

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the development application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

These conditions are required to:

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



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 24 June 2016

SCHEDULE A

Application No:	SSD 7155
Applicant:	The Trust Company (Australia) Limited as Trustees for Logos Australian Logistics Venture Prestons Trust
Consent Authority:	Minister for Planning
Land:	34 Yarrunga Street, Prestons Lots 33-35 and 43 on DP 2359 and Lot 20 on DP 117483
Development:	Staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping.

DEFINITIONS

Applicant	The Trust Company (Australia) Limited as Trustees for Logos Australian Logistics Venture Prestons Trust
BCA	Building Code of Australia
Benera Homestead	Heritage item (archaeological site) listed on the <i>Liverpool Local Environmental Plan 2008</i> and the NSW State Heritage Inventory
Construction	Construction of warehouse and office buildings including foundations, concrete slabs, hardstand and parking areas, fencing, signage and landscaping, covered by this consent
Council	Liverpool City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix A, including staged construction of five warehouses and associated office space, access roads, parking, drainage and landscaping
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	Environmental Impact Statement titled <i>Environmental Impact Statement – Prestons Warehouse and Distribution Centre</i> , prepared by Urbis dated February 2016
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
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>
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Management & Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS and included in Appendix B
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning (or delegate)
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Operation	Use of warehouse buildings for packing, loading and distribution of consumer goods
PCA	Principal Certifying Authority authorised under section 109D of the <i>Environmental Planning and Assessment Act 1979</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Prestons Creek Bank site	The area of Aboriginal archaeological sensitivity as shown in Appendix C
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i> and including the Gandangara Local Aboriginal Land Council (GLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC)
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>SSD 15-7155 Prestons Industrial Estate Response to Submissions</i> , prepared by Urbis, dated 28 April 2016
Secretary	Secretary of the Department (or nominee)
Sensitive Receivers	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and

Site	children's day care facility, as shown in Appendix D
Transmission towers	The land listed in Schedule A, and shown in Appendix A Two high voltage transmission towers (stanchions 351 and 352) located in TransGrid's transmission line easement within the site
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>

SCHEDULE B
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) EIS and RTS;
 - (b) Development layout plans and drawings in the EIS (see Appendix A); and
 - (c) the Management and Mitigation Measures (see Appendix B).
- B3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

LIMITS OF CONSENT

- B5. 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 the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- B6. The sale or display of goods for retail to the general public is not permitted.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B7. With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - (b) combine any strategy, plan or program required by this consent.
- B8. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage 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. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

EVIDENCE OF CONSULTATION

- B9. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the PCA for approval, where required;
 - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
 - (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

DISPUTE RESOLUTION

- B10. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- B11. The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

DEMOLITION

- B12. The Applicant shall ensure that all demolition associated with the Development is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version and the requirements of the *Work Health and Safety Regulation, 2011*.

STRUCTURAL ADEQUACY AND CERTIFICATION

- B13. The Applicant shall ensure all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.
- B14. Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.

UTILITIES AND SERVICES

- B15. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.
- B16. Prior to operation of the Development, the Applicant shall obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site from Sydney Water Corporation under Section 73 of the *Sydney Water Act 1994*.

PROTECTION OF PUBLIC INFRASTRUCTURE

- B17. Prior to the commencement of earthworks, the Applicant shall:
- (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 this report to the Secretary and Council.
- B18. The Applicant shall:
- (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

COMPLIANCE

- B19. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B20. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

OPERATION OF PLANT AND EQUIPMENT

- B21. The Applicant shall ensure that all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.
- B22. The Applicant shall not operate any mobile plant and equipment which exceeds a height of 4.2 metres within the TransGrid transmission line easement. All construction plant and equipment that will operate within the transmission line easement shall be fitted with an earthing trail.

DEVELOPMENT CONTRIBUTIONS

B23. Within 6 months of the date of this consent and prior to the issue of an Occupation Certificate for any part of the development, the Applicant shall pay contributions to Council in accordance with the *Liverpool Contributions Plan 2009*.

EASEMENTS

B24. The creation of easements for services, rights of carriageway and restrictions as to user are applicable under section 88E of the *Conveyancing Act 1919*, including (but not limited to) the following:

- (a) easements for sewer, water supply and drainage over all public services/infrastructure on private property;
- (b) drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners;
- (c) maintenance of the subsurface drains is to be included in the 88E Instrument;
- (d) restriction as to user and positive covenant relating to the:
 - i. on-site detention system/s;
 - ii. stormwater pre-treatment system/s; and
 - iii. overland flowpath works;
- (e) flood control works.

