

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, 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.



Chris Ritchie
Director
Industry Assessments

Sydney

16 June 2022

File: EF20/22756

SCHEDULE 1

Application Number:	SSD-10468
Applicant:	Woolworths Group Limited
Consent Authority:	Minister for Planning
Site:	74 Edinburgh Road, Marrickville Lot 202 DP 1133999 Lot 3 DP 318232 Lot 3 DP 180969
Development:	Demolition of existing structures and the construction and 24-hour operation of a multi-storey warehouse complex, comprising: <ul style="list-style-type: none">• a semi-automated customer fulfilment centre;• a warehouse and distribution centre;• associated office space; and• associated landscaping, site infrastructure, car parking, loading areas and site access points.

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DEFINITIONS

AEP	Annual Exceedance Probability
Applicant	Woolworths Group Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Carrier	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
CEMP	Construction Environmental Management Plan
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
CFC	Customer Fulfilment Centre
CLM Act	<i>Contaminated Land Management Act 1997</i>
CNVMP	Construction Noise and Vibration 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 remediation and bulk earthworks, and the erection of buildings and other infrastructure permitted by this consent
Council	Inner West Council
CTMP	Construction Traffic Management Plan
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 and Environment
Development	The development described in Schedule 1, the EIS and the RTS, 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
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement – 74 Edinburgh Road, Marrickville</i> , prepared by Urbis Pty Ltd dated 19 October 2020, submitted with the application for consent for the development
EMP	Environmental Management Plan
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	NSW Environment Protection Authority
Evening	The period from 6 pm to 10 pm
FERMP	Flood Emergency Response Management Plan
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

	Note: “material harm” is defined in this consent
	Is harm that:
Material harm	<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 (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
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
Operation	The use of the semi-automated CFC, the warehouse and distribution centre and/or the ancillary office space, as described in the EIS and RTS and as modified by the conditions of this consent
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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
RAP	Remedial Action Plan titled <i>Report to Woolworths Group Limited on Remediation Action Plan for Proposed Warehouse and Customer Fulfilment Centre with Ancillary Offices at 74 Edinburgh Road, Marrickville, NSW</i> , prepared by JK Environments Pty Ltd, dated 18 November 2021
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	As defined in the document titled <i>Aboriginal cultural heritage consultation requirements for proponents</i> (DECCW, 2010)
Remediation	As defined in section 4 of the CLM Act
RTS	<p>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:</p> <ul style="list-style-type: none"> • the document titled <i>Submissions Report – 74 Edinburgh Road, Marrickville</i>, prepared by Urbis Pty Ltd and dated 27 September 2021 • the letter titled <i>Response to request for further information – Woolworths Warehouse and Customer Fulfilment Centre, Marrickville (SSD-10468)</i>, prepared by Urbis Pty Ltd and dated 17 March 2022
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 as defined in Schedule 1 of this consent
Site Auditor	As defined in section 4 of the CLM Act
Site Audit Report	As defined in section 4 of the CLM Act
Site Audit Statement	As defined in section 4 of the CLM Act
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	As defined 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 RTS;
 - (d) in accordance with the Development Layout in Appendix 1 of this consent; and
 - (e) in accordance with the management and mitigation measures in Appendix 2 of this consent.
- 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 conditions A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- 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.

Heavy Vehicle Movements

- A6. The Applicant must ensure that articulated vehicles and returning delivery vans associated with the development do not use the section of Edinburgh Road between Victoria Road and Sydney Steel Road during the night, except for the following circumstances:
- (a) where directed by the NSW Police Force or other authorities for safety reasons; or
 - (b) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Emergency Exit Driveway

- A7. The Applicant must ensure that the emergency exit driveway located in the north-western corner of the site is only used:
- (a) where directed by the NSW Police Force or other authorities for safety reasons; or
 - (b) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Main Office Building

- A8. This consent does not permit the use of the main office building located at the corner of Edinburgh Road and Sydney Steel Road for any purpose other than as ancillary office space to the CFC and/or the warehouse and distribution facility, and as described in the EIS and RTS.

Note: Any other use of the main office building at the corner of Edinburgh Road and Sydney Steel Road is subject to further approval under the EP&A Act.

NOTIFICATION OF COMMENCEMENT

- A9. 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; or
 - (c) cessation of operations.

- A10. 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

- A11. 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

- A12. 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).
- A13. 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.
- A14. 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

- A15. 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.

DEVELOPMENT CONTRIBUTION

- A16. Under section 7.11 of the EP&A Act, a monetary contribution must be paid to Council to be put toward the provision of traffic and transport infrastructure, recreational facilities (including open space) and community facilities in the surrounding area, and to fund the preparation of future contribution plans.

This monetary contribution is to be calculated in accordance with the *Marrickville Section 94/94A Contributions Plan 2014* or its latest version (adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)).

Note: At the date of this consent, the relevant monetary contribution is approximately \$1,606,476.94. This contribution has been calculated in accordance with Council's contribution rates for the March 2022 quarter and is based on an additional industrial gross floor area (GFA) of 19,027 m² and an additional commercial GFA of 7,279 m². It relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type	Contribution \$
Recreation facilities	\$1,244,858.07
Community facilities	\$40,813.42
Traffic facilities	\$289,305.90
Road/access dedication	\$0.00
Plan administration	\$31,499.55
TOTAL	\$1,606,476.94

The *Marrickville Section 94/94A Contributions Plan 2014* may be inspected at any of Council's Services Centres or viewed online at: <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>.

- A17. The monetary contribution required by condition A16 must be paid before the issue of a Construction Certificate in respect of any building to which this consent relates, except as provided by condition A18.

- A18. Notwithstanding condition A17, the Applicant may enter into an arrangement with Council for deferred payment of the monetary contribution in accordance with the policy for deferred payments set out in the *Marrickville Section 94/94A Contributions Plan 2014*.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

General Requirements

- A19. Prior to the commencement of construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A20. Prior to the commencement of construction, the Applicant must:
- 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;
 - prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - submit a copy of the dilapidation report to the Planning Secretary and the applicable authority.
- A21. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Ausgrid

- A22. The Applicant must ensure all excavation works within the Edinburgh and Sydney Steel road reserves are undertaken in accordance with the latest version of *Network Standard NS156 – Working near or around underground cables* (Ausgrid, 2016).

Note: There are 132,000-volt Ausgrid cables buried along Edinburgh Road.

Sydney Water

- A23. Prior to the commencement of construction of the main office building and the two-storey staff carpark, the Applicant must complete construction of the deviated stormwater channel, to the satisfaction of Sydney Water.
- The deviation works must be undertaken in accordance with the latest version of *Building over or adjacent to our stormwater assets* (Sydney Water, 2020).
- A24. Prior to the issue of an Occupation Certificate, 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*.

