



Prestons Industrial Estate

○ State Significant
Development
Modification Assessment
(SSD 7155 MOD 6)



December 2018

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Cover photo

Aerial view of Prestons Industrial Estate, Landscape and Visual Impact Assessment Report dated 15 August 2018 prepared by Habit8

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Glossary

Abbreviation	Definition
Applicant	Logos Properties Holding Pty Ltd
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Liverpool City Council
Department	Department of Planning and Environment
Dol	Department of Industry
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RFS	NSW Rural Fire Service
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application seeking to modify the State significant development (SSD) consent for the construction and operation of the Prestons Industrial Estate at Yarrunga Street, Prestons. The application has been lodged by Logos Properties Holding Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks approval to:

- expand the size of the Prestons Industrial Estate by 20,230 m² by extending the existing Toll warehouse and distribution centre (Warehouse 5) on Lot 43 DP 2359 onto an adjacent lot (Lot B DP 416483)
- construct an ancillary office space, hardstand areas and car parking
- modify the fire access arrangements and provide new vehicle access, landscaping and stormwater drainage on the site.

1.1 Background

The Applicant is progressively developing the approved Prestons Industrial Estate located at 5-35 Yarrunga Street, Prestons in the Liverpool local government area (LGA). The site is located near the intersections of the M5 and M7 motorways, 30 kilometres (km) south-west of the Sydney city centre and 6 km south-west of the centre of Liverpool (refer to **Figure 1**).

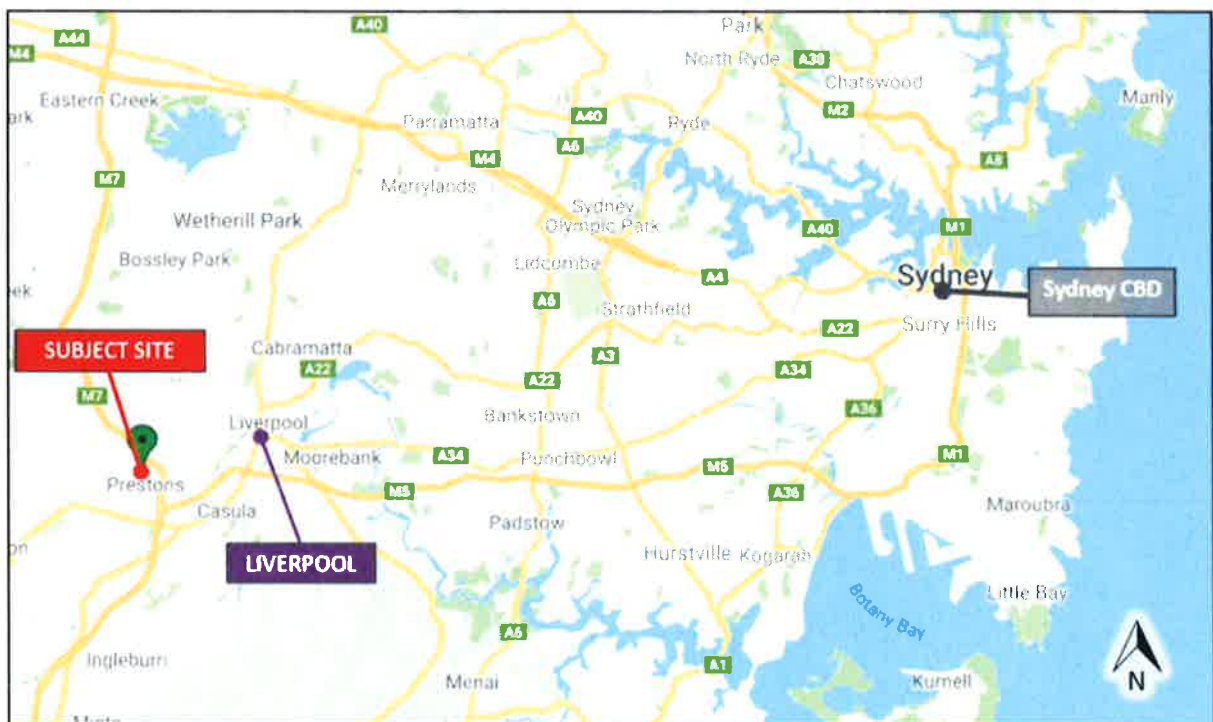


Figure 1 | Site Location

On 24 June 2016, the Prestons Industrial Estate development application (SSD 7155) was approved. SSD 7155 permitted the construction of five warehouse and distribution buildings on the 20-hectare (ha) site over four stages. A number of modifications to SSD 7155 have expanded the size of the estate to approximately 24 ha and allowed for the estate to comprise six warehouse buildings when fully operational (refer to **Section 1.3**).

1.2 Site Description and Context

Bulk earthworks, internal access roads and four of the approved six warehouse buildings in the Prestons Industrial Estate have been constructed (refer **Figure 2**). The constructed warehouses are identified as Warehouses 2, 3A, 3B, 3C, 5 and 6 as shown in **Figure 5**.

Two high voltage transmission towers are located on the eastern part of the site within a 61 metre (m) wide transmission line easement (shown dotted in **Figure 2**).

The new lot (shaded in yellow in **Figure 2**) comprises 20,230 square metres (m²) of industrial zoned land which is largely vacant. An abandoned dwelling is located in the south-western corner of the site. The southern boundary of Lot B DP 416483 fronts Kurrajong Road and the north-western corner fronts Wulbanga Street, a cul de sac.

Falls over the site are generally from east to west at grades of 3-4%. The proposed new lot is clear of any overland flow paths and is not affected by flooding.



Figure 2 | Site Context

The approval and subsequent development of the Prestons Industrial Estate has changed the landscape character of the site from open paddocks in a rural context to industrial. Further industrial development to the east on Bernera Road, to the north on Yarrunga Street, west on Kookaburra Road North and south-west fronting Kurrajong Road has resulted in Lot B DP 416483 being an isolated parcel of undeveloped industrial zoned land (refer **Figure 2**).

Residential areas are located immediately to the south of the site in the suburb of Prestons and to the north-west in the suburb of Carnes Hill as shown in **Figure 2**. The nearest residential receiver to Lot B DP 416483 is located approximately 20 m to the south, fronting Kurrajong Road (refer **Figure 3**).

The road network surrounding the site includes:

- Bernera Road, a four-lane collector road that runs in a north-south direction and connects with the M7 motorway located 520 m to the north
- Kurrajong Road, a four-lane collector road that runs in an east-west direction along the southern site boundary and connects to Cowpasture Road to the west
- Yarrunga Street, a two-lane local road along the northern site boundary
- Kookaburra Road North, a two-lane local road along the north-western site boundary
- Wulbanga Street, a two-lane cul de sac located along the south-western boundary.



Figure 3 | Subject Site

1.3 Approval History

On 24 June 2016, SSD 7155 was approved by the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning. The development consent was for the construction of an industrial estate in four stages as follows:

- Stage 1: Warehouses 2 and 5 covering 30,005 m² of gross floor area (GFA) and 32,400 m² of GFA respectively with three associated offices, two private access roads from Yarrunga Street and on-site parking
- Stage 2: Warehouse 1 covering 26,950 m² of GFA, a two storey ancillary office space and associated parking
- Stage 3: Warehouse 3 covering 12,280 m² of GFA, a two storey ancillary office space and associated parking
- Stage 4: Warehouse 4 covering 3,285 m² of GFA, a single storey office space, an access road off Bernera Road and associated parking.

The warehouses were intended for the storage, packing and distribution of fast moving consumer goods. **Figure 4** shows the site layout of the industrial estate, as approved under SSD 7155.

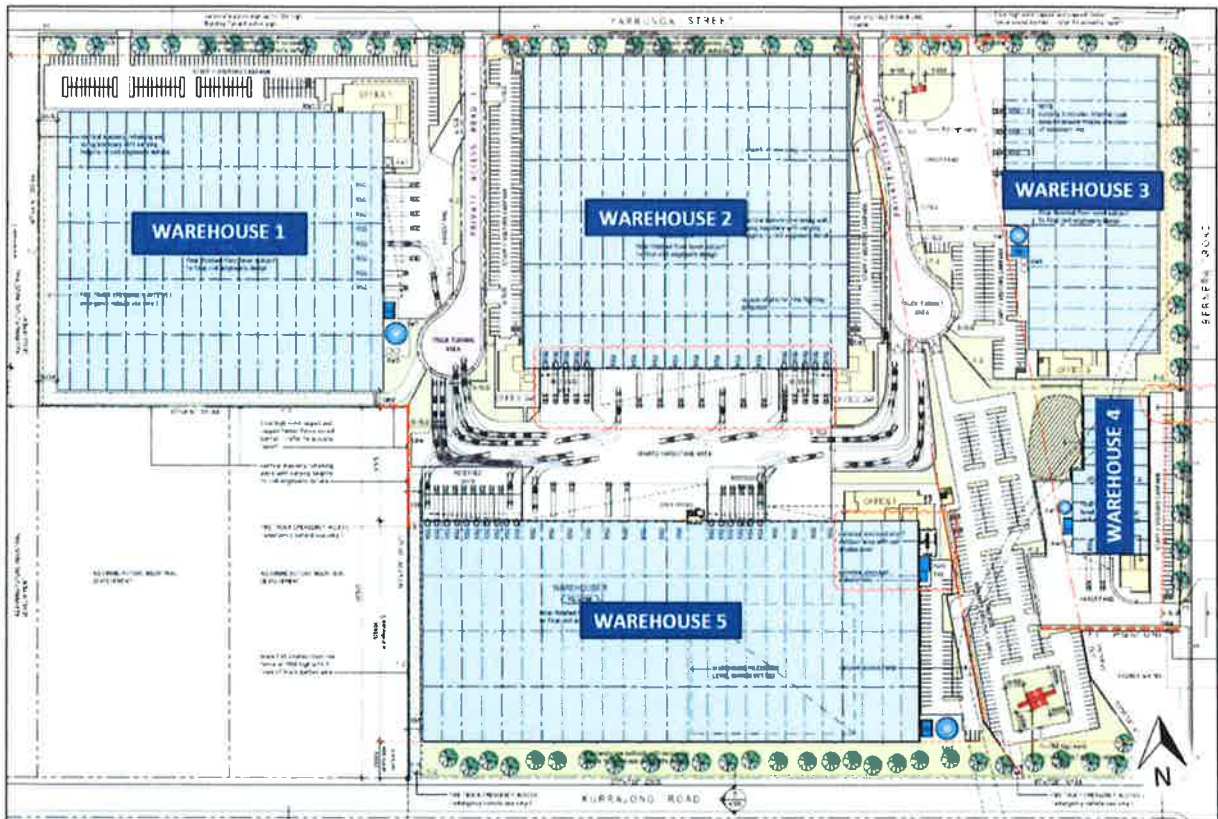


Figure 4 | Approved Site Plan under SSD 7155

SSD 7155 has been modified on three occasions and a further two modification applications are currently under assessment (see **Table 1**).

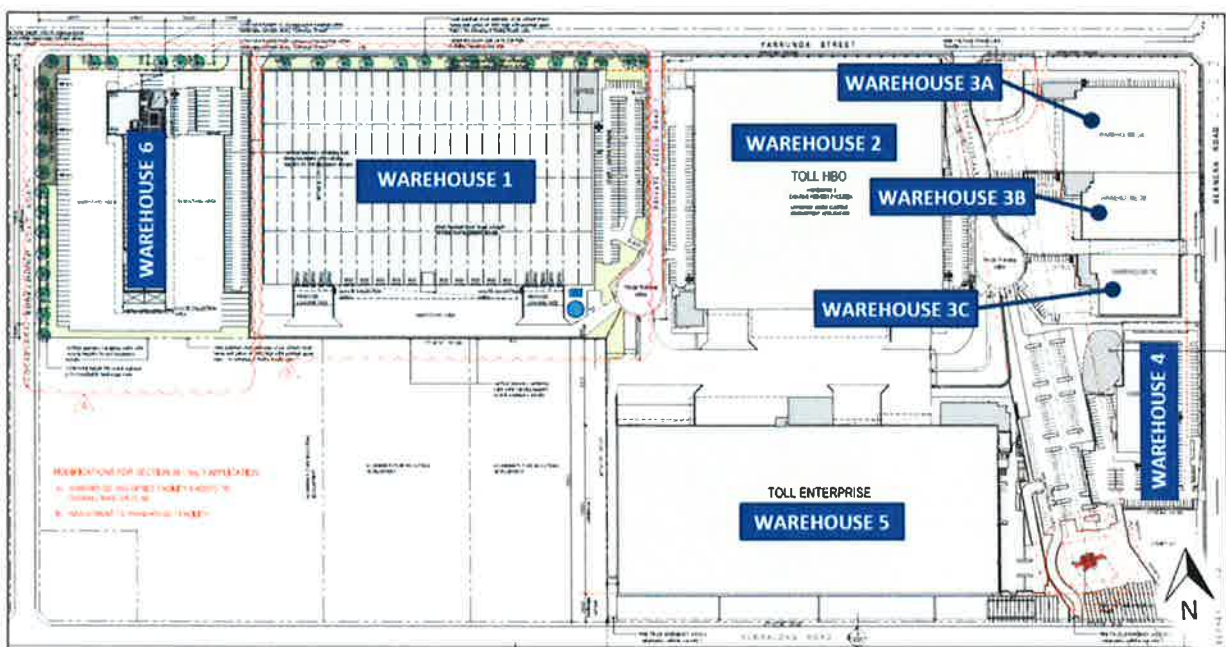


Figure 5 | Approved Site Plan under SSD 7155 MOD 3

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	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 a pergola and shade cloth awning	Department	4.55(1A)	17 November 2016
MOD 2	Alterations to the design of Warehouse 3 and Warehouse 4 and amendments to car parking, stormwater design, landscaping and vehicle access arrangements	Department	4.55(1A)	11 January 2018
MOD 3	Reconfiguration of the layout of the industrial estate to incorporate additional Lots A and B DP 408207, amendments to the design of Warehouse 1, construction of new Warehouse 6 on new lots, revised construction stages, car parking, servicing and landscaping (refer Figure 5)	Department	4.55(2)	13 February 2018
MOD 4	Seeking to enter into a VPA with Council for works to the Bernera Road/Yarrunga Street/Yato Road intersection, currently required under C1 -C4	To be confirmed	4.55(1A)	Yet to be submitted
MOD 5	Amendments to conditions relating to development contributions and stormwater drainage	To be confirmed	4.55(1A)	Under assessment
MOD 7	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	To be confirmed	4.55(1A)	Under assessment

During the assessment of SSD 7155 it was identified that the Bernera Road and Yarrunga Street intersection (marked with a yellow star in **Figure 2**) needed to be upgraded to accommodate the predicted volume of traffic generated by the development and to allow for B-double trucks to safely manoeuvre through this intersection. Therefore, SSD 7155 includes the following conditions of relevance to this modification application:

- Conditions C1 and C2 require the Applicant to:
 - meet the design requirements of RMS and Council for a right-turn bay on the northern approach on Bernera Road at the Bernera Road and Yarrunga Street intersection (refer **Figure 6**)
 - appoint an independent quantity surveyor to determine the cost of the intersection works.
- Conditions C3 and C4 require the Applicant to:
 - demonstrate to the Department that agreement has been reached with Council within six months of the date of the consent regarding the payment for the intersection upgrade works
 - complete the intersection upgrade works prior to the operation of Stage 2 of the development.



Figure 6 | Approved upgrades to Yarrunga Street and Bernera Road intersection under SSD 7155

The intersection upgrade works referred to in Conditions C1 to C4 are yet to be completed by the Applicant.

The Department understands the Applicant intends to modify Conditions C1 to C4 under a separate modification application to enter into a Voluntary Planning Agreement (VPA) with Council to contribute to this intersection being upgraded by Council.

SSD 7155, as modified, has a capital investment value of over \$149 million and is expected to generate around 600 construction jobs and between 288 to 475 operational jobs in the Liverpool LGA. The Applicant is seeking to modify development consent SSD 7155 to expand the existing Toll warehouse (Warehouse 5) to meet the operational needs of Toll for a larger building footprint and to satisfy an increase in market demand for distribution services.