Any section 88E Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

SCHEDULE C
ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

TRAFFIC AND ACCESS

Intersection Works

- C1. The Applicant shall meet the requirements of RMS and Council for the intersection upgrade works on the Bernera Road and Yarrunga Street intersection. The Applicant shall:
- (a) provide certified copies of the civil design plans for the intersection and traffic control signal works to RMS for approval prior to the issue of a construction certificate;
 - (b) obtain approval for the works under section 138 of the *Roads Act 1993*; and
 - (c) enter into a Works Authorisation Deed with RMS for the works.
- C2. Within 2 months of the date of this consent, the Applicant shall engage an independent Quantity Surveyor to determine the cost of the intersection upgrade works that will form the basis of a contribution to be paid by the Applicant to Council.
- C3. Within 6 months of the date of this consent, the Applicant shall provide written evidence to the satisfaction of the Secretary demonstrating that an agreement has been made with Council for construction and payment of the intersection upgrade works.
- C4. The Applicant shall complete the intersection upgrade works on Bernera Road and Yarrunga Street prior to operation of Stage 2 of the Development.

Roadworks and Access

- C5. Prior to the commencement of operation of the Development, the Applicant shall complete the half road construction of Yarrunga Street to the satisfaction of Council. The Applicant shall obtain approval for the works under Section 138 of the *Roads Act 1993*.
- C6. The Applicant shall meet the requirements of RMS and Council for the design and construction of the central median on Bernera Road. The Applicant shall:
- (a) prior to the issue of a construction certificate for the Development, submit a concept design to Council in accordance with the requirements of Austroads *Guide to Road Design – Part 3: Geometric Design* that allows for the safe and efficient passage of buses traveling along Bernera Road; and
 - (b) install the central median on Bernera Road opposite Warehouse 4, prior to the commencement of operation of Warehouse 4.
- C7. The Applicant shall submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a vehicle, PBS Level 2B (up to 30 metres in length).

Parking

- C8. The Applicant shall provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.
- C9. No trucks are permitted to park in TransGrid's transmission line easement at any time. All light vehicles permitted to park within the easement must be located at least 25 metres from the two transmission towers.

Operating Conditions

- C10. The Applicant shall 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 and AS 2890.2;
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the Development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site;

- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Construction Traffic Management Plan

- C11. The Applicant shall prepare a Construction Traffic Management Plan for the Development. The plan must:
- (a) be prepared by a suitably qualified and experienced person, in consultation with Council and RMS;
 - (b) be submitted to the Secretary prior to the commencement of construction;
 - (c) detail the measures that would be implemented to ensure road safety and network efficiency during earthworks and construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - minimise the impacts of earthworks and construction on the local and regional road network;
 - minimise conflicts with other road users; and
 - ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

Work Place Travel Plan

- C12. Prior to the commencement of operation of any part of the Development, the Applicant shall prepare a Work Place Travel Plan in consultation with TfNSW. The Work Place Travel Plan shall:
- (a) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives;
 - (b) describe pedestrian and bicycle linkages and end of trip facilities available on-site; and
 - (c) be implemented for the life of the Development.

STORMWATER AND DRAINAGE

Discharge Limits

- C13. The Development shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Drainage

- C14. The Applicant shall submit for the approval of Council, a final Stormwater Drainage Plan for the Development. The final stormwater drainage plan shall be prepared in accordance with the *Liverpool Development Control Plan 2008* and the *Prestons Trunk Drainage Strategy* and be approved by Council prior to the issue of the first construction certificate for the development.
- C15. Within 2 months of the date of this consent, the Applicant shall engage an independent Quantity Surveyor to determine the cost of the drainage works detailed in the RTS.
- C16. Within 6 months of the date of this consent, the Applicant shall provide written evidence to the satisfaction of the Secretary demonstrating that an agreement has been made with Council for construction and payment of the drainage works detailed in the RTS.
- C17. If the carrying out of works to provide the drainage infrastructure set out in the *Liverpool Contributions Plan 2009* is accepted in part or in full satisfaction of Condition B23, the works shall be subject to a works-in-kind agreement executed in accordance with the provisions of the *Liverpool Contributions Plan 2009* and Council's *Developer Contributions Works In Kind Policy 2012*.

Flooding

- C18. All floor levels shall be no lower than the 1% Annual Exceedance Probability flood plus 300mm of freeboard.
- C19. Any structures below the 1% Annual Exceedance Probability plus 300mm of freeboard shall be constructed from flood compatible building components.

