

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

20 December 2023

File: SD23/54923

SCHEDULE 1

Application Number:	SSD-49584708
Applicant:	Charter Hall Holdings Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Part Lot 10 DP 1061237 and Part Lot 5 DP 804051 165 Wallgrove Road & 475 Ferrers Road, Eastern Creek
Development:	Construction and operation of a partially temperature-controlled warehouse and distribution centre (excluding local distribution centre) on Lot 1 only of the Light Horse Interchange Business Hub, Eastern Creek including: <ul style="list-style-type: none"> • ancillary office and amenities • ancillary café space • car parking • landscaping.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-49584708-Mod-1	4 October 2024	A/Team Leader	Signage – construction of a pylon sign

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DEFINITIONS

Amendment Report	Light Horse Business Hub Amendment Report, prepared by Urbis, dated 19 September 2023
Applicant	Charter Hall Holdings Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	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, Response to Submissions and Amendment Report, in so far as it related to the works and activities comprising a warehouse and distribution centre on Lot 1 only, 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>Light Horse Interchange Business Hub: Lot 1 and Lot 3</i> , prepared by Urbis dated March 2023, 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
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the POEO Act
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
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Lot 1	Lot 1 as described in Figure 3 of the consent for the Light Horse Interchange Business Hub, Eastern Creek (SSD-9667)
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	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a. SSD-49584708-Mod-1 - Light Horse Interchange - SSD-49584708 (Mod 1), prepared by Urbis dated 19 July 2024
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 carrying out of a warehouse and distribution centre use on Lot 1 as described in the EIS, RTS and Amendment Report
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions (RTS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>Response to Agency & Organisation Submissions</i> , prepared by Urbis and dated 19 September 2023
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
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, Response to Submissions and Amendment Report;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 2.; and
 - (f) in accordance with the Modification Assessments
- 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(e) or A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(e) or A2(f), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Approval of Lot 1 Only

- A5. The development is limited to the construction and operation of the development as described in the EIS, Response to Submissions and Amendment Report on Lot 1 only of the Light Horse Interchange Business Hub, Eastern Creek as shown in Figure 3 of the consent for SSD-9667.
- A6. For the avoidance of doubt, this consent does not approve the construction or operation of any physical works on Lot 3 of the Light Horse Interchange Business Hub, Eastern Creek as shown in Figure 3 of the consent for SSD-9667.

Note: This consent does not restrict further approvals or consents applying to Lot 3.

Café Use

- A7. The café associated with the development is only to be used by staff and users of the industrial or warehousing or distribution uses associated with the Light Horse Interchange Business Hub (SSD-9667).

Lapsing

- A8. 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.

General

- A9. Prior to the commencement of operation of this development, the Applicant must ensure the stormwater management system (with temporary protection measures or full filter area planting) has been completed under consent SSD-9667 (Schedule 3, condition B14).

- A10. The areas identified as 'Loading Areas' on the plan titled 'Site / Ground Floor Plan – Lot 1', prepared by Nettletontribe (issue P9, 16 August 2023) are not to be used for the storage of any goods or materials associated with the operation of the development.

NOTIFICATION OF COMMENCEMENT

- A11. 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; and
 - (b) operation.
- A12. 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

- A13. 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

- A14. 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).
- A15. 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.
- A16. 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.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

General Requirements

- A17. Prior to the commencement of construction of the development, 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.
- A18. 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; and

- (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

A19. Prior to the commencement of construction, the Applicant must obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated regulations to identify the location of any underground electrical or other utility infrastructure on the site as well potential hazards associated with existing utilities on the site.

Sydney Water

A20. 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

A21. 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 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.

A22. Prior to the issue 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.

STRUCTURAL ADEQUACY

A23. 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.

EXTERNAL WALLS AND CLADDING

A24. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A25. 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.

A26. 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.

COMPLIANCE

A27. 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.

OPERATION OF PLANT AND EQUIPMENT

A28. 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.