Fibre-ready Facilities

- A25. Prior to 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:
- the installation of fibre-ready facilities to the development to enable fibre to be readily connected to any premises that is being or may be constructed at the site; and
 - the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.
- A26. Prior to the issue of an Occupation Certificate, the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit for purpose.

DEMOLITION

- A27. All demolition must be carried out in accordance with *AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURES, EXTERNAL WALLS AND CLADDING

- A28. 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 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.

- A29. 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.
- A30. 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.

WORK AS EXECUTED PLANS

- A31. Prior to the issue of an Occupation Certificate, both Council and the Principal Certifier must be provided with work-as-executed drawings demonstrating that the following works have been constructed as approved:
- (a) all works undertaken in the Edinburgh and Sydney Steel road reserves (see condition B9); and
 - (b) the stormwater drainage system, including the on-site detention chamber, stormwater quality improvement device(s) and any associated pump(s) (see condition B35); and
 - (c) finished ground levels.
- The works-as-executed drawings must be signed by a registered surveyor.

EASEMENTS, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS

- A32. Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and/or Positive Covenants under section 88B or 88E of the *Conveyancing Act 1919* (as relevant), have been created on the title of the property in relation to the following matters:
- (a) Easement for drainage of water 2.5 metres wide of Council's drainage system within the site;
 - (b) Restrictions on the Use of Land related to the on-site stormwater detention system and/or stormwater quality improvement devices;
 - (c) Restrictions on the Use of Land related to the flood detention chamber;
 - (d) Restrictions on the Use of Land related to stormwater surface flow paths;
 - (e) Positive Covenant related to the on-site stormwater detention system;
 - (f) Positive Covenant related to the flood detention chamber;
 - (g) Positive Covenant related to stormwater quality improvement devices; and
 - (h) Positive Covenant related to stormwater surface flow paths.

The wording in the Instrument must be in accordance with Council's standard wording.

OPERATION OF PLANT AND EQUIPMENT

- A33. 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.

APPLICABILITY OF GUIDELINES

- A34. 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.
- A35. 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

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. A copy of the CTMP must be included in the development's CEMP (see condition C2), and the plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council, Sydney Metro and TfNSW;
 - (c) detail the measures that are to be implemented to:
 - (i) ensure road safety and network efficiency during construction; and
 - (ii) minimise cumulative traffic impacts associated with the construction of other developments in the surrounding area (including, but not limited to, the adjacent Sydney Metro site);
 - (d) include details of:
 - (i) heavy vehicle routes, parking and access arrangements; and
 - (ii) the strategies which would be implemented to minimise the number of construction workers who drive to the site;
 - (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 CTMP (see condition B1) 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.

Intersection Upgrade Works

- B3. Prior to the commencement of operation, the Applicant must complete construction of the Edinburgh Road / Smidmore Street signalised intersection upgrade works (see Figure 2 in Appendix 1 of this consent), to the satisfaction of TfNSW.

Note: The Applicant must obtain approval from TfNSW for the works under section 87 of the Roads Act 1993.

Parking and Access

- B4. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not park in nearby public and residential streets or public parking facilities.
- B5. Prior to the commencement of operation, a minimum of 106 bicycle parking spaces must be provided at the site. All bicycle parking infrastructure must be located and installed in accordance with the applicable design standards contained in AS 2890.3:2015 *Parking facilities, Part 3: Bicycle parking* (Standards Australia, 2015), to the satisfaction of the Certifier.

Operating Conditions

- B6. 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), AS 2890.2:2018 *Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009);
 - (b) the development does not result in any vehicles queuing on the public road network;
 - (c) heavy vehicles, shipping containers and bins associated with the development are not parked and/or stored on local roads or footpaths in the vicinity of the site;

- (d) all vehicles are wholly contained on site before being required to stop;
- (e) all loading and unloading of materials is carried out on-site; and
- (f) all on-site turning areas are kept clear of any obstacles, including parked vehicles, at all times.

Operational Traffic Management Plan

- B7. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with TfNSW and Council;
 - (c) detail the numbers and frequency of vehicle movements, including light and heavy vehicles, size of heavy vehicles, routes and peak movements and internal pedestrian routes;
 - (d) include details of the management measures which would be implemented:
 - (i) for the on-site click and collect facility;
 - (ii) to minimise the impact of the development upon the safety and efficiency of the surrounding road network; and
 - (iii) to minimise traffic noise associated with the operation of the development;
 - (e) include a Driver Code of Conduct and induction training that includes procedures for:
 - (i) ensuring drivers implement safe driving practices and adhere to designated routes, including prioritising the use of arterial roads and avoiding residential streets;
 - (ii) minimising road traffic noise, including the implementation of the restriction specified in condition A6; and
 - (iii) ensuring drivers adhere to site-specific speed limits;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) include a Green Travel Plan detailing measures to promote public transport usage and describing pedestrian and bicycle linkages and end of trip facilities available on-site.
- B8. The Applicant must:
- (a) not commence operation until the OTMP (see Condition B7) is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of operation.

PUBLIC DOMAIN

Public Domain Works Design

- B9. Prior to the commencement of construction of the public domain works within the Edinburgh and Sydney Steel road reserves, the Applicant must prepare detailed design drawings for these works to the satisfaction of Council. Unless otherwise agreed to in writing by Council, these works must include:
- (a) provision of new road pavement and kerb and gutter for the road widening works along Edinburgh Road and Sydney Steel Road;
 - (b) removal and replacement of existing power poles in the widened section of Edinburgh Road and Sydney Steel Road with new standard steel light poles and underground power connections;
 - (c) relocation and/or augmentation of existing stormwater drainage in both Edinburgh Road and Sydney Steel Road to suit the new road/kerb alignments;
 - (d) provision of an off-road pedestrian/cycle path along the full frontage of the site along Sydney Steel Road (minimum width 3 metres) and a pedestrian path along Edinburgh Road (minimum width 1.5 metres);
 - (e) construction of industrial duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site; and
 - (f) provision of new line markings and regulatory signposting associated with the development (including for the pedestrian/cycle path).
- Note:** *The Applicant must obtain approval from Council for the works under section 138 of the Roads Act 1993. All public domain works must be reconstructed and/or upgraded in accordance with Council's Street Tree Master Plan and the Public Domain Design Guide or scheme for the surrounding area.*
- B10. Prior to the commencement of operation, the Applicant must complete construction of the public domain works in accordance with the detail design drawings (as required by condition B9) and to the satisfaction of Council.