VISUAL AMENITY

Landscaping

- C20. The Applicant shall implement the Landscape Plans included in the RTS for each Stage of the Development, prior to the commencement of operation of each Stage. The Applicant shall provide evidence to the satisfaction of the Secretary, prior to operation, demonstrating that the landscaping has been implemented in accordance with the Landscape Plans.
- C21. The Applicant shall incorporate matured trees in the landscaped section adjacent to Kurrajong Road to assist in screening the Development from the residential area of Prestons. The matured trees shall be planted prior to the commencement of operation of Stage 1 of the Development. Details of the locations of matured species to be planted shall be provided to and approved by the Secretary, prior to the commencement of construction of Stage 1 of the Development.
- C22. The Applicant shall ensure that all landscaping and vegetation within TransGrid's transmission line easement does not exceed a mature height of 4 metres. No planting is permitted within 30 metres of the transmission towers.
- C23. The Applicant shall maintain the landscaping and vegetation on the site for the life of the Development.

Lighting

- C24. The Applicant shall ensure the lighting associated with the Development:
- (a) complies with the latest version of *AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- C25. Prior to the commencement of construction of the roads and the half road construction on Yarrunga Street, the Applicant shall submit to Council a street lighting design brief for all new or upgraded public roads and for internal roads within the Development. The street lighting design brief is to be approved by Council prior to the commencement of the road construction.

Signage and Fencing

- C26. All signage and fencing shall be erected in accordance with the development plans included in the EIS.

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

NOISE

Hours of Work

- C27. The Applicant shall comply with the hours detailed in Table 1, unless otherwise agreed in writing by Council and the Secretary.

Table 1: Hours of Work

Activity	Day	Time
Eartworks and construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
Operation	Monday – Sunday	24 hours

- C28. Works outside of the hours identified in condition C27 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by Council or the 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 and/or to prevent environmental harm.

Operational Noise Limits

C29. The Applicant shall ensure that noise generated by operation of the Development does not exceed the noise limits in Table 2.

Table 2: Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
All residential receivers	48	48	42	52

Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Refer to the plan in Appendix D for the location of residential receivers.

Noise Walls

C30. The Applicant shall construct the noise walls shown in the RTS, prior to the commencement of operation of any part of the Development.

Note: If construction of noise walls is to be staged, the Applicant shall submit a noise verification study to the satisfaction of the Secretary to demonstrate that the Development will comply with the noise limits in condition C29 at all times.

Noise Verification – External Mechanical Plant

C31. Prior to the construction of each warehouse building containing external mechanical plant, the Applicant shall prepare a noise validation report to demonstrate that operation of the mechanical plant meets the noise limits in condition C29. The noise validation report shall:

- (a) be prepared by an appropriately qualified and experienced noise expert;
- (b) be approved by the Secretary, prior to the installation of any external mechanical plant;
- (c) demonstrate that the location, design and operation of external mechanical plant would achieve the noise limits in Condition C29;
- (d) describe any acoustic treatments required to ensure compliance with the noise limits in Condition C29; and
- (e) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the Development meets relevant criteria and protects off-site receivers from excess noise.

Road Traffic Noise

C32. Prior to the commencement of earthworks, the Applicant shall prepare a Driver Code of Conduct and induction training for the Development to minimise road traffic noise. The Applicant shall update the Driver Code of Conduct and induction training for construction and operation and shall implement the Code of Conduct for the life of the Development.

Construction Noise Limits

C33. The Development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the management and mitigation measures in the EIS.

Construction Noise Management Plan

C34. The Applicant shall prepare a Construction Noise Management Plan for the Development to manage high noise generating works. The plan shall:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be approved by the Secretary prior to the commencement of construction of each Stage of the Development;
- (c) describe procedures for achieving the noise management levels in the EPA's *Interim Construction Noise Guideline 2009*;
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers, in particular the residences on Kurrajong Road;

- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in e) above; and
- (g) include a complaints management system that would be implemented for the duration of the Development.

ABORIGINAL HERITAGE

Statutory Requirements

- C35. The Applicant shall register a covenant on the title of the land covering the Prestons Creek Bank site as shown on the plan in Appendix D. Details of the covenant shall be agreed with Council prior to operation of any part of the Development.
- C36. Prior to the commencement of earthworks on the Prestons Creek Bank site as shown in Appendix D, the Applicant shall register the Prestons Creek Bank site on the OEH's Aboriginal Heritage Information Management System (AHIMS) Aboriginal Sites Register.

Aboriginal Cultural Heritage Management Plan (ACHMP)

- C37. The Applicant shall prepare an ACHMP for the Development to protect and manage the Prestons Creek Bank site. The plan shall:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
 - (b) be submitted to the Secretary prior to operation of any part of the Development;
 - (c) describe the measures to protect the Prestons Creek Bank site in perpetuity, including details of the covenant on title as required under Condition C35;
 - (d) ensure the legal protections under Section 86 of the *National Parks and Wildlife Act 1974* are incorporated into any other relevant management plan of this consent, including the landscape plans;
 - (e) describe the procedures for reburial of the stone artefacts retrieved during site investigations; and
 - (f) describe the interpretive materials to be installed at the site.

