

**Annexure B****DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT****Development Application No:** SSD-7155**Development:** Staged construction of warehouse buildings, associated office space, access roads, parking, drainage and landscape**Site:** 33-35 and 43 on DP 2359, Lot 20 on DP 1173483 and Lots A and B on DP 408207 and Lot B DP 416483**Schedule of Modifications:**

<b>Date approved</b>	<b>Modification Application Number</b>	<b>Decision maker (Land and Environment Court or relevant council)</b>	<b>Proceedings Name and Number (if applicable)</b>
17 November 2016	SSD-7155-Mod-1	Director, Industry Assessments (under delegation from Minister for Planning)	-
11 January 2018	SSD-7155-Mod-2	Director, Industry Assessments (under delegation from Minister for Planning)	-
13 February 2018	SSD-7155-Mod-3	Director, Industry Assessments (under delegation from Minister for Planning)	-
14 October 2019	SSD-7155-Mod-5	Independent Planning Commission	-
21 December 2018	SSD-7155-Mod-6	Director, Industry Assessments (under delegation from Minister for Planning)	-
26 February 2019	SSD-7155-Mod-7	Director, Industry Assessments (under delegation from Minister for Planning)	-
5 August 2019	SSD-7155-Mod-9	Director, Industry Assessments (under delegation from Minister for Planning and Public Spaces)	-
30 May 2023	SSD-7155-Mod-11	Director, Industry Assessments (under delegation from Minister for Planning and Public Spaces)	-
10 May 2024	SSD-7155-Mod-10	Land and Environment Court	LOGOS DEVELOPMENT MANAGEMENT PTY LTD v The Minister for Planning and Public Spaces (LEC No: 202300052972)

**Date of determination:** 24 June 2016**Date from which consent takes effect:** Date of determination

# 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

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments*

### SCHEDULE A

<b>Application No:</b>	SSD 7155
<b>Applicant:</b>	The Trust Company (Australia) Limited as Trustees for Logos Australian Logistics Venture Prestons Trust
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	<a href="#">5-35 Yarrunga Street, 36 -36A Kookaburra Road North and 42B Kurrajong Road, Prestons</a> <a href="#">Lots 33-35 and 43 on DP 2359, Lot 20 on DP 173483, Lots A and B on DP 408207 and Lot B DP 416483</a>
<b>Development:</b>	Staged construction of warehouse buildings, associated office space, access roads, parking, drainage and landscaping.

**SUMMARY OF MODIFICATIONS**

<b>Application Number</b>	<b>Determination Date</b>	<b>Decider</b>	<b>Modification Description</b>
SSD-7155-Mod-1	17 November 2016	Director, Industry Assessments (under delegation)	Amendments to the location of the sprinkler tank and pump room, car parking, removal indoor substations and replacement with external substations, a new battery charge room, removal of sunshades, the car park lift and construction of pergola and shade cloth awning
SSD-7155-Mod-2	11 January 2018	Director, Industry Assessments (under delegation)	Alteration to the design of Warehouse 3 and Warehouse 4 and amendments to car parking, stormwater design, landscaping and vehicle access arrangements
SSD-7155-Mod-3	13 February 2018	Director, Industry Assessments (under delegation)	Reconfiguration of the layout of the industrial estate to incorporate additional Lots A and B DP 408207, amendments to the design of Warehouse, construction of new Warehouse 6 on new lots, revised construction stages, car parking, servicing and landscaping
SSD-7155-Mod-5	14 October 2019	Independent Planning Commission	Amendments to conditions relating to development contributions and stormwater drainage
SSD-7155-Mod-6	21 December 2018	Director, Industry Assessments (under delegation)	Expansion of the estate by extending Warehouse 5 on Lot 43 DP 2359 onto an adjacent lot (Lot B DP 416483), construction of an ancillary office, hardstand, vehicles access points and car parking and modifications to the fire access arrangements
SSD-7155-Mod-7	26 February 2019	Director, Industry Assessments (under delegation)	Amendments to the layout of Warehouse 1 to create two separate warehouse tenancies with ancillary office space, modifications to car parking, stormwater design, landscaping and vehicle access arrangements
SSD-7155-Mod-9	5 August 2019	Director, Industry Assessments (under delegation)	Alterations and additions to the design of Warehouse 1A including extension of the awning and battery charge area and installation of a weighbridge and boom gate
SSD-7155-Mod-11	30 May 2023	Director, Industry Assessments (under delegation)	Amendments to the layout of Warehouse 4, modifications to car parking, and vehicle access arrangements
SSD-7155-Mod-10	10 May 2024	Land and Environment Court of NSW	Amendments to conditions relating to the carrying out of road upgrade works

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## DEFINITIONS

Applicant	Logos Development Management Pty Ltd, or any person carrying out any development to which this consent applies
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 described in the EIS and Response to Submissions, including the works and activities comprising the staged construction and operation of warehouse buildings and associated office space, access roads, parking, drainage and landscaping, as modified by the conditions 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	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 &amp; Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; 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)
MOD 5	Modification Application SSD 7155 MOD 5 and accompanying documents titled 'Statement of Environmental Effects Section 4.55(1A) Modification, 5-35 Yarrunga Street and 36-36A Kookaburra Road, Prestons'; dated 4 December 2018 and prepared by Urbis Pty Ltd.
MOD 6	Modification Application SSD 7155 MOD 6 and accompanying documents titled 'Environmental Assessment Report Section 4.55 (2) Modification, 5-35 Yarrunga Street, 36, 36A, 42B Kookaburra Road, Prestons (SSDA 7155 (MOD 6))' prepared by Urbis Pty Ltd and 'Response to Submission – Modification to State Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155 MOD 6)' dated 30 November 2018 prepared by Urbis Pty Ltd
MOD 7	Modification Application SSD 7155 MOD 7 and accompanying documents titled 'Environmental Assessment Report Section 4.55 (1A) Modification, 5-35 Yarrunga Street, 36, 36A Kookaburra Road, Prestons (SSDA 7155 (MOD 7))' prepared by Urbis Pty Ltd
MOD 9	Modification Application SSD 7155 MOD 9 and accompanying documents titled 'Prestons Industrial Estate S4.55(1A) Modification Environmental Assessment Report – Warehouse 1A', dated 4 June 2019 and prepared by Urbis Pty Ltd
MOD 10	Modification Application SSD-71558-Mod-10 and accompanying documents titled Re: Section 4.55(1A) Application for Modification of SSD 7155 Property at: 5-35

