

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 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

1 December 2023

File: EF21/15006

SCHEDULE 1

Application Number:	SSD-29668067
Applicant:	Dexus Wholesale Management Ltd
Consent Authority:	Minister for Planning
Site:	Lot 31 DP 262886 311 South Street, Marsden Park
Development:	The construction and 24-hour operation of a warehouse and distribution estate, comprising: <ul style="list-style-type: none">• two warehouse buildings• associated office space• associated landscaping, site infrastructure, car parking, loading areas and site access points.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-29668267-Mod-1	19 July 2024	Team Leader	Amendments to Warehouse 1 layout and car parking

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DEFINITIONS

Additional Information	Correspondence by the Applicant in response to the Department's request for information including the document titled Response to Request for Additional Information dated 1 April and 26 July 2023, both prepared by Urbis and the Civil Engineering Plans prepared by Costin Roe Consulting Pty Ltd dated July 2023
Applicant	Dexus Wholesale Management Limited, or any person carrying out any development to which this consent applies
Basin L1.1	Regional Stormwater Basin L1.1, as described in the "Protecting Little Creek" Stormwater Management Strategy Report (Bligh Tanner, 2015)
BCA	Building Code of Australia
Calendar year	A period of 12 months commencing on 1 January
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
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
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and the erection of buildings and other infrastructure permitted by this consent
Council	Blacktown City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the EIS and 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>SSD-29668067: 311 South Street – Environmental Impact Statement</i> , prepared by Urbis and dated 19 May 2022, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPA	NSW Environment Protection Authority
Evening	The period from 6 pm to 10 pm
Fibre-ready facility	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent

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Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessment	<p>The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: NSW Government 2 South Street Warehousing Estate Department of Planning, Housing and Infrastructure (SSD-29668067-Mod-1)</p> <p>a) 311 South Street, Marsden Park Section 4.55(1A) Application South Street Warehousing Estate, prepared by Urbis, dated 23 February 2024 and Response to Request for Additional Information and Amendment Request, Marsden Park, SSD-29668067 (MOD-1) prepared by Urbis, dated 1 May 2024.</p>
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 development described in Schedule 1, the EIS and Response to Submissions, including the use of two warehouse and distribution facilities, ancillary car parking, infrastructure and bioretention basin provision and landscaping, earthworks, construction of collector road and roundabout and associated infrastructure
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
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
RTS	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes: <ul style="list-style-type: none">the document titled <i>311 South Street – Submissions Report – SSD-29668067</i>, prepared by Urbis and dated 28 October 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 defined in Schedule 1 of this consent
T2SM Corridor	Tallawong to St Marys Transport Corridor
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RTS and additional information;
 - (d) **in accordance with the Modification Assessments;**
 - (e) in accordance with the Development Layout in Appendix 1 of this consent; and
 - (f) 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 condition A2(c), **A2(d) or A2(f)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), **A2(d) or A2(f)**, 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 Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A7. 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

- 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

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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.

COMPLIANCE

A12. 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.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

General Requirements

A13. Prior to the commencement of construction, the Applicant must:

- (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (b) submit a copy of the dilapidation report to the Planning Secretary and Council.

A14. Prior to the commencement of construction, the Applicant must consult with the relevant owner and provider of utility services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or infrastructure.

A15. 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;
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
- (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

Transgrid

A16. Prior to the commencement of construction and for the life of the development, the Applicant must ensure that Transgrid is provided with access to the transmission line easement and the associated transmission line structure/s.

Note: *Transgrid require 24-hour access to the easement and its associated structure/s, and any access gates must be fitted with suitable padlock/s provided by Transgrid. Further consultation should also be undertaken with Transgrid to confirm the intended access point for the transmission line easement.*

A17. The Applicant must ensure that all plant and equipment (including cranes and elevated work platforms) working within the transmission line easement:

- (a) do not exceed a maximum height of 4.2 metres; and
- (b) remain a minimum of 30 metres away from any transmission line structure or supporting guy line at all times.

A18. The Applicant must ensure the transmission line easement is not used for the temporary storage of any construction spoil, topsoil, gravel and/or other construction materials.

A19. The Applicant must ensure that all fencing (including temporary construction fencing) within the vicinity of the transmission line easement complies with Transgrid's Fencing Guidelines, including the associated earthing and/or isolation requirements.

A20. The Applicant must formally notify Transgrid of any amendments or modifications made to the development, including any potential changes to ground surface levels within the transmission line easement.

Sydney Metro Corridor

A21. Prior to the issue of a Construction Certificate for the installation of any services and/or the erection of any structures within the future Tallawong to St Marys Transport Corridor (T2SM Corridor), the Applicant must enter into a deed of

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agreement with TfNSW to ensure these works do not impact upon the structural integrity and/or the safe and effective operation of any future transport infrastructure within the T2SM Corridor.

- A22. As part of the deed of agreement (see condition A21), the Applicant must prepare a Plan of Management for those works within the T2SM Corridor. The Plan of Management must:
- (a) be prepared in consultation with TfNSW's Corridor and Network Protection team; and
 - (b) include details of the:
 - (i) land uses within the T2SM Corridor (including any associated structures);
 - (ii) servicing and access arrangements;
 - (iii) removal of structures and restoration of land, including timing; and
 - (iv) operational and management details for the uses within the T2SM Corridor, up to and including the time that land within the T2SM Corridor is acquired and/or occupied by TfNSW for construction purposes.
- A23. The Applicant must:
- (a) not commence the installation of any services and/or the erection of any structures within the T2SM Corridor until the deed of agreement and the associated Plan of Management (see conditions A21 and A22) has been registered upon the property's title; and
 - (b) implement the most recent version of the Plan of Management (as registered upon the property's title) for the life of the development.
- A24. This consent does not permit the construction of any warehouse building within the T2SM corridor easement.

Sydney Water

- A25. Prior to 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*.

Fibre-ready Facilities

- A26. 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:
- (a) 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
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.
- A27. Prior to the commencement of operation of 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.

DEMOLITION

- A28. All demolition must be carried out in accordance with *AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURES, EXTERNAL WALLS AND CLADDING

- A29. 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.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

- A30. 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.
- A31. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within 7 days after the Certifier accepts it.

