

# Development Consent

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

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

These conditions are required to:

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

Mike Young  
**Executive Director**  
**Energy, Industry and Compliance**

Sydney

28 January 2021

### SCHEDULE 1

<b>Application Number:</b>	SSD-10477
<b>Applicant:</b>	Marsden Park Developments Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Astoria Street, Marsden Park, Blacktown local government area  Lot 4 DP 1210172 Part Lots 50 and 51 DP 1265695
<b>Development:</b>	Construction and operation of Sydney Business Park, Stage 3, including: <ul style="list-style-type: none"><li>• four warehouse and distribution facilities</li><li>• ancillary car parking, infrastructure provision and landscaping</li><li>• nine lot subdivision</li><li>• earthworks</li><li>• vegetation clearing</li><li>• construction of two estate roads and associated infrastructure.</li></ul>

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## DEFINITIONS

<b>Applicant</b>	Marsden Park Developments Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Certifier</b>	A person who is authorised by or under section 6 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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.
<b>Council</b>	Blacktown City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising of four warehouse and distribution facilities, ancillary car parking, infrastructure provision and landscaping, nine lot subdivision, earthworks, vegetation clearing, construction of two estate roads and associated infrastructure.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group (former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Stage 3 Facilities, Sydney Business Park Environmental Impact Statement</i> ' prepared by PJEP Environmental Planning Pty Ltd and dated August 2020
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	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
<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The use of the warehouse and distribution facility as described in the EIS and RTS
<b>Principal Certifier</b>	Principal Certifier in accordance with the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled ' <i>Stage 3 Facilities, Sydney Business Park Response to Submissions</i> ' prepared by PJEP Environmental Planning Pty Ltd and dated November 2020 and the ' <i>Stage 3 Facilities, Sydney Business Park Supplementary Response to Submissions</i> ' prepared by PJEP Environmental Planning Pty Ltd and dated December 2020
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	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 Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **LIMITS OF CONSENT**

##### **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.

#### **NOTIFICATION OF COMMENCEMENT**

- A6. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month (or as otherwise agreed by the Planning Secretary) before that date:
- (a) construction;
  - (b) operation; or
  - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month (or as otherwise agreed by the Planning Secretary) before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### **EVIDENCE OF CONSULTATION**

- A8. 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**

- A9. 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).

A10. 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.

A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

A12. Before the commencement of construction, the Applicant must:

- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (c) submit a copy of the dilapidation report to the Planning Secretary and Council.

A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

## **DEMOLITION**

A14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## **STRUCTURAL ADEQUACY**

A15. 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.

## **SUBDIVISION**

A16. Prior to the issuing of a Subdivision Certificate for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.

A17. Prior to the issuing of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.

A18. Prior to the issuing of a Subdivision Certificate for any stage of the development, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.

## **COMPLIANCE**

A19. 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.

## **SPECIAL INFRASTRUCTURE CONTRIBUTION**

A20. The Applicant is to make a Special Infrastructure Contribution in accordance with the *Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011* (as in force when this consent becomes operative).

- A21. Prior to the issuing of any Occupation Certificate for works in relation to the development the subject of this consent, the Applicant must provide the Certifier with written evidence from the Planning Secretary that the liability to make the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been discharged, or that arrangements are in force with respect to the discharge of the liability.

*Note: More information about the special infrastructure contribution can be found on the Department's website at:*

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Special-Infrastructure-Contributions-SIC>

## CONTRIBUTIONS TO COUNCIL

- A22. Before the issuing of an Occupation Certificate for any part of the development, a contribution under section 7.11 of the EP&A Act of \$9,068,279.00 (adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council for:

Contribution item	Amount
Stormwater Quantity – Little Creek	\$5,814,919.00
Stormwater Quality – Little Creek	\$280,158.00
Traffic Management	\$2,973,202.00
<b>Total</b>	<b>\$9,068,279.00</b>

## OPERATION OF PLANT AND EQUIPMENT

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

## TRANSGRID REQUIREMENTS

- A24. Prior to commencement of works within the TransGrid easement the Applicant must submit Final design plans to TransGrid. The final design plans must demonstrate:
- (a) a vertical clearance of 8.0 m over the roadway
  - (b) fencing within the easement to not exceed 2.5 m in height
  - (c) a dust management plan is in place to ensure excessive dust is not deposited on the towers or insulators.
- A25. Height restrictions shall be applied to cranes, elevated work platforms and any other plant and equipment proposed to operate on the easement. This restriction applies to all mobile plant and equipment capable of exceeding a height of 4.2 m.
- A26. Prior to the issue of any Occupation Certificate, all fencing on the TransGrid easement shall be earthed and every second panel isolated from the next pair of fencing panels. Consultation with TransGrid is required for further instructions on the required earthing for the boundary fence.
- A27. The Applicant must formally notify TransGrid of any amendments or modifications to the development, including to ground surface levels within the easement.

## EXTERNAL WALLS AND CLADDING

- A28. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A29. Prior to the issuing 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.

## UTILITIES AND SERVICES

- A31. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

- A32. 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*.
- A33. Before the issuing of a Subdivision or Occupation Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A34. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre ready facilities are fit for purpose.