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	<i>Yarrunga Street, Prestons (Lot 20 DP 1173483 and Lots 33-35 &amp; 43 DP 2539, prepared by Willowtree Planning and dated 15 June 2022</i>
MOD 11	Modification Application SSD-7155 Mod-11 and accompanying documents titled 'Prestons Industrial Estate Section 4.55(1A) Modification (MOD 11)' prepared by Urbis Pty Ltd dated 13 October 2022; and 'SSD-7155 MOD 11 Response to RFI' dated 1 March 2023 prepared by Urbis Pty Ltd
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 children's day care facility, as shown in Appendix D
Site	The land listed in Schedule A, and shown in Appendix A
Transmission towers	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 **must** 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);
  - (c) the Management and Mitigation Measures (see Appendix B);
  - (d) Modification Application SSD 7155 MOD 1 and accompanying document titled *Prestons Industrial Estate Warehouse Section 96 (1A) Modification* dated 2 August 2016 prepared by Urbis Pty Ltd and additional information from Urbis Pty Ltd dated 4 October 2014;
  - (e) Modification Application SSD 7155 MOD 2 and accompanying document titled 'Prestons Industrial Estate Warehouse Section 96 (1A) Modification Environmental Assessment Report' dated November 2017 prepared by Urbis Pty Ltd;
  - (f) Modification Application SSD 7155 MOD 3 and accompanying documents titled 'Environmental Assessment Report Section 96 (2) Modification, 5-35 Yarrunga Street and 36-36A Kookaburra Road, Prestons' dated June 2017 prepared by Urbis Pty Ltd and 'Response to RFI – Secondary Issues – SSD 7155 MOD 3' dated 27 November 2017 prepared by Urbis Pty Ltd;
  - (g) Modification Application SSD 7155 MOD 6 and accompanying documents titled 'Environmental Assessment Report Section 4.55 (2) Modification, 5-35 Yarrunga Street, 36, 36A, 42B Kookaburra Road, Prestons (SSDA 7155 (MOD 6))' prepared by Urbis Pty Ltd and 'Response to Submission – Modification to State Significant Development Application for Warehouse and Distribution Centre, Prestons (SSD 7155 MOD 6)' dated 30 November 2018 prepared by Urbis Pty Ltd;
  - (h) Modification Application SSD 7155 MOD 7 and accompanying documents titled 'Environmental Assessment Report Section 4.55 (1A) Modification, 5-35 Yarrunga Street, 36, 36A Kookaburra Road, Prestons (SSDA 7155 (MOD 7))' prepared by Urbis Pty Ltd;
  - (i) Modification Application 7155 MOD 9 and accompanying documents titled 'Prestons Industrial Estate S4.55(1A) Modification Environmental Assessment Report – Warehouse 1A' prepared by Urbis Pty Ltd and dated 4 June 2019 and accompanying drawings;
  - (j) Modification Application SSD 7155 MOD 5 and accompanying documents titled 'Statement of Environmental Effects Section 4.55(1A) Modification, 5-35 Yarrunga Street and 36-36A Kookaburra Road, Prestons'; dated 4 December 2018 and prepared by Urbis Pty Ltd; and
  - (k) Modification Application SSD-7155 Mod-11 and accompanying documents titled 'Prestons Industrial Estate Section 4.55(1A) Modification (MOD 11)' prepared by Urbis Pty Ltd dated 13 October 2022; and 'SSD-7155 MOD 11 Response to RFI' dated 1 March 2023 prepared by Urbis Pty Ltd; and
  - (l) Modification Application SSD-71558-Mod-10 and accompanying documents titled *Re: Section 4.55(1A) Application for Modification of SSD 7155 Property at: 5-35 Yarrunga Street, Prestons (Lot 20 DP 1173483 and Lots 33-35 & 43 DP 2539, prepared by Willowtree Planning and dated 15 June 2022*
- 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 **must** 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 **except for the ancillary sale of spare parts in Warehouse 6**.

## 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 **must** 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 **must** be demonstrated.

## EVIDENCE OF CONSULTATION

- B9. Where consultation with any public authority is required by the conditions of this consent, the Applicant **must**:
- (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 **must** be final and binding on the parties.

## STATUTORY REQUIREMENTS

- B11. The Applicant **must** 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 **must** 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 **must** 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 **must** obtain relevant approvals from service providers.
- B16. Prior to operation of the Development, the Applicant **must** 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 **must**:

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- (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 **must**:

- (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 **must** 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 **must** 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 **must** 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 **must** 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 **must** be fitted with an earthing trail.

## DEVELOPMENT CONTRIBUTIONS

- B23. Within 6 months of the date of determination of MOD 5, the Applicant must make payment of a monetary contribution of \$6,001,164 to Council.

*Note: This condition has been imposed under Section 7.11 of the EP&A Act.*

- B23A. Notwithstanding Condition B23, within 6 months of the date of determination of SSD 7155 MOD 3, the Applicant must pay contributions to Council in accordance with the *Liverpool Contributions Plan 2009* for the additional 13,719 m<sup>2</sup> of Gross Floor Area associated with SSD 7155 MOD 3.

- B23B. Before the issue of a construction certificate for the MOD 6 works, an additional contribution under section 7.11 of the EP&A Act of \$2,269,862 (adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council for works identified in 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 **must** 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. Pursuant to section 4.17(6) of the EP&A Act, the Applicant must, within six (6) months of the date of determination of SSD-7155-Mod-10, provide security in the amount of \$2,166,753.23 (excluding GST) to the consent authority for the payment of the cost of carrying out the following road works:
- (a) upgrade of the intersection of Bernera Road, Yarrunga Street and Yato Road as set out in the civil drawings prepared by MU Group titled *Liverpool City Council Bernera Road Upgrade to Four Lanes from Kurrajong Road to Yarrawa Street, Prestons 100% Detailed Design* Project Number 2021 25 DD 001, Revision A and dated 17 October 2022 and described on drawings related to that part of the road shown on Sheets 3, 4, 5, 7, and 8 of the drawing set (see Appendix E); and
  - (b) road widening of Bernera Road, and construction of the central median island on Bernera Road from the southern side of Warehouse 4's driveway to chainage 575 as set out in the civil drawings prepared by MU Group titled *Liverpool City Council Bernera Road Upgrade to Four Lanes from Kurrajong Road to Yarrawa Street, Prestons 100% Detailed Design* Project Number 2021 25 DD 001, Revision A and dated 17 October 2022 (see Appendix E).