COVENANTS, EASEMENTS

A32. Prior to the issue of the relevant Occupation Certificate, a restriction on the use of land and a Positive Covenant under the relevant section of the *Conveyancing Act 1919* must be registered on the title of Lot 31 DP 262885 for the Water Sensitive Urban Design systems and their ongoing maintenance.

The restriction of use and Positive Covenant is to be prepared in accordance with Appendix F of Blacktown City Council's Engineering Guide for Development 2005 and the Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version). The restriction on the use of land and Positive Covenant should be prepared in consultation with Council's prior to lodgement with the NSW Land Registry Services.

The Positive Covenant must name Council as the prescribed authority, and can only be revoked, varied or modified with the consent of Council.

CONTRIBUTIONS

Special Infrastructure Contribution

A33. The Applicant must make a Special Infrastructure Contribution in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011.

A34. Prior to the issue of an Occupation Certificate, 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: <https://www.planning.nsw.gov.au/plans-for-your-area/infrastructure-funding/special-infrastructure-contributions>.

Local Development Contribution

A35. Prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, a contribution under section 7.11 of the EP&A Act must be paid to Council to be put toward the provision of stormwater infrastructure and traffic and transport management facilities in the surrounding area.

This monetary contribution is to be calculated in accordance with the *Section 7.11 Contributions Plan No.21 – Marsden Park* 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)). The Section 7.11 contribution(s) have been based on the developable area as follows:

- (a) Developable area: 9.7105 hectares
- (b) Little Creek – 8.551 hectares
- (c) Marsden Creek – 1.1594 hectare

Should amendments change the developable area, the Section 7.11 contribution(s) will be adjusted accordingly.

Note: The *Section 7.11 Contributions Plan No.21 – Marsden Park* may be inspected at Council's Customer Service Centre or viewed online at: [https://www.blacktown.nsw.gov.au/Plan-build/Stage-2-plans-and-guidelines/Section-7.11-Plans- Planning-Agreements-Works-in-Kind-and-Contributions-Register/Section-7.11-contributions-plans](https://www.blacktown.nsw.gov.au/Plan-build/Stage-2-plans-and-guidelines/Section-7.11-Plans-Planning-Agreements-Works-in-Kind-and-Contributions-Register/Section-7.11-contributions-plans)

Contribution Item	Amount
Stormwater Quantity Little Creek	\$712,180.00
Stormwater Quantity Marsden Creek	\$3,349,650.00
Stormwater Quality Little Creek	\$43,396.00
Stormwater Quality Marsden Creek	\$63,151.00
Traffic Management	\$1,944,911.00
<i>Total</i>	\$6,113,288.00

WORK AS EXECUTED PLANS

A36. 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) the development's stormwater management system (see condition B27);
- (b) if required under condition B30, the temporary on-site detention basin; and
- (c) finished ground levels.

The work-as-executed drawings must be signed by a registered surveyor.

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OPERATION OF PLANT AND EQUIPMENT

- A37. 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

- A38. 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.
- A39. 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

NOISE

Hours of Work

B1. The Applicant must comply with the hours detailed in Table 1 below.

Table 1 Hours of Work

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

B2. Works outside of the hours identified in condition B1 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

B3. The development must be constructed to achieve the construction noise management levels detailed the ICNG (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 Appendix 2 of this consent.

Construction Noise and Vibration Management Plan

B4. Prior to the commencement of construction, 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 must:

- (a) be prepared by a suitably qualified and experienced noise expert(s);
- (b) describe the procedures that would be implemented to achieve the noise management levels in the ICNG (as may be updated or replaced from time to time);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) include strategies that have been developed with the community for managing high noise generating works;
- (e) describe the community consultation undertaken to develop the strategies in condition B4(d); and
- (f) include a complaints management system that would be implemented for the duration of construction.

B5. The Applicant must:

- (a) not commence construction until the CNVMP (see condition B4) has been 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 Mitigation

B6. The Applicant must construct the acoustic walls shown in **Drawing MP01, dated 16 November 2023, revision N** (refer to Appendix 1 of this consent), 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 B9 at all times.*

B7. The Applicant must construct the acoustic barrier, awnings and concrete tilt-up walls as shown in the Acoustic Report prepared by Acoustic Works **dated 22/02/2024**, prior to the commencement of operation of any part of the development.

B8. The Applicant must install acoustic enclosures around rooftop mechanical plant to ensure the operation of the development meets the noise limits in Condition B9.

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Operational Noise Limits

B9. The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits at the receiver locations outlined in Table 2 and as shown in Appendix 3 of this consent.

Table 2 Noise Limits (dB(A))

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{AMax}
Receiver 1 (Level 1)	38	36	31	47
Receiver 2 (Ground level)	35	33	30	52
Receiver 4 (Level 1)	30	30	30	47

Note: Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

Trucks

B10. The Applicant must ensure:

- (a) during the evening, no more than 6 refrigerated trucks are on-site at any one time; and
- (b) during the night:
 - (i) trucks accessing the eastern loading docks for tenancies 2D and 2E have a total combined mass limit of 6 tonnes or less; and
 - (ii) no more than 4 refrigerated trucks are on-site at any one time.

B11. The Applicant must ensure all refrigerated trucks which access or are stored at the site emit:

- (a) an L_{Aeq}(15min) sound power level of no more than 86 dB(A) when stationary; and
- (b) noise without tonal characteristics or strong low frequency content, in accordance with the *Noise Policy for Industry* (EPA, 2017).

Refrigerated Truck Logbook

B12. For the life of the development (or such other time as agreed to in writing by the Planning Secretary), the Applicant must maintain a logbook of all refrigerated trucks which visit the site. For each truck, the logbook must detail the following:

- (a) the date and time of the truck's arrival/departure; and
- (b) the manufacturer, model and type of refrigerated truck.

The logbook must be submitted to the Planning Secretary on an annual basis as part of the development's Compliance Report (see condition C13).

Operational Noise Verification Report

B13. At the following stages of the development (or as otherwise directed by the Planning Secretary), the Applicant must prepare and submit a Noise Verification Report to the satisfaction of the Planning Secretary:

- (a) within three months of the commencement of operation of **the first tenancy within the development**; and
- (b) within three months of the commencement of operation of all tenancies within the development.