Unexpected Finds Protocol

- C38. If Aboriginal objects are uncovered during earthworks, excavation or disturbance, work in the immediate area must stop and the Regional Operations Group of the OEH, Council and the Registered Aboriginal Parties are to be consulted.

HISTORIC HERITAGE

Archaeological Salvage

- C39. The Applicant shall engage a suitably qualified and experienced expert to undertake historical archaeological salvage excavation of the inground remains of Benera Homestead, prior to the commencement of earthworks in the location of the former Benera Homestead. The salvage excavation is to be undertaken in accordance with the requirements of the OEH NSW Heritage Division.
- C40. The Applicant shall prepare an archaeological report of the salvage excavation undertaken in accordance with Condition C39. An interim report of the salvage excavation shall be provided to the Secretary, OEH NSW Heritage Division and Council within 1 month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work.

Heritage Interpretation Plan

- C41. The Applicant shall prepare a Heritage Interpretation Plan to acknowledge the historic heritage of the site. The plan shall:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the OEH NSW Heritage Division and Council;
 - (b) be approved by the Secretary prior to the commencement of operation;
 - (c) include provision for naming elements within the Development that acknowledges the site's heritage, such as the name of the estate or roadways within the estate; and
 - (d) incorporates interpretive information in to the Prestons Creek Bank site.

C42. The Applicant shall implement the heritage interpretation plan approved under Condition C41 to the satisfaction of the Secretary.

Unexpected Finds Protocol

C43. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area. Unexpected finds shall be evaluated and recorded in accordance with the Benera Homestead excavation permit issued by the OEH NSW Heritage Division (2015/s140/16) and details included in the salvage excavation report required under Condition C40.

BIODIVERSITY

C44. Within 12 months of the date of this consent, the Applicant shall purchase and retire 14 ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits shall be determined in accordance with the OEH's *Frameworks for Biodiversity Assessment (FBA)* and the *Biobanking Assessment Methodology 2014 (BBAM)*.

Note: If the Applicant seeks a variation to the offset rules, the Applicant shall demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014.

AIR QUALITY

Dust Minimisation

C45. The Applicant shall implement all reasonable and feasible measures to minimise dust and odour emissions generated during demolition, earthworks, construction and operation of the Development.

C46. During construction, the Applicant shall ensure that:

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

SOILS

Imported Soil

C47. The Applicant shall ensure that any material imported and used as fill on the site:

- (a) is VENM as defined in Schedule 1 of the POEO Act; or
- (b) meets the requirements of the EPA's *Excavated Natural Material Order 2014*, under the *Protection of the Environment Operations (Waste) Regulation 2014*.

C48. The Applicant shall:

- (a) keep accurate records of the volume and type of fill to be used; and
- (b) make these records available to the Secretary upon request.

Erosion and Sediment Control

C49. Prior to the commencement of earthworks, the Applicant shall install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline* and the Erosion and Sediment Control Plan included in the EIS.

HAZARDS AND RISK

Dangerous Goods

C50. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- C51. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

WASTE

Statutory Requirements

- C52. The Applicant shall assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- C53. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C54. The Applicant shall retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.
- C55. The collection of waste generated during operation of the Development shall be undertaken between 7 am to 10 pm Monday to Friday.

Waste Storage Areas

- C56. Prior to the commencement of construction of each warehouse, the Applicant shall obtain agreement from Council for the design of the waste storage area for each warehouse.
- C57. 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.

Construction Waste Management

- C58. Prior to the commencement of construction, the Applicant shall provide an updated Construction Waste Management Plan to the Secretary. The updated plan shall detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations. The updated Construction Waste Management Plan is to be implemented for the duration of construction works.

CONTAMINATION

- C59. Prior to the commencement of earthworks, the Applicant shall prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated shall be disposed off-site, with the disposal location and results of testing submitted to Council, prior to its removal from the site.
- C60. The Applicant shall implement the unexpected finds protocol developed under Condition C59 for the duration of earthworks and construction.

TRANSMISSION LINE EASEMENT

- C61. No works are permitted within 30 metres around the transmission towers, except for the easement encroachment approved in the development plans in the EIS.
- C62. No temporary or permanent structures are permitted within TransGrid's easement.
- C63. The Applicant shall notify TransGrid prior to any amendment or modifications to the proposed Development and obtain written approval from TransGrid for any amended or modified encroachment into the easement.
- C64. The Applicant shall amend the development plans to exclude from the transmission line easement the proposed wheelchair lift from the carpark. The amended development plans shall be provided to TransGrid for approval prior to the commencement of construction within the transmission line easement.
- C65. The Development shall be designed to provide a minimum horizontal clearance of 16 metres from the outside edge of the transmission tower legs.