For the purposes of this condition and condition C4, it is noted that a deduction in the amount of \$467,000.00 formed part of the calculation that determined the quantum of security required under this condition. This deduction reflects an agreed value between the Applicant and Council for the land that is to be dedicated under condition C4.

- C2. Pursuant to section 4.17(8) of the EP&A Act, the security described in condition C1 may be provided by the Applicant either as a deposit with the consent authority or as a guarantee satisfactory to the consent authority, at the discretion of the Applicant.
- C3. Pursuant to section 4.17(10) of the EP&A Act, the funds realised from the security described in condition C1 may be paid out to meet any cost of the road works described in condition C1. Any balance of the security remaining after 5 years from the date of determination of SSD-7155-Mod-10 is to be refunded to the Applicant.
- C4. Upon notification by the Secretary that the road works described in condition C1 are to proceed, the Applicant must dedicate to the Council, the area of land marked as "property acquisition area" in the plan entitled *Property Acquisition Plan* Sheet 1 (Drawing 18-568-SK015) revision 4 and dated 7 December 2020' and annexed at Appendix F.
- (a) The dedication of land by the Applicant is to be at no cost to the Applicant. In the event that the Council does not agree to pay the Applicant's costs of the acquisition, the Applicant is to be reimbursed the reasonable itemised costs of the acquisition from the Security held at condition C1.
  - (b) The Applicant is to take all necessary steps and use all reasonable endeavours to ensure that the dealing in respect of the dedication of the land to the Council is lodged with NSW Land and Registry Services within 3 months of receipt of the notice by the Secretary.

##### Roadworks and Access

- C5. Prior to the commencement of operation of the Development, the Applicant **must** complete the half road construction of Yarrunga Street **from the intersection of Bernera Road and Yarrunga Street to the vehicular access for Warehouse 6** to the satisfaction of Council. The Applicant **must** obtain approval for the works under Section 138 of the *Roads Act 1993*.
- C6. **DELETED**
- C7. The Applicant **must** 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).
- C7A. The Applicant **must** submit design plans prepared to the satisfaction of the relevant roads authority prior to the commencement of construction of the access to Warehouse 3B from Bernera Road. The design plans must demonstrate the access to Warehouse 3B from Bernera Road:

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- (a) is designed to accommodate the turning path of a semi-trailer and heavy rigid vehicle;
- (b) is for egress only; **and**
- (c) will be controlled by a gate which only permits egress.
- (d) **DELETED.**

**C7B. DELETED**

- C7C. Prior to the issue of the Occupation Certificate for MOD 6, the Applicant must install signage to restrict right turn movements by vehicles longer than 6 m from Kookaburra Road North onto Kurrajong Road to the satisfaction of Council if the adjacent developer (of Lot A DP 416483) has not installed this signage.
- C7D. The Applicant must ensure the security access gate to Kurrajong Road is sufficiently set back from the property boundary to ensure light vehicles do not queue on Kurrajong Road.
- C7E. Prior to the commencement of operation of the MOD 6 development, the Applicant must submit detailed design plans and construct a pedestrian footpath along the Kurrajong Road frontage of Lot B DP 416483 to the satisfaction of Council.
- C7F. Prior to the commencement of operation of the MOD 6 development, the Applicant must prepare an Operational Traffic Management Plan (OTMP) to the satisfaction of the Planning Secretary. The OTMP must outline measures to ensure heavy vehicles do not travel on Kurrajong Road to access the Prestons Industrial Estate and include a Driver Code of Conduct.
- C7G. The Applicant must not commence operation of the MOD 6 development until the OTMP is approved by the Planning Secretary.
- C7H. The Applicant must implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.
- C7I. Prior to the issue of the Construction Certificate for MOD 6, the Applicant must submit revised site and detailed design plan(s) to the satisfaction of the Planning Secretary. The revised site plans must:
  - (a) relocate the existing light vehicle only access to Kurrajong Road to the south-eastern site boundary of Lot B DP 416483;
  - (b) ensure the car parking and vehicle accesses to Lot B DP 416483 meet Council's Industrial Driveway Standard and the latest version of Australian Standard AS2890; and
  - (c) ensure the car park and access design does not preclude a future connection with the adjoining private access way located on Lot A DP 416483.
- C7J. Prior to the commencement of operation of the MOD 6 development, the Applicant must construct a median strip at the centre of Kurrajong Road opposite the new light vehicle access to Lot B DP 416483. The median strip must be:
  - (a) in the form of an Elsholz type central median island in accordance with the RMS standard drawing No. R0740-01; and
  - (b) 20 m long and 0.6 m wide, or as otherwise agreed to by the Planning Secretary.

**Parking**

- C8. The Applicant **must** provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.
- 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 **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 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;

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- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network;
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
- (i) heavy vehicle egress onto Bernera Road must be restricted to the heavy vehicles associated with the occupant of Warehouse 3B;
- (j) heavy vehicle egress onto Kurrajong Road from Lot B DP 416483 must be restricted at all times;
- (k) heavy vehicles accessing Lot B DP 416483 must travel through the Bernera Road and Yarrunga Street intersection;
- (l) light vehicles egressing Lot B DP 416483 onto Kurrajong Road are restricted to left turn movements only; and
- (m) access to Warehouse 4 from Bernera Road is restricted to left in only from Bernera Road and the exit from the driveway to Bernera Road is restricted to left out only. Regulatory signs are to be installed at the driveway's exit, advising of this restriction.

### Construction Traffic Management Plan

- C11. The Applicant **must** 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 **must** prepare a Work Place Travel Plan in consultation with TfNSW. The Work Place Travel Plan **must**:
- (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 **must** 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 **must** submit for the approval of Council, a final Stormwater Drainage Plan for the Development. The final stormwater drainage plan **must** 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.

- C14A Prior to the commencement of operation of the MOD 6 and MOD 7 development, the Applicant **must** design, install and operate a stormwater management system for the development. The system **must**:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the 'Environmental Assessment Report Section 4.55 (2) Modification, 5-35 Yarrunga Street, 36, 36A, 42B Kookaburra Road, Prestons (SSDA 7155 (MOD 6))' and the 'Environmental Assessment Report Section 4.55 (1A) Modification, 5-35 Yarrunga Street, 36, 36A, Kookaburra Road, Prestons (SSDA 7155 (MOD 7))';

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- (c) be in accordance with the Liverpool Development Control Plan 2008, Council's 'Design Guidelines and Construction Specification for Civil Works' and the applicable Australian Standards; and
  - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- C14B Prior to the commencement of operation of Warehouse 4 (as approved under MOD 11), the Applicant must design, install and operate a stormwater management system for works associated with MOD 11 that integrates with the stormwater management system on site. This system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the 'Prestons Industrial Estate Section 4.55(1A) Modification (MOD 11)' prepared by Urbis Pty Ltd dated 13 October 2022;
  - (c) be in accordance with Council's design specifications; and
  - (d) ensure the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- C15. Within 2 months of the date of this consent, the Applicant **must** engage an independent Quantity Surveyor to determine the cost of the drainage works detailed in the RTS.