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(2) of the EP&A Act to modify the development consent SSD 7155 to expand the Toll warehouse located in Warehouse 5 of the Prestons Industrial Estate. The modification application seeks approval to:

- expand the size of the Prestons Industrial Estate by 20,230 m² by extending the existing Toll warehouse and distribution centre (Warehouse 5) on Lot 43 DP 2359 onto an adjacent lot (Lot B DP 416483)
- construct an ancillary office space, hardstand areas and car parking
- modify the fire access arrangements and provide new vehicle access, landscaping and stormwater drainage on the site.

The Applicant has also requested amendments to administrative conditions (Condition B2 and Appendix A) relating to how the land is described in SSD 7155.

No changes are proposed to Warehouses 1 – 4 or to Warehouse 6.

The modification is described in full in the Statement of Environmental Effects (SEE) report included in **Appendix A** and is illustrated in **Figure 7** and summarised in **Table 2**.

Table 2 | Proposed Modification

Modification Aspect	Description
Expansion of site	• Incorporate Lot B DP 416483 into the industrial estate to increase the developable area of the site by 20,230 m² (a 29% increase in site area) to result in a total site area of 268,094 m²
Extension of Warehouse 5 onto Lot B DP 416483	• Extend Warehouse 5 on Lot 43 DP 2359 onto the adjoining lot (Lot B DP 416483) which would result in: ○ a 95 m extension of Warehouse 5 along Kurrajong Road ○ an additional 14,000 m² of GFA ○ an ancillary office with a GFA of 806 m² ○ the existing 13.7 m building height of Warehouse 5 being maintained
Bulk Earthworks on new lot	• Bulk earthworks would be required to facilitate development on the new Lot B DP 416483. The estimated volumes of earthworks are as follows: ○ Cut: -27,000 cubic metres (m³) ○ Fill: +4,000 m³ ○ Detailed Excavation: -1,600 m³ ○ Cut Bulking: -1,100 m³ ○ Balance: -25,700 m³ (export required)
Clearing of Vegetation	• Clearing of 0.15 ha of Grey Box - Forest Red Gum identified as Cumberland Plain Woodland on Lot B DP 416483

Landscaping	An additional 430 m² of landscaping is provided along the length of Kurrajong Road
Additional car parking and loading docks	- An additional 70 car spaces, including one accessible car space, resulting in a total provision of 913 spaces across the estate - An additional recessed loading dock on the western side of the expanded warehouse
Access arrangements to new lot	- New heavy vehicle access from Wulbanga Street - New light vehicle access from Kurrajong Road - Removal of the existing fire access to Warehouse 5 on Kurrajong Road and creation of a new emergency vehicle access point from the internal Private Access Road 1 (refer Figure 7)
Operational Traffic	An additional 252 vehicle trips per day, 176 trips would be from light vehicles and 76 trips from heavy vehicles
Ancillary Infrastructure	- The installation of a piped stormwater drainage system, an underground stormwater detention tank with a 550 cubic metre (m³) capacity and stormwater treatment infrastructure - Stormwater discharge from the site would be via Wulbanga Street
Revised Staging	- The proposed staging of construction of the expanded warehouse is as follows: - Stage 1 (no change): construction of Warehouses 2 and 5 - Stage 2 (no change): construction of Warehouse 3 and 4 - Stage 3 (no change): construction of Warehouse 1 - Stage 4 (no change): construction of Warehouse 6 - Stage 5: construction of the expansion of Warehouse 5
Administrative Amendments to Conditions	Amend administrative conditions B2 and plans in Appendix A to refer to changed property description on the site

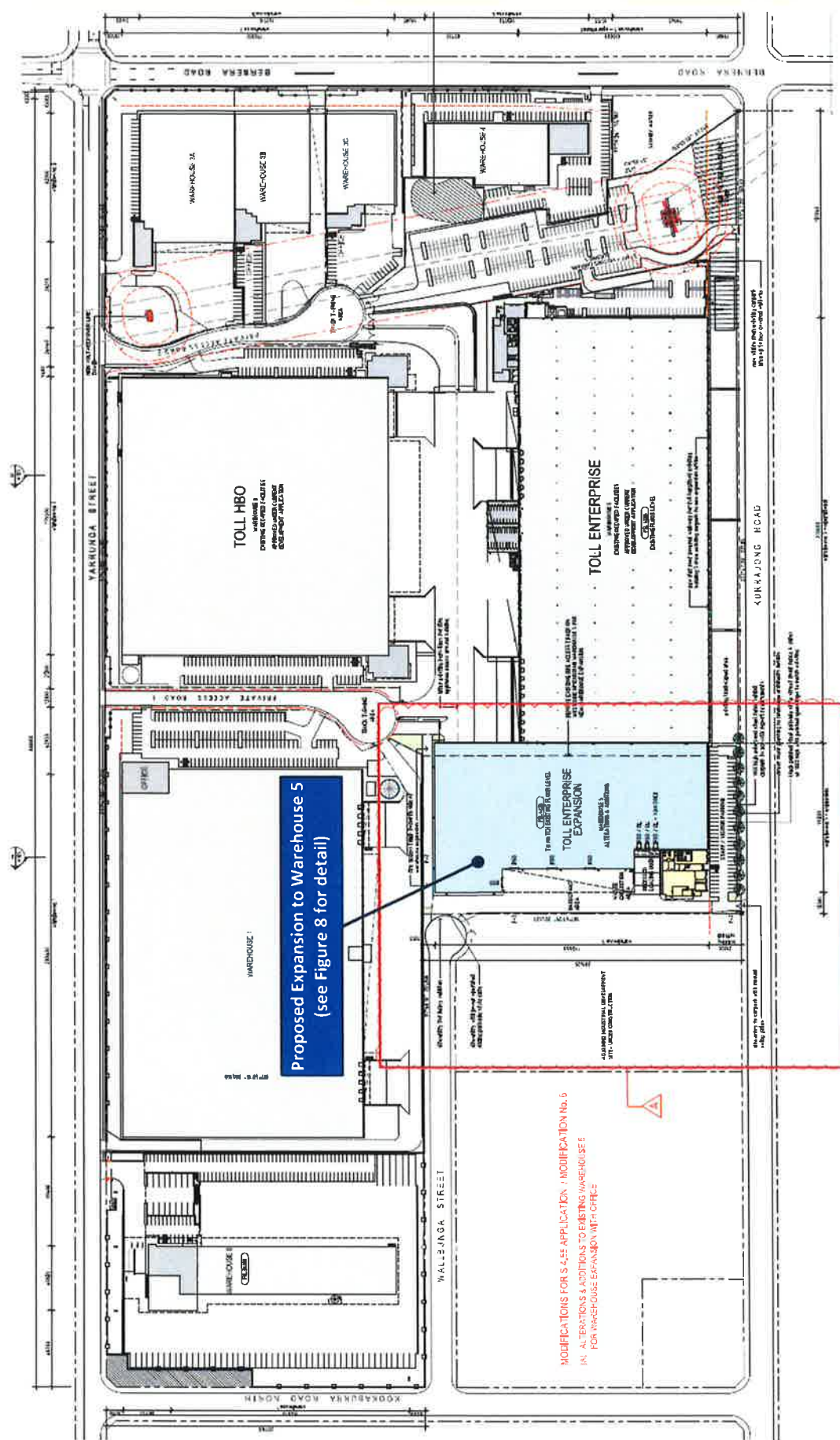
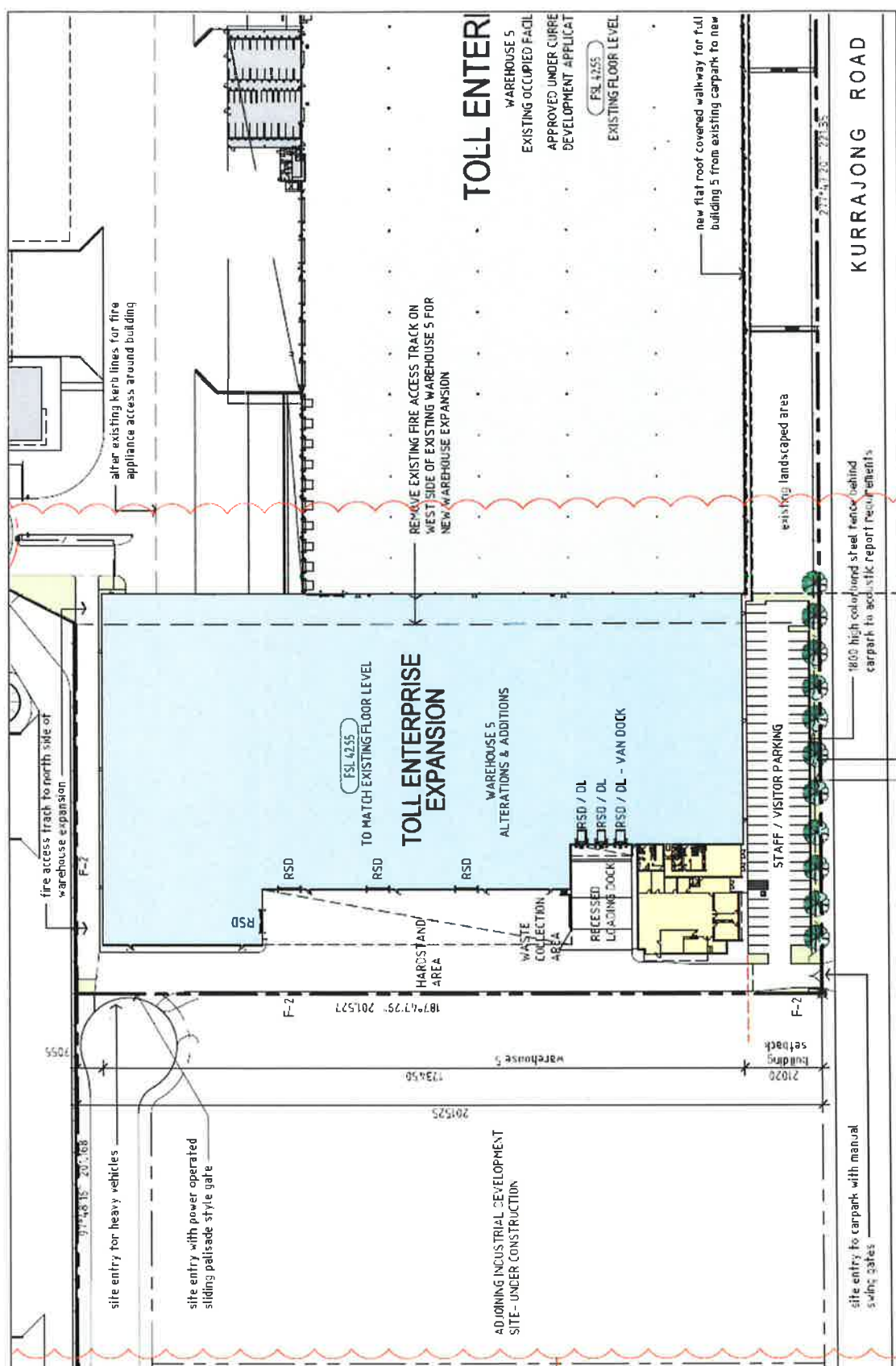


Figure 7 | Proposed Site Plan under SSD 7155 MOD 6





3. Strategic Context

The Department has considered the strategic context of the site and is satisfied the proposed modification is consistent with relevant strategic planning documents, including 'A Metropolis of Three Cities - the Greater Sydney Region Plan' and the Western City District Plan.

The proposed modification is consistent with the goals, directions and actions outlined in A Metropolis of Three Cities - the Greater Sydney Region Plan as it would:

- provide for additional jobs closer to where people live to support the 30-minute city (Objective 14)
- provide industrial development on industrial zoned land, which is well connected to critical infrastructure (e.g. the M7 motorway), ensuring industrial land is planned, retained and managed (Objective 23).

The proposed modification would continue to be consistent with the Western City District Plan, particularly Planning Priority W10 (maximising freight and logistics opportunities and planning and managing industrial and urban services land). The proposed modification would ensure industrial zoned land is retained and developed for industrial purposes and contributes to the Greater Sydney economy.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the proposed expansion of Warehouse 5 and associated works is permissible with consent
- the modification is of a scale that warrants the use of section 4.55(2) of the EP&A Act. While the modification would involve a 95 m extension of Warehouse 5, in the context of the overall Prestons Industrial Estate, the changes are negligible and would result in a 14,806 m² increase in the overall 129,699 m² of GFA approved for the site
- the approved operations of the development would remain unchanged as a result of the proposed modification
- the expansion of Warehouse 5 would be incorporated into the Prestons Industrial Estate site
- any potential environmental impacts would be appropriately managed through the existing or modified conditions of consent (as discussed in **Section 6**).

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection during the public exhibition period
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from Thursday 4 October 2018 to Thursday 18 October 2018:

- on the Department's website
- at the offices of the Department
- at Council's offices.

The modification application was advertised in the Liverpool Leader and Liverpool Champion publications. Previous submitters were notified of the modification application and invited to make a submission. The modification application was also referred to Council, the Office of Environment and Heritage (OEH), Transport for NSW (TfNSW), Roads and Maritime Services (RMS), WaterNSW, Sydney Water, TransGrid, NSW Rural Fire Service (RFS), Fire and Rescue NSW (FRNSW), Department of Industry (DoI) and the Environment Protection Authority (EPA).

5.2 Summary of Submissions

In response to the exhibition of the application, the Department received 10 submissions on the proposal. Nine of these were received from government agencies, including Council and one submission with comments from Milestone (AUST) Pty Limited (Milestone) on behalf of Aldi Stores (Aldi). No objections to the modification application were received.

The submissions received in response to the exhibition of the application are described in detail in **Section 5.3** and **Section 5.4** below.

5.3 Key Issues – Government Agencies

Council did not object to the modification application and requested that the determination of this application be withheld until its concerns relating to traffic, roadworks, access and development contributions are addressed to its satisfaction. In this regard, Council recommended that:

- the Kurrajong Road egress be redesigned to allow for left turns only by light vehicles and to meet the design requirements of Council's Development Control Plan (DCP) 2008 in relation to the proposed access which requires that light vehicles enter the site via a right of way through the adjoining property to the west
- the Applicant provide an updated SIDRA model which assesses cumulative traffic impacts from the proposed development and nearby developments on the Bernera Road and Yarrunga Street intersection and the Kurrajong Road and Kookaburra Road North intersection using trip generation rates consistent with the RMS Guide
- an additional monetary contribution for this modification application be agreed to with Council and included in a VPA for upgrades to the Bernera Road and Yarrunga Street intersection
- an Operational Traffic Management Plan (OTMP) and signage plan are prepared to prohibit the use of Kurrajong Road by heavy vehicles

- the Applicant pay all outstanding development contributions owed to Council prior to the determination of this modification application
- the Applicant complete the kerb adjustment along the section of Bernera Road between Yarrunga Street and Bernera Road (as required under the conditions of SSD 7155 MOD 2)
- the Applicant provide any incomplete pedestrian footpaths around the Prestons Industrial Estate.

Council also recommended that:

- Applicant complete the half road construction including associated drainage works along Kookaburra Road North and Yarrunga Street which matches the previous half road works fronting the Prestons Industrial Estate on Yarrunga Street
- a detailed Stage 2 Contamination Assessment be undertaken to identify any contaminants and a remediation action plan be prepared, if necessary
- the Applicant provide an updated Waste Management Plan which includes details of any perishable, toxic or highly flammable goods to be stored on site.

The **OEH** did not object to the proposal and requested that the Applicant provide a Biodiversity Development Assessment Report (BDAR) as the proposal would impact on 0.15 ha of Cumberland Plain Woodland and recommended conditions in relation to Aboriginal Cultural Heritage and any unexpected finds.

RMS did not object to the proposal and requested that the Department ensure the proposal does not restrict any re-design of the Bernera Road and Yarrunga Street intersection to allow for the safe and efficient movement of B-double trucks through this intersection.

The **EPA** did not object to the modification and did not have any comments regarding the proposal.

The **DoI** did not object to the proposal on the basis the previously issued conditions for SSD 7155 continue to apply and that any relevant water licences are obtained in the event groundwater is intercepted during excavation works.