B14. Each Noise Verification Report (see condition B13) 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 the latest version of:
 - (i) *AS 1055:2018 Acoustics – Description and measurement of environmental noise* (Standards Australia, 2018);
 - (ii) *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW* (EPA, 2022); and
 - (iii) the monitoring and reporting requirements detailed in Section 7 of the *Noise Policy for Industry* (EPA, 2017); and

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- (c) include:
 - (i) an analysis of the development's compliance with the noise limits specified in condition B9;
 - (ii) an analysis any discrepancies between the predicted and actual noise impacts of the development (as described in the RTS);
 - (iii) an outline of management actions to be taken to address circumstances where the noise limits specified in condition B9 and predicted noise levels in the RTS are exceeded; and
 - (iv) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B15. 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 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) include details of:
 - (i) vehicle types, heavy vehicle routes including any heavy vehicle restriction routes, parking and access arrangements;
 - (ii) the strategies that would be implemented to minimise the number of construction workers who will drive to the site;
 - (iii) any potential overflow construction worker parking area(s) to be utilised; and any potential construction traffic impacts to general traffic, cyclists, and pedestrians within the vicinity of 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 are aware of heavy vehicle traffic restriction routes and 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 of any potential disruptions to routes.
- B16. The Applicant must:
- (a) not commence construction until the CTMP (see condition B15) 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.

Roadworks and Access

- B17. Prior to the commencement of operation of the development, the Applicant must complete construction of the collector road (Duckworth Street) and the collector road (Duckworth Street) and Delarue Street roundabout to the satisfaction of Council. The construction of the road works must:
- (a) be prepared in accordance with the engineering plans included in the RTS;
 - (b) ensure the raised median opposite the north-eastern carpark:
 - (i) has a minimum width of 1,200 mm to accommodate small signs (as per Table 4.15 of the Austroads *Guide to Road Design*);
 - (ii) extends a minimum of 10 metres beyond each edge of the driveway splay to prevent right turn movements;
 - (c) ensure all driveways have minimum of an 8 metre by 8 metre splay;
 - (d) ensure the collector road (Duckworth Street):
 - (i) has a minimum width of 24 metres along the full length;
 - (ii) formation of 4.25 metres – 15.5 metres – 4.25 metres; and
 - (iii) traffic loading N(E.S.A) of 1 x 10⁷; and

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- (e) ensure the collector road (Duckworth Street) and Delarue Street roundabout is constructed in accordance with Austroads "Guide to Traffic Engineering Practice – Roundabouts Part 6".

Note: The Applicant must obtain approval for the works under section 138 of the Roads Act 1993.

B18. Prior to the issue of a Construction Certificate for the site's main heavy vehicle driveway, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the driveway and its associated industrial vehicle crossing:

- (a) have been designed to accommodate the turning path of a 26-metre B-double (as appropriate); and
- (b) are consistent with the most recent version of the Austroads *Guide to Road Design* and the relevant TfNSW supplements.

Operational Traffic Management Plan

B19. 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 OTMP 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 hour movements;
- (d) include details of the management measures which would be implemented:
 - (i) to minimise the impact of the development upon the safety and efficiency of the surrounding road network;
 - (ii) to manage the interaction between light and heavy vehicles on the internal shared driveways and access areas to ensure safety, manoeuvrability, and interactions are maintained;
 - (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 noise associated with on-site truck movements, including implementation of the restrictions specified in condition B10; and
 - (iii) ensuring drivers adhere to site-specific speed limits and any heavy vehicle restriction routes;
- (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.

Overflow Car Parking

B20. Prior to commencement of operation of the over-flow parking area, the Applicant must update the OTMP (see condition B19) to the satisfaction of the Planning Secretary. The updated OTMP must:

- (a) detail any vehicle movements route changes, including light and heavy vehicles, size of heavy vehicles, routes and peak hour movements;
- (b) detail how the new vehicle routes ensures safety and efficiency of the surrounding road network;
- (c) detail the management measures which would be implemented to minimise traffic movement impacts as a result of any route changes; and
- (d) detail how the vehicle routes minimise traffic noise associated with the operation of the development.

Note: The overflow parking area is to be provided for an overflow car park during the construction period of the Sydney Metro Corridor (TMS2).

B21. The Applicant must:

- (a) not commence operation of the development until the OTMP (see condition B19) 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.

Operating Conditions

B22. The Applicant must ensure:

- (a) B-Double heavy vehicles associated with the development do not use the collector road (Duckworth Street) until the collector road (Duckworth Street) upgrades are complete ;
- (b) 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

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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); 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, equipment and bins associated with the development are not parked and/or stored 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 on-site turning areas are kept clear of any obstacles, including parked vehicles, at all times; and
- (h) provide additional car parking in the overflow car parking area once the Sydney Metro Corridor (T2SM) begins construction in accordance with the car parking spaces demonstrated within the architectural plans listed in Appendix 1.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B23. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by the 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

B24. Prior to the commencement of construction, the Applicant must install 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).

B25. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition B24 for the duration of construction.

Discharge Limits

B26. 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 Management System

B27. Prior to the commencement of construction, the Applicant must finalise the detailed design of the stormwater management system for the development (excluding the temporary on-site detention basin described in condition B30). The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) be generally in accordance with:
 - (i) the conceptual design in the 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;
 - (v) Council's On Site Detention Handbook – Upper Parramatta River Catchment 4th Edition; and
 - (vi) Council's WSUD Standard Drawings A(BS)175M (Current Version);
- (d) be in accordance with applicable Australian Standards; and
- (e) 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.

B28. 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 B27) and ensure the system is operational.

B29. The Applicant must maintain the stormwater management system installed on the site under condition B28 for the life of the development.

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Temporary On-site Detention Basin

- B30. Prior to the commencement of operation (and only in the event that Basin L1.1 has not been completed by Council), the Applicant must construct a temporary on-site detention basin to manage the quality and volume of stormwater generated by the site. The final design of the temporary basin must:
- be prepared by a suitably qualified and experienced person(s);
 - be prepared in consultation with Council; and
 - be generally in accordance with the conceptual design in the RTS.
- B31. Within 12 months of the completion of Basin L1.1 by Council (or as otherwise agreed to in writing by the Planning Secretary), the Applicant must:
- decommission the temporary on-site detention basin constructed under condition B30; and
 - construct the north-western carpark as shown in **Drawing MP01, dated 16 November 2023, revision N** (refer to Appendix 1 of this consent).