C16. DELETED

C17. DELETED

#### FLOODING

- C18. All floor levels **must** 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 **must** be constructed from flood compatible building components.

#### VISUAL AMENITY

##### Landscaping

- C20. The Applicant **must** implement the Landscape Plans included in the RTS for each Stage of the Development included in the Modification Application SSD 7155 MOD 2 in the Modification Application SSD 7155 MOD 3 and in MOD 6 and in MOD 7 prior to the commencement of operation of each Stage. The Applicant **must** provide evidence to the satisfaction of the Secretary, prior to operation, demonstrating that the landscaping has been implemented in accordance with the Landscape Plans.
- C20A. All landscaping is to be in accordance with the Landscape Plans prepared by Habit8 and submitted with the 'SSD-7155 Mod 11 Response to RFI' letter dated 1 March 2023 prepared by Urbis Pty Ltd. Prior to operation of Warehouse 4 the Applicant shall provide documentary evidence demonstrating that the landscaping has been implemented in accordance with the Landscape Plans to the satisfaction of the Planning Secretary.
- C21. The Applicant **must** 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 **must** be planted prior to the commencement of operation of Stage 1 of the Development. Details of the locations of matured species to be planted **must** be provided to and approved by the Secretary, prior to the commencement of construction of Stage 1 of the Development.
- C21A The Applicant must plant native species from the Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plant Community Type along the Kurrajong Road frontage of Lot B DP 416483 to the satisfaction of OEH.
- C22. The Applicant **must** 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 **must** maintain the landscaping and vegetation on the site for the life of the Development.

C23A. The flood conveyance area adjacent to Warehouse 6 must be revegetated with a species composition, planting layout and density which is in accordance with the Department of Primary Industries *Guidelines for vegetation management plans on waterfront land*.

### Lighting

C24. The Applicant **must** 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 **must** 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 **must** be erected in accordance with the development plans submitted with the Modification Application SSD 7155 MOD 2 and submitted with the Modification Application SSD 7155 MOD 3 and submitted with the Modification Application SSD-7155-Mod-11.

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

### Public Art

C26A. Prior to the issue of the Occupation Certificate for Warehouse 4, the Applicant must prepare a Public Art Plan for Warehouse 4, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be prepared:
  - (i) by a suitably qualified and experienced artist; and
  - (ii) in consultation with Council;
- (b) include details of:
  - (i) the public art feature which would be installed on the development's Bernera Road frontage (see Figure 1 of this consent);
  - (ii) any other proposed public art feature(s); and
  - (iii) how the art features have been designed to ensure long-term durability and resistance to vandalism.

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

C26B. Prior to the commencement of operation of Warehouse 4, the Applicant must ensure the public art feature(s) included in the approved Public Art Plan (see condition C26A) have been fully implemented.

**NOISE****Hours of Work**

- C27. The Applicant **must** 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
Earthworks 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:
- works that are inaudible at the nearest sensitive receivers;
  - works agreed to in writing by Council or the Secretary;
  - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

**C28A** The use of diesel forklifts in external areas on Lot B DP 416483 and on Lot 35 DP 2359 is prohibited.

**Operational Noise Limits**

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

Table 2: Noise Limits dB(A)

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)	Night L <sub>A1</sub> (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 **must** 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 **must** 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 **must**:
- be prepared by an appropriately qualified and experienced noise expert;
  - be approved by the Secretary, prior to the installation of any external mechanical plant;
  - demonstrate that the location, design and operation of external mechanical plant would achieve the noise limits in Condition C29;
  - 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 **must** prepare a Driver Code of Conduct and induction training for the Development to minimise road traffic noise. The Applicant **must** update the Driver Code of Conduct and induction training for construction and operation and **must** implement the Code of Conduct for the life of the Development.

#### Construction Noise Limits

- C33. The Development **must** 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 **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 EIS.

#### Construction Noise Management Plan

- C34. The Applicant **must** prepare a Construction Noise Management Plan for the Development to manage high noise generating works. The plan **must**:
- (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 **must** 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 **must** 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 **must** 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 **must** prepare an ACHMP for the Development to protect and manage the Prestons Creek Bank site. The plan **must**:
- (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 **must** 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 **must** prepare an archaeological report of the salvage excavation undertaken in accordance with Condition C39. An interim report of the salvage excavation **must** 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 **must** prepare a Heritage Interpretation Plan to acknowledge the historic heritage of the site. The plan **must**:
- be prepared by a suitably qualified and experienced expert in consultation with the OEH NSW Heritage Division and Council;
  - be approved by the Secretary prior to the commencement of operation;
  - 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
  - incorporates interpretive information in to the Prestons Creek Bank site.
- C42. The Applicant **must** 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 **must** cease immediately in that area. Unexpected finds **must** 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

- C43A Notwithstanding Condition C43, prior to clearing for construction of the MOD 6 development, the Applicant must retire the class and number of ecosystem credits identified in Table 3 to offset the residual biodiversity impacts of the development on Lot B DP 416483.

**Table 3: Ecosystem credits to be retired – like for like**

Any Plant Community Type (PCT) with the below Threatened Ecological Community	Number of credits	Containing hollow bearing trees	In the IBRA subregions
Cumberland Plain Woodland in the Sydney Basin Bioregion (including PCTs 849, 850)	3	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo or Any IBRA subregion that is within 100 km of the outer edge of the impacted site

C43B If the Applicant seeks a variation to the offset requirements detailed in Condition C43A, the Applicant must demonstrate reasonable steps have been taken to find like-for-like offsets in accordance with the Biodiversity Offsets Scheme. Prior to clearing for the MOD 6 development, the Applicant must make a payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator, if OEH is satisfied like-for-like offsets cannot be found.

C43C During construction, including clearing of vegetation, the Applicant must:

- (a) cease construction works immediately should any injured animal be found and ensure a qualified ecologist takes the injured animal to a vet or wildlife carer;
- (b) capture and relocate (by a qualified ecologist or wildlife carer) any displaced animals to nearby bushland (with the consent of the landowner) or section and dismantle trees containing wildlife prior to relocating the animals; and
- (c) ensure any rescued nocturnal fauna species (e.g. gliders or possums) are secured in suitable enclosures and kept in a quiet, dark and cool environment until they are released into a suitable habitat after dark.