WORK AS EXECUTED PLANS

- A29. Prior to the issue of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- A30. 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.
- A31. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction 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 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 and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail how construction of the development will interact with any construction still occurring under SSD-9667 and any other development within the Light Horse Interchange Business Hub, including consideration of cumulative construction and/ or operational traffic impacts and how these would be managed;
 - (e) detail heavy vehicle routes, access and parking arrangements;
 - (f) 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;
 - (g) include a program to monitor the effectiveness of these measures; and
 - (h) 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.

Parking

- B3. The Applicant must provide sufficient car (heavy vehicles and for site personnel) and bicycle parking facilities onsite in accordance with the drawing titled Site / Ground Floor Plan – Lot 1, prepared by Nettletontribe (issue P9, 16 August 2023) to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B4. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and *AS 2890.6.2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
 - (b) the 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) signposting and line markings clearly show entry and exit driveways and distinguish which driveways are for cars and heavy vehicles;

- (f) pavement arrows are installed to clarify the direction of travel within the site;
- (g) all vehicles are wholly contained on site before being required to stop;
- (h) all loading and unloading of materials is carried out on-site;
- (i) all vehicles enter and exit the site in a forward direction; and
- (j) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Green Travel Plan

- B5. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Green Travel Plan. The Green 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.
- B6. The Applicant must not commence operation until the Green Travel Plan has been submitted to the Planning Secretary.
- B7. The Applicant must implement the most recent version of the Green Travel Plan submitted to the Planning Secretary for the duration of the development.

Operational Traffic Monitoring

- B8. The Applicant must monitor operational traffic of the development for a period of 12 months following commencement of operation, including, but not limited to:
- (a) the number and frequency of vehicle movements;
 - (b) the type of vehicle (heavy or light); and
 - (c) time of day of trips.
- B9. At six and 12 months following the commencement of operation, the Applicant must submit an Operational Traffic Verification Report, to the satisfaction of the Planning Secretary. The report must:
- (a) analyse operational traffic data collected under condition B8 against the predicted traffic in the Amendment Report;
 - (b) analyse the potential cause of any significant differences between actual traffic data and that in the Amendment Report;
 - (c) consider the traffic data under condition B8 and cumulative traffic volumes (real or expected) from other developments within the Light Horse Interchange Business Hub, against the traffic outcomes predicted in SSD-9667; and
 - (d) include an outline of management actions to be taken, including timing of such action, to address circumstances where the actual traffic generation exceeds that predicted in the Amendment Report.

BUSHFIRE

- B10. The development must comply with the recommendations relating to Lot 1 in Section 4 of the bushfire report prepared by Peterson Bushfire, dated 28 February 2023.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B11. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

- B12. Prior to the commencement of any construction for the development, 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 included in the CEMP required by condition C2.
- B13. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition B12 for the duration of construction of the development.
- B14. Should the works to be carried out on Lot 1 as described under SSD-9667, as modified, not be completed prior to the commencement of the development, the Erosion and Sediment Control Plan included in the CEMP required by condition C2 must demonstrate how it integrates with any other erosion and sediment control works established under SSD-9667.

Discharge Limits

- B15. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B16. Prior to the commencement of construction of the development, the Applicant must finalise the detailed design of the stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be designed in consultation with Council;
 - (c) be generally in accordance with the conceptual design in the Amendment Report and demonstrate integration with the Stormwater Management System under SSD-9667;
 - (d) prepared in accordance with Council's requirements and guidelines;
 - (e) include appropriate water harvesting measures to ensure the development meets Council's water reuse targets;
 - (f) be in accordance with applicable Australian Standards; and
 - (g) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2019) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Flood Management

- B17. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.
- B18. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.
- B19. Prior to the commencement of operation of the development, the Applicant must prepare a Flood Emergency Response Plan. The Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain risk management manual* (DPE, 2023) and *Support for emergency management planning* (DPE, 2023);
 - (c) consider isolation, access and evacuation during extreme events up to and including the probable maximum flood;
 - (d) be consistent with the Local Flood Plan and/or the State Emergency Service flood emergency strategy for the area; and
 - (e) include details of:
 - (i) the flood emergency responses for operational phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and

- (vi) awareness training for employees and contractors.

B20. The Applicant must:

- (a) implement the Flood Emergency Response Plan required by condition B19 prior to the commencement of operation; and
- (b) maintain the Flood Emergency Response Plan required by condition B19 for the life of the development.