AIR QUALITY

Dust Minimisation

- B32. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B33. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
 - all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the development do not track dirt onto the public road network;
 - public roads used by these trucks are kept clean; and
 - land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B34. The Applicant must install and operate equipment in line with best practice to ensure 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 2021 (as may be updated or replaced from time to time).

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B35. If any item or object of Aboriginal heritage significance is identified on site:
- all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - Heritage NSW must be contacted immediately.
- B36. 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

- B37. If human remains are discovered on site during any works:
- all work in the immediate vicinity of the human remains must cease immediately;
 - the area must be secured; and
 - the NSW Police Force and Heritage NSW must be contacted immediately.
- B38. 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

- B39. If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:
- all work in the immediate vicinity of the suspected relic(s) must cease immediately;
 - Heritage NSW must be contacted immediately; and
 - the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

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B40. Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.

HAZARDS AND RISK

B41. The Applicant must ensure the dangerous goods quantities stored within the development or transported to and from the development do not exceed the screening threshold quantities outlined in *Applying SEPP 33* (DoP, 2011) at all times.

B42. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) for liquids, the *Storing and Handling Liquids: Environmental Protection – Participants Manual* (DECC, 2007).

B43. In the event of an inconsistency between the requirements of conditions B42(a) and B42(b), the most stringent requirement must prevail to the extent of the inconsistency.

BUSHFIRE

B44. The development must comply with the recommendations outlined in Section 4 of the Bushfire Protection Assessment prepared by Travers Bushfire & Ecology, dated 4 May 2022 (Ref: 19DEX04.5).

WASTE MANAGEMENT

B45. 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).

B46. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B47. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

B48. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

CONTAMINATION

Unexpected Contamination Finds Procedure

B49. 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.

Contamination

B50. Prior to the commencement of construction, the Applicant must prepare a contaminated finds procedure to ensure that known or 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 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.

BIODIVERSITY AND LANDSCAPING

Tree Protection

B51. All trees identified for retention within the site and in the vicinity of the upgraded collector road (Duckworth Street) are to be protected in accordance with the approved landscape plans (as included in the RTS) and with the latest version of *Australian Standard 4970:2009 – Protection of Trees on Development Sites*. All required tree protection measures must be implemented prior to the commencement of construction works at the site.

Landscaping

B52. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the development's landscaping works, to the satisfaction of the Planning Secretary. The LMP must:

- (a) be prepared in consultation with Council;
- (b) detail the species to be planted on-site (including planting densities);
- (c) be generally consistent with:
 - (i) the landscape plans included in the RTS;
 - (ii) the Applicant's Management and Mitigation Measures (see Appendix 2 of this consent); and

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- (iii) Appendix 4 of *Planning for Bush Fire Protection* (RFS, 2019);
- (d) include a Street Tree Plan which:
 - (i) includes:
 - plans showing the location of the associated tree pits in relation to services, intersections, driveways, light poles, stormwater pits, sewerage infrastructure and utilities;
 - minimum container size of 100 litres for each street tree: and
 - cross-sections showing the dimensions of the associated tree pits;
 - (ii) provides details of:
 - selected street tree species;
 - root protection barriers; and
 - soil specifications;
 - (iii) provide details to demonstrate that street trees at maturity do not interfere with street lighting; and
- (e) describe the ongoing monitoring and maintenance measures which will be implemented to manage the landscaping works.

B53. The Applicant must:

- (a) not commence operation until the LMP (see condition B52) 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 in accordance with the approved LMP for the life of the development.

Biodiversity

B54. Prior to the commencement of construction, a suitably qualified Ecologist is to be appointed to undertake the required ecological works as detailed within the Dam Dewatering Management Plan titled "311 South St, Marsden Park SSD-29668067 Dam Dewatering Management Plan" authored by Ecologique dated 2 Sept 2022 (Appendix M of the RtS) including;

- (a) undertaking a survey prior to, during and immediately following completion of the dam decommissioning works; and
- (b) undertaking a summary report post-decommissioning of the dam listing the fauna identified, including, but not limited to:
 - (i) Cumberland Plain Land Snail
 - (ii) Waterfowl/nest in wetland vegetation
 - (iii) Frogs, Turtle, native and pest fish.

B55. The report detailing the findings of condition B54(b) is to be provided to Council post-decommissioning consistent with the reporting recommendations within Section 6.3 Reporting Dam, Dewatering Management Plan titled "311 South St, Marsden Park SSD-29668067 Dam Dewatering Management Plan" authored by Ecologique dated 2 Sept 2022 (Appendix M of the RtS).

Pests, Vermin and Priority Weed Management

B56. 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

Public Art

B57. Prior to the issue of an Occupation Certificate for Warehouse 1 or Warehouse 2, whichever comes first, the Applicant must prepare a Public Art Plan for the development. The Plan must:

- (a) be prepared:
 - (i) by a suitably qualified and experienced artist;
 - (ii) in consultation with Council; and
- (b) include details of:
 - (i) the public art features to be installed on the walls of Warehouses 1 and 2;

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- (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.*

B58. Prior to the commencement of operation, the Applicant must ensure the public art feature(s) included in the approved Public Art Plan (see condition B57) have been fully implemented.

Lighting

B59. The Applicant must ensure the lighting associated with the development:

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

B60. Prior to the installation of any permanent signage at the site, the Applicant must prepare a Signage Strategy for the development, to the satisfaction of the Planning Secretary. The Strategy must:

- (a) be generally consistent with the development plans included in the RTS;
- (b) include details of all business identification signage to be installed at the site (both ground and façade-mounted); and
- (c) ensure all proposed signage is not illuminated.

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

B61. All permanent signage at the site must be erected in accordance with the approved Signage Strategy (see condition B60).

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

B62. All 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 fencing.*

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) a condition compliance table;
 - (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 condition C1(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; and
 - (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) 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 Noise and Vibration Management Plan (see condition B4);
 - (ii) Construction Traffic Management Plan (see condition B15);
 - (iii) Unexpected Contamination Finds Procedure (see condition B49).
- 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

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- (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 submission of a Compliance Report under condition C13;
(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 of the review's outcome.