Dedication of Public Domain Works

- B11. Prior to the issue of an Occupation Certificate, the land required for the realignment of the boundaries resulting from the road widening works along the Edinburgh and Sydney Steel road reserves is to be dedicated to Council as public road/s. This must include the land required for the provision of a 3-metre-wide cycle/pedestrian path along Sydney Steel Road and a 1.5-metre-wide pedestrian path along Edinburgh Road. The dedication is to be at no cost to Council.

NOISE

Hours of Work

- B12. The Applicant must comply with the hours detailed in Table 1.

Table 1 Hours of Work

Activity	Day	Time
Construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation (excluding the customer pick-up facility)	Monday – Sunday	24 hours
Customer pick-up facility	Monday to Sunday	7 am to 10 pm

- B13. Works outside of the hours identified in condition B12 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the Planning Secretary;
 - (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

- B14. 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 CNVMP and Appendix 2 of this consent.

Construction Noise and Vibration Management Plan

- B15. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. A copy of the CNVMP must be included in the development's CEMP (see condition C2), and the plan must:
- (a) be prepared by a suitably qualified and experienced noise expert(s);
 - (b) be approved by the Planning Secretary prior to the commencement of construction;
 - (c) describe procedures for achieving the noise management levels in the *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;
 - (e) describe the community consultation that would be undertaken during construction; and
 - (f) include a complaints management system that would be implemented for the duration of construction.
- B16. The Applicant must:
- (a) not commence construction of any relevant stage of the development until the CNVMP (see condition B15) 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.

Acoustic Barriers

- B17. Prior to the commencement of construction, the Applicant must prepare detailed plans for the acoustic barriers described in the RTS to the satisfaction of the Planning Secretary. The acoustic barriers must be:
- (a) approved by the Planning Secretary prior to the commencement of construction;
 - (b) designed in accordance with the minimum requirements outlined under Section 7.6 of the report titled 'Woolworths Customer Fulfilment Centre (CFC), 74 Edinburgh Road, Marrickville – SSDA Acoustic Assessment', prepared by Acoustic Logic Consultancy Pty Ltd and dated 1 September 2021 (rev. 7); and
 - (c) appropriately incorporated into the overall design of the development, using similar external finishes and/or design features.
- B18. Prior to the commencement of operation, the Applicant must ensure the acoustic barriers approved by the Planning Secretary (see condition B17) have been fully constructed.

Operational Noise Limits

- B19. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2 at surrounding sensitive receivers.

Table 2 Noise Limits (dB(A))

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{AFmax}
Residential properties	57	47	43	55
Commercial premises	63 (when in use)	63 (when in use)	63 (when in use)	-
Industrial premises	68 (when in use)	68 (when in use)	68 (when in use)	-

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).

Post-Commissioning Noise Verification Report

- B20. Within three months of the commencement of operation of the CFC and its associated office space, the Applicant must prepare and submit a noise verification report for the development to the Planning Secretary. The noise verification report must:
- (a) be prepared to the satisfaction of the Planning Secretary by a suitably qualified acoustic consultant;
 - (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 *Acoustics – Description and measurement of environmental noise* (Standards Australia, 2018); and
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
 - (c) include:
 - (i) an assessment of compliance with the noise limits specified in condition B19, including consideration of any modifying factors as defined in Fact Sheet C of the *Noise Policy for Industry* (EPA, 2017);
 - (ii) an outline of management actions to be taken to address any exceedances of the noise limits specified in condition B19 and a timetable for the implementation of any required actions; and
 - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

VIBRATION

Vibration Criteria

- B21. 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).

- B22. 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 B21.
- B23. The limits in conditions B21 and B22 apply unless otherwise outlined in the development's CNVMP (see condition B15).

CONTAMINATION

Site Auditor

- B24. Prior to the commencement of any earthworks or remediation works, the Applicant must engage a Site Auditor accredited under the CLM Act NSW Site Auditor Scheme.

Remedial Works

- B25. The site is to be remediated in accordance with the Remedial Action Plan (RAP), the CEMP and any relevant guidelines produced or approved under the CLM Act. If any amendments are required to the RAP, they must be reviewed and approved by the Site Auditor in the form of an Interim Audit Advice.
- B26. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced contractor(s).

Validation Report

- B27. Within three months of the completion of the remediation works required under condition B25, or as otherwise agreed with the Planning Secretary, the Applicant must submit a Validation Report to the Site Auditor and Planning Secretary which demonstrates the remediation works have been completed in accordance with the RAP and the CEMP. The validation report must include:
- (a) details of the remediation works undertaken;
 - (b) details of any unexpected contamination find(s) (see condition B31);
 - (c) validation of any imported fill used during the remediation works (see condition B32); and
 - (d) information confirming that the objectives of the RAP have been achieved.

Site Audit Report and Site Audit Statement

- B28. Within six months of the completion of the remediation works and prior to the commencement of operation, or as otherwise agreed with the Planning Secretary, the Applicant must obtain a Site Audit Report and a Site Audit Statement from the Site Auditor. These documents must be prepared in accordance with the relevant guidelines under the CLM Act and confirm:
- (a) the remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the RAP;
 - (b) the site is suitable for its intended industrial and commercial uses; and/or
 - (c) the site is suitable for its intended industrial and commercial uses, subject to the implementation of an environmental management plan (EMP).

A copy of the final Site Audit Report and Site Audit Statement must be provided to the Planning Secretary.

Environmental Management Plan

- B29. If required by the Site Audit Statement (see condition B28(c) above), an EMP must be prepared by the Applicant and submitted for the approval of the Site Auditor, prior to the finalisation of the Site Audit Report and Site Audit Statement. In addition to any requirements identified by the Site Auditor, the EMP must:
- (a) address all environmental impacts of the development's construction and operational phases;
 - (a) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s), including those associated with groundwater contamination;
 - (b) incorporate a program for ongoing monitoring and review to ensure the EMP remains contemporary with relevant environmental standards; and
 - (c) mechanisms to report results to the Planning Secretary.

A copy of the approved EMP must be provided to the Planning Secretary.

- B30. Upon completion of the Site Audit Report and Site Audit Statement (see condition B28); the Applicant must:
- (a) implement the approved EMP; and
 - (b) provide evidence to the Planning Secretary the EMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.

Unexpected Contamination Finds Procedure

- B31. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the development's CEMP (see condition C2) and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

SOILS AND WATER QUALITY

Imported Soil

- B32. 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

- B33. Prior to the commencement of construction or any other surface disturbance for 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(s) included in the development's CEMP (see condition C2).

Discharge Limits

- B34. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence.

STORMWATER

Stormwater Management System

- B35. The Applicant must finalise the detailed design of the development's stormwater management system, prior to the commencement of construction of that system. The stormwater management system must:
- (a) be designed by a suitably qualified and experienced person(s), in consultation with Council;
 - (b) be generally in accordance with the conceptual design in the RTS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity and blockage factors have been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B36. Prior to the commencement of operation, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B35) and ensure the system is operational.