TfNSW did not object to the proposal and recommended that the conditions listed under Schedule C – Traffic and Access of SSD 7155 are retained.

RFS did not object to the proposal or provide any recommendations in relation to bush fire protection.

FRNSW did not provide any comments.

WaterNSW did not object to the proposal and did not provide any specific requirements or conditions.

Sydney Water did not provide any comments.

TransGrid did not object to the proposal or raise any concerns in relation to TransGrid's infrastructure.

5.4 Milestone Submission

Milestone, on behalf of Aldi expressed concern in relation to the increase in road traffic from the proposed development and the potential impacts on the performance and safety of the Bernera Road/Yarrunga Street/ Yato

Road intersection. This intersection is the primary point of access for vehicles travelling to the Aldi warehouse located to the north-east of the site (refer to **Figure 2**).

The intersection upgrade works required under Conditions C3 and C4 of SSD 7155 (refer to **Section 1.3**) have not been completed. As such, Milestone expressed concern that the additional traffic generated by the proposal would impact on the safety and operational performance of the intersection and have operational and financial implications for Aldi. Milestone requested the intersection be upgraded to include designated left turn lanes prior to Warehouse 5 being occupied so as not to impair the efficient operation of the Aldi warehouse.

5.5 Response to Submissions

On 30 November 2018, the Applicant provided a Response to Submissions (RtS) report on the issues raised during the exhibition of the modification application. The RtS and the additional information provided by the Applicant included the following:

- justification for the proposed access arrangements from Kurrajong Road and the security requirements of Toll
- details of the cumulative traffic generation of the proposed development
- a commitment to pay development contributions for the modification application and the Applicant's intention to enter into a VPA for the Bernera Road and Yarrunga Street intersection works (which would be subject to a separate modification application)
- a BDAR assessing the biodiversity impacts of the proposal
- an updated Waste Management Plan.

The RTS was made publicly available on the Department's website and provided to the relevant government agencies.

The following responses were received by government agencies to the Applicant's RtS:

- **Council** reiterated the concerns raised in its original submission and provided further recommended conditions relating to access and waste management.
- **OEH** provided recommendations for biodiversity conditions and recommended the Applicant provide additional information on flood modelling.

The Department has considered the issues raised in submissions and the RtS in its assessment of the modification.



6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE and RtS provided to support the proposed modification (see **Appendix A**)
- the assessment report for the original DA and subsequent modification applications
- submissions from the public, State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are traffic, access and roadworks and the payment of development contributions.

6.1 Operational Traffic, Access and Roadworks

6.1.1 Operational Traffic

The operation of the proposed expansion to Warehouse 5 would increase heavy and light vehicle movements which has the potential to impact on the safety and operational performance of the surrounding road network, including Yarrunga Street, Kurrajong Road and Bernera Road.

The Applicant submitted an 'Assessment of Traffic and Parking Implications' (traffic report), prepared in accordance with the original traffic report approved for the Prestons Industrial Estate and with reference to Council's DCP 2008 and the RMS 'Guide to Traffic Generating Developments'. The traffic report considers the potential traffic impacts of the construction and operation of the proposed modification on the local road network, including the key intersection of Yarrunga Street and Bernera Road (marked with a yellow star in **Figure 9**).

The Applicant's traffic report estimated the additional 14,806 m² in GFA on the new allotment would result in an additional 252 vehicle trips per day or an additional 28 vehicle trips per hour during peak traffic periods (8 am to 9 am and 5 pm to 6 pm). Of the 252 vehicle trips per day, 176 trips would be from light vehicles and 76 trips from heavy vehicles, with the largest vehicle being a B-double truck. The predicted cumulative increase in traffic from the Prestons Industrial Estate is shown in **Table 3**.

Table 3 | Predicted Cumulative Traffic Generation

	Approved (SSD 7155)	Approved (SSD 7155 MOD 2)	Approved (SSD 7155 MOD 3)	Predicted (SSD 7155 MOD 6)
Daily Traffic Volume (vehicles per day)	2,320	2,320	3,375	3,627
Peak Traffic Volume AM (8 am to 9 am) and PM (5 pm to 6 pm)	258 vtph* (AM and PM)	258.47 vtph (AM and PM)	333 vtph (AM) 417 vtph (PM)	361 vtph (AM) 445 vtph (PM)

*vehicle trips per hour

The Applicant has advised that heavy vehicles would not enter or exit the site from Kurrajong Road. Therefore, any additional traffic impact to Kurrajong Road from the proposal would be from light vehicles only.



Figure 9 | Heavy and light vehicle routes to/from the Prestons Industrial Estate

The traffic report concludes that the predicted additional 252 vehicle trips on the surrounding road network would maintain the level of service (LOS) of the nearby Bernera Road and Yarrunga Street intersection, which is predicted to operate at a satisfactory level (LOS C) in the AM peak periods and near capacity in the PM peak periods (LOS D) with the development of the Prestons Industrial Estate. Following the completion of the intersection upgrade works required under SSD 7155 (discussed in **Section 1.3** of this report), the LOS of the intersection is predicted to improve to a good LOS (a LOS B) with acceptable delays and spare capacity in the AM and PM peak periods.

Council queried the vehicle trip generation rate (0.19 vtp/h per 100 m² of GFA) adopted in the Applicant's traffic report and recommended the traffic report be updated to use trip generation rates of 0.5 vtp/h per 100 m² of GFA in accordance with the 'RMS Guide to Traffic Generating Developments' (RMS Guide). Council also requested the Applicant provide updated SIDRA traffic modelling which assessed the cumulative traffic impacts from the proposed development and nearby development on Bernera Road and Yarrunga Street intersection and the Kookaburra Road North and Kurrajong Road intersection (marked with yellow stars in **Figure 9**).

RMS raised no concerns in relation to the vehicle trip generation rates used in the Applicant's traffic report.

In the RtS, the Applicant clarified the vehicle trip generation rates are consistent with those used for the rest of the Prestons Industrial Estate and advised, on the basis the predicted traffic increase would be minimal, the proposal would have no perceptible impact on the performance of these intersections. The proposal would generate an additional 20 vtp/h during peak periods through the Bernera Road and Yarrunga Street intersection or a 7.4 % increase on the predicted overall vehicle movements generated by the approved Prestons Industrial Estate. Only

light vehicles would use the Kookaburra Road North and Kurrajong Road intersection. At the Department's request, the Applicant clarified that the impacts from light vehicles generated by the proposal on the Kookaburra Road North and Kurrajong Road intersection are predicted to be up to 6 light vtp/h in the peak periods. The Applicant has advised that such a minor increase would not be detected as a change in any SIDRA traffic modelling of this intersection.

The Department considers the vehicle trip generation rate used in the traffic report is appropriate as this rate is consistent with the traffic generation rate used and approved for the rest of the Prestons Industrial Estate. The predicted 7.4 % increase in total vehicle trips from the Prestons Industrial Estate through the Bernera Road and Yarrunga Street intersection does not warrant further SIDRA modelling of the intersection. Traffic modelling for this intersection was updated during the assessment of SSD 7155 MOD 3 which resulted in a much greater increase in traffic than the current modification (refer **Table 3**). The Department agrees an increase of 6 light vtp/h in peak periods through the Kookaburra Road North and Kurrajong Road intersection is negligible and unlikely to have an impact. The proposal will maintain the existing LOS of the surrounding road network, including for these key intersections. The Applicant intends on submitting a separate modification application to enter into a VPA for Council to upgrade the Bernera Road and Yarrunga Street intersection as required under the original consent.

RMS raised no concerns in relation to the potential traffic impacts on the basis the approved conditions of SSD 7155 were retained. This modification application does not propose any changes to Conditions C1 to C4 which require the Applicant to upgrade the Bernera Road and Yarrunga Street intersection nor does the Department propose the removal of any conditions of SSD 7155. The Department is satisfied that the existing conditions of SSD 7155 ensure the surrounding road network will be upgraded as required to accommodate traffic from the Prestons Industrial Estate, including from the expanded Toll warehouse.

The Department's assessment concludes the predicted operational traffic impacts from the proposed expansion to Warehouse 5 are minor. The projected 7.4 % increase in vehicle movements travelling through the Bernera Road and Yarrunga Street intersection and an increase in light vehicle movements through the Kookaburra Road North and Kurrajong Road intersection by 6 vtp/h in peak periods from the proposal would maintain the existing LOS of these intersections. The existing conditions of SSD 7155 ensure the surrounding road network, including the Bernera Road and Yarrunga Street intersection, will be upgraded to accommodate traffic from the Prestons Industrial Estate.

6.1.2 Access

The proposed access arrangements to the new lot has the potential to create conflicts with nearby driveways and traffic travelling on Kurrajong Road. As shown in **Figure 7**, vehicle access to the expanded warehouse is proposed via Wulbanga Street for heavy vehicles and, for light vehicles, via a combined entry/egress driveway proposed near the western side boundary to Kurrajong Road. Light vehicle access/egress to the site would be controlled by an automatic and electrically controlled gate.

Council recommended the Kurrajong Road access be redesigned to allow for egress only by light vehicles and to meet the design requirements of Council's DCP 2008, which intends for light vehicles to enter the new lot via a temporary western driveway and, ultimately, for a continuous right of way to connect the road section between Kookaburra Road North and the new lot (as shown in **Figure 10**). A condition of the development consent (DA1110/2015) for the adjoining warehouse to the west requires that, once Lot B DP 416483 has been developed and provides a privately-owned access way, the temporary access points to Kurrajong Road for this lot (Lot A DP 416483) must be removed and replaced with carparking and landscaping. On 5 October 2017, Council approved

a modification application (DA1110/2015/A) to allow for the access way on Lot A DP 416483 to be registered in favour of Council.

Thus, under the provisions of Council's DCP 2008, all light vehicles for the lots identified in green in **Figure 10**, including the new lot would be required to utilise a shared access on Lot 1 DP 1171216 to limit multiple vehicle access points along Kurrajong Road.

Council also recommended:

- the exit onto Kurrajong Road is designed to restrict light vehicles turning right or for the Applicant to construct a central median island on Kurrajong Road to restrict any right turn from the exit onto Kurrajong Road
- the Applicant prepares and implements an Operational Traffic Management Plan (OTMP) to ensure heavy vehicle access to the site from Kurrajong Road is prohibited to minimise impacts on this Council owned and managed road, as well as amenity impacts to nearby residential properties
- that the Applicant submit a signage plan to ensure vehicles longer than 6 m do not turn right from Kookaburra Road North onto Kurrajong Road, if the adjacent developer (of Lot A DP 416483) has not installed the sign prior to the Occupation Certificate for this application being issued
- all heavy vehicles accessing Lot B DP 416483 travel through the Bernera Road and Yarrunga Street intersection (refer **Figure 2**).



Figure 10 | Council's requirements for access arrangements to Lot B DP 416483

In the RtS, the Applicant advised the proposed access arrangements are necessary to ensure the expanded Toll warehouse is secure and does not rely on adjoining sites for access from Kurrajong Road. Toll requires that the warehouse meets the minimum-security standards established by the Transported Asset Protection Association (TAPA), a global association of security professionals which aims to reduce losses from international supply chains. To obtain a TAPA security rating and maintain Toll's own security standards, the staff and visitor entry must be access-controlled 24 hours, seven days per week to the carpark, office and operations areas. The Applicant has

advised a publicly accessible carpark shared across lease areas, as recommended by Council, would significantly impact on Toll's ability to prevent unauthorised access to the site, thus compromising the security of the Toll warehouse and its operations. The Applicant also raised concerns the private access way would be sufficient for safe emergency vehicle access.

The Department acknowledges that Council's DCP 2008 requires a private access with a right of way through the site from the adjoining property and has imposed this as a requirement on the adjoining site to the west. The Department also presented several alternative access options to the Applicant to endeavour to meet Council's DCP 2008. However, due to the unique security requirements of Toll, unrestricted vehicle access to the site, as required under the DCP 2008, would significantly compromise the proposed operations of the expanded warehouse. The Department accepts that Toll's operations require that the site has secure separate access from Kurrajong Road.

The Applicant also advised there is a safety need for the proposed car park access from Kurrajong Road to avoid conflicts between heavy and light vehicles. Light vehicle access via Walbunga Street to the west of the site would result in conflicts with heavy vehicles entering and exiting the site or manoeuvring into the loading dock area. Therefore, there is no safe alternative for light vehicles to gain access to the new allotment, other than a new access from Kurrajong Road. The proposed expansion to the Toll warehouse would result in up to 15 vtp/h (all light vehicles) using this access in the AM and PM peak periods, which would have a minimal impact on the operational performance or safety of Kurrajong Road or nearby intersections.

The Department raised concerns regarding the potential traffic conflicts as the proposed accessway to Kurrajong Road would be immediately adjacent to the existing egress on the adjacent lot. The Department therefore recommended the proposed driveway be moved to the south-eastern corner of the new lot. By requiring the Applicant to relocate the access towards the eastern side boundary, the proposed access arrangements would not preclude a continuous private access road as intended in DCP 2008 in the future. Relocating the new access would also minimise potential conflicts with the existing egress on the adjoining lot. The Department supports the proposed access arrangements to the site on the basis the new ingress/egress point is relocated towards the eastern site boundary of the new lot and has recommended conditions requiring the Applicant to submit revised design plans showing the relocated access to Kurrajong Road. The Department has also recommended the Applicant connect the car park with the adjoining private access way so a continuous private access road may be provided in the future should the operator of Warehouse 5 change.

The Applicant advised there are no restrictions imposed on egress movements onto Kurrajong Road under Council's DCP 2008 and expressed concern that such a restriction may divert light vehicles seeking to travel west on Kurrajong Road, north on Bernera Road, through the Bernera Road and Yarrunga Street intersection, west on Yarrunga Street and south on Kookaburra Road North (refer **Figure 9**).

Council provided a further submission advising that, based on current traffic conditions, a median strip to restrict right turn movements from the new lot onto Kurrajong Road was not required in the short term. However, Council recommended conditions requiring the payment of a security bond by the Applicant. This security bond may be used by Council for the future construction of the median strip if Council considers it is necessary to maintain the safety of the road.

The Department agrees with Council that restricting right turns by light vehicles from the new lot onto Kurrajong Road would ensure the new Kurrajong Road access operates safely. Limiting this access to left in left out would reduce potential conflicts with west bound traffic on Kurrajong Road and potential conflicts with the adjoining

egress to the west. Therefore, the Department has recommended a condition requiring the installation of signage to limit the egress to left turn out movements only and for the Applicant to construct a median strip to restrict right turn movements onto Kurrajong Road from the site.

To minimise traffic impacts on Kurrajong Road from the proposed development, the Department also recommends the following:

- condition C10 be updated to prohibit heavy vehicle access to the new lot from Kurrajong Road and to require that heavy vehicles travel through the Bernera Road and Yarrunga Street intersection to access the expanded warehouse
- a new condition requiring the Applicant submit a signage plan to Council to restrict right turn movements by vehicles longer than 6 m from Kookaburra Road North onto Kurrajong Road, if the adjacent developer (Lot A DP 416483) has not installed the sign prior to the Occupation Certificate for this development
- a new condition requiring the Applicant submit an OTMP which outlines the measures to be implemented to ensure heavy vehicles do not use Kurrajong Road, including a Driver Code of Conduct
- a new condition to 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.

The Department's assessment concludes the proposed access arrangements for the site are acceptable and will maintain the operational performance and safety of the surrounding road network and minimise adverse impacts on nearby residential properties, subject to the implementation of the recommended conditions.

6.1.3 Roadworks

The predicted increase in traffic from the expanded Warehouse 5 may generate the need for additional road works to maintain the operational performance and safety of the surrounding road network. The predicted increase in traffic from the proposal may also impact on the Bernera Road and Yarrunga Street intersection prior to this intersection being upgraded, as required under the original consent.

Council requested the determination of the modification application be withheld until an additional monetary contribution has been agreed with Council and included in a VPA for upgrades to the Bernera Road and Yarrunga Street intersection, as required under the original consent. Milestone, on behalf of ALDI, also requested the Bernera Road and Yarrunga Street intersection be upgraded prior to the commencement of operation of the expanded the warehouse.