C8. If identified as part of the review process (see condition C7), or considered necessary to improve the environmental performance of the development, the Applicant must ensure the strategies, plans and/or programs required under this consent are revised, to the satisfaction of the Planning Secretary.

The revised document(s) must be submitted to the Planning Secretary for approval within six weeks of the review process taking place, or as otherwise agreed to in writing 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-29668067) 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 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-29668067);
(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 does not need to also be notified as a non-compliance.

Compliance Reporting

C13. Within 12 months of the commencement of operation of the development, and in the same month each subsequent year (or as otherwise agreed to in writing by the Planning Secretary), the Applicant must prepare and submit 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) include a copy of the development's refrigerated truck logbook (see condition B12)
(c) identify any emerging trends:
(i) identified in complaints received over the life of the development (see conditions C3(a) and C5(c)); and

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- (ii) within the environmental performance of the development (when compared to previous years of operation);
- (d) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (e) if necessary, describe what measures will be implemented over the next year to improve the environmental performance of the development.

Monitoring and Environmental Audits

C14. 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

C15. At least 48 hours before the commencement of construction 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 complaints register, updated quarterly (see conditions C3(a) and C5(c));
 - (vii) the development's Compliance Report (see condition C13);
 - (viii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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Appendix 1 Development Layout Plans

The development must be carried out in compliance (except as amended by any other condition of consent) with the following approved plans:

JOB NO.	DRAWING NO.	REV	DATE	TITLE
Architectural drawings prepared by Watson Young Architects				
21259	DA02	N	30.06.2023	Demolition Plan
21259	DA04	W	26.04.2024	Site Plan
21259	DA05	W	26.04.2024	Proposed floor plans – WH1
21259	DA06	W	26.04.2024	Proposed floor plans – WH2
21259	DA07	N	30.06.2023	Proposed office plans – WH1
21259	DA07.1	W	26.04.2024	Proposed Office Plans – WH1 – 1B & 1C
21259	DA08	N	30.06.2023	Proposed office plans – WH2
21259	DA09	W	26.04.2024	Proposed office plans – WH2
21259	DA10	N	30.06.2023	Proposed overall roof plan
21259	DA11	W	26.04.2024	Proposed warehouse elevations WH1 – Sheet 1
21259	DA12	W	26.04.2024	Proposed warehouse elevations WH2 – Sheet 2
21259	DA13	W	26.04.2024	Proposed office elevations – Sheet 1
21259	DA14	W	26.04.2024	Proposed office elevations – Sheet 2
21259	DA15	N	30.06.2023	Proposed Sections
21259	DA20	N	30.06.2023	Fence details
21259	DA21	W	26.04.2024	Proposed warehouse elevations – Overall
21259	DA22	W	26.04.2024	Floor Plan Area
21259	DA23	N	30.06.2023	Signage plan
21259	DA24	V	16.11.2023	Proposed site plan – Temp. basin
21259	MP01	V	16.11.2023	Masterplan
21259	MP02	V	16.11.2023	Proposed site plan – Ultimate road
Civil drawings prepared by Costin Roe Consulting				
Co14243.01	SSDA10	D	11/08/2023	Drawing List and General Notes
Co14243.01	SSDA15	F	31/3/2023	General Arrangement Plan
Co14243.01	SSDA20	E	15/9/2023	Erosion and Sediment Control Plan
Co14243.01	SSDA25	C	31/03/2023	Erosion and Sediment Control Details

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Co14243.01	SSDA30	N	10/11/2023	Bulk Earthworks & Cut/Fill Plan
Co14243.01	SSDA35	F	31/03/2023	Bulk Earthworks Sections – Sheet 1
Co14243.01	SSDA36	G	31/03/2023	Bulk Earthworks Sections – Sheet 2
Co14243.01	SSDA40	Q	11/04/2024	Ultimate Warehouse and Stormwater Drainage Plan
Co14243.01	SSDA41	J	10/11/2023	Warehouse Drains and Music Catchment Plan
Co14243.01	SSDA42	C	15/09/2023	Ultimate Basin 1 Plan
Co14243.01	SSDA43	D	27/09/2023	Bio Retention Basin 2 Plan
Co14243.01	SSDA44	B	15/09/2023	Interim Basin 1 Plan
Co14243.01	SSDA45	D	08/05/2023	Stormwater Drainage Details – Sheet 1
Co14243.01	SSDA46	D	08/05/2023	Stormwater Drainage Details – Sheet 2
Co14243.01	SSDA47	F	27/09/2023	Stormwater Drainage Details – Sheet 3
Co14243.01	SSDA47.1	A	05/08/2023	Stormwater Drainage Details – Sheet 4
Co14243.01	SSDA48	C	27/09/2023	Stormwater Drainage Long Sections – Sheet 1
Co14243.01	SSDA49	E	10/11/2023	Stormwater Drainage Long Sections – Sheet 2
Co14243.01	SSDA49.1	F	10/11/2023	Stormwater Drainage Long Sections – Sheet 3
Co14243.01	SSDA49.2	A	31/03/2023	Stormwater Drainage Long Sections – Sheet 4
Co14243.01	SSDA49.3	C	10/11/2023	Stormwater Drainage Long Sections – Sheet 5
Co14243.01	SSDA49.4	D	27/09/2023	Stormwater Drainage Long Sections – Sheet 6
Co14243.01	SSDA50	L	10/11/2023	Warehouse Civil Works Key Plan
Co14243.01	SSDA51	E	15/09/2023	Warehouse Civil Works Plan – Sheet 1
Co14243.01	SSDA52	D	10/11/2023	Warehouse Civil Works Plan – Sheet 2
Co14243.01	SSDA53	C	10/11/2023	Warehouse Civil Works Plan – Sheet 3
Co14243.01	SSDA54	E	15/09/2023	Warehouse Civil Works Plan – Sheet 4
Co14243.01	SSDA55	E	08/05/2023	Warehouse Civil Works Plan – Sheet 5
Co14243.01	SSDA60	I	20/07/2023	Warehouse Retaining Wall Plan
Co14243.01	SSDA65	D	31/03/2023	Warehouse Retaining Wall Plan Details
Co14243.01	SSDA70	F	27/09/2023	Interim Roadworks General Arrangement Plan
Co14243.01	SSDA71	B	19/07/2023	Interim Roadworks Long Sections Duckworth Place
Co14243.01	SSDA72	B	15/09/2023	Ultimate Roadworks General Arrangement Plan
Co14243.01	SSDA73	A	31/03/2023	Ultimate Roadworks Long Sections – Sheet 1