C66. Prior to the commencement of construction within the transmission line easement, TransGrid may undertake an earthing study to determine if any modifications are required to the transmission tower earthing straps. The full cost of undertaking the study and implementing any recommended earthing modifications are to be paid by the Applicant.

Access

C67. The Applicant shall ensure that TransGrid's access to the transmission towers, lines and easement is maintained at all times and shall comply with any exclusion requirements of TransGrid.

C68. The Applicant shall ensure that:

- (a) lockable removable bollards are installed around the perimeter of the 16 metre horizontal clearance setback for each transmission tower. The bollards are to be earthed by a qualified electrician;
- (b) the finished car parking surfaces within the easement are capable of bearing the weight of TransGrid's maintenance vehicles and equipment (40 tonne heavy vehicles);
- (c) any temporary and permanent perimeter fencing within the easement is no greater than 2.4 metres in height and is appropriately earthed by a qualified electrician; and
- (d) TransGrid has access to any locked gates to enable access to the transmission towers for maintenance.

Earthworks and Construction

C69. All works are to be carried out in accordance with the NSW WorkCover *Work near Overhead Powerlines Code of Practice 2006* and TransGrid's *Easement Guidelines for Third Party Development*. The Applicant shall:

- (a) notify TransGrid at least two weeks prior to the commencement of earthworks and construction of each stage of the Development;
- (b) notify TransGrid at least two weeks prior to the commencement of any work within 30 metres of the transmission towers;
- (c) implement traffic control measures to ensure vehicles do not collide with the transmission towers; and
- (d) not store or stockpile materials or soil within the easement at any time.

SCHEDULE D
ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- D1. The Applicant shall prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Council;
 - (b) be approved by the Secretary prior to the commencement of earthworks;
 - (c) outline all environmental management practices and procedures to be followed during earthworks and construction;
 - (d) describe all activities to be undertaken on the site during earthworks and construction, including a clear indication of construction stages;
 - (e) describe the specific measures to be implemented to protect the Prestons Creek Bank site during earthworks and construction;
 - (f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (g) describe of the roles and responsibilities of all relevant employees involved in earthworks and construction; and
 - (h) include all sub-management plans required under Condition D2 of this consent.
- D2. As part of the CEMP required under Condition D1 of this consent, the Applicant shall include the following:
- (a) Construction Traffic Management Plan (see Condition C11);
 - (b) Construction Noise Management Plan (see Condition C34);
 - (c) Construction and Demolition Waste Management Plan (see Condition C58); and
 - (d) community consultation and complaints handling procedure.
- D3. The approved Construction Environmental Management Plan (as revised and approved by the Secretary from time to time) shall be implemented by the Applicant for the duration of earthworks and construction.

REPORTING

Incident Reporting

- D4. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Secretary and other relevant agencies of the exceedance/incident. Within seven days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

- D5. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

ACCESS TO INFORMATION

- D6. The Applicant shall make the following information publicly available on its website and keep the information up to date:
- (a) the EIS;
 - (b) current statutory approvals for the Development;
 - (c) approved strategies, plans or programs;
 - (d) a complaints register, updated on an annual basis; and
 - (e) any other matter required by the Secretary.

Note: *This condition does not require any confidential information to be made available to the public.*