The Applicant advised the potential additional movements through this intersection in a worst-case scenario would be less than 20 vtph. Therefore, no further works or additional monetary contribution towards the upgrade of the intersection, beyond those required under the original consent, would be necessary for this modification application.

The Applicant intends to lodge a separate modification application to enter into a VPA with Council for works to the Bernera Road and Yarrunga Street intersection required under conditions C1 to C4 of SSD 7155. This modification application (MOD 6) does not seek to modify conditions C1 to C4 of SSD 7155 nor has the Applicant submitted a VPA. As such, any necessary additional contribution to Council in a VPA is not a relevant matter for consideration for the assessment of this modification.

Council recommended the determination of this application be withheld until the Applicant has adjusted the kerb along the section of Bernera Road between Yarrunga Street and Kurrajong Road to provide a 4-lane road. These

works are required to be completed prior to the occupation of Warehouses 3 and 4 under the conditions of SSD 7155 MOD 3. The Department does not consider the works required to be completed under SSD 7155 MOD 3 a relevant matter for consideration for the assessment of this application.

Under the conditions of SSD 7155 MOD 3, the Applicant was also required to complete the half road construction of Yarrunga Street up to where vehicles access the Prestons Industrial Estate from Yarrunga Street (shown in yellow in **Figure 11**). Council recommended the Applicant be required to submit a Section 138 Roads Act application for the provision of the half road construction for the rest of Yarrunga Street up to the intersection with Kookaburra Road North and for Kookaburra Road North (shown in green in **Figure 11**). The Applicant objected to this recommendation.

The Department has reviewed Council's recommendation and does not consider there is a clear nexus between the predicted increase in vehicle trips (by up to an additional 28 vtp/h in peak periods) on these roads and the requirement for the Applicant to pay for the half road construction and associated services.

The Department's assessment concludes the predicted increase in traffic from the proposed expanded warehouse would be minimal, would maintain the existing LOS of nearby key intersections and the conditions of the original consent will ensure the surrounding road network, including the Bernera Road and Yarrunga Street intersection, will be upgraded. No further road upgrades beyond those required under the original consent are considered necessary.



Figure 11 | Council's recommended road upgrades

6.2 Development Contributions

This modification application seeks approval for the expansion of the existing Toll warehouse onto a new lot (Lot B DP 416483). Under the contributions plan, the 14,806 m² increase in proposed site area will generate additional

development contributions. These contributions have been costed by Council (using current CPI rates) at \$2,269,862.

Condition B23 of SSD 7155 requires the Applicant to pay development contributions within six months of the date of the original consent (by 24 December 2016) and in accordance with the contributions plan. Council expressed concern the payment of these contributions by the Applicant is outstanding and requested the Department ensure the payment is made in full prior to this application being determined.

The Department understands the outstanding payment of the contributions is in part due to a dispute between Council and the Applicant on the amount payable. The Applicant has submitted a separate modification application (SSD 7155 MOD 5) which seeks to resolve this matter. The Department does not consider the outstanding payment of development contributions a matter for consideration for this modification application and will be considering this matter under this separate application.

Notwithstanding, the Department recognises the proposal will generate the need for additional development contributions under the contributions plan. Therefore, a new condition (condition B23B) is recommended requiring the Applicant to pay the additional contribution generated by MOD 6, being approximately \$2.2 million prior to the issue of an Occupation Certificate for the warehouse expansion.

6.3 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Summary of other issues raised

Issue and Findings	Recommended Conditions
Biodiversity	
- The proposed modification application seeks to clear 0.15 ha of Grey Box - Forest Red Gum identified as Cumberland Plain Woodland on Lot B DP 416483, which is a critically endangered ecological community listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act). - Under section 7.9 of the BC Act, a BDAR must be submitted with an application for consent unless the proposed development is not likely to have any significant impact on biodiversity values. - A Biodiversity Assessment was submitted with the modification application which requested a waiver for the requirement to prepare a BDAR under the BC Act. The Biodiversity Assessment concluded the proposal was not likely to have a significant impact on biodiversity values, as: - the majority of the new lot is devoid of native vegetation - clearing is restricted to 0.15 ha and comprises an isolated patch of Cumberland Plain Woodland located on the southern boundary of the site. - However, as the proposed development would impact Cumberland Plain Woodland, OEH advised a BDAR is required. - The RtS included a BDAR which concluded the Cumberland Plain Woodland is in good condition but is isolated. Using the NSW Biodiversity Assessment Method (BAM) calculator, the BDAR concluded the proposed removal of the vegetation would require offsetting	Require the Applicant to: - purchase and retire three ecosystem credits or make a monetary contribution to the Biodiversity Conservation Fund - provide landscaping along the Kurrajong Road frontage which comprises native species from the Grey Box – Forest Red Gum grassy woodland - cease clearing or construction should any injured or displaced fauna be found and relocate fauna to nearby bushland.

through the purchase and retirement of three ecosystem credits or a direct payment into the Biodiversity Conservation Fund.

- OEH recommended the Applicant be required to offset the loss of Cumberland Plain Woodland and to provide landscaping along the Kurrajong Road frontage comprising native species from the Grey Box – Forest Red Gum grassy woodland.
- The Department has recommended a new condition requiring the Applicant to purchase and retire three ecosystem credits or make a monetary payment into the Biodiversity Conservation Fund within 12 months of the determination of MOD 6.
- The Department concludes the modification would have minimal impact on biodiversity given the limited amount of clearing of native vegetation and isolated nature of this vegetation. The proposed mitigation measures are appropriate to offset the minor biodiversity impacts.

Visual Impact

- The proposed expansion of Warehouse 5 has the potential to have an additional visual impact on the neighbouring residential area of Prestons.
- The Applicant's SEE report included a landscape and visual impact assessment (LVIA) which included computer updated visualisations of the proposed development with landscaping at a mature age of 15 years (2033) to determine the residual impacts of the development.
- The visual receptors deemed by the Applicant to have the highest sensitivity to the proposed development are the residential dwellings along Kurrajong Road to the south of the site (see **Figure 2**) which would have views of the car park and 13.7 m high warehouse building and landscaped sections along the frontage of Kurrajong Road.
- The LVIA concluded:
 - the proposal would change the view from the rear facing windows of houses on the southern side of Kurrajong Road, however these properties would experience little change from the existing character of the area as there are already multiple warehouses constructed on the site and adjoining lots
 - the significance of the impact from the expansion of Warehouse 5 would be minor in the context of the surrounding industrial character and industrial zoning of the site
 - views would be mitigated by landscaping along the Kurrajong Road frontage of the site
 - the visual impacts to nearby residents would be significantly less than that of Warehouse 5 as the building floor level of the proposed extension is lower than the existing Warehouse 5 building.
- Council raised no concerns in relation to the bulk or appearance of the expanded warehouse and no submissions from members of the public expressed concern in relation to visual impacts.
- The proposed setbacks of the expansion to Warehouse 5 are consistent with the warehouse directly to the west of the site and appropriate given the industrial zoning and frontage to Kurrajong Road, a busy four lane road.
- To ensure visual impacts are minimised, the Department has recommended existing condition C20 be updated to require the Applicant to install the new landscape works prior to the operation of this stage of the development. The Department has also updated the list of approved landscape plans to ensure works are carried out as approved.

Require the Applicant to:

- ensure the proposed landscaping along the Kurrajong Road frontage of the new lot is installed
- update the list of approved landscape plans to ensure works are carried out as approved.

- The Department is satisfied the updated landscape treatments would soften the visual bulk and scale of the expanded Warehouse 5.

Noise

- The proposed extension to Warehouse 5 and its 24-hour operation has the potential to increase the operational noise emissions from the Prestons Industrial Estate. This may impact the amenity of surrounding residential receivers, including residential properties located along Kurrajong Road (refer **Figure 3**).
- The application included a Noise Impact Assessment (NIA) to assess the changes in cumulative operational noise emissions.
- The primary potential operational noise sources would be from conveyer belts, forklifts and ancillary machinery and heavy vehicles.
- The NIA advised the most potentially affected noise receivers are 25-35 Huskinson Street, which would have a direct line of sight of the loading dock (refer **Figure 3**).
- Noise to the ground floors and outdoor areas of the residential properties along Kurrajong Road would be attenuated by an existing lapped and capped fence along the southern side of Kurrajong Road.
- The adjoining warehouse to the west of the site would further shield residential properties to the south from noise emissions.
- The NIA concluded the operation of the expanded industrial estate can comply with the approved noise limits established under Condition C29 of the development consent for SSD 7155, subject to the implementation of a number of recommended mitigation measures.
- The NIA recommended the use of forklifts in external areas be limited to gas or electric forklifts only and all external mechanical plant equipment be reviewed at the construction certificate stage to identify any further noise treatments required. This is a requirement of the existing Condition C31 of the consent of SSD 7155.
- The Department considers the NIA sufficiently considers the potential noise impacts from the proposed modification and has recommended a new condition to restrict the external use of diesel forklifts on Lot B DP 416483 to minimise impacts to nearby residential receivers. The Department's assessment concludes potential noise impacts can be suitably mitigated by the Applicant through the existing noise conditions under SSD 7155 and a new condition restricting the use of diesel forklifts in external areas on Lot B DP 416483. Noise from the proposal would be further managed through the existing noise conditions of SSD 7155.

Require the Applicant to:

- prohibit the use of diesel forklifts in external areas on Lot B DP 416483.

Stormwater and Drainage

- The proposed extension of Warehouse 5 onto Lot B DP 416483 would require the installation of new stormwater and drainage infrastructure on the new lot to manage stormwater.
- The SEE includes a civil engineering report assessing the amendments to civil and stormwater infrastructure on the industrial estate, prepared in accordance with Council's DCP 2008.
- The additional stormwater system and civil works would include a piped drainage system designed to a 1 in 20-year ARI storm event and a major system comprising a new detention system designed for a 1 in 100-year ARI storm event.

Require the Applicant to:

- design, install and operate the proposed stormwater management system for the development in accordance with Council's DCP 2008, Council's 'Design Guidelines and Construction Specification for Civil Works' and generally in accordance with the design in the civil engineering report.

- The civil engineering report concluded the proposed stormwater management system would meet Council's nutrient targets and would attenuate stormwater quantity to pre-development flows.
- Council raised no objection to the proposed stormwater design and recommended conditions, including the requirement that the stormwater management system is provided generally in accordance with the proposed design detailed in the civil engineering report and in accordance with Council's DCP 2008 and Council's 'Design Guidelines and Construction Specification for Civil Works'.
- The Department has updated the stormwater conditions to include a standard condition requiring the stormwater drainage system to be designed, installed and operated in accordance with Council's DCP 2008 and Council's 'Design Guidelines and Construction Specification for Civil Works' and generally in accordance with the design in the civil engineering report submitted.
- The Department is satisfied the proposed stormwater infrastructure is consistent with that approved under SSD 7155, would meet Council's pollution reduction targets and would ensure post development stormwater flows are managed to pre-development flow volumes.

Waste Management

- The Applicant submitted a Waste Management Plan (WMP) which indicated the waste types and quantities likely to be produced during the operation of the facility and whether wastes would be reused, recycled or disposed of.
- Operational waste would primarily consist of packaging waste including cardboard and soft plastics from the warehouse which will be disposed offsite by authorised agents to licensed waste disposal facilities.
- Where possible, waste streams (e.g. cardboard) will be separated for recycling to maximise the diversion of waste to landfill.
- Council's submission requested the quantity and location of spill kits and storage of hazardous wastes be detailed in the WMP and also sought clarification regarding the disposal of 'other office waste' (such as toner cartridges).
- The Applicant submitted an updated WMP with the RtS which clarified that 'other office waste' (such as toner cartridges) would not be disposed of with general waste and the proposal would not store dangerous goods (DGs) above the threshold quantities listed in the Department's guidelines 'Applying SEPP 33'.
- The WMP did not include details regarding the quantity and location of spill kits, however the Department considers the existing conditions for SSD 7155 address this by requiring that the quantity of DG stored on the site remain below the threshold quantities and that the storage of DGs is in accordance with Australian Standards and/or the EPA's 'Storing and Handling of Liquids: Environmental Protection – Participants Handbook'.
- Council also recommended the Applicant update the WMP to ensure recyclables are easily processed at a recycling centre and to ensure waste is contained on site.
- The Department has recommended a new condition requiring the Applicant submit an updated WMP to the satisfaction of Council to ensure recycling waste can be easily processed. The existing conditions which require the Applicant obtain agreement from Council for the design of the waste storage area for each warehouse will be retained.
- The Department's assessment concludes that the recommended conditions with the existing waste conditions of SSD 7155 would ensure

Require the Applicant to:

- submit an updated WMP to the satisfaction of Council.

that the proposed storage and management of waste in the expanded warehouse would be adequate.

Contamination and Remediation

- Due to the historical use of Lot B DP 416483 for market gardening, there is potential for parts of the site to be contaminated from pesticides.
- A Stage 1 Contamination Assessment was submitted with the modification application which included an assessment of potential contamination from market gardening in the central eastern part of the site and a stockpile of fill north of the abandoned house.
- Soil samples from these areas were analysed for heavy metals, pesticides and hydrocarbons and were compared against relevant criteria, including the National Environment Protection (Assessment of Site Contamination) Measure (NEPM 2013), criteria for commercial/ industrial use - Health Investigation Level D (HIL D) and the Guidelines for Assessing Former Orchards and Market Gardens (FOMG).
- All sample results were below the HIL D and other guideline values.
- The Contamination Assessment found one stockpile present on the site which is classified as Restricted Solid Waste due the presence of lead and noted there is the potential presence of asbestos materials in the abandoned house and nearby stockpiles of demolition waste.
- The Applicant's assessment concluded Lot B DP 416483 presents a low risk to human health and the environment from contamination, however a conclusive statement cannot be made without a Stage 2 Contamination Assessment being undertaken.
- Council recommended a Stage 2 Contamination Assessment be undertaken to identify if any contaminants are present and if any remediation action is required and advised existing conditions C59 and C60 of SSD 7155 would suffice if any contamination is identified.
- The Department has recommended conditions requiring a Stage 2 Contamination Assessment be prepared for Lot B DP 416483. In the event contaminants are found, a Remediation Action Plan (RAP) must be prepared and the site remediated in accordance with any RAP.
- The Department's assessment concludes, with the implementation of the recommended conditions, any contamination on the site will be appropriately managed.

Require the Applicant to:

- prepare a Stage 2 Contamination Assessment for Lot B DP 416483
- in the event contaminants are found during the Stage 2 Contamination Assessment, prepare a Remediation Action Plan (RAP) and remediate the site in accordance with the RAP.

Pedestrian Footpaths

- The proposed expansion to Warehouse 5 may require the provision of additional pedestrian footpaths.
- The Applicant has constructed a pedestrian footpath along the Yarrunga Street frontage up to the access to Warehouse 6 with the half road construction of Yarrunga Street required under the original consent.
- The adjoining property to the west (Lot A DP 416483) has also constructed a pedestrian footpath.
- Council recommended conditions requiring the Applicant to construct a 1.5 m pedestrian footpath along the Kookaburra Road North frontage, Yarrunga Street frontage (to connect with the existing footpath paving previously constructed by the Applicant) and the Kurrajong Road frontage to the intersection of Bernera Road prior to the occupation of the proposed expansion to Warehouse 5.
- Council also recommended the Applicant construct all other incomplete footpaths (in particular along the Bernera Road frontage)

Require the Applicant to:

- construct a pedestrian footpath along the Kurrajong Road frontage of Lot B DP 416483 to the satisfaction of Council.

from previous stages of the Prestons Industrial Estate prior to the occupation of the expanded Warehouse 5.

- The Applicant has agreed to construct a pedestrian footpath along the Kurrajong Road frontage of Lot B DP 416483 only, being the subject of this modification application.
- The Department has recommended this as a condition however does not consider the construction of footpaths around the remainder of the Prestons Industrial Estate a relevant consideration under this application which seeks to expand the existing Warehouse 5 onto a new allotment.
- The Department's assessment concludes the proposal does not generate a need for additional pedestrian footpaths on surrounding road frontages as the development relates to Lot B DP 416483 only.