#### **APPLICABILITY OF GUIDELINES**

- A35. 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.
- A36. 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.

#### **MONITORING AND ENVIRONMENTAL AUDITS**

- A37. 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, Annual Review and independent environmental 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.*

#### **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 of the development, 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 (CEMP) required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- 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 operation of the development, the Applicant must complete the construction of the north-south collector road between Hollinsworth Road and Astoria Street and the extension of Hollinsworth Road to the western side of the site, to the satisfaction of Council. The Applicant must obtain approval all works in the existing public road reserve under section 138 of the *Roads Act 1993*.
- B4. The Applicant must submit design plans to Council which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 30 m Super B-double vehicles.

#### **Intersection Works**

- B5. The Applicant must undertake upgrade works to the Hollinsworth Road and Richmond Road intersection to the satisfaction of TfNSW. As part of these upgrade works, the Applicant must:
- (a) submit concept civil design and Traffic Control Signal (TCS) plans to the satisfaction of TfNSW prior to the issue of a Construction Certificate for any stage of the development. The concept design plans must include:
    - (i) a left turn slip lane from Hollinsworth Road onto Richmond Road; and
    - (ii) an additional right turn lane on the south bound approach to the intersection on Richmond Road
  - (b) provide written evidence to the Planning Secretary demonstrating the detailed design plans have been approved by TfNSW;
  - (c) enter into a Works Authorisation Deed (WAD) with TfNSW prior to the issue of an Occupation Certificate to undertake these intersection upgrade works; and
  - (d) complete the intersection upgrade works to the satisfaction of TfNSW on Hollinsworth Road and Richmond Road prior to the commencement of operation of the final stage of the development.
- B6. Notwithstanding the requirements specified in condition B5(a) and B5(b), the Applicant may carry out early preparatory construction works (including tree clearing, earthworks, retaining walls and infrastructure provision) prior to satisfying the requirements of condition B5(a) subject to traffic movements to and from the site not exceeding the following limits:
- (a) 24 total traffic movements (12 in, 12 out) for the delivery and removal of equipment (graders, dozers, excavator, scrapers etc);
  - (b) 30 daily traffic movements (15 in, 15 out) for construction staff light vehicles; and
  - (c) No truck movements on Richmond Road for the importation or exportation of fill materials outside of the site.

## **Parking**

- B7. 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 utilise public and residential streets or public parking facilities.

## **Operating Conditions**

- B8. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on-site;
  - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network;
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
  - (i) there shall be no heavy vehicle movements along the driveway between Warehouse 2 and the eastern boundary between the hours of 10:00 pm and 7:00 am; and
  - (j) all roller doors/shutters on the eastern elevation of Warehouse 2 shall be closed between the hours of 10:00 pm and 7:00 am.

## **Work Place Travel Plan**

- B9. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must:
- (a) be prepared in consultation with TfNSW;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B10. The Applicant must:
- (a) not commence operation until the Work Place Travel Plan is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

## **SOILS, WATER QUALITY AND HYDROLOGY**

### **Erosion and Sediment Control**

- B11. Prior to the commencement of any construction 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 included in the CEMP required by condition C2.
- B12. The Applicant must not commence any construction works on site until the temporary sediment basin in the Basin A area has been commissioned.

### **Stormwater Management System**

- B13. Prior to the commencement of operation of any stage of the development, 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;
  - (b) be prepared in consultation with Council;
  - (c) be generally in accordance with:
    - (i) the conceptual design in the EIS and RTS;

- (ii) Council's Works Specification - Civil (Current Version);
- (iii) Council's Engineering Guide for Development (Current Version);
- (iv) Council's On-Site Detention General Guidelines and Checklist; and
- (v) Council's WSUD Standard Drawings A(BS)175M (Current Version);
- (d) be in accordance with applicable Australian Standards;
- (e) ensure post-development flow velocities of the relevant stormwater and drainage works match pre-development flow velocities; 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.

#### Temporary On-Site Detention

B14. Prior to the issuing of a Construction Certificate for any buildings on the site, the Applicant must provide stormwater detention in accordance with Council's Engineering Guide for Development. Basin A, including flow diversion line L4.1, or the interim stormwater works, must be completed to Council's satisfaction prior to the issue of an Occupation Certificate for any stage of the development as follows:

- (a) Basin A and the associated flow diversion line are to be constructed in accordance with Council Plan Number E37/2V, or the latest version of that plan;
- (b) the proposed interim stormwater detention works are to be in accordance with the volumes and flow rates described in Orion Consulting Stormwater Management and Servicing Report, Sydney Business Park Stage 3 Astoria Street Marsden Park, Revision D, October 2020; and
- (c) the design levels for the interim stormwater detention works are to be co-ordinated with Council Plan E37/2V, or the latest version of that plan.

*Note: In the event that the Basin A and flow diversion line works are not completed prior to the issue of an Occupation Certificate, a temporary pump diversion system for the interim stormwater waters is to be provided to divert the diversion volume referred to as dead or return storage in the Orion Consulting Stormwater Management and Servicing Report, Sydney Business Park Stage 3 Astoria Street Marsden park, Revision D, October 2020 away from the conservation area in the Little Creek catchment of Contributions Plan No. 21. The required diversion volume is 42mm depth over the development area. The design of the pump diversion system must be approved by Council.*

#### NOISE

##### Hours of Work

B15. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

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

B16. Works outside of the hours identified in condition B15 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

B17. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 3.