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Co14243.01	SSDA75	A	31/03/2023	Roundabout General Arrangement Plan and Geometry
Co14243.01	SSDA76	A	31/03/2023	Typical Sections and Details

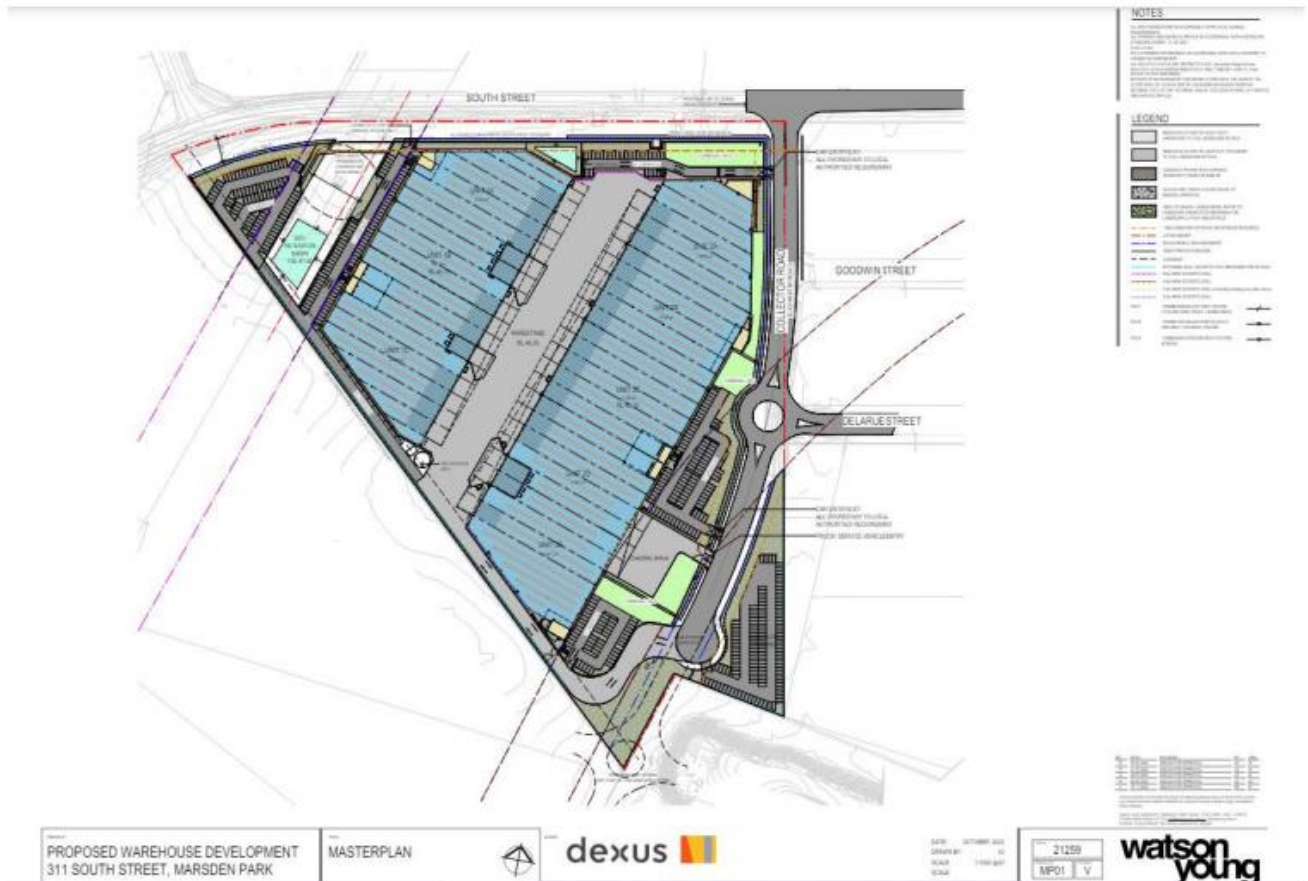


Figure 1: Site masterplan



Figure 2: Site masterplan (including the location of the temporary on-site detention basin)

INFORMANT

APPENDIX 2 - APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

SEAR	Stage of Project	Approach
<p>Urban Design and Visual Impact</p>	<p>Construction</p>	<p>The Urban Design Report (UDR) (Appendix L) and Visual Impact Assessment (VIA) (Appendix M) provides a series of mitigation measures respectively integrate the proposed building design and landscaping into the immediate surrounds and to complement the future urban character of adjoining sites. The key measures include:</p> <ul style="list-style-type: none"> ▪ Proposed design for the site to respond to the site conditions and topography, leveraging off the strategic context of the site and achieving the land use vision for the broader precinct. ▪ The proposed scale of the built form is smaller and less visually intrusive than some of the larger scale built forms that exist to the south and south east of the site. The proposed development also provides sufficient landscape setbacks which emphasise the street corners and street frontage facades. ▪ Extensive planting with a mix of low, medium and high level planting. ▪ Retention of existing vegetation where possible. ▪ The landscape response to the proposed development is another critical measure to mitigate the built form and act as buffer to screen the warehouse and distribution centre buildings. ▪ The proposed landscaping provides high quality communal areas within the estate as well as improving amenity along key interfaces of the site with existing and proposed road corridors and adjacent residential uses. ▪ Future built form to be screened by landscape buffers from key view points from surrounding uses.
<p>Traffic and Transport</p>	<p>Construction & Operational</p>	<p>The potential traffic impact for the proposed development is intended to be significantly lower than what was planned in the area wide modelling for the Marsden Park Industrial Precinct, which had significantly more trips.</p> <p>The anticipated traffic generated by the site can be served by the existing intersections surrounding the site.</p> <p>The traffic impacts from the construction phase are anticipated to be minor and is not expected to have a significant impact on the mid-block capacity of South Street, or the operation of surrounding key intersections.</p> <p>In order to mitigate the potential traffic impacts generated by the proposed development, it is recommended that a Green Travel Plan</p>