C44. Within 12 months of the date of this consent, the Applicant **must** purchase and retire 14 ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits **must** 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 **must** 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 **must** 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 **must** 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 **must** 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 **must**:

- (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 **must** 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 submitted with the Modification Application SSD 7155 MOD 3 and MOD 7 and MOD 11.

## HAZARDS AND RISK

### Dangerous Goods

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

### Bunding

- C51. The Applicant **must** store all chemicals, fuels and oils used on-site in appropriately bunded 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*.

### External Walls and Cladding Flammability

- C51A. The external walls of the building including attachments must comply with the relevant requirements of the NCC. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- (a) be satisfied that suitable evidence is provided to demonstrate 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 relevant requirements of the NCC; and
- (b) ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

## WASTE

### Statutory Requirements

- C52. The Applicant **must** 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 **must** not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C54. The Applicant **must** 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 **must** be undertaken between 7 am to 10 pm Monday to Friday.

- C55A Prior to the commencement of operation of the MOD 6 development, the Applicant must prepare a Waste Management Plan (WMP) to the satisfaction of Council to ensure recycling waste can be easily processed.

### Waste Storage Areas

- C56. Prior to the commencement of construction of each warehouse, the Applicant **must** obtain agreement from Council for the design of the waste storage area for each warehouse.
- 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 **must** provide an updated Construction Waste Management Plan to the Secretary. The updated plan **must** 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 **must** 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.
- C59A Prior to the commencement of any earthworks on site, the Applicant must submit to the Planning Secretary, a Stage 2 Contamination Assessment for Lot B DP 416483 prepared by a suitably qualified and experienced consultant(s) in accordance with the relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- C59B Prior to commencement of any remediation works, the Applicant must submit to the Planning Secretary, a Remediation Action Plan (RAP) should the Stage 2 Contamination Assessment required under condition C59A identify that remediation works on Lot B DP 416483 are required.
- C59C The Applicant must ensure any remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved RAP and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*, if an RAP is required under condition C59B.
- C59D Within one month of the completion of any remediation works required under condition C59B, the Applicant must submit a validation report/letter to the satisfaction of the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- C60. The Applicant **must** 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 [and Modification Application SSD 7155 MOD 2](#).
- C62. No temporary or permanent structures are permitted within TransGrid's easement.
- C63. The Applicant **must** 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 **must** amend the development plans to exclude from the transmission line easement the proposed wheelchair lift from the carpark. The amended development plans **must** be provided to TransGrid for approval prior to the commencement of construction within the transmission line easement.
- C65. The Development **must** 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 **must** ensure that TransGrid's access to the transmission towers, lines and easement is maintained at all times and **must** comply with any exclusion requirements of TransGrid.
- C68. The Applicant **must** 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);

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- (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 **must**:
- (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 **must** prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP **must**:
- (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 **must** 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) **must** 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 **must** provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.
- D4A. Within three months of:
- (a) approval of a modification; or
  - (b) submission of an incident report under condition D4 above,

the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

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

##### Regular Reporting

- D5. The Applicant **must** 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 must make the following information publicly available on its website and keep the information up to date:
- (a) the documents referred to in conditions D1 and D2 of this consent;
  - (b) all current statutory approvals for the development;
  - (c) all approved strategies, plans and programs required under the conditions of this consent;
  - (d) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (e) a summary of the current stage and progress of the development;
  - (f) contact details to enquire about the development or to make a complaint;
  - (g) a complaints register, updated monthly; and
  - (h) 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**

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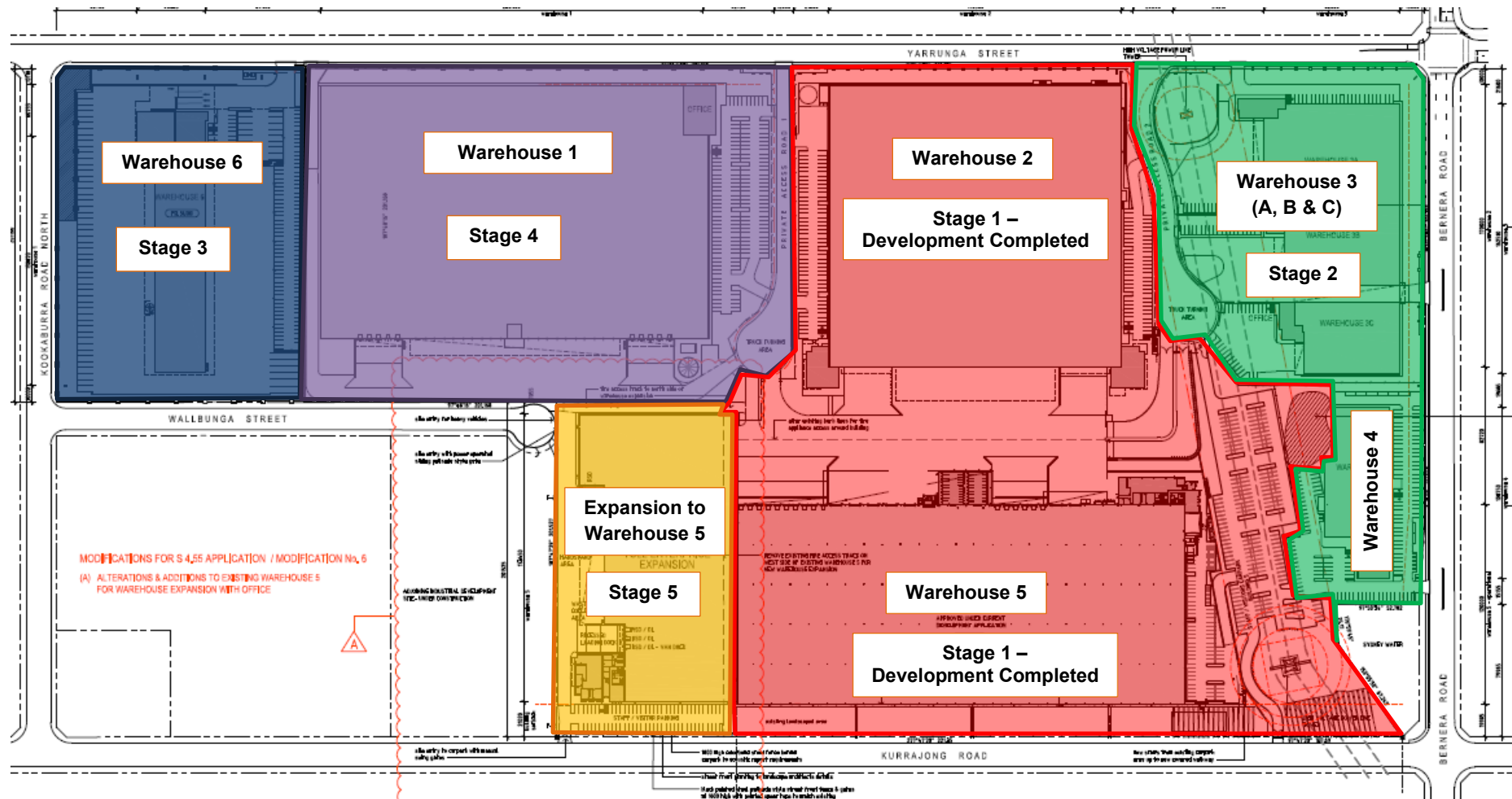