AIR QUALITY

Dust Minimisation

B21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B22. During construction of the development, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

B23. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2022.

Odour Management

B24. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

B25. The Applicant must comply with the hours detailed in Table 1.

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

B26. Works outside of the hours identified in condition B25 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

B27. 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 2.

Operational Noise Limits

B28. The Applicant must ensure that the noise generated by the operation of the development and all other developments within the Light Horse Interchange Business Hub, does not exceed the estate wide cumulative noise limits in Schedule 2, condition B12 of consent SSD-9667.

Note *Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures in condition B12 of the consent for SSD-9667.*

B29. Within 12 months of the commencement of operation of the development, the Applicant must prepare and submit to the Planning Secretary a noise verification report for the development. The noise verification report must:

- (a) be prepared to the satisfaction of the Planning Secretary;
- (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
 - (iii) the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017);
- (c) include:
 - (i) a source emission inventory developed from on-site noise monitoring;
 - (ii) an analysis of the prevailing meteorological conditions;
 - (iii) noise measurement samples collected under noise-enhancing meteorological conditions defined in Fact Sheet D of the Noise Policy for Industry (EPA, 2017);
 - (iv) records of loading dock capacity and timing of vehicle movement in and out of the site during noise verification;
 - (v) an analysis of compliance with noise limits specified in condition B12 of SSD-9667 using a calibrated and validated estate-wide noise model (including noise generated by all developments within the Light Horse Interchange Business Hub);
 - (vi) identify management actions to be taken to address any exceedances of the limits specified in condition B12 of SSD-9667 and a timetable for the implementation of any required actions; and
 - (vii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B30. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B31. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HISTORIC HERITAGE

B32. Prior to the commencement of operation, the Applicant must demonstrate, to the Planning Secretary's satisfaction, how any outcomes of the Heritage Interpretation Plan as required under the SSD-9667 consent, have been incorporated into the development.

Unexpected Finds Protocol

B33. If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:

- (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately;

- (b) Heritage NSW must be contacted immediately; and
- (c) 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.

B34. 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

B35. The Applicant must carry out the development in accordance with the document titled 'License 3 Light Horse Interchange Business Hub – Pipeline Safety Management Study' prepared by CNC Project Management (Version 0, dated 9/3/2022) and ensure works do not occur in the pipeline easement, unless written agreement is obtained from Jemena.

Dangerous Goods

B36. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B37. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:

- (a) all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

B38. In the event of an inconsistency between the requirements of conditions B37(a) and **Error! Reference source not found.**, the most stringent requirement must prevail to the extent of the inconsistency.

Emergency Services Information Package

B39. From the commencement of construction and for the life of the development, an Emergency Services Information Package, developed in accordance with the FRNSW *Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans*, must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

WASTE MANAGEMENT

Waste Storage and Processing

B40. 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.

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).

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

B43. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

Pests, Vermin and Priority Weed Management

B44. 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.

CONTAMINATION

Unexpected Finds

B45. 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 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.

VISUAL AMENITY

Landscaping

- B46. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) detail local native species (with the exception of the 'Bush Tucker Garden') to be used in landscaping, pot sizes, planting densities and locations;
 - (b) prioritise advanced and established tree sizes;
 - (c) demonstrate sufficient space is provided around trees to allow growth to maturity;
 - (d) describe the monitoring and maintenance measures to manage landscaping works;
 - (e) demonstrate how it is consistent with any requirements to manage bush fire risk; and
 - (f) be consistent with the Applicant's Management and Mitigation Measures in Appendix 2.
- 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 4282-2019 - *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

- B49. All fencing must be erected in accordance with the development plans included in Appendix 1.

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

- B50. Prior to the installation of any permanent signage on the site, the Applicant must prepare a detailed Signage Strategy for the site, to the satisfaction of the Planning Secretary. The Strategy must include detailed design/guidelines for business identification signage within the site.

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

- B51. Any signage erected must be in accordance with the Signage Strategy approved by the Planning Secretary under condition B50.

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

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) 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 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 B12); and
 - (c) 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.