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SEAR	Stage of Project	Approach
		(GTP) (Appendix P) and Construction Traffic Management Plan (CTMP) (Appendix O) be adopted as part of construction and operational phase of the proposed development.
Trees and Landscaping	Operational	Retention of existing vegetation where possible. Implementation of a landscape maintenance and management regime to ensure the planting successfully establishes and thrives.
Greenhouse Gas and Ecologically Sustainable Development	Construction	The ESD and Greenhouse Assessment by Northrop details key initiatives for energy efficiency including: <ul style="list-style-type: none"> ▪ Natural ventilation of tertiary spaces ▪ Improved building fabric and glazing performance ▪ HVAC system control ▪ Highly efficient lighting system ▪ Electric-only building and environmentally friendly refrigerants ▪ Effective water management through water efficient fixtures and fittings.
Biodiversity	Construction & Operational	The Biodiversity advice from Travers Bushfire and Ecology confirms the site does not contain any waterfront land, is biodiversity certified and does not contain any existing native vegetation or retention areas. As such, no biodiversity mitigation measures are required.
Air Quality	Construction	The Air Quality Impact Assessment by WSP details a series of mitigation measures for dust, contaminated material, and combustion emissions which include: <ul style="list-style-type: none"> ▪ Temporary site fencing and gates to be installed around all construction site areas. ▪ Minimise the extent of exposed and stripped surface areas. ▪ Cover or stabilise potentially dust-generating materials during transport to, from and around the site. ▪ Restrict on-site vehicle speeds to minimise wheel generated dust on sealed roads. ▪ Unexpected find protocol to be implemented when necessary. ▪ Emissions from HDVs to be regulated.
Noise and Vibration	Construction	While noise exceedances are predicted in all construction scenarios, mitigatory measures are proposed to minimise these impacts.

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SEAR	Stage of Project	Approach
		<p>In order to mitigate construction noise for nearby sensitive receivers, the following mitigation measures are proposed, especially during intensive works such as work with excavators and breakers:</p> <ul style="list-style-type: none"> ▪ Scheduling of activities to be inside working operation hours ▪ Site layout to have vehicle exists away from noise sensitive areas ▪ Vibration associated with truck activity to comply with relevant NSW guidelines.
	Operational	<p>Whilst some degree of noise will always emanate from the 24hr operation of the proposed development, screening from the main areas of operation is the most effective measure to mitigate impacts on adjoining sensitive receivers.</p> <p>In order to mitigate operational noise for nearby sensitive receivers, the following mitigation measures are proposed:</p> <ul style="list-style-type: none"> • The construction of a 6m high acoustic barrier above concrete pad RL along the northern boundary of the central hardstand area, as indicated in Section 11.1 (Figure 25) of the Revised Acoustic Report, dated 22 Febuary 2024 at Appendix F. • The construction of 10m high awnings along the hardstand areas as indicated in Section 11.1 (Figure 25) of the Revised Acoustic Report, dated 22 Febuary 2024 at Appendix F. • Warehouses to be constructed using concrete tilt walls to a minimum height above pad level RL as specified in Section 11.1.1 (Figure 26) of the Revised Acoustic Report, dated 22 Febuary 2024 at Appendix F. • Vehicles using the eastern loading docks of Units 2D & 2E during the night time period (10pm-7am Monday to Saturday, 10pm-8am Sunday shall be limited to 6 tonne trucks, delivery vans or lighter. No restrictions on vehicle types would apply during the day and evening time periods. This is indicated in Section 11.1 (Figure 25) of the Revised Acoustic Report, dated 22 Febuary 2024 at Appendix F. • Onsite mechanical plants to be assessed by a qualified acoustic consultant prior to its installation.
Ground and Water Conditions	Construction	<p>The proposed development will be supported by a Soil and Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP) to ensure site runoff during typical construction activities on site are mitigated and that there is no significant sediment load from the runoff.</p>

SEAR	Stage of Project	Approach
Stormwater and Wastewater	Construction	<p>A Water Cycle Management plan will be implemented to achieve a series of targets in relation to water quantity and quality. The stormwater quantity management for the site will be satisfied by the Little Creek regional detention system which will see a proposed basin to be constructed in the first quarter of 2022.</p> <p>Stormwater quality for the proposed development will be achieved through measures including:</p> <ul style="list-style-type: none"> ▪ Stormwater quality improvement devices incorporated as part of the design ▪ Primary treatment of external areas through pit inserts ▪ Installation of two tertiary proprietary treatment systems ▪ Rainwater treatment tanks <p>The site is not currently served by on-site wastewater infrastructure however there are a number of adjoining sewer reticulation systems which the site could potentially connect into. There is an adjacent sewer reticulation system constructed under Sydney Water which the proposed development can connect to.</p>
Flooding Risk	Operational	<p>The Water Cycle Management Strategy by Costin Roe has identified that the site is not subject to flooding or overland flow paths and hence no flood assessment or mitigation measures are required. As such, risk of flood is minimal.</p>
Hazards and Risks	Construction & Operational	<p>Proper mitigation measures and storage facilities will be implemented on site if hazardous materials or dangerous goods need to be stored on site.</p>
Contamination and Remediation	Construction	<p>The Detailed Site Investigation (DSI (Appendix W)) has identified a series of measures to respond to the potential sources of contamination on the site which include:</p> <ul style="list-style-type: none"> ▪ Undertake an asbestos building survey of buildings and structures by a qualified Occupational Hygienist. ▪ Program of abatement to remove surficial materials to improve the possibility of soil retention and improve risk mitigation outcomes during operation of the proposed development ▪ A CEMP needs to be considered as part of the development process.
Waste Management	Construction & Operational	<p>Material waste as part of the demolition works to be managed, disposed of and/or recycled in accordance to the demolition management plan. General waste disposal bins will be provided throughout the site, and surplus soil material transported to a licensed waste facility.</p>

