E	16/11/2020	GROUND FLOOR GROSS FLOOR AREA
DA031	C	16/11/2020	OFFICE FIRST FLOOR & MEZZANINE GROSS FLOOR AREA
DA100	H	16/11/2020	OVERALL FLOOR PLAN
DA101	G	16/11/2020	LOWER MEZZANINE PLAN
DA102	H	23/11/2020	UPPER MEZZANINE PLAN
DA105	H	16/11/2020	STAFF CAR PARKING PLANS
DA106	G	16/11/2020	STAFF CAR PARKING SECTIONS
DA110	I	23/11/2020	OVERALL ROOF PLAN
DA115	G	16/11/2020	EXTERNAL FINISHES SCHEDULE
DA120	K	23/11/2020	OVERALL ELEVATIONS
DA130	J	23/11/2020	OVERALL SECTIONS
DA150	H	16/11/2020	MAIN OFFICE – PLANS
DA151	H	27/11/2020	MAIN OFFICE – ELEVATIONS & SECTIONS
DA180	J	27/11/2020	ANCILLARY BUILDINGS – SHEET 1
DA181	G	16/11/2020	ANCILLARY BUILDINGS – SHEET 2
DA182	G	16/11/2020	ANCILLARY BUILDINGS – SHEET 3
DA183	G	16/11/2020	ANCILLARY BUILDINGS – SHEET 4
DA184	H	16/11/2020	ANCILLARY BUILDINGS – SHEET 5
DA185	G	16/11/2020	ANCILLARY BUILDINGS – SHEET 6
DA186	A	03/11/2020	ANCILLARY BUILDINGS – SHEET 7
DA200	H	16/11/2020	SHADOW DIAGRAMS
DA300	K	27/11/2020	ARTIST IMPRESSIONS
CIVIL ENGINEERING DRAWINGS PREPARED BY COSTIN ROE			
DRAWING NO.	**REV.**	**DATED**	**TITLE**
CO11492.18-C10	C	18/08/2020	DRAWING LIST & GENERAL NOTES
CO11492.18-C20	O	12/08/2020	EROSION & SEDIMENT CONTROL PLAN
CO11492.18-C25	O	12/08/2020	EROSION AND SEDIMENT CONTROL DETAILS
CO11492.18-C40	F	03/11/2020	DRAWING KEY PLAN
CO11492.18-C41	G	4/11/2020	STORMWATER PLAN – SHEET 1
CO11492.18-C42	G	3/11/2020	STORMWATER PLAN – SHEET 2
CO11492.18-C43	F	12/10/2020	STORMWATER PLAN – SHEET 3
CO11492.18-C44	G	3/11/2020	STORMWATER PLAN – SHEET 4
CO11492.18-C45	A	12/06/2020	STORMWATER DETAILS – SHEET 1
CO11492.18-C46	A	12/06/2020	STORMWATER DETAILS – SHEET 2
CO11492.18-C51	E	4/11/2020	FINISHED LEVELS PLAN – SHEET 1
CO11492.18-C52	H	27/10/2020	FINISHED LEVELS PLAN – SHEET 2
CO11492.18-C53	E	10/09/2020	FINISHED LEVELS PLAN – SHEET 3
CO11492.18-C54	I	03/11/2020	FINISHED LEVELS PLAN – SHEET 4
LANDSCAPE PLANS PREPARED BY			
DRAWING NO.	**REV.**	**DATED**	**TITLE**
LDA-00	M	03/11/2020	LANDSCAPE COVER SHEET
LDA-01	M	03/11/2020	LANDSCAPE MASTER PLAN
LDA-02	M	03/11/2020	LANDSCAPE DETAIL PLAN 1
LDA-03	M	03/11/2020	LANDSCAPE DETAIL PLAN 2
LDA-04	M	03/11/2020	LANDSCAPE DETAIL PLAN 3
LDA-05	M	03/11/2020	LANDSCAPE DETAIL PLAN 4
LDA-06	M	03/11/2020	LANDSCAPE DETAIL PLAN 5
LDA-07	M	03/11/2020	LANDSCAPE DETAIL PLAN 6
LDA-08	M	03/11/2020	LANDSCAPE SECTION AA
LDA-09	M	03/11/2020	LANDSCAPE SECTION BB & CC
LDA-10	M	03/11/2020	PLANTING MATRICES
LDA-11	M	03/11/2020	SPECIFICATION & TYPICAL DETAILS
LDA-12	M	03/11/2020	PLANT SCHEDULE & IMAGERY

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 C7 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 development 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.