OPERATIONAL COMPLAINTS HANDLING PROTOCOL

- C5. Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:
- (a) detail how complaints would be received by the Applicant;

- (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
- (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
- (d) be submitted 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 under 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 the development.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C7. Within three months of:

- (a) the submission of an incident report under condition C9;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed.

C8. If identified as part of the review process (see condition C7), necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition C7, or such other timing as agreed by the Planning Secretary.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C9. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- 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 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.
- C12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

ACCESS TO INFORMATION

C13. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;

- (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent with the exception of the ESIP required under condition B39;
 - (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;
 - (vii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Drawing Number	Drawing Name	Revision	Date
Plans prepared by Nettletontribe			
12648_DA011	Site/Ground Floor Plan – Lot 1	P11	13/06/2024
12648_DA013	Roof Plan – Lot 1	P4	16/08/2023
12648_DA015	Office Floor Plans - Office 1	P5	16/08/2023
12648_DA018	Container Cafe Plans	P5	16/08/2023
12648_DA019	Dock Office 1 - Plans & Elevations	P4	16/08/2023
12648_DA020	Warehouse Elevations - Lot 1	P5	16/08/2023
12648_DA025	Office Elevations - Office 1	P4	16/08/2023
12648_DA028	Container Cafe - Elevations & Sections	P5	16/08/2023
12648_DA030	Warehouse Sections - Lot 1	P4	16/08/2023
12648-DA081	Site Signage Strategy Plan - Lot 1	P6	13/06/2024
Plans prepared by at&I			
20-795-C5003	General Arrangement Plan	F	22/08/2023
20-795-C5010	Typical Sections Sheet 1	F	22/08/2023
20-795-C5011	Typical Sections Sheet 2	F	22/08/2023
20-795-C5012	Typical Sections Sheet 3	F	22/08/2023
20-795-C5020	Bulk Earthworks Cut/Fill Plan	F	22/08/2023
20-795-C5031	Siteworks & Stormwater Drainage Plan Sheet 1	F	22/08/2023
20-795-C5032	Siteworks & Stormwater Drainage Plan Sheet 2	F	22/08/2023
20-795-C5033	Siteworks & Stormwater Drainage Plan Sheet 3	F	22/08/2023
20-795-C5034	Siteworks & Stormwater Drainage Plan Sheet 4	F	22/08/2023
20-795-C5035	Siteworks & Stormwater Drainage Plan Sheet 5	F	22/08/2023
20-795-C5040	Pavement Plan	F	22/08/2023
20-795-C5061	Stormwater Longitudinal Sections Sheet 1	F	22/08/2023
20-795-C5062	Stormwater Longitudinal Sections Sheet 2	F	22/08/2023
20-795-C5063	Stormwater Longitudinal Sections Sheet 3	F	22/08/2023

20-795-C5064	Stormwater Longitudinal Sections Sheet 4	F	22/08/2023
20-795-C5065	Stormwater Longitudinal Sections Sheet 5	F	22/08/2023
20-795-C5080	Erosion And Sediment Control Plan	F	22/08/2023
20-795-C5081	Erosion And Sediment Control Details	F	22/08/2023
20-795-C5091	Retaining Wall General Arrangement Plan	A	22/08/2023