Construction Traffic

- The proposed modification would result in a minor and temporary increase in the number of construction traffic movements for the proposed warehouse extension. Managed through the existing conditions of consent for SSD 7155.
- Construction traffic would access the site from Walbunga Street.
- The Applicant advised that construction traffic would be suitably managed through the implementation of a Construction Traffic Management Plan.
- In accordance with the existing conditions of SSD 7155, the Applicant is required to prepare and submit an updated Construction Traffic Management Plan as part of a Construction Environmental Management Plan for the proposed development.
- The Department's assessment concludes construction traffic would be suitably managed the existing conditions of SSD 7155.



7 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. On balance, the Department considers the proposed modification is appropriate on the basis that the:

- proposed modification will result in minimal environmental impact beyond the approved development
- proposed expansion to Warehouse 5 would meet the operational requirements of Toll and increased market demand for distribution services in NSW
- proposed modification would generate an additional job opportunities and investment in Western Sydney
- modelling of the additional traffic has predicted that the development would not change the existing level of service or the safety of the surrounding local road network
- proposed new access/egress from Kurrajong Road would not have a significant impact on the operational performance or safety of Kurrajong Road
- proposed expansion would facilitate an industrial development on industrial zoned land which is of an appropriate scale and design
- impacts on the community and the environment can be appropriately minimised, managed or mitigated through the recommended conditions of consent to an acceptable level, in accordance with applicable NSW Government policies and standards
- issues raised by the community during consultation and in submissions have been considered and adequately addressed through the existing and recommended conditions of consent to ensure an acceptable level of environmental performance.

The Department is satisfied the modification should be approved, subject to the implementation of the recommended modified conditions in **Appendix D**.



8 Recommendation

It is recommended that the Director, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7155 MOD 6 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 7155
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:

Chloe Dunlop
Senior Planning Officer
Industry Assessments

Recommended by:

Kane Winwood
Team Leader
Industry Assessments



9 Determination

The recommendation is **Adopted by:**

Chris Ritchie
Director
Industry Assessments

21/12/18.



10. *Appendices*

Appendix A – List of Documents

- Statement of Environmental Effects
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9565
- Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9565
- Response to Submissions Report
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9565

Appendix B – Community views for Draft Notice of Decision

The Department exhibited the SEE from Thursday 4 October 2018 until Thursday 18 October 2018. A total of 10 submissions were received, including nine from government agencies and Liverpool City Council (Council) and one submission from a member of the public. Of the 10 submissions, no objections to the proposed modification application were received during the public exhibition of the application.

The Department visited the site during the assessment of the application.

The Department's assessment included a detailed review of the SEE, the submissions and the Applicant's RtS. The key issues raised by the submission from the public and from Council and considered in the Department's Assessment Report include access, traffic and roadworks and the payment of development contributions. Other issues are addressed in detail in the Department's Assessment Report.

Table 5 | Community and Council views

Issues	Consideration
Traffic - Increased traffic from the proposed development and the potential impact on the safety and performance of the surrounding road network, including the Bernera Road and Yarrunga Street intersection - The accuracy of the traffic generation rates used - The need for traffic modelling of the cumulative impacts of the proposed development on nearby intersections.	- The traffic generation rates used in the Applicant's traffic report are consistent with the rates applied under SSD 7155 - The Department is satisfied the Applicant's traffic report and RtS have sufficiently considered the potential impacts on nearby intersections. - A conservative assessment demonstrates the surrounding road network has sufficient capacity to accommodate the additional 28 vehicle trips per peak period, without any significant impact on the operational performance or safety of the local road network, including the Bernera Road and Yarrunga Street intersection. - The existing conditions of SSD 7155 would ensure that the surrounding road network is upgraded to accommodate traffic from the Prestons Industrial Estate, including from the expansion to Warehouse 5.
Access The proposed access arrangements to the new allotment are not in accordance with the Liverpool Development Control Plan 2008 (DCP 2008) and will result in increased impacts on Kurrajong Road	- A new vehicle access to the new allotment from Kurrajong Road is required to meet the security and operational requirements of Toll. - The Department acknowledges this is not in accordance with the DCP 2008, however considers the proposed access arrangements acceptable given the minimal number of vehicles using this access. - To minimise potential impacts from the proposed development on Kurrajong Road, the conditions prohibit heavy vehicle movements on Kurrajong Road, restrict egress from the site to left in/ left out only and include measures to ensure light vehicles do not queue on Kurrajong Road.
Roadworks - The Bernera Road and Yarrunga Street intersection must be upgraded prior to the determination of this modification application or prior to the occupation of the expansion of Warehouse 5 - An additional contribution to a Voluntary Planning Agreement is required for works to the Bernera Road and Yarrunga Street intersection - The half road construction of part of Yarrunga Street and Kookaburra Road	- The Bernera Road and Yarrunga Street intersection upgrade works are required under the existing conditions of SSD 7155. These works are yet to be completed. - The Applicant intends to lodge a separate modification application to enter into a VPA to pay for the intersection upgrade works required under SSD 7155. - The Department considers the predicted increase in vehicle movements from the proposal minimal and is satisfied the proposal would maintain the performance of the surrounding road network and insufficient to warrant further road upgrades. - The Bernera Road works are required under the conditions of SSD 7155 MOD 3. The Department does not consider

North must be undertaken by the Applicant • The determination of the modification application be withheld until the Bernera Road works required under SSD 7155 MOD 2 are complete.	the completion of these works by the Applicant a relevant matter for consideration for the assessment of this application. • As the predicted traffic impacts from the proposed development do not require further road upgrades, no additional conditions are required for roadworks beyond those required under SSD 7155, as modified.
Development Contributions • The determination of the modification application be withheld until the Applicant has paid for outstanding development contributions required under SSD 7155.	• The Applicant has not paid development contributions required under SSD 7155 due to an ongoing dispute in the contribution amount. This matter is being considered separately under SSD 7155 MOD 5. • The Department has recommended a new condition requiring the Applicant to pay additional development contributions generated by SSD 7155 MOD 6 in accordance with the Liverpool Contributions Plan 2009.

Appendix C – Consolidated Consent

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.

MOD 1 (2012) changes in red

MOD 2 (2018) changes in blue

MOD 3 (2018) changes in purple

MOD 4 yet to be determined

MOD 5 yet to be determined

MOD 6 (2018) changes in green

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

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 5-35 Yarrunga Street and 36-36A Kookaburra Road North, Prestons Lots 33-35 and 43 on DP 2359, Lot 20 on DP 117483 and Lots A and B on DP 408207 5-35 Yarrunga Street, 36-36A Kookaburra Road North and 42B Kurrajong Road, Prestons 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
Development:	Staged construction of five warehouse buildings, associated office space, access roads, parking, drainage and landscaping.

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D6. The Applicant must make the following information publicly available on its website and keep the information up to date:.....	16
(a) the documents referred to in conditions D1 and D2 of this consent;	16
(b) all current statutory approvals for the development;	16
(c) all approved strategies, plans and programs required under the conditions of this consent;	16

- (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; 16
- (e) a summary of the current stage and progress of the development;..... 16
- (f) contact details to enquire about the development or to make a complaint; 16
- (g) a complaints register, updated monthly; and 16
- (h) any other matter required by the Secretary..... 16

Note: This condition does not require any confidential information to be made available to the public. 16

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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
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 & 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)
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
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 ~~shall~~ **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); and~~
- ~~(c) the Management and Mitigation Measures (see Appendix B).~~

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); **and**
- (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; **and**
- (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; **and**
- (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; **and**
- (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.

- 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~~ **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 **shall 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 **shall must** be demonstrated.

EVIDENCE OF CONSULTATION

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

STATUTORY REQUIREMENTS

- B11. The Applicant **shall 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 **shall 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 **shall 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 **shall must** obtain relevant approvals from service providers.
- B16. Prior to operation of the Development, the Applicant **shall 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 **shall must**:
- (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (b) submit a copy of this report to the Secretary and Council.
- B18. The Applicant **shall 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 **shall 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 **shall 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 **shall 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 **shall 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 **shall must** 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 must** pay contributions to Council in accordance with the *Liverpool Contributions Plan 2009*.
- 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 m² 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 **shall 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. The Applicant **shall must** meet the requirements of RMS and Council for the intersection upgrade works on the Bernera Road and Yarrunga Street intersection. The Applicant **shall must**:
- (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 must** 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 must** 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 must** complete the intersection upgrade works on Bernera Road and Yarrunga Street prior to operation of ~~Stage 2~~ Stage 3 of the Development.

Roadworks and Access

- C5. Prior to the commencement of operation of the Development, the Applicant **shall 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 **shall must** obtain approval for the works under Section 138 of the *Roads Act 1993*.
- C6. The Applicant **shall must** meet the requirements of RMS and Council for the design and construction of the central median on Bernera Road. The Applicant **shall must**:
- (a) prior to the issue of a construction certificate for the Development, submit a concept design to Council in accordance with the requirements of *Austrroads 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; **and**
 - (c) **install the central median island on Bernera Road opposite Warehouse 4 prior to the commencement of the operation of Warehouse 4.**
- C7. The Applicant **shall 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:**
- (a) **is designed to accommodate the turning path of a semi-trailer and heavy rigid vehicle;**
 - (b) **is for egress only;**
 - (c) **will be controlled by a gate which only permits egress; and**
 - (d) **enables road widening along Bernera Road and a central median island on Bernera Road opposite Warehouse 3B and 3C.**
- C7B. ~~Prior to the commencement of construction of Stage 3 of the Development~~ Prior to the occupation of Warehouses 3 and 4, the Applicant must complete the widening of part of Bernera Road (located adjacent to the site) to the satisfaction of Council. The Applicant must:
- (a) provide civil design plans to Council for the road widening prior to the issue of a construction certificate for ~~Stage 3 works~~ Warehouses 3 and 4; and
 - (b) obtain approval for the works to Bernera Road under section 138 of the *Roads Act 1993*.

- 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
 - (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.
- B25. 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
 - (b) 20 m long and 0.6 m wide, or as otherwise agreed to by the Planning Secretary.

Parking

- C8. The Applicant **shall 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 **shall 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;
 - (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-; **and**
 - (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; and
- (l) light vehicles egressing Lot B DP 416483 onto Kurrajong Road are restricted to left turn movements only.

Construction Traffic Management Plan

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

Within 2 months of the date of this consent, the Applicant **shall must engage an independent Quantity Surveyor to determine the cost of the drainage works detailed in the RTS.**

- C15. Within 6 months of the date of this consent, the Applicant **shall must** 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.

- C16. 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 must** 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

- C17. All floor levels **shall must** be no lower than the 1% Annual Exceedance Probability flood plus 300mm of freeboard.
- C18. Any structures below the 1% Annual Exceedance Probability plus 300mm of freeboard **shall must** be constructed from flood compatible building components.

VISUAL AMENITY

Landscaping

- C19. The Applicant **shall must** implement the Landscape Plans included in the RTS for each Stage of the Development **and included in the Modification Application SSD 7155 MOD 2, and in the Modification Application SSD 7155 MOD 3 and in MOD 6** prior to the commencement of operation of each Stage. The Applicant **shall 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.
- C20. The Applicant **shall 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 **shall 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 **shall must** be provided to and approved by the Secretary, prior to the commencement of construction of Stage 1 of the Development.
- C21. The Applicant **shall 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.
- 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 **shall 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

- C23. The Applicant **shall 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.
- C24. Prior to the commencement of construction of the roads and the half road construction on Yarrunga Street, the Applicant **shall 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

- C25. All signage and fencing **shall must** be erected in accordance with the ~~development plans included in the EIS~~ **development plans submitted with the Modification Application SSD 7155 MOD 2, submitted with the Modification Application SSD 7155 MOD 3.**

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

NOISE

Hours of Work

- C26. The Applicant **shall 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

- C27. Works outside of the hours identified in condition C26 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

- C28. The Applicant **shall 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 LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(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.

- C28A The use of diesel forklifts in external areas on Lot B DP 416483 is prohibited.

Noise Walls

- C29. The Applicant **shall 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 **shall 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 C28 at all times.

Noise Verification – External Mechanical Plant

- C30. 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 C28. The noise validation report **shall must**:
- (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 C28;
 - (d) describe any acoustic treatments required to ensure compliance with the noise limits in Condition C28; 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

- C31. Prior to the commencement of earthworks, the Applicant **shall must** prepare a Driver Code of Conduct and induction training for the Development to minimise road traffic noise. The Applicant **shall must** update the Driver Code of Conduct and induction training for construction and operation and **shall must** implement the Code of Conduct for the life of the Development.

Construction Noise Limits

- C32. The Development **shall 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 **shall must** be implemented and any activities that could exceed the construction noise management levels **shall must** be identified and managed in accordance with the management and mitigation measures in the EIS.

Construction Noise Management Plan

- C33. The Applicant **shall must** prepare a Construction Noise Management Plan for the Development to manage high noise generating works. The plan **shall 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

- C34. The Applicant **shall 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 **shall must** be agreed with Council prior to operation of any part of the Development.
- C35. Prior to the commencement of earthworks on the Prestons Creek Bank site as shown in Appendix D, the Applicant **shall 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)

- C36. The Applicant **shall must** prepare an ACHMP for the Development to protect and manage the Prestons Creek Bank site. The plan **shall 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 C34;
 - (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

- C37. 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

- C38. The Applicant **shall 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.
- C39. The Applicant **shall must** prepare an archaeological report of the salvage excavation undertaken in accordance with Condition C38. An interim report of the salvage excavation **shall 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

- C40. The Applicant **shall must** prepare a Heritage Interpretation Plan to acknowledge the historic heritage of the site. The plan **shall must**:
- (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.
- C41. The Applicant **shall must** implement the heritage interpretation plan approved under Condition C40 to the satisfaction of the Secretary.

Unexpected Finds Protocol

- C42. If any archaeological relics are uncovered during the course of the work, then all works **shall must** cease immediately in that area. Unexpected finds **shall 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 C39.

BIODIVERSITY

- C43. Within 12 months of the date of this consent, the Applicant **shall must** purchase and retire 14 ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits **shall 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 **shall 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.

- 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:

- 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;
- 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
- 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.

AIR QUALITY

Dust Minimisation

C44. The Applicant **shall must** implement all reasonable and feasible measures to minimise dust and odour emissions generated during demolition, earthworks, construction and operation of the Development.

C45. During construction, the Applicant **shall must** ensure that:

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

SOILS

Imported Soil

C46. The Applicant **shall must** ensure that any material imported and used as fill on the site:

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

C47. The Applicant **shall must**:

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

Erosion and Sediment Control

C48. Prior to the commencement of earthworks, the Applicant **shall must** install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the

HAZARDS AND RISK

Dangerous Goods

- C49. The quantities of dangerous goods stored and handled at the site **shall 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

- C50. The Applicant **shall must** store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or 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

- C51. The Applicant **shall 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.
- C52. Waste generated outside the site **shall must** not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C53. The Applicant **shall must** retain all sampling and waste classification data for the life of the Development in accordance with the requirements of the EPA.
- C54. The collection of waste generated during operation of the Development **shall must** be undertaken between 7 am to 10 pm Monday to Friday.

Waste Storage Areas

- C55. Prior to the commencement of construction of each warehouse, the Applicant **shall must** obtain agreement from Council for the design of the waste storage area for each warehouse.
- 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.
- C56. 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

- C57. Prior to the commencement of construction, the Applicant **shall must** provide an updated Construction Waste Management Plan to the Secretary. The updated plan **shall 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

- C58. Prior to the commencement of earthworks, the Applicant **shall 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.
- C59. The Applicant **shall must** implement the unexpected finds protocol developed under Condition C58 for the duration of earthworks and construction.
- 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.

TRANSMISSION LINE EASEMENT

- C60. 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**.
- C61. No temporary or permanent structures are permitted within TransGrid's easement.
- C62. The Applicant **shall 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.
- C63. The Applicant **shall must** amend the development plans to exclude from the transmission line easement the proposed wheelchair lift from the carpark. The amended development plans **shall must** be provided to TransGrid for approval prior to the commencement of construction within the transmission line easement.
- C64. The Development **shall must** be designed to provide a minimum horizontal clearance of 16 metres from the outside edge of the transmission tower legs.
- C65. 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

- C66. The Applicant **shall must** ensure that TransGrid's access to the transmission towers, lines and easement is maintained at all times and **shall must** comply with any exclusion requirements of TransGrid.
- C67. The Applicant **shall 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);

- (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

- C68. 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 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 ~~shall~~ **must** prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP ~~shall 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 ~~shall must~~ include the following:
- (a) Construction Traffic Management Plan (see Condition C11);
 - (b) Construction Noise Management Plan (see Condition C33);
 - (c) Construction and Demolition Waste Management Plan (see Condition C57); 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 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 ~~shall 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 ~~shall 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 shall must 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.