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SEAR	Stage of Project	Approach
		The anticipated impact of waste collection vehicles is minimal.
Aboriginal Cultural Heritage	Construction & Operational	<p>Whilst the Aboriginal Cultural Heritage Assessment (ACHA) (Appendix AA) identifies no further assessment or works are required to be undertaken for the site, a series of mitigation measures have been recommended for future stages of the development process.</p> <ul style="list-style-type: none"> ▪ In the event that unexpected finds occur during any activity within the study area, all works must in the vicinity must cease immediately. The find must be left in place and protected from any further harm. Depending on the nature of the find, the following processes must be followed: ▪ If, while undertaking the activity, an Aboriginal object is identified, it is a legal requirement under Section 89A of the NPW Act to notify Heritage NSW, as soon as possible. Further investigations may be required prior to certain activities recommencing. ▪ If, human skeletal remains are encountered, all work must cease immediately and NSW Police must be contacted, they will then notify the Coroner’s Office. Following this, Heritage NSW should be contacted to liaise with NSW Police, in the instance that the remains are determined to be of historical Aboriginal origin. Upon this determination, Aboriginal stakeholders should be notified. ▪ It is recommended that the proponent continues to inform the Aboriginal stakeholders about the management of Aboriginal cultural heritage within the study area throughout the completion of the project. The consultation outlined as part of this ACHA is valid for six months and must be maintained by the proponent for it to remain continuous.
Environmental Heritage	Construction & Operational	The European Heritage Impact Statement for the proposed development found no heritage items listed on the site and hence no mitigation measures were required.
Social Impact	Construction & Operational	<p>The Social Impact Assessment (SIA) (Appendix BB) recommends the following mitigation measures:</p> <ul style="list-style-type: none"> ▪ Consider creating an employment plan for the construction phase and letting/tenant selection process. The plan could include measures to facilitate local employment and a strategy to attract and select suitable tenants from a range of industries and sectors. ▪ A Green Travel Plan (GTP) to increase active and public transport modes. ▪ Provision of internal lunchrooms, outdoor areas and breakout spaces for each of the proposed offices.

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SEAR	Stage of Project	Approach
		<ul style="list-style-type: none"> ▪ Proposed landscaping providing shade for workers and visitors to the site and outdoors spaces for workers. ▪ Implement end of trip facilities as specified in the Green Travel Plan. ▪ Clarify the timing of the proposed development in relation to the timing of road network upgrades to identify the potential for short term road capacity and traffic impacts. ▪ Continue to consult with TfNSW and Blacktown City Council as the proposal and Marsden Park Industrial Precinct develops to monitor road performance and infrastructure delivery and make future modelling adjustments as required.
Bush Fire Risk	Operational	<p>The provision of a suitable emergency and evacuation arrangements for the site and all occupants.</p> <p>Asset Protection Zones are to be constructed in accordance with PBP 2019, managed and maintained.</p> <p>An emergency evacuation plan is to be prepared for the site.</p> <p>Rainwater tanks and hydrants are to be provided with each warehouse development.</p>

APPENDIX 3 NOISE RECEIVER LOCATIONS

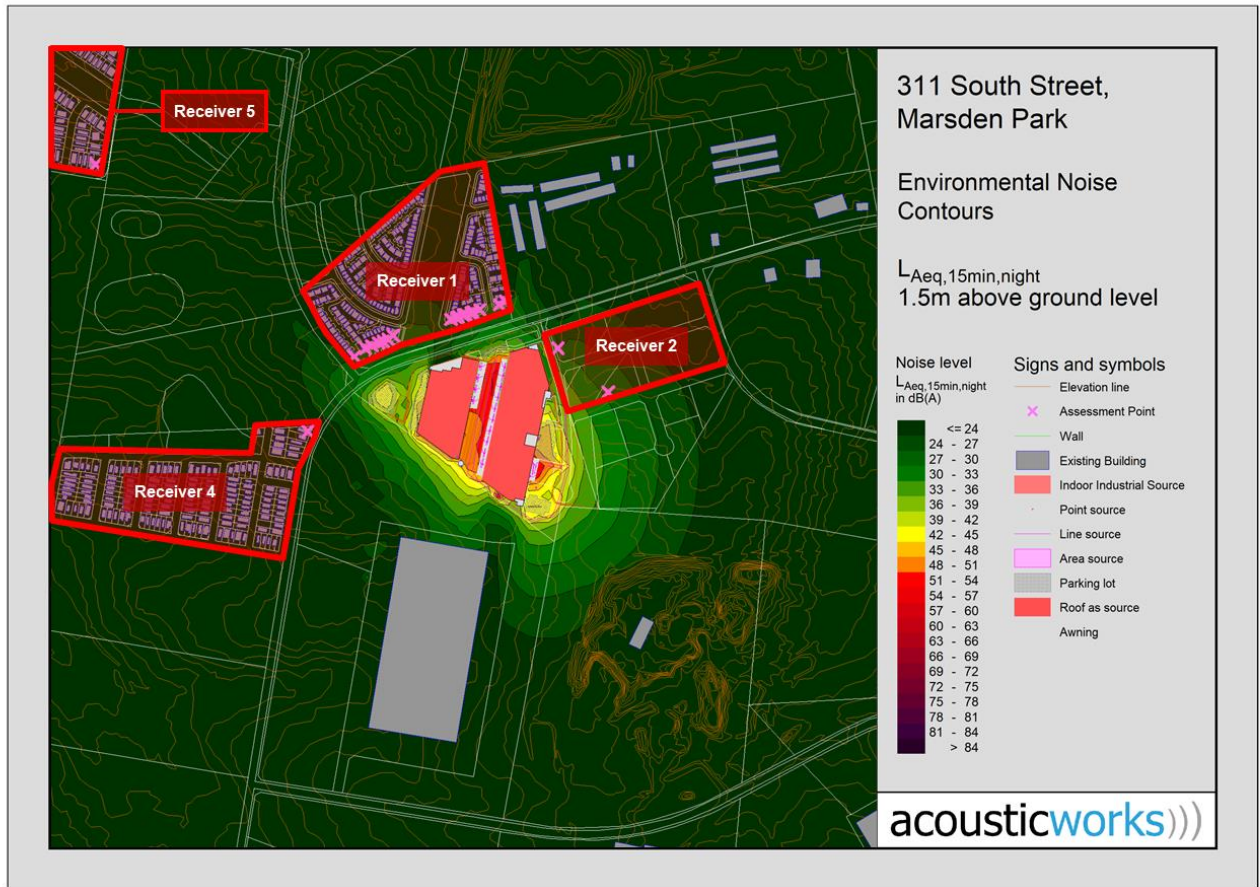


Figure 3: Noise receiver locations

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 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.