##### Construction Noise Management Plan

B18. The Applicant must prepare a Construction Noise 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) describe the measures to be implemented to manage high noise generating works such as piling;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in condition B18(e); and
- (g) include a complaints management system that would be implemented for the duration of the development.

B19. The Applicant must:

- (a) not commence construction of any relevant stage of the development until the Construction Noise Management Plan required by condition B18 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

### Operational Noise Limits

B20. 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 <sub>Aeq(period)</sub>	Evening L <sub>Aeq(period)</sub>	Night L <sub>Aeq(period)</sub>	Night L <sub>AFmax</sub>
I5 – 140 Hollinsworth Road, Marsden Park <sup>1</sup>	46	46	43	N/A
All residential properties to the north of the site <sup>1</sup>	40	35	35	52
All residential properties to the south of the site <sup>1</sup>	40	38	35	52

*Note* 1. Noise generated by the development is to be measured and assessed in accordance with the provisions of the EPA Noise Policy for Industry (2017), including noise-enhancing meteorological conditions and corrections for annoying noise characteristics. Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

2. Noise limit applies where an existing residence is affected by an increase in traffic noise generated by the development of greater than 2.0 dB(A). Additional road traffic noise emitted from public roads is to be measured and assessed in accordance with the provisions of the EPA NSW Road Noise Policy.

### Noise Walls

B21. The Applicant must construct the noise walls shown in Drawing GA-505, Revision P1 of the EIS, prior to the commencement of operation of any part of the development.

*Note:* If construction of noise walls is to be staged, the Applicant must submit a noise verification study to the satisfaction of the Planning Secretary to demonstrate that the development will comply with the noise limits in condition B20 at all times.

### Noise Verification Report

B22. A Noise Verification Report must be submitted to the satisfaction of the Planning Secretary at the following stages of the development:

- (a) prior to the final detailed design of Warehouse 2 and Warehouse 3 to confirm the noise mitigation measures required for their operation; and
- (b) within three months of the commencement of operation of all four warehouses.

B23. The Noise Verification Reports required by condition B22 must be prepared by a suitably qualified and experienced acoustic consultant and include:

- (a) an analysis of compliance with noise limits specified in condition B22 undertaken to the satisfaction of the Planning Secretary and in accordance with the Noise Policy for Industry (EPA, 2017);
- (b) a detailed maximum noise level event assessment for residential receiver R13 (refer Appendix 2) in accordance with the Noise Policy for Industry (EPA, 2017);
- (c) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and

- (d) identification of additional noise control measures to be implemented to address any exceedances of the limits specified in condition B20 and when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.

## **ABORIGINAL HERITAGE**

### **Aboriginal Cultural Heritage Management Plan (ACHMP)**

- B24. Before the commencement of any clearing or construction works for the development, the Applicant must prepare an ACHMP for the development to protect and manage extant Aboriginal sites and objects located within the project area. The plan must form part of the CEMP required by Condition C2 and must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development; and
  - (c) include a long-term care and control management procedure for any Aboriginal objects from the project area, including any extant sites.
- B25. The Applicant must:
- (a) not commence construction until the ACHMP is approved by the Planning Secretary; and
  - (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the development.

### **Unexpected Finds Protocol**

- B26. 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) the EES must be contacted immediately.
- B27. 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*.

## **FIRE PROTECTION AND MANAGEMENT**

### **Asset Protection Zones**

- B28. Throughout the duration of the development, the Applicant must manage the whole site as an inner protection area as outlined in Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Services' publication 'Standards for asset protection zones'.

### **Design and Construction**

- B29. The Applicant must ensure each warehouse building and the identified elevations and building elements in the development complies with the NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. The Applicant must ensure that:

#### *Warehouse 2*

- (a) must be non-combustible and comply with Sections 3 and 5 (BAL 12.5) *Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*; and

#### *Warehouse 4*

- (b) must comply with the Bushfire Attack Level (BAL) Plan (as shown in Figure 4 of the Bush Fire Report prepared by Eco Logical Australia, project no. 20SYD-16423, ver. 5, dated 8 December 2020) and the corresponding sections of the Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant BAL requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*. BAL 12.5 is also applicable to the northern half of the building;

### **Access**

- B30. Property access roads and public access roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*.

## **Bush Fire Emergency Management Plan**

- B31. Prior to the commencement of operation of the development, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan in accordance with *Development Planning: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December (2014).

## **HAZARDS AND RISK**

### **Dangerous Goods**

- B32. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B33. 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).
- B34. In the event of an inconsistency between the requirements B31(a) to B31(c), the most stringent requirement must prevail to the extent of the inconsistency.

### **Bunding**

- B35. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## **WASTE**

- B36. The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday.
- B37. 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.*
- B38. Prior to the commencement of construction of each warehouse, the Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse.
- 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.