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

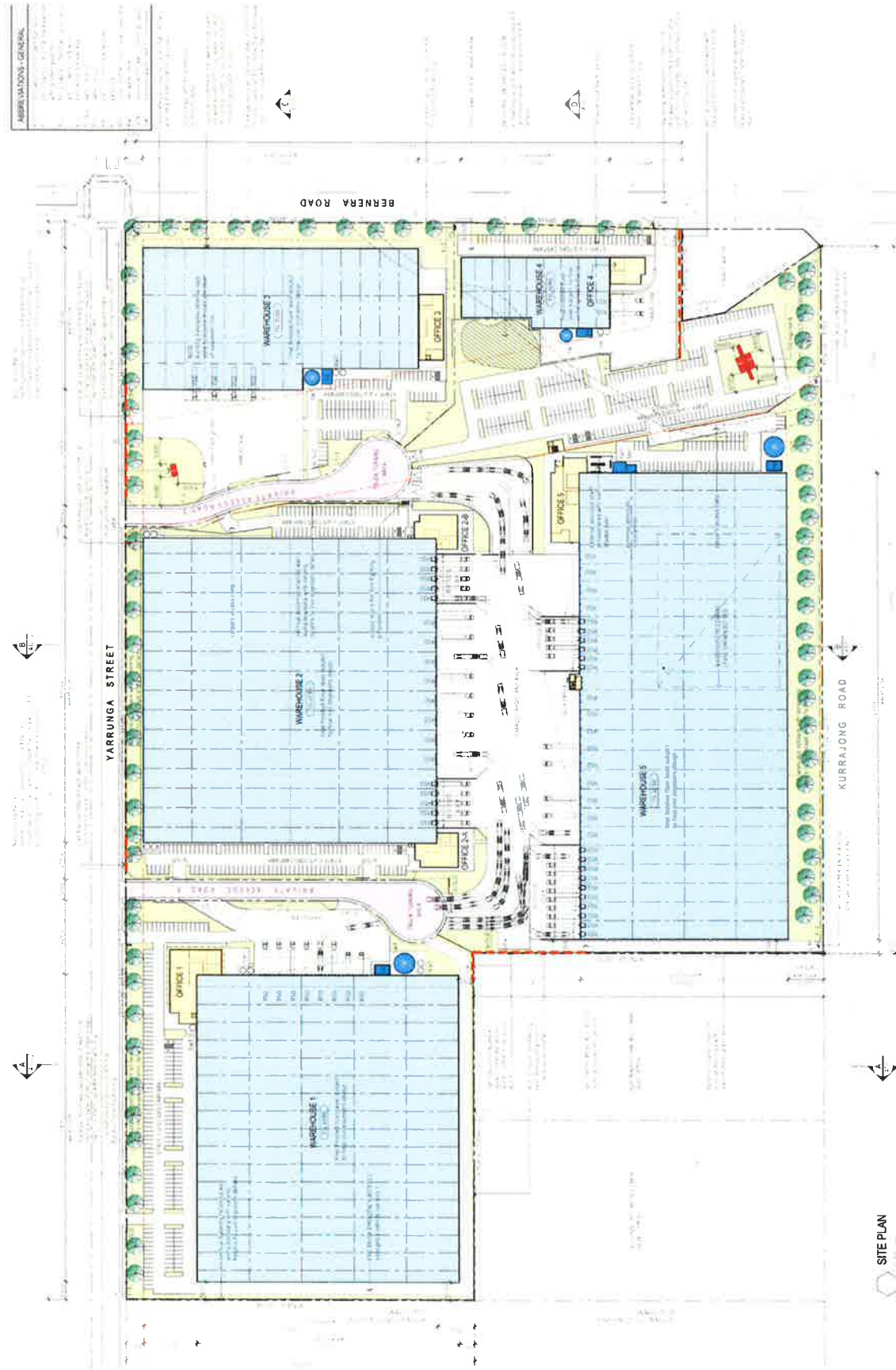


Figure 1: Site Plan

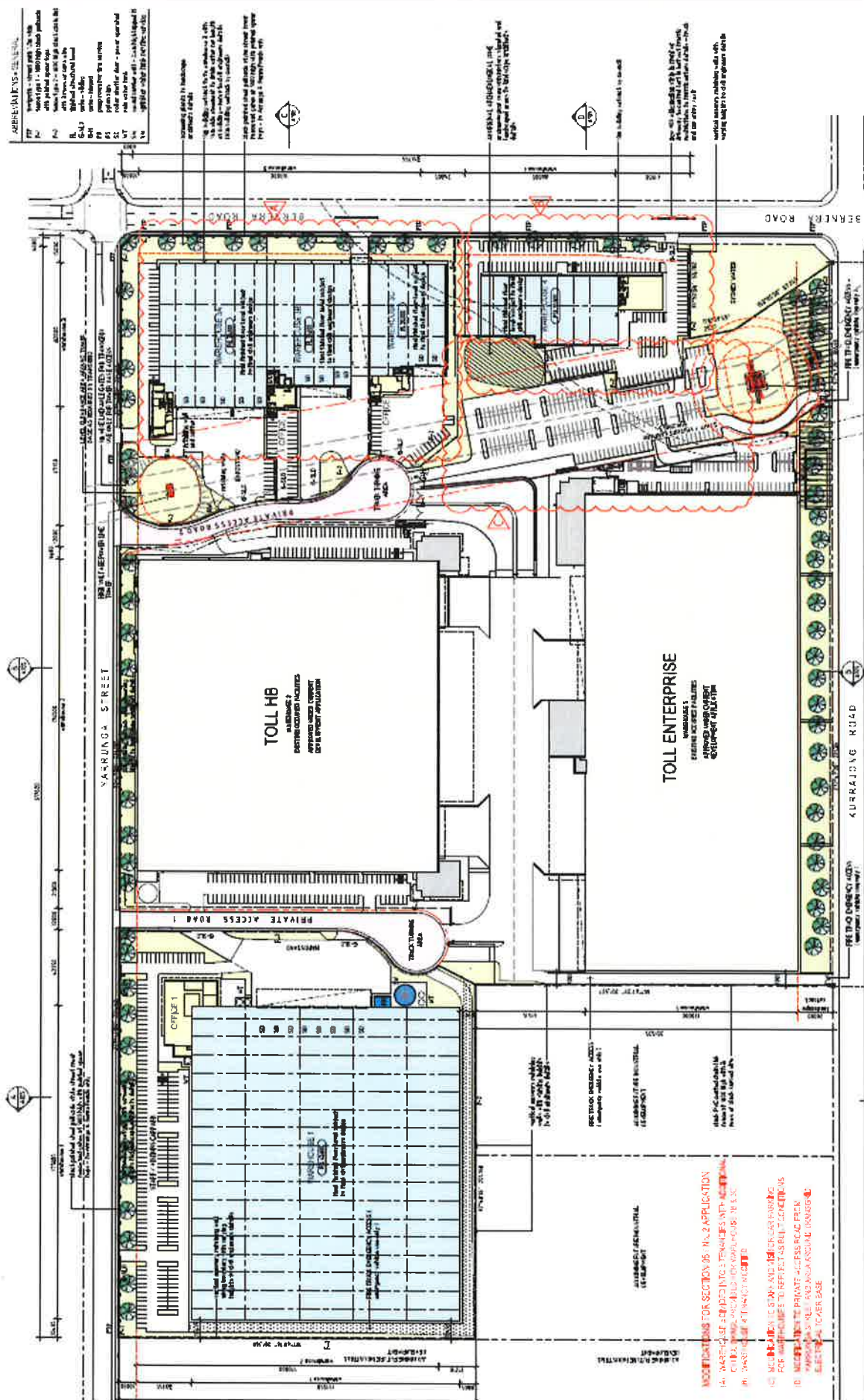
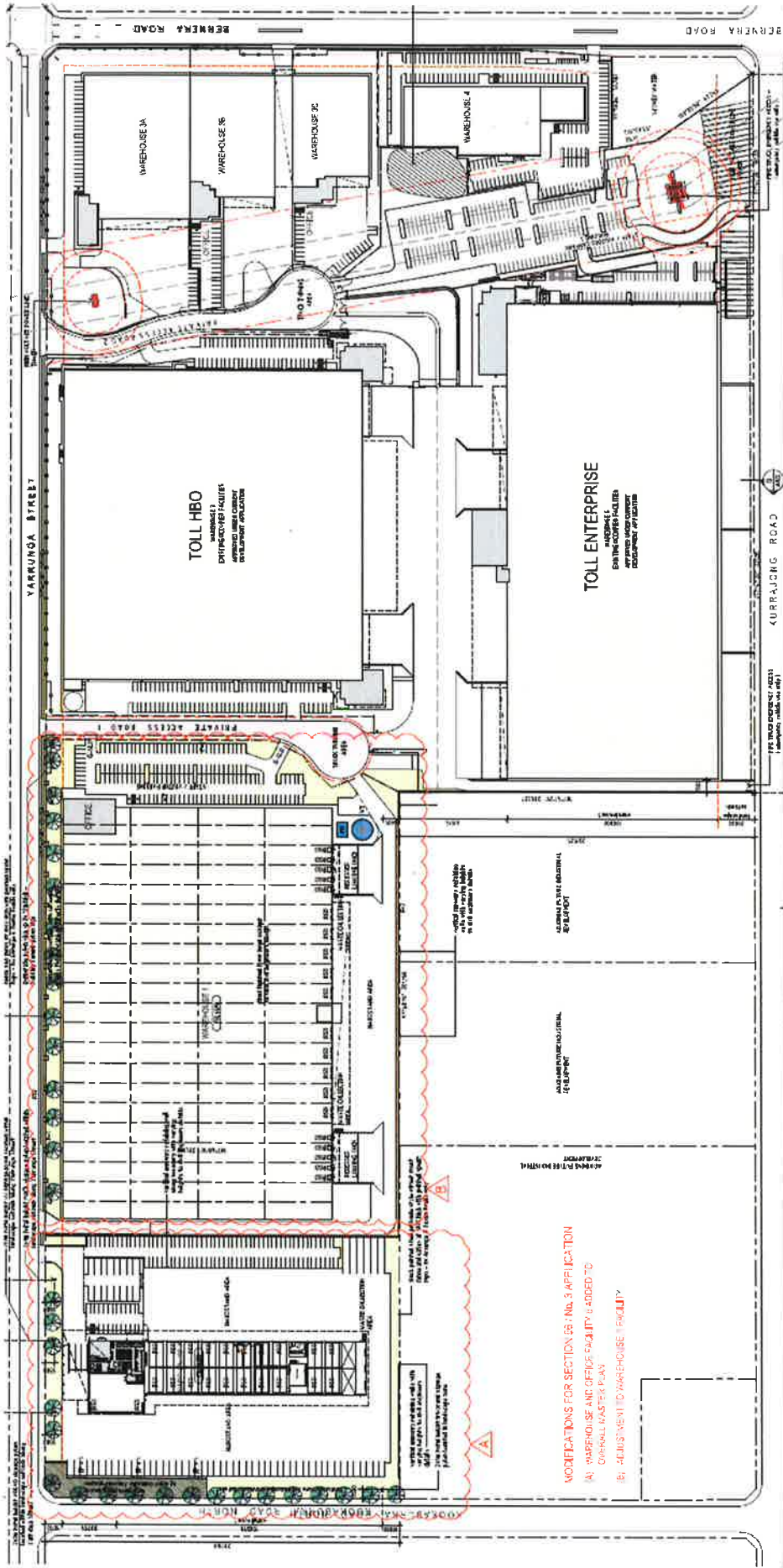


Figure 1: Site Plan



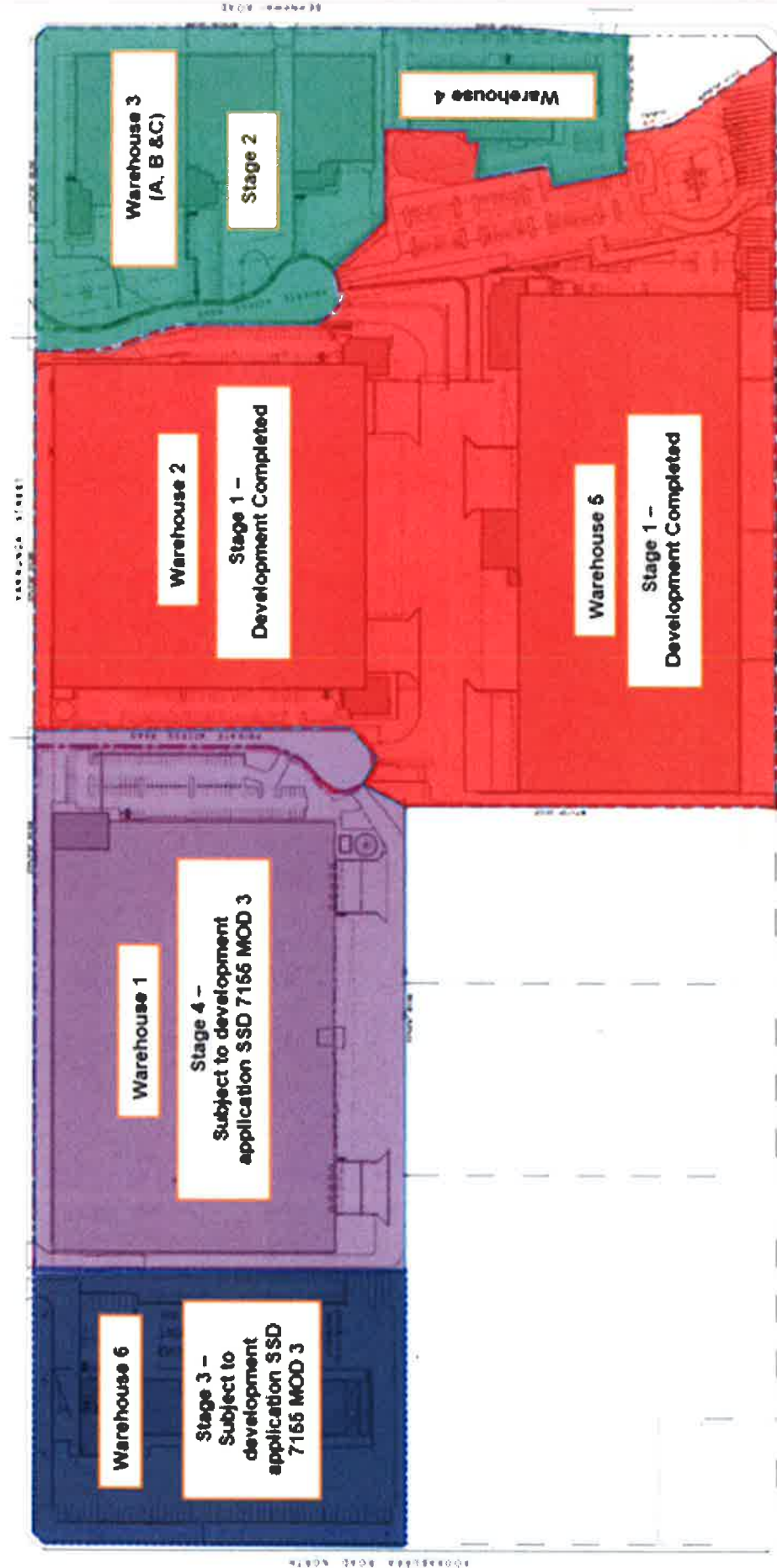
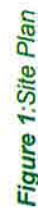
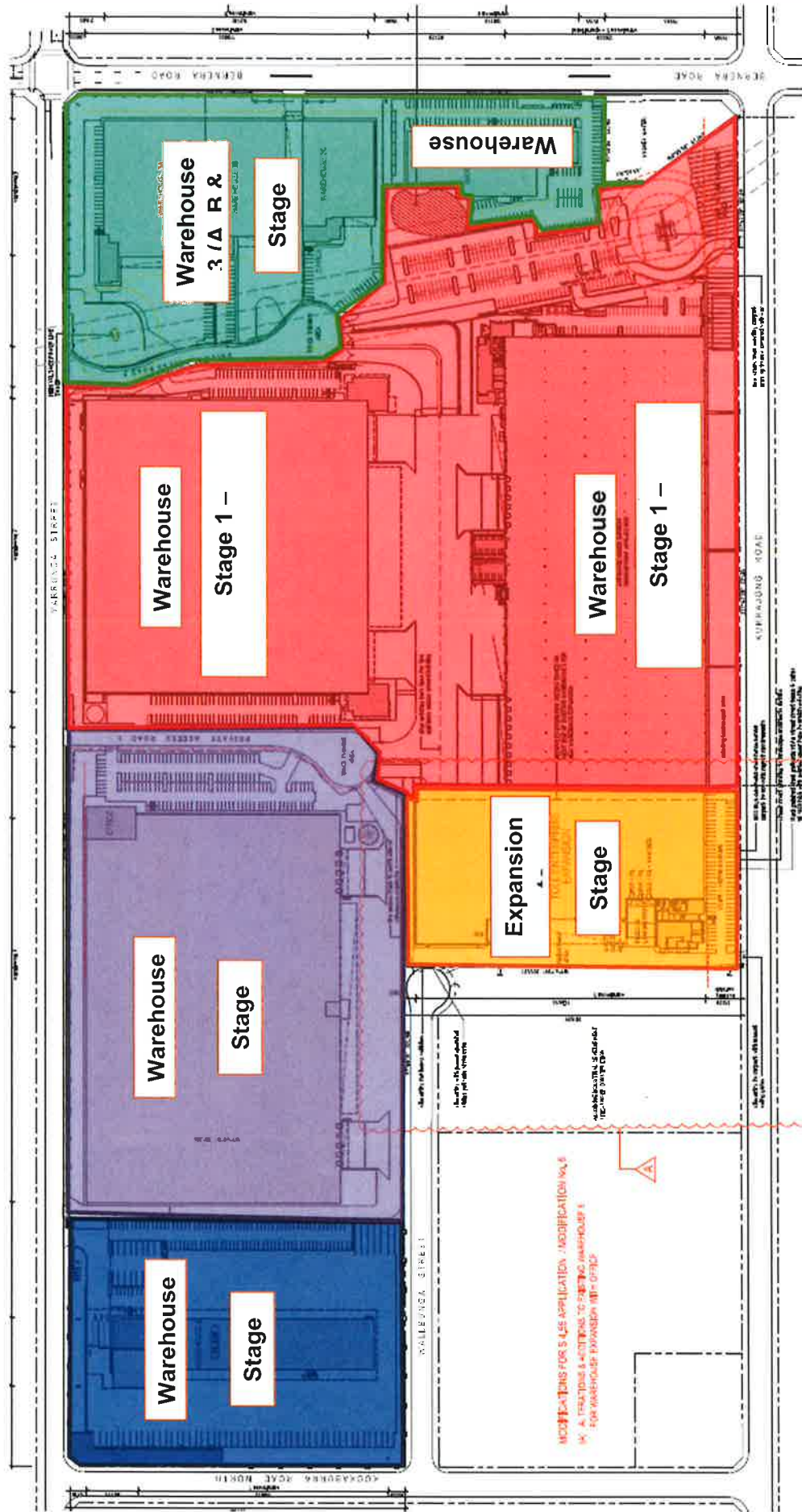