**APPENDIX A
DEVELOPMENT LAYOUT PLANS**

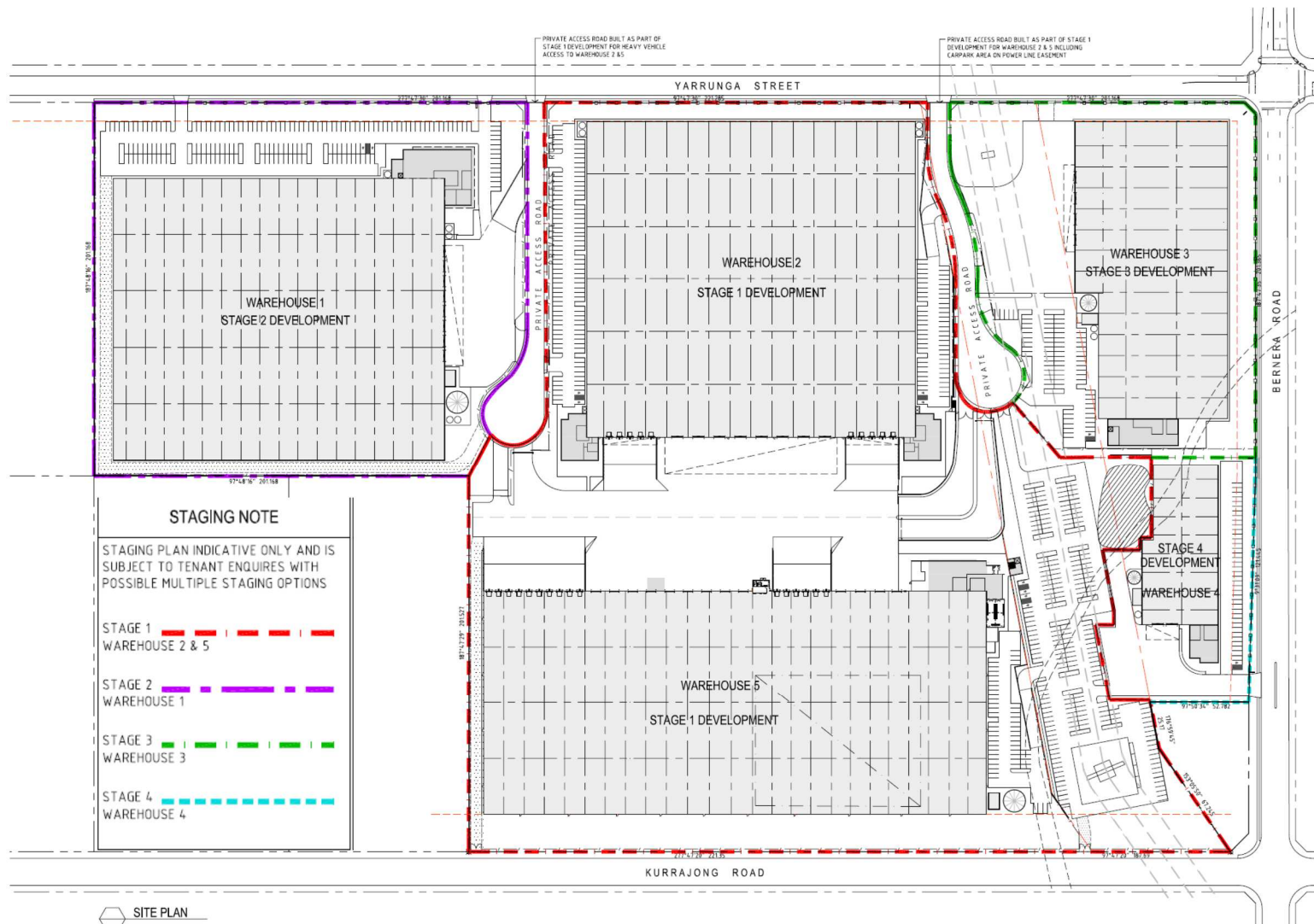


Figure 2: Staging Plan

**APPENDIX B
APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

Draft Statement of Commitments

A consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.

The Proponent, The Trust Company (Australia) Limited as trustee for Logos Australian Logistics Venture Prestons Trust, will undertake the proposed works in accordance with the following draft Statement of Commitments in relation to the proposed Prestons Warehouse and Distribution Estate, 34 Yarrunga Street, Prestons (SSD 7155)

Interpretations

The following defines some of the terms and abbreviations used in the Statement of Commitments:

Term/abbreviation	explanation
Approval	The Minister's approval to the Project
BCA	Building Code of Australia
Council	Council Liverpool City Council
Department	Department of Planning and Environment
Director-General	Director-General of the Department (or delegate)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Logos	The Trust Company (Australia) Limited as trustee for Logos Australian Logistics Venture Prestons Trust
Project	The development as described in the EIS
Site	Land to which the project application applies
WorkCover	NSW WorkCover

Administrative Commitments

Commitment to Minimise Harm to the Environment

Logos will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project.

Occupation Certificate

Logos will ensure an Occupation Certificate is obtained prior to the occupation of the facility.

Terms of Approval

Logos will carry out the project generally in accordance with:

The EIS.

The Architectural, Landscape and Civil Drawings.

This Statement of Commitments.

Any Conditions of Approval.

If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.

Logos will ensure compliance with any reasonable requirement/s of the Director-General arising from the Department's assessment of this SSDA.

Specific Environmental Commitments

Traffic and Transport

As part of the proposed works, upgrades will be carried out along the site frontage to Yarrunga Street (half road construction).

Air and Odour

During clearing/excavation, potential emissions from vegetation stripping, topsoil clearing and excavation will be effectively controlled by increasing the moisture content of the soil/surface. Other controls that will be employed are limiting excavation during periods of high winds (>20km/hr), and limiting the extent of vegetation clearing topsoil removal to the designated construction footprint.

Dust emissions from earth moving equipment will be controlled through water sprays during internal haul road construction.