### **Statutory Requirements**

- B40. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B41. 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.
- B42. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B43. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

## **CONTAMINATION**

### **Unexpected Finds**

- B44. Prior to the commencement of earthworks for the development, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

## **Asbestos**

- B45. The Applicant must ensure that any asbestos encountered during the remediation and construction works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## **VISUAL AMENITY**

### **Landscaping**

- B46. Prior to the commencement of construction of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of the Construction Environmental Management Plan in Condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail the species to be planted on-site;
  - (c) include a Street Tree Plan which must:
    - (i) include cross-sections showing dimensions of tree pits;
    - (ii) detail tree species
    - (iii) detail root protection barriers
    - (iv) detail soil specifications
    - (v) detail the location of tree pits in relation to services, intersections and future driveway, light poles, stormwater pits, sewerage infrastructure and utilities; and
    - (vi) detail street tree maintenance.
  - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (e) be consistent with the Applicant's Management and Mitigation Measures at Appendix 3.
- B47. 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 B46 for the life of the development.

### **Lighting**

- B48. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); 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**

- B49. All signage and fencing must be erected in accordance with the development plans included in the RTS.

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

## **COMMUNITY ENGAGEMENT**

- B50. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

## **PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Management Plan Requirements**

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

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

#### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
  - (b) Erosion and Sediment Control Plan (see Condition B11);
  - (c) Construction Noise Management Plan (see Condition B18);
  - (d) Unexpected Finds Protocol (see Condition B44);
  - (e) Landscape Management Plan (see Condition B46); and
  - (f) 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 a Compliance Report under condition C11;
  - (b) the submission of an incident report under condition C7;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, 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 4.

### **Non-Compliance Notification**

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

### **Compliance Reporting**

- C11. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (b) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C12. 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**

- C13. 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**

- C14. 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) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

- (vii) a summary of the current stage and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Compliance Report of the development;
  - (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Job No.	Drawing No.	Rev.	Date	Title
<b>Survey Plans prepared by Andrew Peter Ford</b>				
33 444 Stage 3	Sheet 1 of 3	-	07/2020	Plan of proposed subdivision of Lot 4 in DP 1210172 and Lots 1 & 2 in DP 1254181
33 444 Stage 3	Sheet 2 of 3	-	07/2020	Plan of proposed subdivision of Lot 4 in DP 1210172 and Lots 1 & 2 in DP 1254181
33 444 Stage 3	Sheet 3 of 3	-	07/2020	Plan of proposed subdivision of Lot 4 in DP 1210172 and Lots 1 & 2 in DP 1254181
<b>Architectural Plans prepared by Reid Campbell Architecture, Interiors and Project Management</b>				
	A000	O	30/11/2020	Cover Sheet / Drawing List
	A001	C	20/10/2020	Perspectives
	A002	K	26/11/2020	Site Analysis
	A003	W	26/11/2020	Stage 3 Master Plan
	A005	J	26/11/2020	Signage Strategy Plan
	A006	F	26/11/2020	Staging Plan
	A007	B	20/10/2020	Shadow Diagrams – Summer
	A008	B	20/10/2020	Shadow Diagrams – Winter
	A009	B	20/10/2020	Shadow Diagrams – Autumn
	A010	B	20/10/2020	Shadow Diagrams – Sprint
	A011	E	26/11/2020	Landscape Overlay Plan
<b>Warehouse 1</b>				
	A1001	Y	26/11/2020	WH1 – Site Plan
	A1002	Q	26/11/2020	WH1 – Roof Plan
	A1101	R	26/11/2020	WH1 – Warehouse Floor Plan
	A1102	S	26/11/2020	WH1 – Office Floor Plans
	A1103	Q	26/11/2020	WH1 – Dock Office & Amenities Plan
	A1201	P	26/11/2020	WH1 – Elevations
	A1202	M	26/11/2020	WH1 – Office Elevations
	A1301	N	26/11/2020	WH1 – Sections
<b>Warehouse 2</b>				
	A2001	O	26/11/2020	WH2 – Site Plan

	A2002	G	26/11/2020	WH2 – Roof Plan
	A2101	G	26/11/2020	WH2 – Warehouse Floor Plan
	A2102	H	26/11/2020	WH2 – Office Floor Plans
	A2201	G	26/11/2020	WH2 – Elevations
	A2202	F	26/11/2020	WH2 – Office Elevations
	A2203	A	26/11/2020	WH2 – Acoustic Wall Details
	A2301	F	26/11/2020	WH2 – Sections
<b>Warehouse 3</b>				
	A3001	M	26/11/2020	WH3 – Site Plan
	A3002	F	26/11/2020	WH3 – Roof Plan
	A3101	F	26/11/2020	WH3 – Warehouse Floor Plan
	A3102	G	26/11/2020	WH3– Office Floor Plans
	A3201	G	26/11/2020	WH3 – Elevations
	A3202	E	26/11/2020	WH3 – Office Elevations
	A3301	F	26/11/2020	WH3 – Sections
<b>Warehouse 4</b>				
	A4001	A	18/11/2020	WH4 – Site Plan
	A4002	A	28/07/2020	WH4 – Roof Plan
	A4003	A	28/07/2020	WH4 – Office Perspectives
	A4004	A	28/07/2020	WH4 – Warehouse Perspectives
	A4101	C	03/08/2020	WH4 – Warehouse Floor Plans
	A4102	A	28/07/2020	WH4 – Office Floor Plans
	A4103	A	28/07/2020	WH4 – WH Amenities Plans
	A4201	B	31/07/2020	WH4 – Elevations
	A4202	A	28/07/2020	WH4 – Office Elevations
	A4301	A	28/07/2020	WH4 – WH Sections 1
	A4302	B	31/07/2020	WH4 – WH Sections 2
	A4303	A	28/07/2020	WH4 – Office Sections
	A4401	A	28/07/2020	WH4 – Typical Details
	GA-505	A	30/11/2020	WH4 – Acoustic Wall Details