Stormwater Maintenance Protocol

- B37. Prior to the commencement of operation, the Applicant must prepare a Stormwater Maintenance Protocol for the development. The Protocol must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be submitted to Council and the Principal Certifier;
 - (c) outline the procedures (including incident management procedures) and safety protection systems which would be implemented during operation of the stormwater management system; and
 - (d) outline the proposed maintenance regime for the stormwater management system.

The Applicant must implement the most recent version of the Stormwater Maintenance Protocol for the duration of operation.

FLOODING

Flood Compatible Building Components

- B38. All floor levels must be no lower than the 1% AEP flood level plus 300 mm of freeboard.
- Note:** The 1% AEP flood level at the site is 4.61 metres Australian Height Datum.
- B39. Any structures below the 1% AEP flood level plus 300 mm of freeboard must be constructed from flood compatible building components.

Construction Flood Emergency Response Management Plan

B40. Prior to the commencement of construction, the Applicant must prepare a Construction Flood Emergency Response Management Plan (FERMP) to the satisfaction of the Planning Secretary. A copy of the Construction FERMP must be included in the development's CEMP (see condition C2), and the plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) address the relevant provisions of the:
 - (i) *Floodplain Development Manual* (DIPNR, 2005); and
 - (ii) *Marrickville Valley Floodplain Risk Management Study and Plan* (Council, 2017);
- (d) include details of:
 - (i) flood emergency response procedures to be implemented during construction;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points, refuge areas and evacuation routes;
 - (v) refuge and evacuation protocols for all employees and contractors; and
 - (vi) awareness training for construction employees and any relevant persons associated with the development.

B41. The Applicant must:

- (a) not commence construction until the Construction FERMP (see condition B40) is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction FERMP approved by the Planning Secretary for the duration of construction.

Operational Flood Emergency Response Management Plan

B42. Prior to the commencement of operation, the Applicant must prepare an Operational FERMP to the satisfaction of the Planning Secretary. The Operational FERMP must:

- (a) address the relevant requirements outlined under condition B40; and
- (b) include details of:
 - (i) the flood emergency responses procedures to be implemented during operation;
 - (ii) updated assembly points, refuge areas and evacuation routes;
 - (iii) refuge and evacuation protocols for all employees, contractors and visitors (including click and collect customers); and
 - (iv) awareness training for operational employees and any relevant persons associated with the development.

B43. The Applicant must:

- (a) not commence operation until the Operational FERMP (see condition B42) is approved by the Planning Secretary; and
- (b) implement the most recent version of the Operational FERMP approved by the Planning Secretary for the operational life of the development.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Research Design and Excavation Methodology

B44. Prior to the commencement of construction or any other surface disturbance for the development, the Applicant must prepare an Aboriginal cultural heritage research design and excavation methodology (Aboriginal RDEM) for the development. The Aboriginal RDEM must form part of the development's CEMP (see condition C2), and must:

- (a) be prepared by a suitably qualified and experienced Aboriginal cultural heritage expert(s);
- (b) be prepared in consultation with the registered Aboriginal parties and Heritage NSW;
- (c) be submitted to the Planning Secretary; and
- (d) include the following matters:
 - (i) Aboriginal cultural heritage research questions;
 - (ii) details of the proposed staging and timing of the excavation works;
 - (iii) a staged testing and excavation methodology for those areas of the site with moderate and moderate to high archaeological potential;
 - (iv) detailed triggers for expansion of test pits to salvage excavation;

- (v) a methodology for the excavation of any found features (including, but not limited to, hearths, knapping floors and middens);
- (vi) an artefact analysis methodology;
- (vii) clear stop points where additional consultation with registered Aboriginal parties and Heritage NSW would be undertaken if significant Aboriginal objects are identified;
- (viii) sampling, dating and storage procedures; and
- (ix) a protocol for reporting any artefacts found during the excavation works.

B45. The Applicant must:

- (a) not commence bulk earthworks until the Aboriginal RDEM has been submitted to the Planning Secretary; and
- (b) implement the most recent version of the Aboriginal RDEM submitted to the Planning Secretary for the duration of the bulk earthworks.

Unexpected Finds Protocol

B46. 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.

B47. 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*.

Human Remains Procedure

B48. If human remains are discovered on site during any works:

- (a) all work in the immediate vicinity of the human remains must cease immediately;
- (b) the area must be secured; and
- (c) the NSW Police Force and Heritage NSW must be contacted immediately.

B49. Work in the immediate vicinity of the human remains must not recommence until this has been authorised by the NSW Police Force and Heritage NSW.

NON-ABORIGINAL HERITAGE

Unexpected Finds Protocol

B50. If any non-Aboriginal archaeological relics are uncovered during any works, then all works must cease immediately in that area of the site. Unexpected finds must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW and Council's Heritage Officer.

HAZARDS AND RISK

Dangerous Goods

B51. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B52. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled in accordance with all relevant Australian Standards.

AIR QUALITY

Dust Minimisation

B53. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B54. During all works authorised by this consent, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
- (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

B55. The Applicant must install and operate on-site equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2010.

Odour Management

B56. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

BIODIVERSITY

Tree Protection

B57. All trees to be retained at the site must be protected in accordance with the latest version of *AS 4970-2009 Protection of trees on development sites* (Standards Australia, 2009).

Pests, Vermin and Priority Weed Management

B58. 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.

VISUAL AMENITY

Landscaping

B59. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) to manage the on-site landscaping works, to the satisfaction of the Planning Secretary. The LMP must:

- (a) detail the species that have been planted on-site and in the adjacent road reserves (including final planting densities);
- (b) describe the ongoing monitoring and maintenance measures to manage the landscaping works; and
- (c) be consistent with:
 - (i) the Landscape Plans included in the RTS; and
 - (ii) the Applicant's Management and Mitigation Measures (see Appendix 2 of this consent).

B60. The Applicant must:

- (a) not commence operation until the LMP is approved by the Planning Secretary;
- (b) implement the most recent version of the LMP approved by the Planning Secretary; and
- (c) maintain all on-site landscaping and vegetation in accordance with the approved LMP (see condition B59) for the life of the development.

Public Art

B61. Prior to the issue of the Construction Certificate for the main warehouse building, the Applicant must prepare a Public Art Plan for the development, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be prepared:
 - (i) by a suitably qualified and experienced artist; and
 - (ii) in consultation with Council;
- (b) include details of:
 - (i) the public art feature which would be installed on the development's Sydney Steel Road frontage (see Figure 3 of this consent);
 - (ii) any other proposed public art feature(s); and
 - (iii) how the art features have been designed to ensure long-term durability and resistance to vandalism.