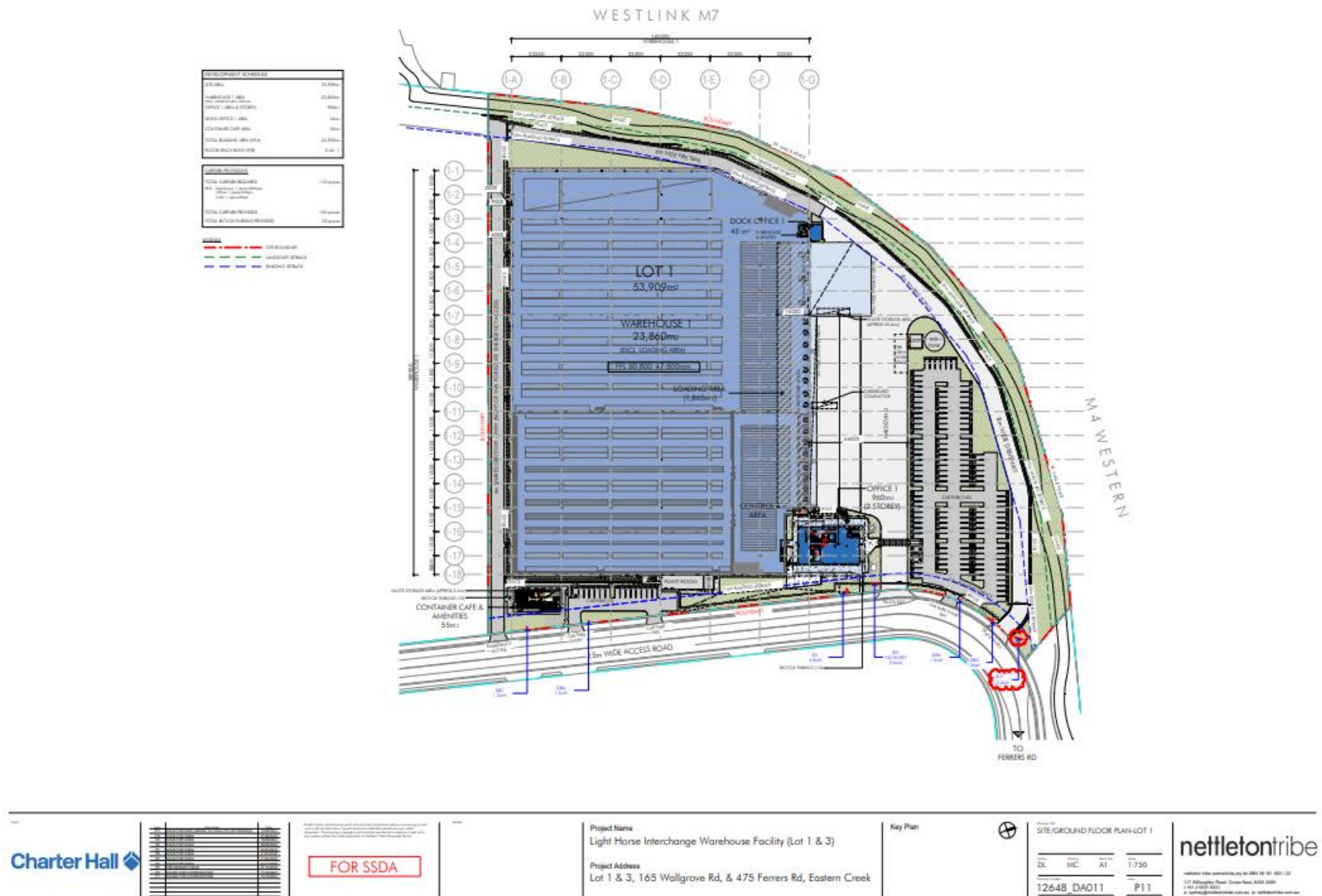


Figure 1: Site Plan

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Matter	Mitigation Measure
Built Form and Urban Design	The proposed built form has been designed to conform with the design parameters established by SSDA 9667 (as modified)
Traffic, Transport and Accessibility	<p>Traffic control would be required to manage and regulate construction vehicle traffic movements to and from the site during construction. Proposed access arrangements are per the TI prepared by TTPA.</p> <p>Operational traffic impacts have been assessed to be consistent with impacts envisaged and approved under SSDA-9667 (as modified).</p> <p>Passenger vehicle parking has been provided in accordance with the RMS Guide to Traffic Generating Developments.</p>
Visual Impacts	<p>The proposed built form has been designed to conform with the design parameters established by SSDA-9667 (as modified).</p> <p>The visual impact assessment which supports the EIS package has confirmed that the proposed construction of Lots 1 and 3 will not result in any adverse impacts above those already consented to under SSD-9667</p>
Tree Removal	All site establishment works required to enable the construction of Lots 1 and 3 have been approved under SSDA 9667 and are underway. The proposal does not require any additional tree removal, and presents minor potential impact to retained vegetation
Biodiversity	All impacts associated with the development of Lot 1 and Lot 3 have previously been assessed and approved under SSD 9667 and the associated Biodiversity Assessment Development Report (BDAR) prepared by Ecoplaning (2020). All BOS credits have been purchased and retired successfully as per condition B30, B31 and B32 of development consent SSD-9667
Air Quality	General environmental awareness training should be provided to relevant staff and contractors during construction and operation. All staff and contractors should be instructed to report any undue pollutant release (including odour) and visible emissions from the exhaust vents to the Site Manager.
Noise and Vibration	<p>Prior to the commencement of major construction works, the contractor should develop a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP should:</p> <ul style="list-style-type: none"> Identify relevant construction noise and vibration criteria Identify neighbouring sensitive land uses for noise and vibration Summarise key noise and vibration generating construction activities and the associated predicted levels at neighbouring land uses Identify reasonable and feasible work practices to be implemented during the works Summarise stakeholder consultation and complaints handling procedures for noise and vibration