Figure 2: Staging Plan

## 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.

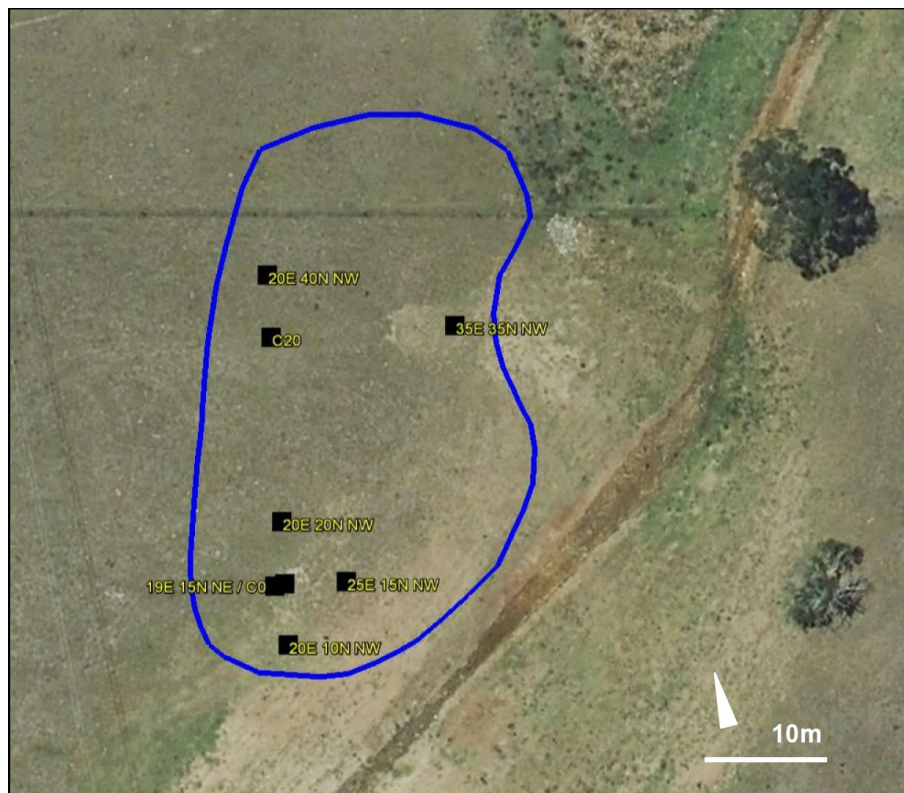
A Heritage Interpretation Plan (HIP) will be prepared with its recommendations instigated during the construction process. The HIP will present a strategy for the effective interpretation of the site's history to the public and future users of the industrial estate.