Note: The public art feature(s) should provide visual interest for pedestrians and/or interpret or reflect the local setting, the existing landscape character or the surrounding area's cultural setting.

The Applicant may, with the agreement of Council, select an artist for the public art feature(s) via Council's 'Perfect Match' program (see <https://www.innerwest.nsw.gov.au/live/living-arts/perfect-match>).

B62. Prior to the commencement of operation, the Applicant must ensure the public art feature(s) included in the approved Public Art Plan (see condition B61) have been fully implemented.

Lighting

- B63. The Applicant must ensure the lighting associated with the development (including all illuminated signs):
- (a) complies with the latest version of *AS/NZS 4282-2019 – Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties (including those along Edinburgh Road) or the public road network.

Signage and Fencing

- B64. All signage and fencing must be erected in accordance with the development plans included in the EIS and RTS (and reproduced in Appendix 1 of this consent).

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

WASTE MANAGEMENT

- B65. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).
- B66. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B67. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B68. 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.

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 condition C1(b);
 - (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) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP (see condition C2), the Applicant must include the following:
- (a) details of the community consultation and complaints handling procedure to be implemented during construction;
 - (b) erosion and sediment control plan(s); and
 - (c) a copy of the development's:
 - (i) Construction Traffic Management Plan (see condition B1);
 - (ii) Construction Noise and Vibration Management Plan (see condition B15);
 - (iii) final Remedial Action Plan (see condition B25);
 - (iv) Unexpected Contamination Finds Procedure (see condition B31);
 - (v) Flood Emergency Response Management Plan (see condition B40); and
 - (vi) Aboriginal cultural heritage research design and excavation methodology (see condition B44).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP (see condition C2) 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 COMPLAINTS HANDLING PROTOCOL

- C5. Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:
- (a) detail how complaints would be received by the Applicant;
 - (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
 - (c) include 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.

A copy of the complaints register must be provided to the Planning Secretary upon request.

Note: *Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.*

- C6. The Applicant must:
- (a) not commence operation until the OCHP (see condition C5) is submitted to the Planning Secretary; and
 - (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of operation.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C7. Within three months of:
- (a) the submission of an incident report under condition C9;
 - (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.
- C8. 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 required under condition C7, or such other timing as agreed by the Planning Secretary.

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

- C9. 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, SSD-10468) 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 of this consent.

Non-Compliance Notification

- C10. 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.
- C11. A non-compliance notification (see condition C10) must:
- (a) identify the development (including the development application number, SSD-10468);
 - (b) set out the condition of consent that the development is non-compliant with and the way in which it does not comply;
 - (c) set out the reasons for the non-compliance (if known); and
 - (d) identify what actions have been, or will be, undertaken to address the non-compliance.
- C12. A non-compliance which has been notified as an incident (see condition C9) does not need to also be notified as a non-compliance.

Compliance Reporting

- C13. Within 12 months 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 prepare a Compliance Report for the development to the satisfaction of the Planning Secretary. Each Compliance Report must review the environmental performance of the development over the previous year, and must:
- (a) be prepared in accordance with the *Compliance Reporting Post Approval Requirements* (Department, 2020);
 - (b) identify any emerging trends identified in complaints received over the life of the development (see condition C5);
 - (c) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (d) if necessary, describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C14. 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.

Monitoring and Environmental Audits

- C15. 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

- C16. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), 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) a summary of the current stage and progress of the development;
 - (v) contact details to enquire about the development or to make a complaint;
 - (vi) a complaint register, updated quarterly (see condition C3(a));
 - (vii) 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

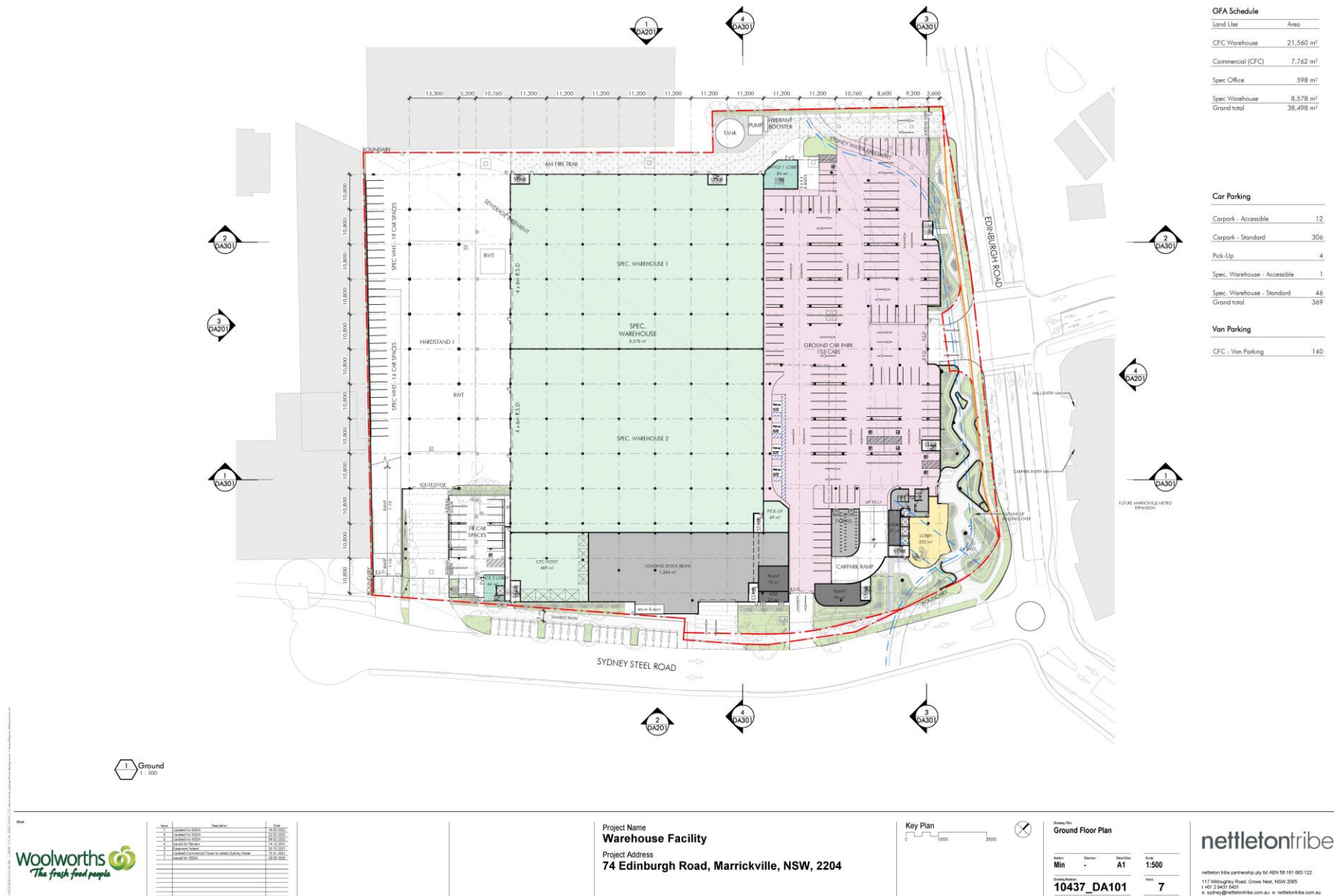
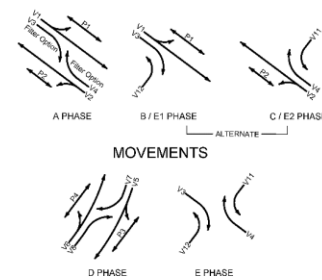