Wheel generated dust and dirt track-out on paved surfaces surrounding work areas will be minimised by confining vehicle movements to a designated route with speed limits enforced (20 km/hour). Number of vehicle trips and distances will also be kept to a minimum where possible by ensuring trip efficiency. When dust can be seen leaving the works site, water spraying of travel routes will be employed.

Unnecessary vegetation clearing will be avoided. Additional planting will be incorporated on the site which will contribute to soil stabilisation.

Soil and Water

Soil Erosion and Sediment Control measures including sedimentation basins will be provided during construction phase. All Soil and Sediment Control measures will be performed in

accordance with Liverpool City Council requirements and Landcom Managing Urban Stormwater, Soils and Construction (1998) – The Blue Book.

Soil erosion hazard on the site will be kept as low as possible and as recommended in the table below.

Table 1 – Limitations to Access

Land Use	Limitation	Comments
Construction areas	Limited to 5m (preferably 2) from the edge of any essential construction activity as shown on the engineering plans.	All site workers will clearly recognise these areas that, where appropriate, are identified with barrier fencing (upslope) and sediment fencing (downslope), or similar materials.
Temporary construction access	Limited to a maximum width of 5m.	The site manager will determine and mark the location of these zones onsite. All site workers will comply with these restrictions.
Remaining lands	Entry prohibited except for essential management works	

Noise and Vibration

A detailed review of all external mechanical plant will be undertaken prior to Occupation Certificate stage (once plant selections and locations are finalised). At this point, acoustic treatments will be determined in order to control plant noise emissions to the required levels.

Construction works will be limited to standard construction hours (7am-6pm), and use of very noisy equipment will be managed, especially when working close to site boundaries.

On completion of a construction program for any given warehouse, an acoustic review of the proposed construction activities and plant/methods will be undertaken to identify the extent and duration of potential exceedances of EPA Noise Affected levels (ie – “background+10dB(A)”).

When an exceedance of Noise Affected levels is anticipated during construction, acoustic controls and/or management techniques will be put in place, such as:

Considered plant selection

Screens around static plant

Scheduling of noisy works

Notification of adjoining land users

Urban Design and Visual

Logos will ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Aboriginal and Cultural heritage

The Prestons Creek Bank site will be managed for preservation, through incorporation into a grassed recreational area within the Prestons Industrial Estate.

The Prestons Creek Bank site will be protected from impacts during construction works through the placement of protective fencing to prevent access to the area.

Historic Heritage

A program of historical archaeological salvage excavation will be undertaken to capture archaeological information about the site prior to the levelling of the top of the knoll located in the south-eastern quadrant of the lot.

Results of the excavation program will be detailed in an archaeological report.

A Heritage Interpretation Plan (HIP) will be prepared with its recommendations instigated during the construction process. The HIP will present a strategy for the effective interpretation of the site's history to the public and future users of the industrial estate.

Consideration will be given to remember the history of the site in the naming of the industrial estate and/or its elements (such as access driveways).