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*



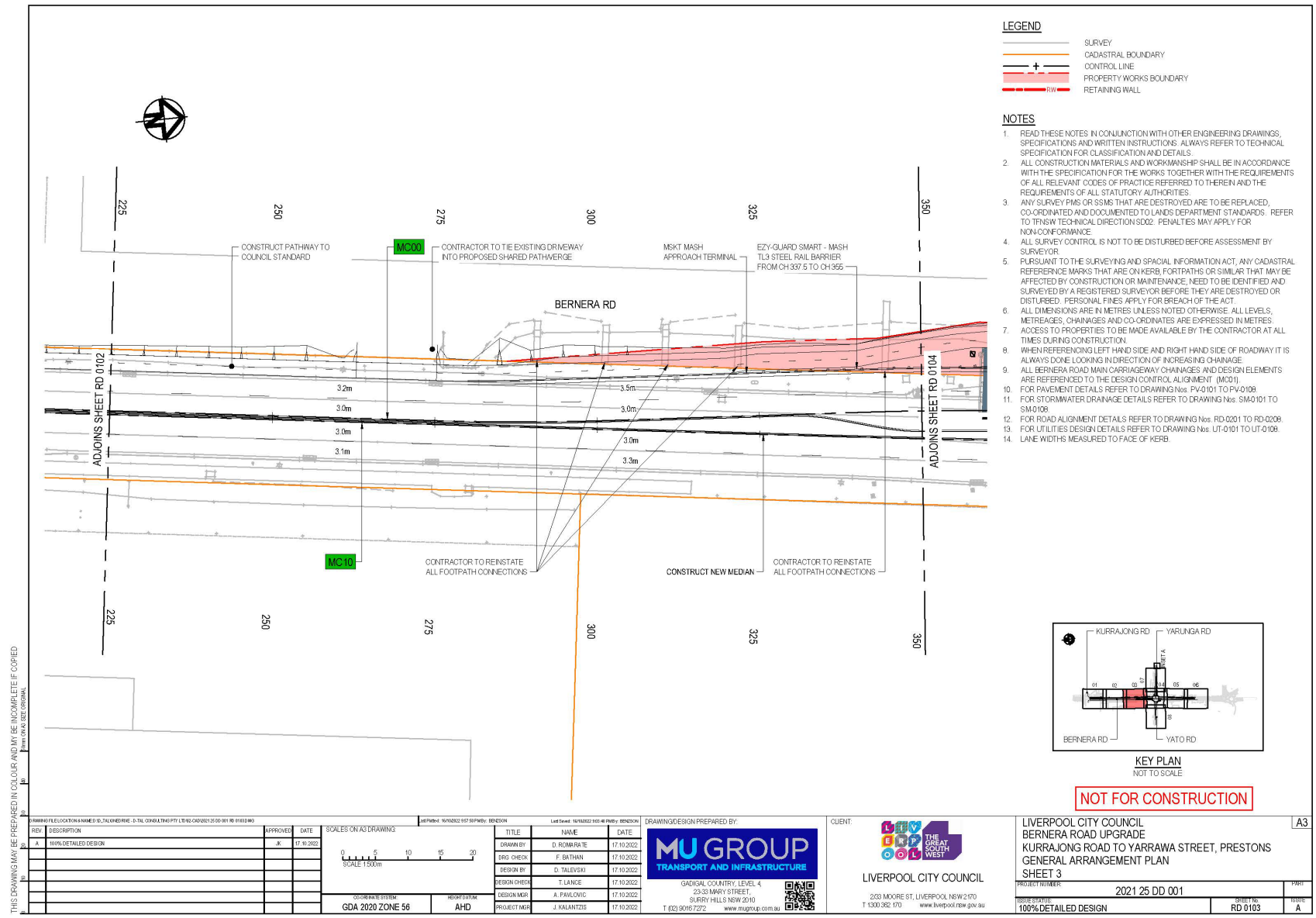
*Figure 4: Prestons Creek Bank Site*

## APPENDIX D RESIDENTIAL RECEIVERS

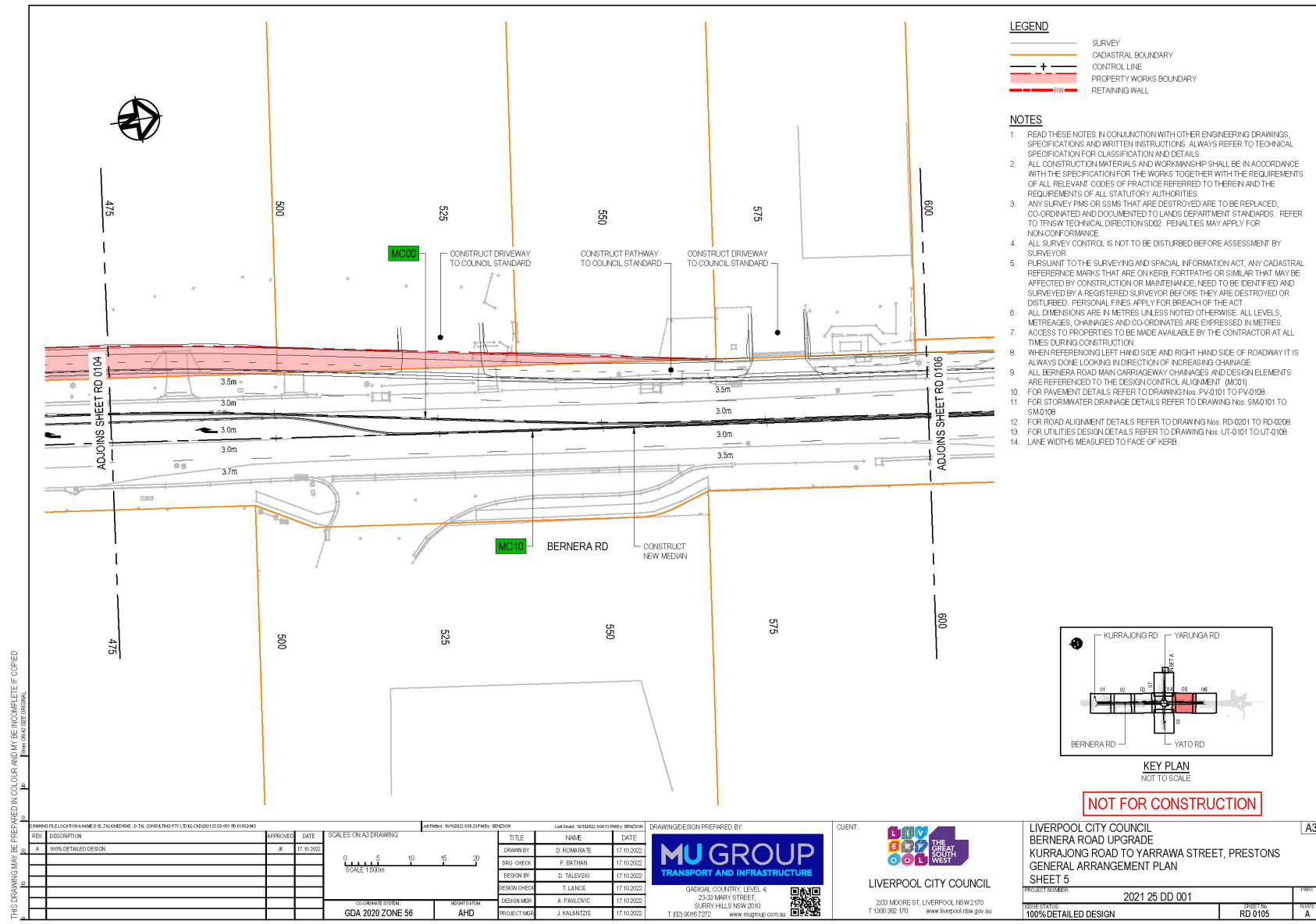