Ground and Water / Stormwater	<p>The proposal benefits from a thorough assessment of impacts relating to stormwater and flooding contained within SSD-9667 as modified. Under this consent, numerous ongoing mitigation measures are mandatory, and therefore not required to be doubled up under the assessment of this proposal. Despite this, the following mitigation measures have been noted by AT&L to ensure no adverse impacts result from the site's hydraulic management:</p> <ul style="list-style-type: none"> • Finished Floor Levels (FFL) are to have minimum 500mm freeboard to 100-year ARI overland flow • Rainwater tanks are desirable for re-use for irrigation, toilet and other non-potable water uses only
Hazards and Risks	<p>The following recommendations are to be implemented once the proposal is operational:</p> <ul style="list-style-type: none"> ▪ A minimum separation distance between the flammable liquids storage and site boundary of 6m will be provided ▪ The DGs shall be stored in a manner which complies with the applicable storage standards (i.e. AS/NZS 3833:2007 or Class specific standards such as AS 1940:2017). ▪ The documentation required by the Work Health and Safety (WHS) Regulation 2017 (Ref. [2]) shall be prepared to demonstrate the risks have been assessed and minimised So Far As Is Reasonably Practicable (SFARP) as required by the WHS Regulations. ▪ Where flammable gases or liquids are stored, a hazardous area classification in accordance with AS/NZS 60079.10.1:2009 (Ref. [3]) shall be prepared to ensure that an ignition source does not enter a hazardous atmosphere as required by the WHS Regulations.
Contamination and Remediation	<p>Stage 1 works (including remediation) were approved under SSDA-9667 and are currently underway. No further mitigation works are required to be undertaken beyond those already required under SSD-9667.</p>
Aboriginal Cultural Heritage	<p>Stage 1 works (including remediation) were approved under SSDA-9667 and are currently underway. No further mitigation works are required to be undertaken beyond those already required under SSD-9667.</p>
Bushfire Risk	<p>The development does not involve habitable uses (Class 1, 2 or 3) or Special Fire Protection Purpose (SFPP) development. Nonetheless, numerous measures have been proposed to manage the level of risk posed on the development from a bushfire. This includes providing suitable access, emergency and evacuation arrangements, water supply and other key utilities, and the appropriate storage of DGs at the site</p>
Construction, Operation and Staging	<p>Appropriate hoarding / fencing (as specified in Australian Standards and Work Cover requirements) and safety barriers will be installed to the entire work areas prior to commencement of the works. As is currently installed on the site, hoardings will be erected around the perimeter of the site and maintained to prevent public access.</p>

	<p>Site signage will provide 24-hour emergency contact details including contact name and telephone number.</p> <p>Construction vehicle access / egress gates / Signage will be installed. These public and property protection measures will be reviewed at the time of contract award for the works to ensure alignment with proposed preferred methodologies and sequencing developments and to ensure that the safety of the general public is maintained at all times during the works. As part of the noise mitigation treatment for the project, the Main Contractor will be responsible for the management, checking of compliance maintenance regimes and statutory supervision of all equipment, such as making sure all trucks and machinery involved in the works are checked for defective exhaust systems and general servicing.</p>
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APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.