**APPENDIX C
PRESTONS CREEK BANK SITE**



Figure 3: Location of Prestons Creek Bank Site

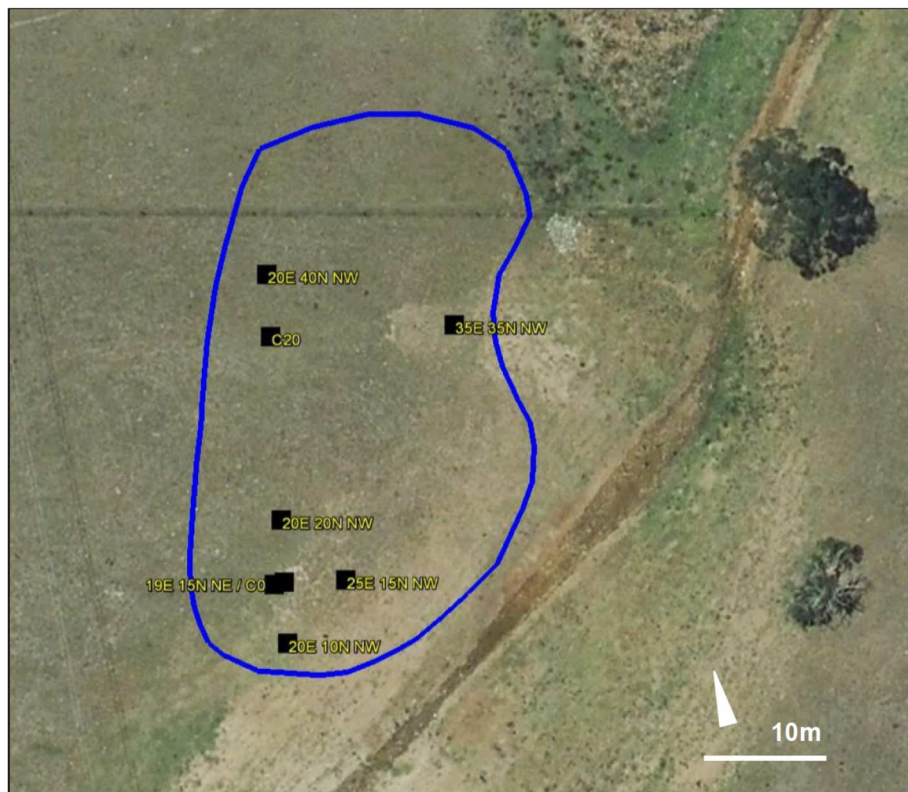


Figure 4: Prestons Creek Bank Site

**APPENDIX D
RESIDENTIAL RECEIVERS**

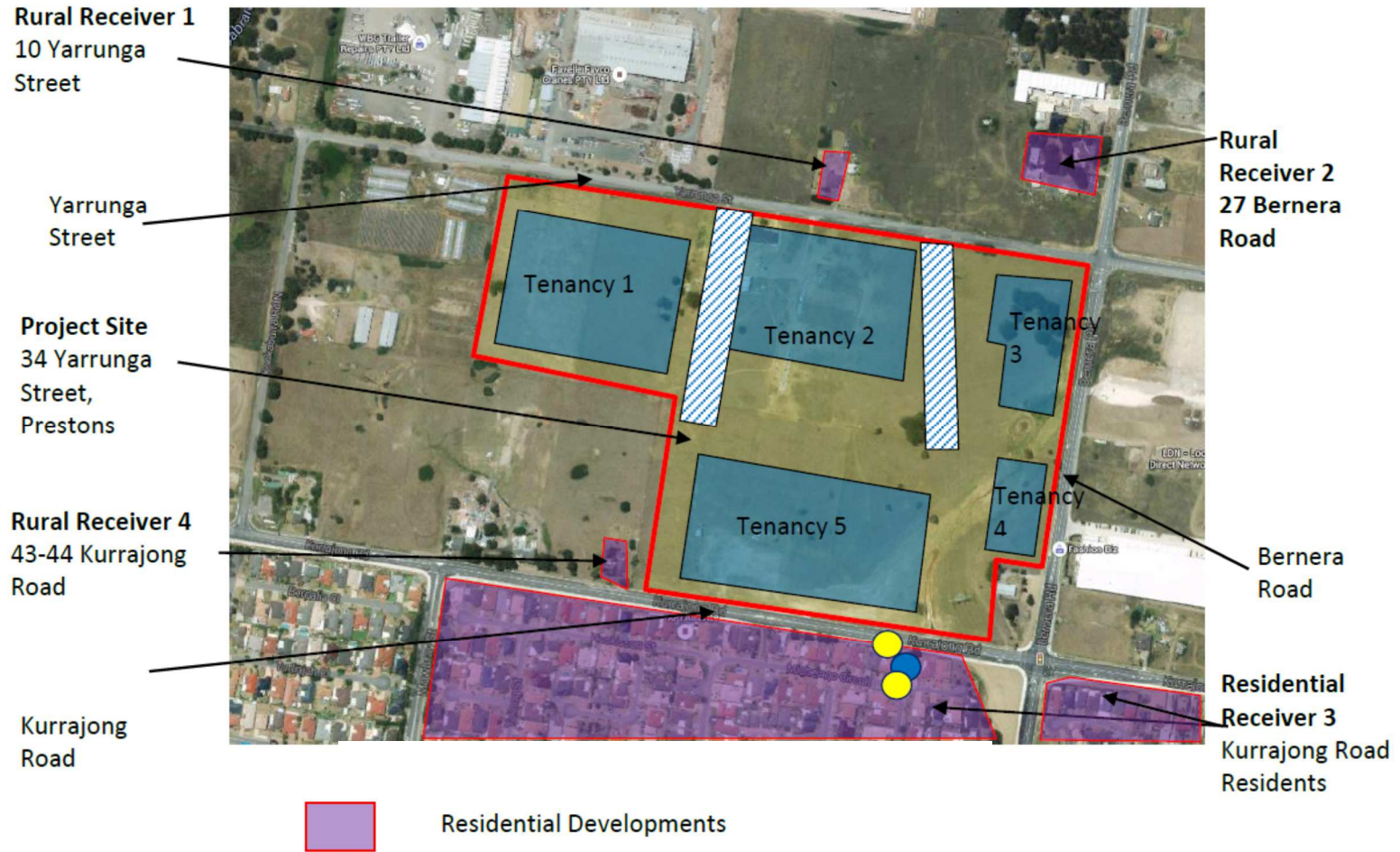


Figure 5: Nearest Sensitive Receivers