Figure 2: Staging Plan





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 must 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

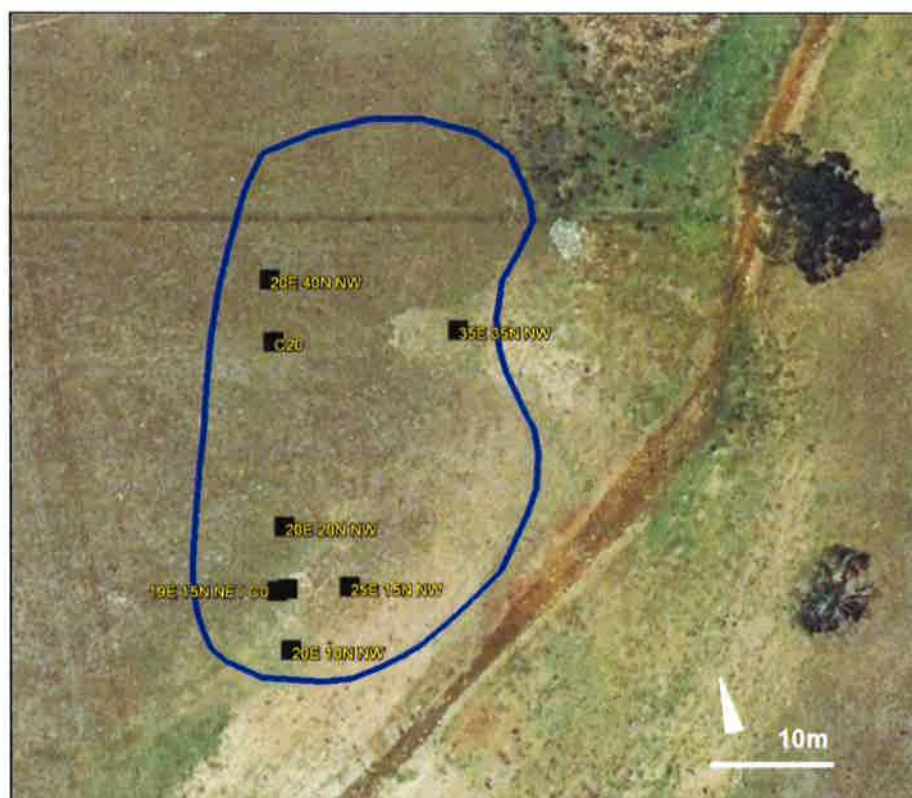
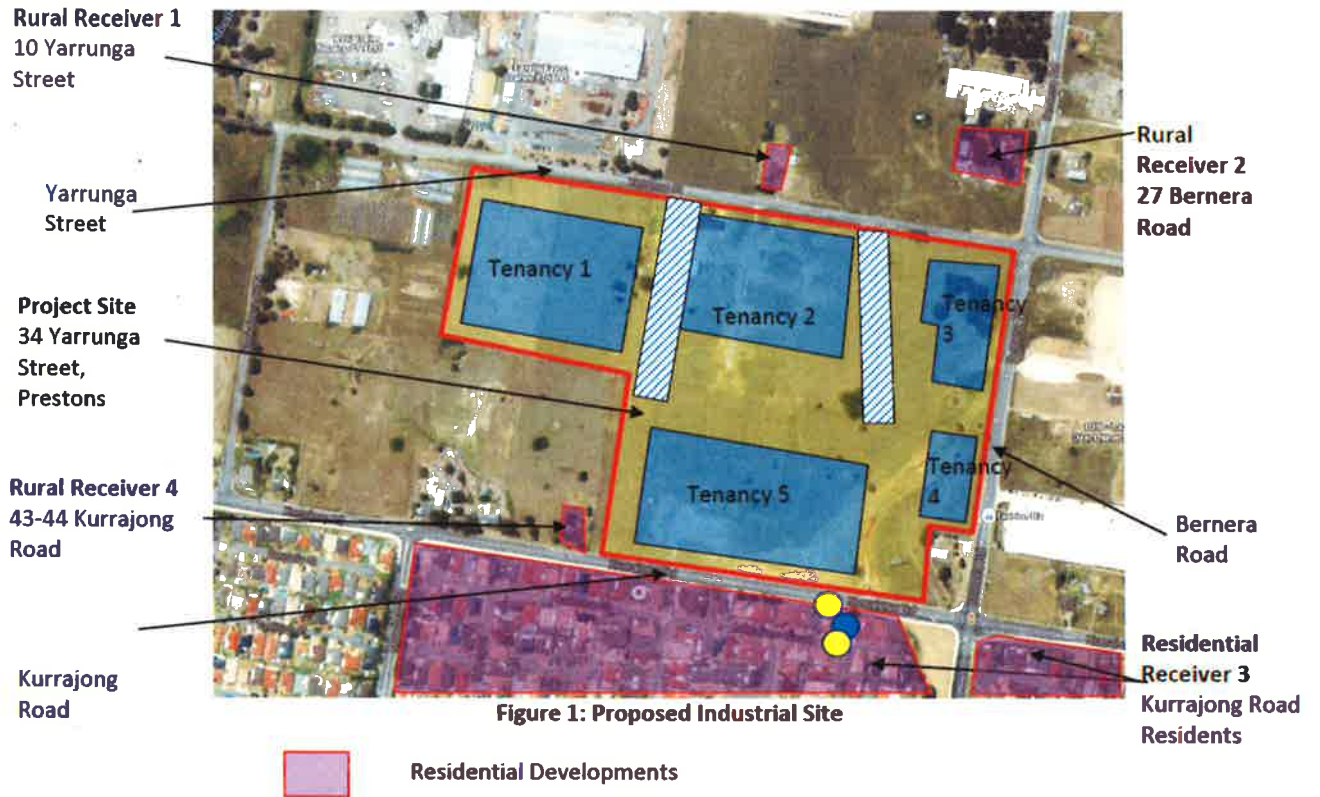


Figure 4: Prestons Creek Bank Site

APPENDIX D RESIDENTIAL RECEIVERS



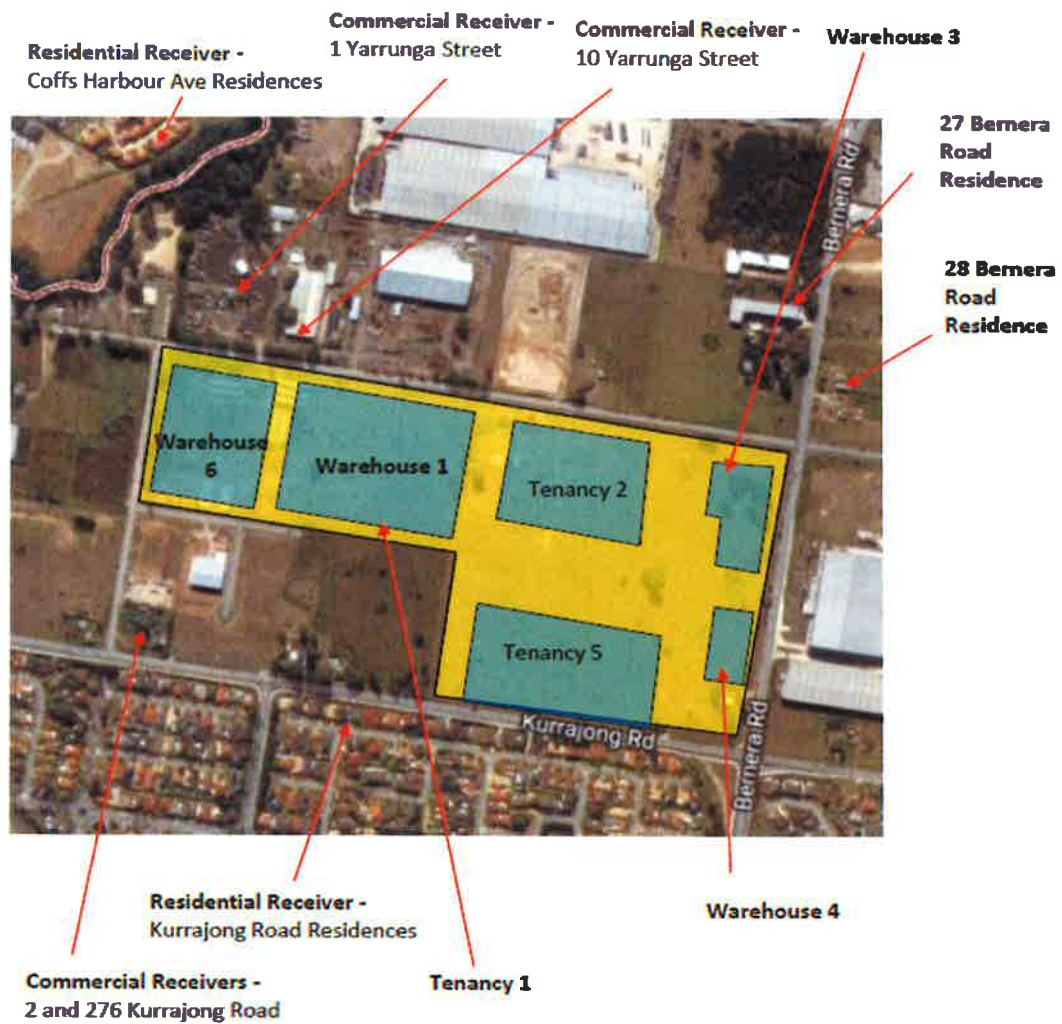


Figure 5: Nearest Sensitive Receivers

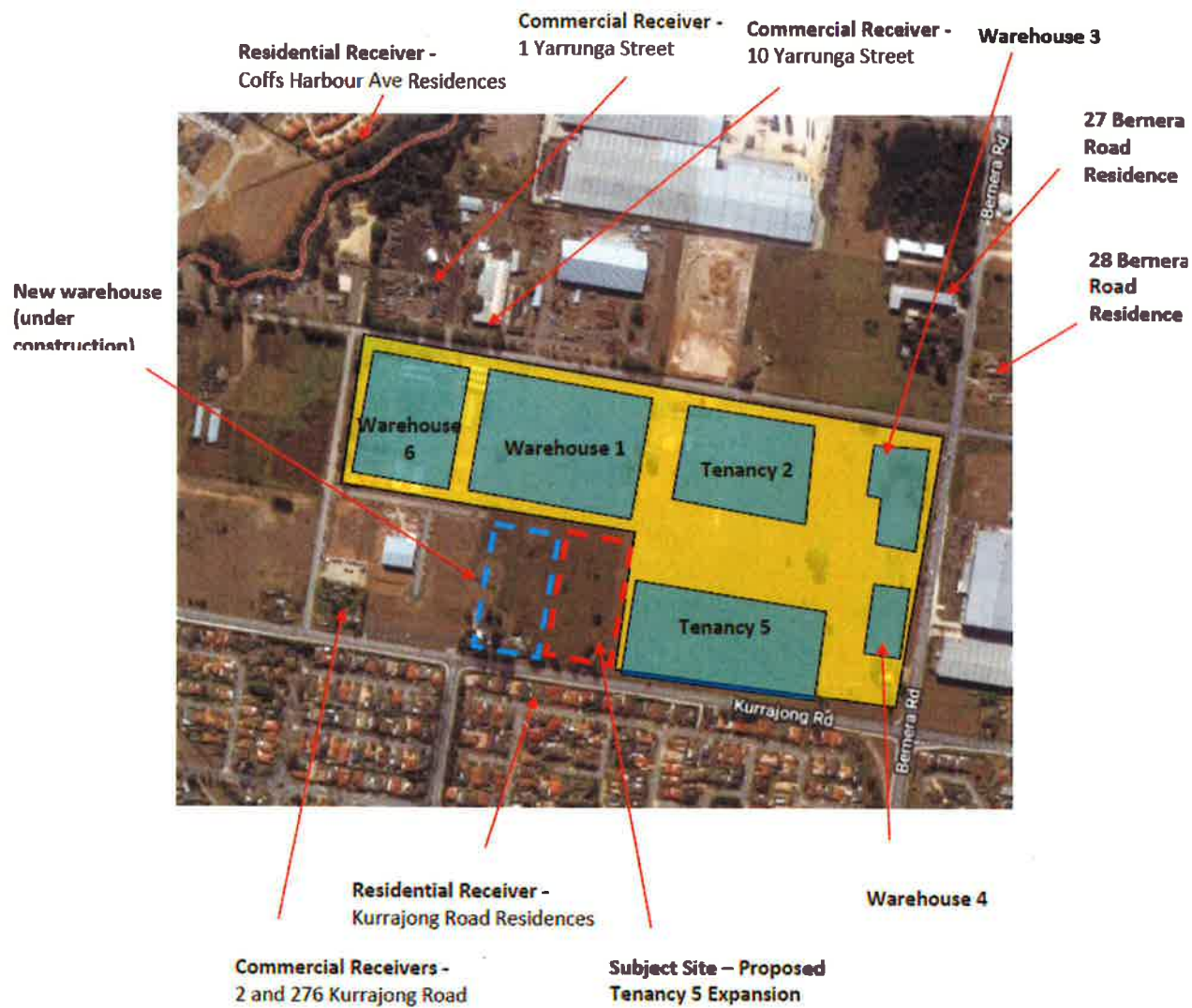


Figure 5: Nearest Sensitive Receivers

Appendix D - Notice of Modification Application

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 21 DECEMBER 2018

File: DOC18/826965

SCHEDULE 1

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:	5-35 Yarrunga Street, Prestons Lots 33-35 and 43 on DP 2359 and Lot 20 on DP 1173483
Development:	Staged construction of warehouse buildings, associated office space, access roads, parking, drainage and landscaping
Date of Original Consent:	24 June 2016
Modification:	SSD 7155 MOD 6 – for the construction and operation of an extension of the existing Warehouse 5 (currently on Lot 43 DP 2359) on Lot B DP 416483, including ancillary office, hardstand, car parking, landscaping and stormwater drainage infrastructure

SCHEDULE 2

This consent is modified as follows:

In Schedule A:

1. Delete the description of the land and replace with the following:

5-35 Yarrunga Street, 36 -36A Kookaburra Road North and 42B Kurrajong Road, Prestons

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

2. Delete the definition for Development and insert the following definition in alphabetical order:

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.