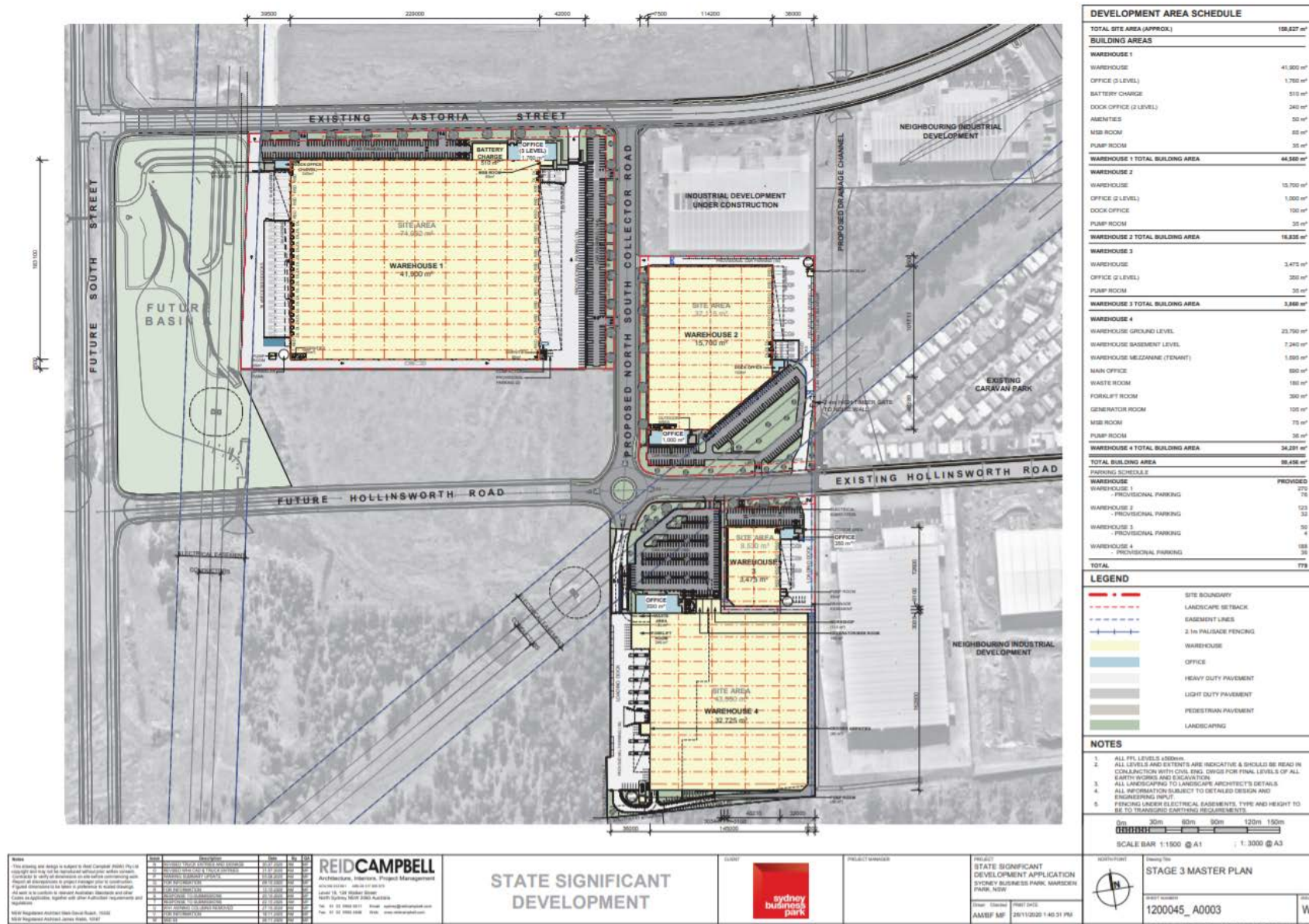


Figure 1: Site Plan

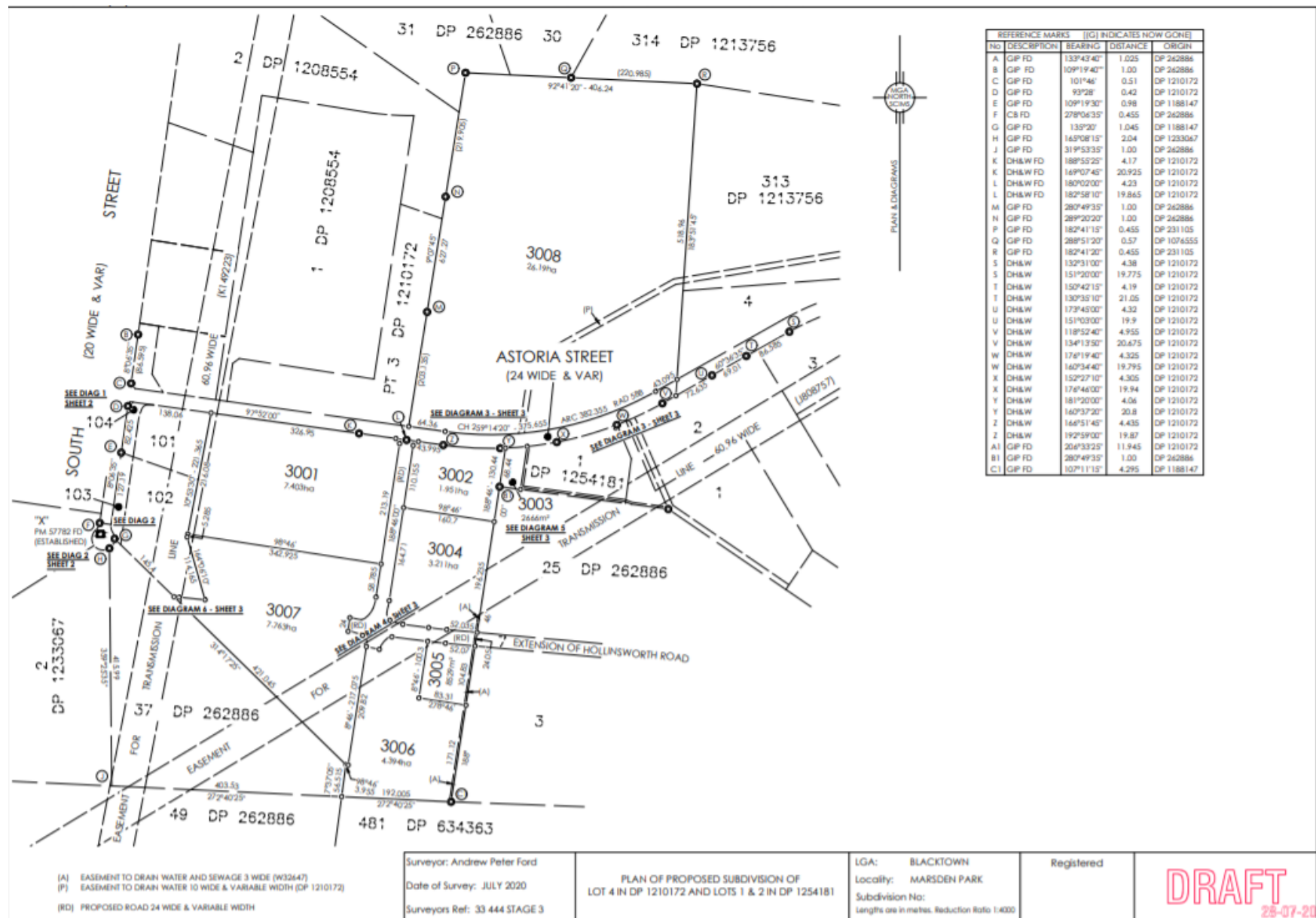


Figure 2: Subdivision Plan



## APPENDIX 2 SENSITIVE RECEIVERS



### APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

<b>Issue</b>	<b>Mitigation Measure</b>
<i>Staging and Infrastructure</i>	<ul style="list-style-type: none"> <li>• Sydney Business Park would not commence construction works (involving land disturbance) on site until the temporary sediment basin in the Basin A area has been commissioned</li> <li>• Sydney Business Park would not commence operations of any building on site until all infrastructure necessary for the operation of that building has been commissioned, including: <ul style="list-style-type: none"> <li>○ external roadworks (including Hollinsworth Road and/or the north-south collector road);</li> <li>○ stormwater drainage infrastructure, either via: <ul style="list-style-type: none"> <li>- Basin E for Warehouse 3; or</li> <li>- Basin A (temporary or permanent basin) for Warehouses 1, 2 and 4; and</li> </ul> </li> <li>○ other services, including water, sewer, electricity and telecommunications</li> </ul> </li> <li>• Sydney Business Park would enter into a voluntary planning agreement (VPA) or works-in-kind agreement (WIKI) with Council, in accordance with Section 7.4 of the EP&amp;A Act, to facilitate the proposed construction of relevant infrastructure, including the: <ul style="list-style-type: none"> <li>○ Hollinsworth Road extension;</li> <li>○ Hollinsworth Road / north-south collector road intersection roundabout; and</li> <li>○ Basin A stormwater basin works.</li> </ul> </li> <li>• The VPA or WIKI would be entered into prior to the commencement of construction of the relevant infrastructure</li> </ul>
<i>General Environmental Management</i>	<ul style="list-style-type: none"> <li>• Sydney Business Park would prepare a detailed Construction Environmental Management Plan (CEMP) for the Stage 3 Facilities development, prior to the commencement of construction</li> </ul>
<i>Design and Visual</i>	<ul style="list-style-type: none"> <li>• The Stage 3 Facilities would be developed generally in accordance with the architectural and landscape plans for the facilities</li> <li>• All external lighting would be installed in accordance with AS 4282(INT) - <i>Control of Obtrusive Effects of Outdoor Lighting</i></li> </ul>