Figure 1 Site Plan (Ground floor)

TCS 3769

DRAWN BY CADD
DO NOT AMEND MANUALLY



NOTES

- This site is SCATS linked.
- Special STOP Sign (R1-4) placed on Post 3 and 7.
- Audio-tactile push buttons are provided on Posts 1, 2, 3, 4, 5, 6, 7 and 8.
- Kerb ramps to be constructed in accordance with RMS Standard (Road) Drawing No R300-11.
- V6, V8 and V12 lanterns on Post 6 and 7 mounted at a height to provide vision into the car park.
- Refer to Plan No 10437 by Netfleton Tribe Partnership Pty Ltd for associated development plans for 74 Edinburgh Road, Marrickville.
- Position of relocated power supply to be confirmed by Level 2/3 Service Provider during detailed design stage.
- Trees on approach to the intersection are to be regularly inspected and trimmed by Council to minimise lantern obstruction.

POSTS

POST	TYPE	LENGTH	OFFSET	REMARKS	MGA CO-ORDINATES ZONE 56	EASTING	NORTHING
1	9	-	0.6	EXISTING Mast Arm(InOutreach)	-	-	-
2	2	4.1	1.0	EXISTING	-	-	-
3	2	4.1	0.8	EXISTING	-	-	-
4	2	4.1	1.0	NEW	000000.00	0000000.00	
5	9	-	1.0	NEW Mast Arm(InOutreach)	000000.00	0000000.00	
6	2	4.1	1.0	NEW	000000.00	0000000.00	
7	2	4.1	1.0	NEW	000000.00	0000000.00	
8	2	4.1	1.0	NEW	000000.00	0000000.00	

PRELIMINARY PLAN

PREPARED IN ACCORDANCE WITH SECTION 3.5 OF THE TRAFFIC SIGNAL DESIGN MANUAL
SIGNAL GROUP PHASE CHART, DETECTOR SPECIFICATION, DETECTOR DIMENSIONS / NUMBERING, POST CO-ORDINATES TO BE SHOWN ON DETAILED TCS DESIGN

TRAFFIC SIGNAL DESIGN	SCALE 1:1000	DATE 10/10/2017	DESIGNER CADD
TRAFFIC SIGNAL DESIGN	SCALE 1:1000	DATE 10/10/2017	DESIGNER CADD
TRAFFIC SIGNAL DESIGN	SCALE 1:1000	DATE 10/10/2017	DESIGNER CADD
TRAFFIC SIGNAL DESIGN	SCALE 1:1000	DATE 10/10/2017	DESIGNER CADD

DESIGN APPROVAL	DATE 10/10/2017	DESIGNER CADD
DESIGN APPROVAL	DATE 10/10/2017	DESIGNER CADD
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RMS RECOMMENDATION	DATE 10/10/2017	DESIGNER CADD
RMS RECOMMENDATION	DATE 10/10/2017	DESIGNER CADD
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RMS RECOMMENDATION	DATE 10/10/2017	DESIGNER CADD

RMS ACCEPTANCE	DATE 10/10/2017	DESIGNER CADD
RMS ACCEPTANCE	DATE 10/10/2017	DESIGNER CADD
RMS ACCEPTANCE	DATE 10/10/2017	DESIGNER CADD
RMS ACCEPTANCE	DATE 10/10/2017	DESIGNER CADD

ROADS AND MARITIME SERVICES

INNER WEST COUNCIL AREA
TRAFFIC SIGNALS AT EDINBURGH ROAD
AND SMIDMORE STREET,
MARRICKVILLE

EXISTING	PROPOSED
CAAD FILE: VV3769_A.dgn	SCALE 1:1000
FILE SF0000/000000	SCALE 1:1000
REG No DS0000/000000	TCS No 3769
	1/C

Figure 2 Concept design for the Edinburgh Road / Smidmore Street signalised intersection upgrade works

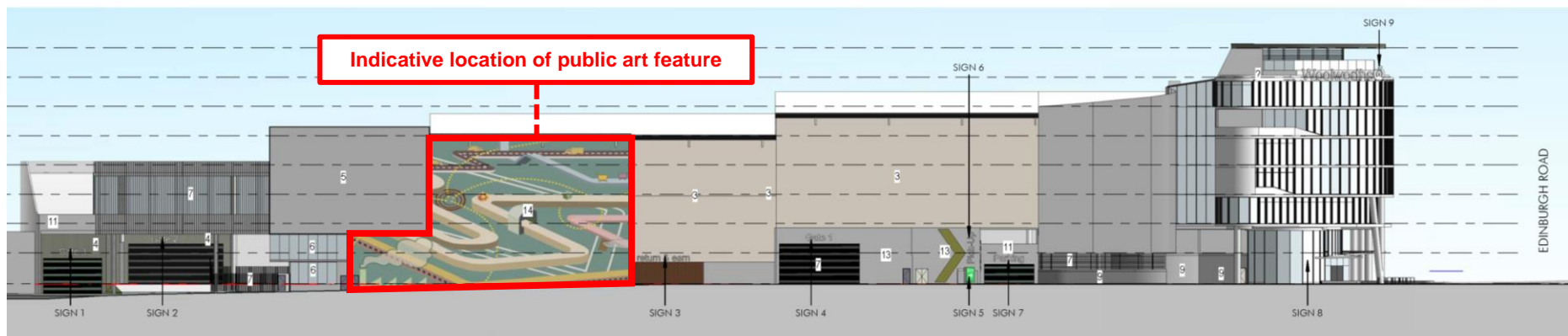


Figure 3 Sydney Steel Road frontage (south-eastern elevation), with the location of the public art feature shown in red