3. Insert the following definition in alphabetical order:

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

In Schedule B: Administrative Conditions

4. In Condition B2 (e), after the words 'Urbis Pty Ltd,' delete the 'and'.
5. In Condition B2 (f) delete the period and replace with '; and'.
6. In Condition B2, after (f) insert '(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.
7. Insert new Condition B23B immediately after Condition B23A as follows:

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.

In Schedule C: Environmental Performance and Management

8. Insert new Condition C7C immediately after Condition C7B as follows:

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.

9. Insert new Condition C7D immediately after Condition C7C as follows:

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.

10. Insert new Condition C7E immediately after Condition C7D as follows:

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.

11. Insert new Condition C7F immediately after Condition C7E as follows:

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.

12. Insert new Condition C7G immediately after Condition C7F as follows:

The Applicant must not commence operation of the MOD 6 development until the OTMP is approved by the Planning Secretary.

13. Insert new Condition C7H immediately after Condition C7G as follows:

The Applicant must implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.

14. Insert new Condition C7I immediately after Condition C7H as follows:

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
- (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.

15. Insert new Condition C7J immediately after Condition C7I as follows:

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
- (b) 20 m long and 0.6 m wide, or as otherwise agreed to by the Planning Secretary.

16. In Condition C10:

- a. in (h) after the words 'at all times', delete the word 'and'
- b. in (i) after the words 'Warehouse 3B' delete the '.' and insert ';
- c. after (i) insert '(j) heavy vehicle egress onto Kurrajong Road from Lot B DP 416483 must be restricted at all times;'
- d. after (j) insert '(k) heavy vehicles accessing Lot B DP 416483 must travel through the Bernera Road and Yarrunga Street intersection; and'
- e. after (k) insert '(l) light vehicles egressing Lot B DP 416483 onto Kurrajong Road are restricted to left turn movements only'.

17. Insert new Condition C14A immediately after Condition C14 as follows:

Prior to the commencement of operation of the MOD 6 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))';
- (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.

18. In Condition C19, after the words 'Modification Application SSD 7155 MOD 2', delete the word 'and' and, after the words 'Modification Application SSD 7155 MOD 3' insert the words 'and in MOD 6'.

19. Insert new Condition C21A immediately after Condition C21 as follows:

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.

20. Insert new Condition C28A immediately after Condition C28 as follows:

The use of diesel forklifts in external areas on Lot B DP 416483 is prohibited.

21. Insert new Condition C43A immediately after Condition C43 as follows:

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

22. Insert new Condition C43B immediately after Condition C43A as follows:

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.

23. Insert new Condition C43C immediately after Condition C43B as follows:

During construction and 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.

24. Insert new Condition C55A immediately after Condition C55 as follows:

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.

25. Insert new Condition C59A immediately after Condition C59 as follows:

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*.

26. Insert new Condition C59B immediately after Condition C59A as follows:

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.

27. Insert new Condition C59C immediately after Condition C59B as follows:

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.

28. Insert new Condition C59D immediately after Condition C59C as follows:

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.

In Appendix A: Development Layout Plans

29. Replace all drawings with the following drawings:

APPENDIX A: DEVELOPMENT LAYOUT PLANS

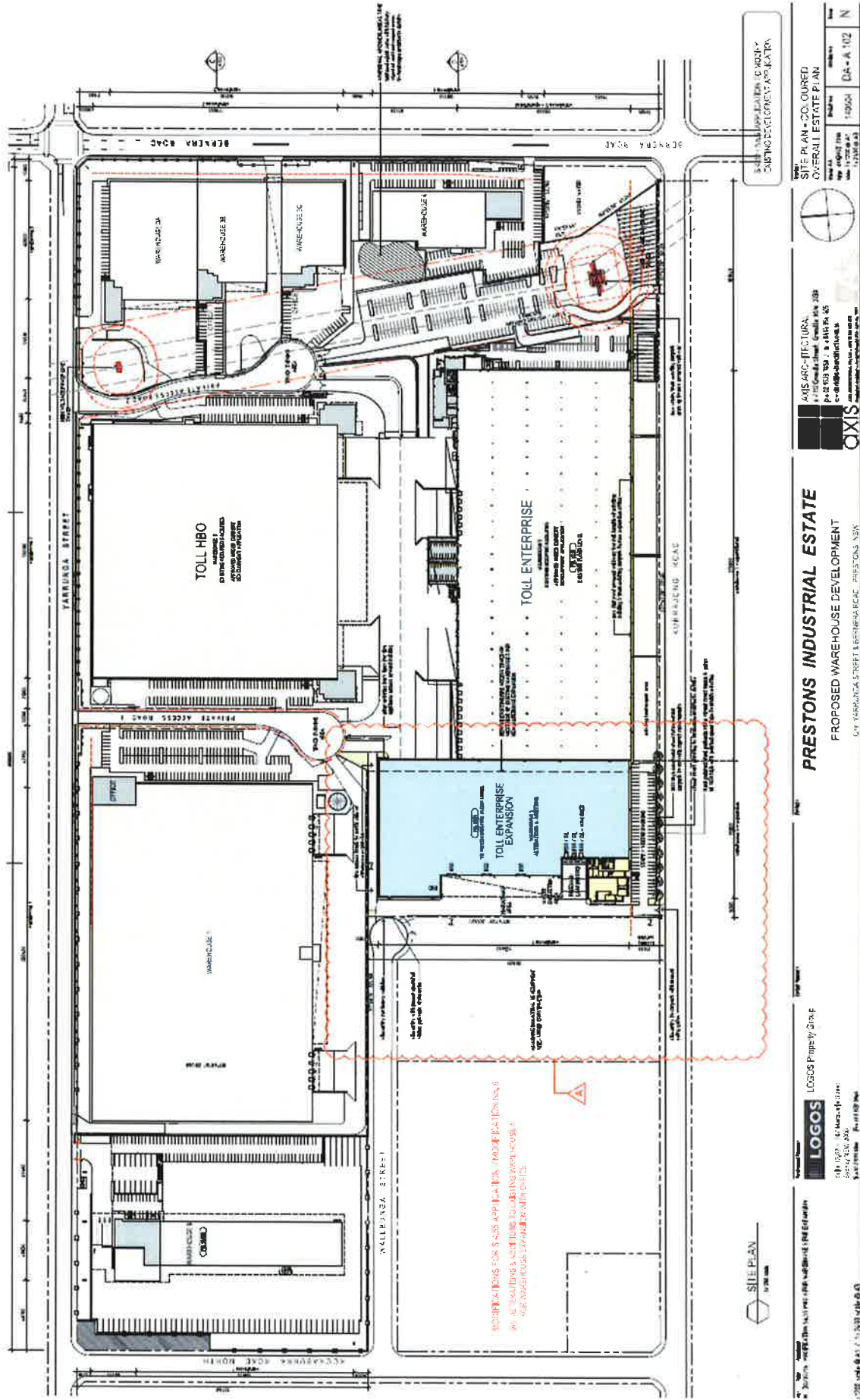


Figure 1: Site Plan

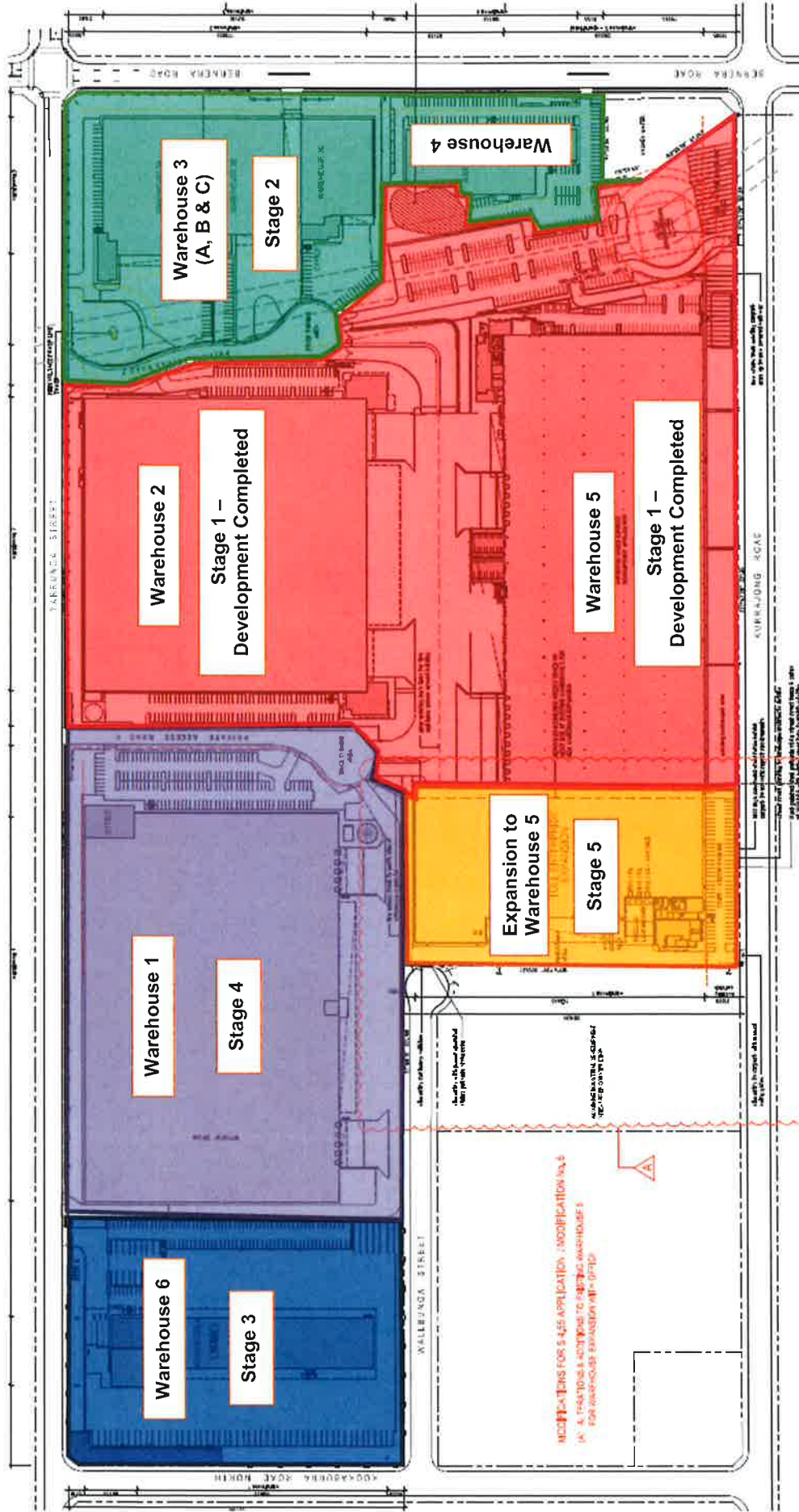


Figure 2: Staging Plan

In Appendix D: Residential Receivers

30. Replace Figure 5 with the following:

APPENDIX D: Residential Receivers

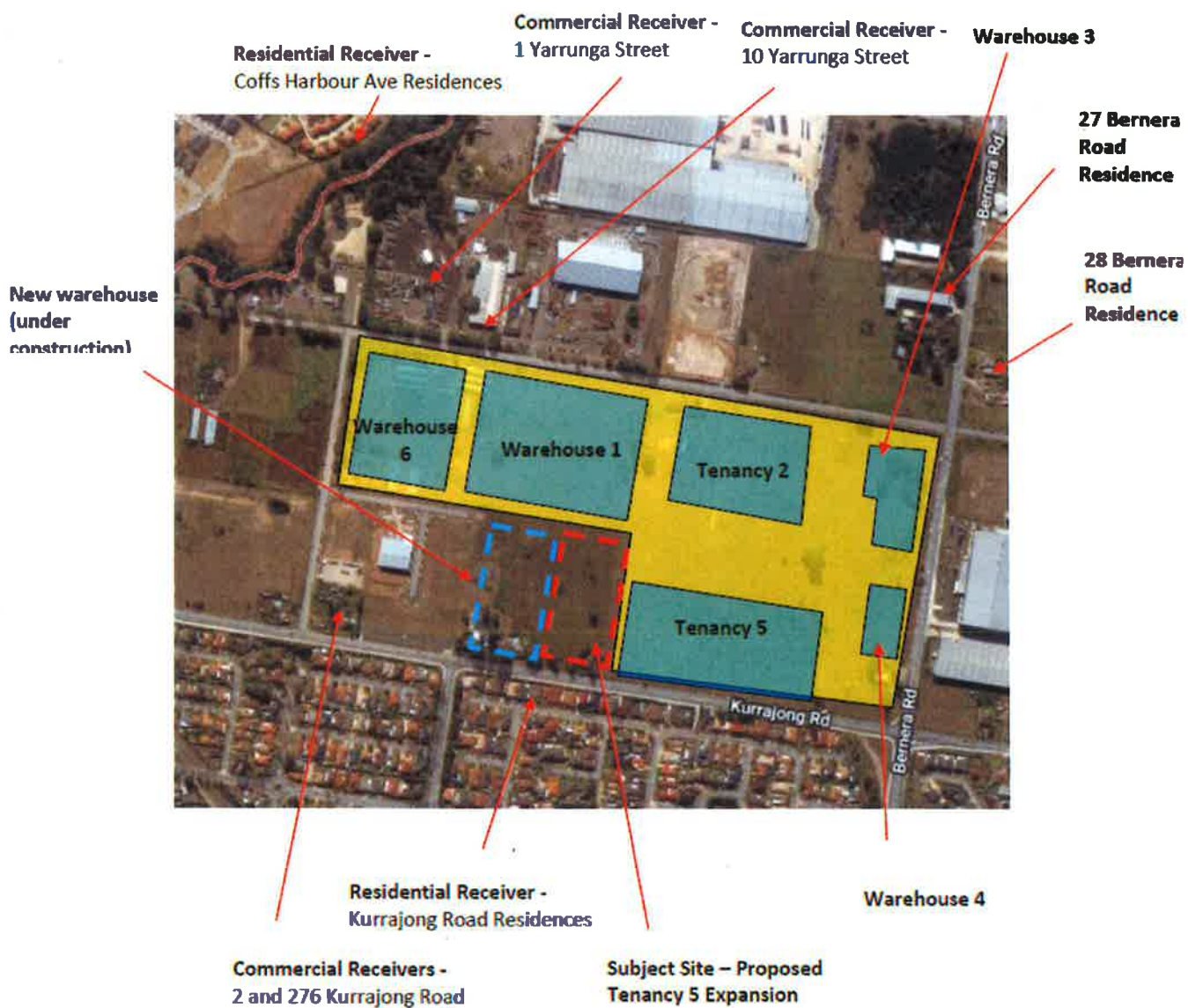


Figure 5: Nearest Sensitive Receivers