<i>Issue</i>	<i>Mitigation Measure</i>
<i>Soil and Water</i>	<ul style="list-style-type: none"> <li>The Stage 3 Facilities would be developed generally in accordance with the Erosion and Sediment Control Plan for the facilities, and the Department's <i>Managing Urban Stormwater – Soils and Construction</i> guidelines</li> <li>The Stage 3 Facilities would be developed generally in accordance with the salinity management measures in the Salinity Assessment and Management Plan (Douglas Partners, 2020), applicable Australian Standards including AS2159, AS3600 and AS4058, and the Department's <i>Building in a Saline Environment</i> guideline</li> <li>The Stage 3 Facilities would be developed generally in accordance with the concept stormwater management plan for the facilities. A final stormwater management plan would be prepared in consultation with Council prior to the commencement of construction, including provision of: <ul style="list-style-type: none"> <li>rainwater tanks for each facility;</li> <li>primary and secondary stormwater quality improvement devices and related stormwater infrastructure for each facility; and</li> <li>temporary stormwater detention infrastructure in the Basin A area</li> </ul> </li> </ul>
<i>Noise and Air Quality</i>	<ul style="list-style-type: none"> <li>Construction and operation of the Stage 3 Facilities would be managed in accordance with the relevant noise criteria under the: <ul style="list-style-type: none"> <li><i>Noise Policy for Industry (NPI)</i>;</li> <li><i>Interim Construction Noise Guideline (ICNG)</i>; and</li> <li><i>Road Noise Policy</i></li> </ul> </li> <li>Construction activities would be undertaken generally within the hours stipulated in the EPA's <i>Interim Construction Noise Guideline</i></li> <li>Construction noise would be managed in accordance with the measures outlined in the Noise Assessment, which would be addressed the CEMP for the development. The measures would include: <ul style="list-style-type: none"> <li>noise management controls, including: <ul style="list-style-type: none"> <li>site induction training;</li> <li>operator instruction;</li> <li>site noise planning, including locating noisy plant away from nearby receivers;</li> <li>scheduling noisy activities so that they do not occur simultaneously, and/or during less sensitive time periods; and</li> <li>selecting less noisy plant and equipment where practicable;</li> </ul> </li> <li>maintaining effective community consultation; and</li> <li>maintaining a complaints handling and management system</li> </ul> </li> <li>Sydney Business Park would implement the following noise mitigation measures as soon as practicable during construction of the applicable facilities: <ul style="list-style-type: none"> <li>installation of a 2.4 metre high acoustic wall on the eastern boundary of the Warehouse 2 site;</li> <li>installation of a 2.7 metre high acoustic wall on the boundary in the south-western corner of the Warehouse 4 site; and</li> <li>ensure that rooftop mechanical air-conditioning units are located towards the western side of the office roof for Warehouse 2 and Warehouse 3 (with final placement subject to detailed design)</li> </ul> </li> <li>Dust emissions during construction works would be managed in accordance with standard best practice techniques, including: <ul style="list-style-type: none"> <li>minimising the area of disturbance as far as practicable;</li> <li>minimising drop heights for materials being worked on the site;</li> <li>keeping exposed surfaces moist at all times;</li> <li>rehabilitating/revegetating disturbed surfaces as soon as practicable; and</li> <li>ensuring that trucks are covered and do not track sediment onto public roads</li> </ul> </li> </ul>
<i>Greenhouse Gas and Resource Use</i>	<ul style="list-style-type: none"> <li>The Stage 3 Facilities would be developed in accordance with the energy and water resource use efficiency measures outlined in this EIS. This would include, amongst other things, rooftop photovoltaic solar systems for each warehouse, including nominally:</li> </ul>