PROJECT NO.	DRAWING NO.	REV	DATE	TITLE
Architectural Drawings prepared by Nettletontribe				
-	10437_DA101	7	16/03/2022	Ground floor plan
-	10437_DA102	5	16/03/2022	Level 1 floor plan
-	10437_DA103	6	16/03/2022	Level 2 floor plan
-	10437_DA104	5	16/03/2022	Level 3 floor plan
-	10437_DA105	5	16/03/2022	Level 4 floor plan
-	10437_DA106	5	16/03/2022	Level 5 floor plan
-	10437_DA107	5	16/03/2022	Level 6 floor plan
-	10437_DA108	5	16/03/2022	Plantroom
-	10437_DA109	5	16/03/2022	Roof plan
-	10437_DA201	4	09/02/2022	Elevations – Sheet 1
-	10437_DA250	3	09/02/2022	External finishes
Civil Engineering Plans prepared by Richmond and Ross				
190372	C01	F	02/03/2022	Overall stormwater plan ground level
190372	C02	G	02/03/2022	Stormwater plan ground level – Part A
190372	C03	G	02/03/2022	Stormwater plan ground level – Part B
190372	C04	E	02/03/2022	Stormwater plan ground level – Part C
190372	C05	E	02/03/2022	Stormwater plan ground level – Part D
190372	C06	D	02/03/2022	Stormwater plan roof level
190372	C07	F	02/03/2022	OSD plan
190372	C08	E	02/03/2022	OSD sections
190372	C09	F	02/03/2022	Stormwater schedule and details
190372	C11	E	02/03/2022	Overall erosion and sediment control plan
190372	C12	E	02/03/2022	Erosion and sediment control plan – Part A
190372	C13	E	02/03/2022	Erosion and sediment control plan – Part B
190372	C14	D	02/03/2022	Erosion and sediment control plan – Part C
190372	C15	D	02/03/2022	Erosion and sediment control plan – Part D
190372	C16	B	02/03/2022	Erosion and sediment control details
190372	C20	C	02/03/2022	Proposed culvert relocation
190372	C31	E	02/03/2022	Culvert sections

TCS NO.	REG NO.	ISSUE	DATE	TITLE
Conceptual Traffic Control Site Plan prepared by Transport and Urban Planning				
3769	DS0000/000000	A	21/06/2021	Preliminary plan

MITIGATION MEASURES

Item	Potential Impact	Mitigation Measure
Built Form and Urban Design	Bulk and scale of proposed warehouse and ancillary office and variation to FSR control.	Maintain engagement with the 'design Architect' through the detailed design of the proposed development.
Landscape	A public domain that does not integrate or operates in conflict with the surrounding area.	Adopt and implement Landscape Plans prepared by Site Image (refer approved landscape drawing list) and mitigation measures within the Arborist Report prepared by Naturally Trees (dated 21 May 2020). These include:
	Loss of trees.	<ul style="list-style-type: none"> Protection of retained trees –tree sensitive construction measures must be implemented as prescribed by AS 4970 – 2009 <i>Protection of trees on development sites</i>. Excavation works required to be undertaken within the TPZ should be performed by hand under the supervision of the project arborist. Works are to be carried out in accordance with the Arboricultural Method Statement prepared by Naturally Trees. Replacement planting – in accordance with the Landscape Plans by Site Image (refer approved landscape drawing list). The proposed landscaping scheme includes semi-mature trees to be planted in prominent locations. The new trees should have the potential to reach a significant height without excessive inconvenience and be sustainable in the long term.
Visual Impact	Impacts on the surrounding context.	Maintain proposed building envelope in accordance with Architectural Plans prepared by Nettleton Tribe (refer approved architectural drawing list).

Item	Potential Impact	Mitigation Measure
Overshadowing	Potential shadow impacts to adjacent public open space and private open space within the site.	Maintain proposed building envelope in accordance with Architectural Plans prepared by Nettleton Tribe (refer approved architectural drawing list).
European Heritage	Imposition on surrounding heritage listed items	Adopt the recommendations of the Heritage Impact Statement (dated 27 August 2020) prepared by Urbis.
Aboriginal Heritage and Archaeology	The potential for in-situ Aboriginal archaeological deposits to be found on site.	<p>Adopt the recommendations of the Historical Archaeological Assessment (dated 8 September 2020) and Aboriginal Cultural Heritage Assessment prepared by Urbis (dated February 2021).</p> <p>An Aboriginal cultural heritage research design and excavation methodology, including a staged testing and salvage program, is to be developed for those areas with intact deposits, including:</p> <ul style="list-style-type: none"> ▪ Aboriginal cultural heritage research questions ▪ The proposed staging and timing of excavations in relation to the development phases ▪ A staged testing and excavation methodology for those areas of moderate and moderate to high archaeological potential ▪ Detailed triggers for expansion of test pits to salvage excavation ▪ A methodology for the excavation of features such as, but not limited to, hearths, knapping floors and middens ▪ Artefact analysis methodology ▪ Identified stop points where additional consultation with registered Aboriginal parties and Heritage NSW may be required if significant Aboriginal objects are identified ▪ Sampling and dating methodology ▪ Short term and long term care and control of any Aboriginal objects

Item	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Reporting requirements ▪ Consultation with the registered Aboriginal parties for the project.
Traffic	Increased traffic on local roads (Operational).	<p>Provision of a maximum of 369 car spaces, 4 pickup spaces and 106 bicycle spaces as per the Transport, Traffic and Parking Report prepared by CBRK (dated January 2021).</p> <p>Provision of a fourth signalised intersection approach to the Edinburgh Road/Smidmore Street intersection and separate vehicular access for delivery vehicles and employee parking. The intersection design is to be consistent with the final TCS Plan submitted with the CBRK correspondence (dated 20 August 2021) and endorsed by TfNSW on 21 September 2021.</p>
	Increased traffic on local roads (Construction).	Adopt the recommendations of the Draft Construction Traffic and Pedestrian Management Plan prepared by CBRK (dated October 2020).
	Additional demand for on-street car parking spaces (Operational and Construction).	Preparation of a Work Travel Plan as per the recommendations within the Transport, Traffic and Parking Assessment (dated January 2021).
Pedestrian management	Conflict with pedestrian and cycle/vehicle operations (Operational).	The proposal provides separate vehicular access for delivery vans and employees. Upgrades are also proposed to the pedestrian and cycleway along Sydney Steel Road to improve pedestrian and cyclist safety.
	Conflict with pedestrian and cycle/vehicle operations (Construction).	Consistency with the Construction Traffic and Pedestrian Management Plan prepared by CBRK (dated October 2020) and CMP prepared by Root Partnerships (dated 5 February 2021).
Biodiversity	Loss of biodiversity values as a result of the development.	A BDAR waiver was issued by the NSW DPIE and OEH on 22 June 2020. It was determined that a BDAR is not required as part of this SSDA.