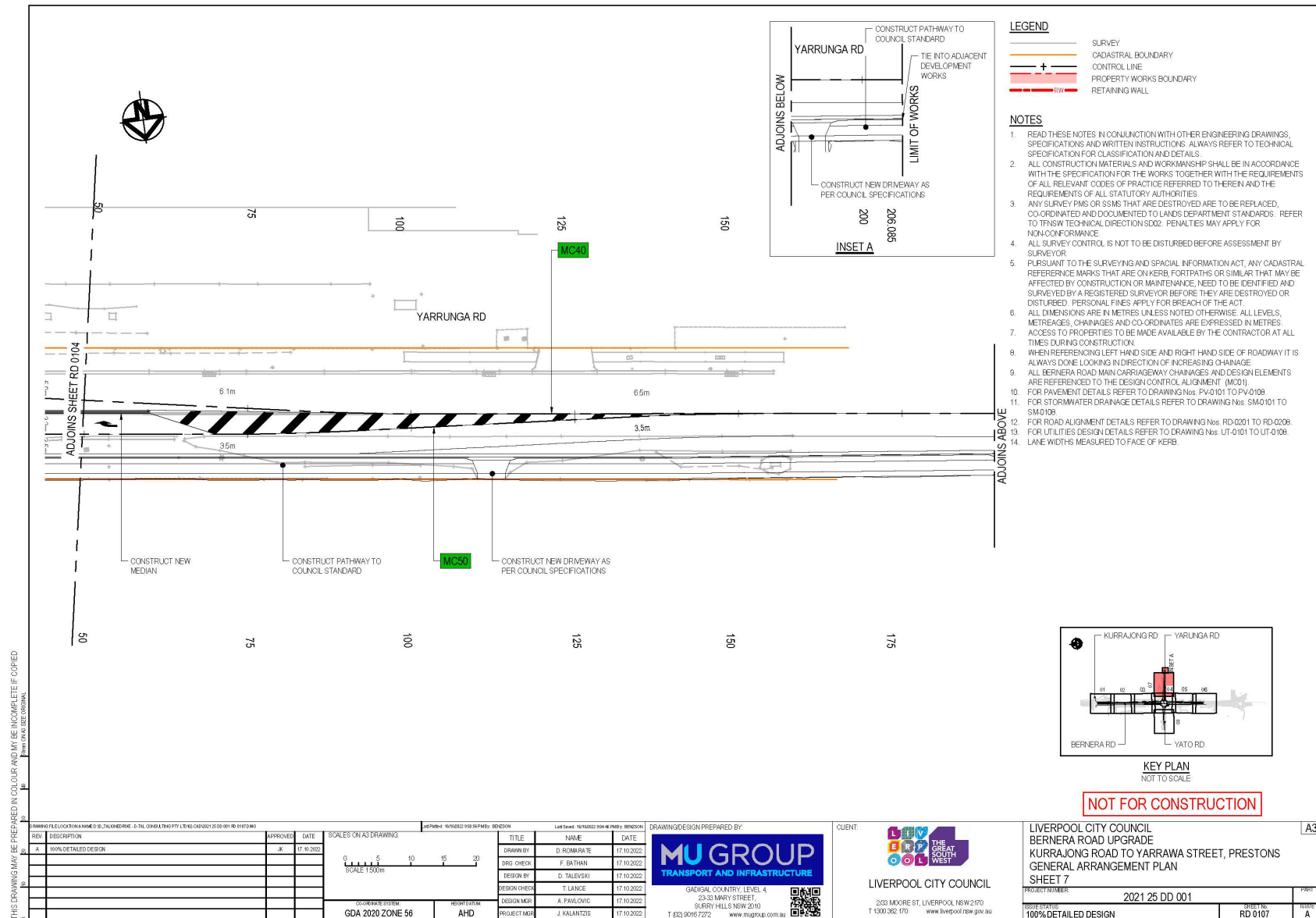
*Figure 5: Nearest Sensitive Receivers*

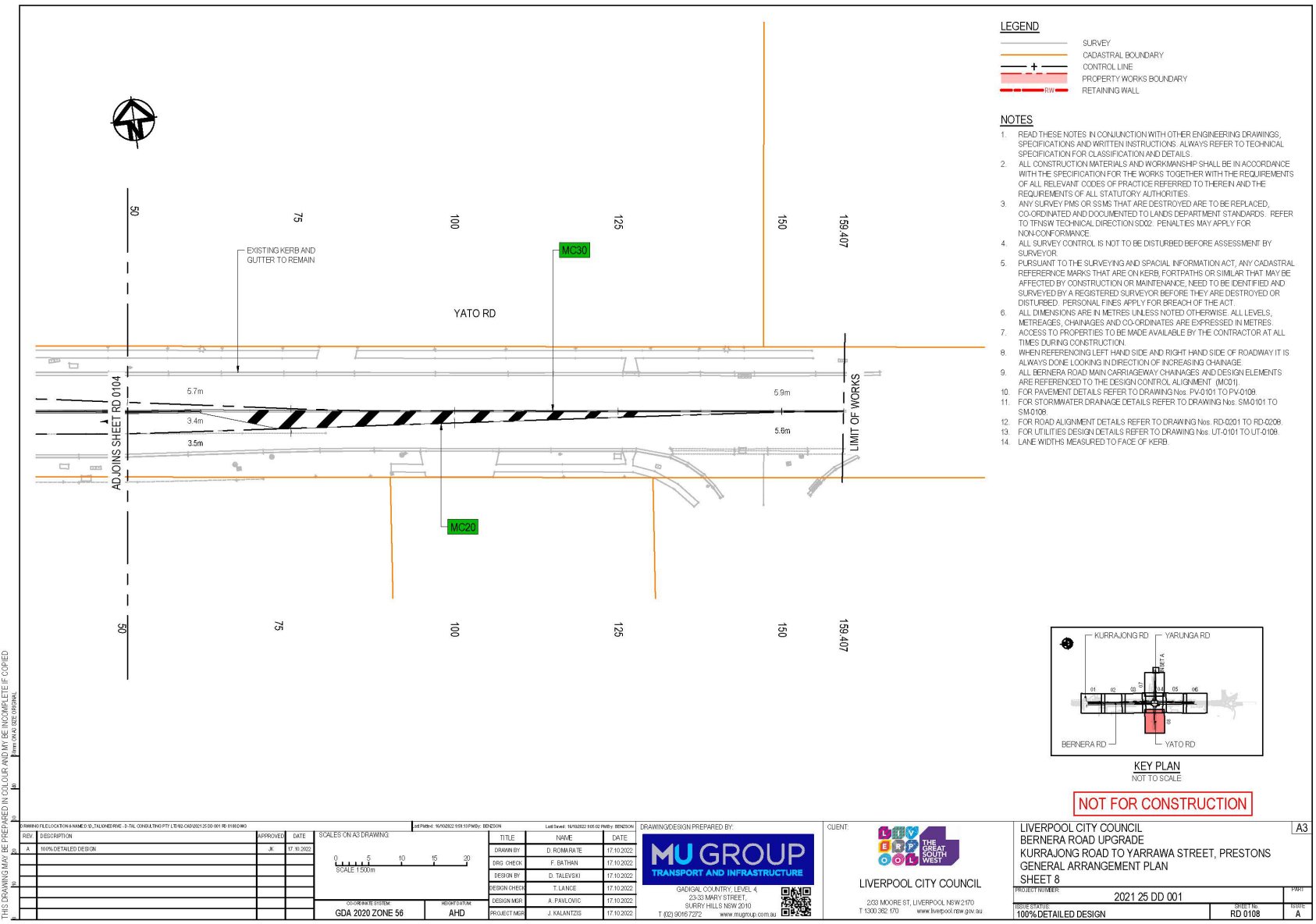
**APPENDIX E – BERNERA ROAD UPGRADE AND INTERSECTION WORKS**











## APPENDIX F – PROPERTY ACQUISITION PLAN