<i>Issue</i>	<i>Mitigation Measure</i>
	<ul style="list-style-type: none"> <li>○ 1,000 kilowatt systems for Warehouse 1 (TJX Facility) and Warehouse 4 (API Facility); and</li> <li>○ 100 kilowatt systems for Warehouses 2 and 3</li> </ul>
<i>Flora and Fauna</i>	<ul style="list-style-type: none"> <li>• Sydney Business Park would prepare and implement a Biodiversity Management Plan (BMP) for the development, as part of the CEMP. The BMP would be prepared by a suitably qualified ecologist, and include: <ul style="list-style-type: none"> <li>○ biodiversity management strategies for pre-construction, construction and post-construction activities, including pre-clearing control measures;</li> <li>○ a fauna rescue and release procedure, in accordance with the Department's <i>Code of Practice for injured, sick and orphaned protected fauna</i>;</li> <li>○ weed management measures;</li> <li>○ reuse of resources, including topsoil, tree hollows, logs, coarse woody debris and bush rock;</li> <li>○ identification and salvage of any tree hollows, and provision of nest boxes for hollows not able to be salvaged; and</li> <li>○ procedures for dealing with any unexpected threatened species finds, including provisions for stop work, notification and communication, specialist advice, and relocation protocols</li> </ul> </li> </ul>
<i>Aboriginal Heritage</i>	<ul style="list-style-type: none"> <li>• The identified Aboriginal heritage items (MPIP 17 and MPIP 18) would be managed in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment, which would be addressed in an <a href="#">Aboriginal Cultural Heritage Management Plan for the development, prepared in consultation with the Registered Aboriginal Parties (RAPs) prior to the commencement of construction in the vicinity of the Aboriginal sites</a>. These measures include: <ul style="list-style-type: none"> <li>○ surface collection of the identified artefacts prior to the commencement of construction in these areas, in consultation with the Registered Aboriginal Parties (RAPs);</li> <li>○ demarcation and fencing of the non-impacted portion of MPIP 18 (which straddles the site boundary); and</li> <li>○ <a href="#">procedures for managing any unexpected Aboriginal heritage objects encountered during the development</a>.</li> </ul> </li> </ul>
<i>Traffic</i>	<ul style="list-style-type: none"> <li>• Sydney Business Park would complete the following roadworks to the satisfaction of Council, prior to the commencement of operation of any of the Stage 3 Facilities that require access from that road: <ul style="list-style-type: none"> <li>○ Hollinsworth Road extension to the western side of the site;</li> <li>○ North-south collector road between Astoria Street and Hollinsworth Road;</li> <li>○ Roundabout intersection between Hollinsworth Road and the north-south collector road; and</li> <li>○ Priority give-way intersection between Astoria Street and the north-south collector road.</li> </ul> </li> <li>• <a href="#">Prior to the commencement of operation of any of the Warehouse Facilities, Sydney Business Park would enter into a delivery agreement (Works Authorisation Deed / Voluntary Planning Agreement) with TfNSW to deliver the Richmond Road upgrades generally in accordance with SMEC Concept Plan "30013007-Richmond-Rd-Align-01-SC", as outlined in the Supplementary RTS.</a></li> <li>• Site access, parking and internal circulation arrangements for the Stage 3 Facilities would be developed in accordance with relevant Australian Standards (including AS2890.1 and AS2890.2). Measures to minimise conflict between pedestrians, cars and trucks would be implemented (including signage), particularly in shared areas (including the shared car and truck access to Warehouse 3).</li> <li>• Construction Traffic Management Plans would be prepared to appropriately manage traffic and traffic-safety construction works</li> <li>• Sydney Business Park would prepare and implement a Green Travel Plan for the development, which would be prepared in consultation with TfNSW prior to the</li> </ul>

<i>Issue</i>	<i>Mitigation Measure</i>
	<p>commencement of operation of any of the warehouse facilities. The plan would include:</p> <ul style="list-style-type: none"> <li>○ mode sharing targets and measures to achieve those targets;</li> <li>○ strategies to reduce the proportion of single occupant car travel and increase car sharing, public and active transport travel to the site;</li> <li>○ a strategy for communicating the plan to occupants, including a travel access guide providing information to occupants about sustainable travel options;</li> <li>○ measures for ensuring pedestrian and cycling connectivity and end of trip facilities; and</li> <li>○ identification of responsibilities for implementation of the plan</li> </ul>
<i>Wastes and Hazards</i>	<ul style="list-style-type: none"> <li>• The Stage 3 Facilities would be developed and managed generally in accordance with the Waste Management Plan for the facilities</li> <li>• The Stage 3 Facilities would be developed in accordance with the recommendations of the Bushfire Assessment for the facilities, including provision of: <ul style="list-style-type: none"> <li>○ Asset Protection Zones;</li> <li>○ landscaping in accordance with the Planning for Bushfire Protection guidelines;</li> <li>○ facility construction in accordance with the bushfire assessment and National Construction Code, including: <ul style="list-style-type: none"> <li>- Warehouses 1 and 3 – BAL-LOW;</li> <li>- Warehouse 2 – ember protection measures;</li> <li>- Warehouse 4 – roof, sub-floor, western, southern and eastern elevations constructed to BAL-FZ, and northern elevation to BAL-12.5; and</li> <li>- ember protection measures for applicable warehouses;</li> </ul> </li> <li>○ water supply and hydrants in accordance with the BCA and relevant Australian Standards;</li> <li>○ underground electrical services; and</li> <li>○ preparation of a Bushfire Emergency Management and Evacuation Plan for each facility</li> </ul> </li> <li>• All dangerous goods and hazardous substances would be stored in accordance with applicable standards, including AS/NZS 3833:2007 and AS 1940-2017</li> <li>• Risk assessment and reporting would be undertaken in accordance with the <i>Work Health and Safety Regulation 2017</i> (WHS Regulation)</li> <li>• Hazardous area classification would be prepared for flammable gases and liquids storage in accordance with AS/NZS 60079.10.1:2009 and the requirements of the WHS Regulation</li> <li>• Class 3 Flammable Liquids storage in Warehouse 4 would be restricted from the following areas of the warehouse, or as otherwise determined to ensure compliance with the screening thresholds in the <i>Applying SEPP 33</i> guideline: <ul style="list-style-type: none"> <li>○ within 6 metres of the northern warehouse wall;</li> <li>○ within 1 metre of the eastern warehouse wall; and</li> <li>○ within 3 metres of the southern warehouse wall.</li> </ul> </li> </ul>

## **APPENDIX 4     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 project contact for further communication regarding the incident.
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.