Item	Potential Impact	Mitigation Measure
ESD / Environmental Performance	Irreversible increase in energy usage.	Adopt the recommendations of the Ecological Sustainable Development Report prepared by WSP (dated September 2020).
Solar Reflectivity	Adverse impact on reflectivity of the proposed buildings on public domain, pedestrians and motorists.	Maintain the proposed external materials and finishes and adhere to the recommendations within the Solar Reflectivity Assessment prepared by Windtech (dated 4 August 2020).
Air Quality and Odour	Air quality, odour and dust emissions (construction)	Implementation of the mitigation measures contained within the Air Quality and Odour Assessment prepared by Northstar Air Quality (dated 13 October 2020).
Noise and Vibration	Adverse noise and vibration impact upon neighbouring sensitive receivers during operation.	Implementation of the mitigation measures contained within the updated SSDA Acoustic Report prepared by Acoustic Logic (dated 1 September 2021), including: <ul style="list-style-type: none"> Façade requirements to achieve required indoor noise levels (Section 5.2) Recommended mitigation measures to meet the noise emission requirements (Section 7.6)
	Adverse noise and vibration impact during construction	Implementation of the mitigation measures contained within the Preliminary Construction Noise and Vibration Plan prepared by Acoustic Logic (Revision 1, dated 15 October 2020) including: <ul style="list-style-type: none"> Community consultation and notification; Respite periods; Vibration monitoring; Quiet work methods; Complaints handling; Site induction.
Flooding	Site inundation during flood events and stormwater system capacity.	Implementation of the mitigation measures within the Flood Management Plan prepared by Richmond + Ross (Revision F, dated January 2022) including: <ul style="list-style-type: none"> Flood flow diversion channels and detention chambers; and,

Item	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> Flood proofing of habitable areas along the flood front to 300mm above the finished floor level (floor level being 4.86m AHD).
Stormwater Quality	Adverse impact on the quality of stormwater runoff (Operation).	Implementation of the Stormwater Plans prepared by Richmond + Ross (dated 2 March 2022).
	Adverse impact on the quality of stormwater runoff (Construction).	Implementation of the Stormwater Plans prepared by Richmond + Ross (dated 2 March 2022).
Waste Management	Waste production (Operation).	Implementation of the Waste Management Plan prepared by Land and Groundwater Consulting (dated 22 September 2020).
	Waste production (Construction).	Implementation of the Waste Management Plan prepared by Land and Groundwater Consulting (dated 22 September 2020).
Hazardous Materials	Exposure to hazardous materials.	The results of the SEPP 33 assessment indicate the threshold quantities for the dangerous goods to be stored and transported are not exceeded and therefore SEPP 33 does not apply to the proposed development. As the facility is not classified as potentially hazardous, it is not necessary to prepare a Preliminary Hazard Analysis for the facility as SEPP 33 does not apply.
Airspace	Impact on prescribed and protected airspace	Maintain proposed height and building envelope in accordance with the Architectural Plans prepared by Nettleton Tribe (refer approved architectural drawing list).
Contamination	Health and ecological impacts risks from presence of contaminants.	<p>Implementation of the recommendations within the Remediation Action Plan prepared by JK Environments (dated 15 November 2021) including:</p> <ul style="list-style-type: none"> Fill characterisation – post-demolition testing of fill when site access under existing buildings become available (refer Section 4). Groundwater characterisation – post-demolition groundwater monitoring to better characterise groundwater

Item	Potential Impact	Mitigation Measure
		<p>conditions at the site and confirm the remediation strategy (refer Section 4).</p> <ul style="list-style-type: none"> ▪ Potential for UST/s and associated infrastructure – confirmation of whether tanks are located on-site which require removal and remediation (refer Section 4). ▪ Waste classification and off-site disposal of waste – post-demolition testing of waste to be disposed off-site (which may include fill impacted by asbestos, UST/s, UST backfill and associated infrastructure) in accordance with NSW EPA Waste Classification guidelines. ▪ Unexpected finds – an unexpected finds protocol (UFP) is to be implemented during site works (refer Section 8) ▪ Validation reporting – a validation assessment report is to be prepared on completion of remediation activities and submitted to the site auditor (refer Section 7).
Construction	Impacts associated with public safety, visual amenity, noise, waste and traffic management in the locality during construction.	<p>Implementation of the mitigation measures contained within the Draft Construction Management Plan prepared by Root Partnerships dated 5 February 2021 and Preliminary Construction Noise Management Plan prepared by Acoustic Logic (Revision 1, dated 15 October 2020).</p> <p>Preparation of a detailed construction traffic management plan upon appointment of the building contractor.</p>
Infrastructure provision	Adequate connection to infrastructure and utilities and adequate infrastructure capacity.	Relocate stormwater culvert and easement in accordance with Stormwater Plans prepared by Richmond + Ross (dated 2 March 2022).
Building Standards	Adequate access for people with a disability.	Ensure adherence to BCA, accessibility objectives under the BCA, Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), and the relevant Australian Standards as they relate to access to premises and the intent of the Disability Discrimination Act 1992 (Cth) (DDA) as
	Adherence to Building Code of Australia	

Item	Potential Impact	Mitigation Measure
		<p>outlined in the BCA Assessment prepared by McKenzie Group (Revision C, dated 27 August 2020) and Access Report prepared by Morris Goding Access Consulting (MGAC) (dated 14 August 2020).</p> <p>Continue to work with MGAC as the scheme progresses to ensure appropriate outcomes are achieved in building design and external domain design.</p>
Crime and Safety	Adverse impact on the safety and security of local community.	<p>Detailed design to include compliance with mitigation measures and recommendations contained within the Social and Economic Assessment prepared by Hill PDA (dated October 2020) and CPTED Assessment prepared by WPS (dated September 2020). These include:</p> <ul style="list-style-type: none"> ▪ Incorporate Crime Prevention Through Environmental Design (CPTED) principles into the proposal to hinder anti-social behaviour on Site. ▪ Prepare a Construction Management Plan prior to commencement of works with appropriate detailed mitigation measures. ▪ Limit vehicle movements between 11pm and 6am and manage accordingly with neighbouring properties. ▪ Provide on-site parking for employees to reduce potential stress on public transport network.
	Antisocial and criminal behaviour.	
Cumulative	Cumulative impacts (traffic, noise, dust, etc.) associated with construction and other development in the area.	Implementation and finalisation of the Draft Construction Pedestrian and Traffic Management Plan prepared by CBRK (dated October 2020) and the Construction Environmental Management Plan prepared by Root Partnerships (Revision F, dated 5 February 2021).

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 C9 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.