

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:

- 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.

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

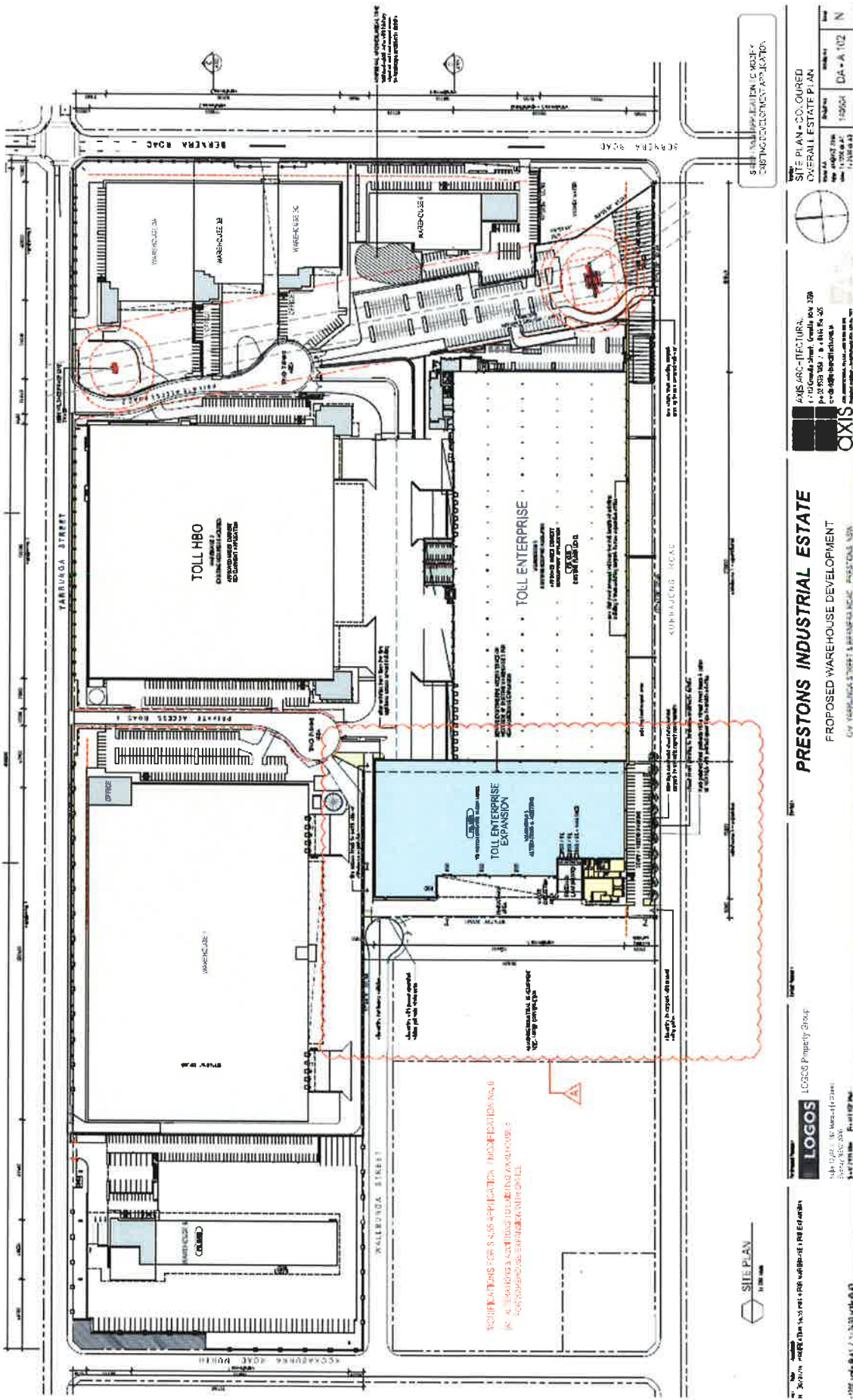


Figure 1: Site Plan

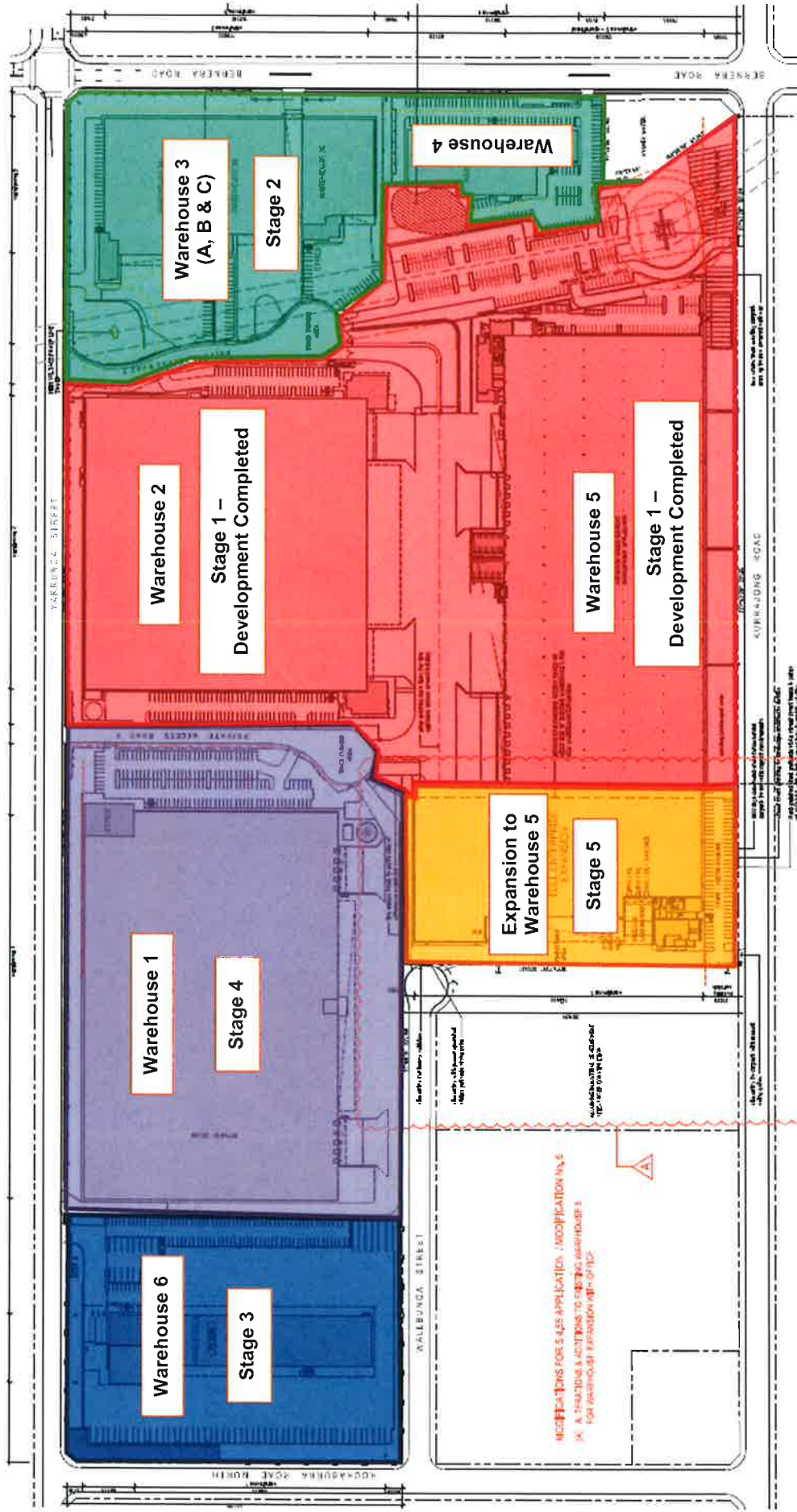


Figure 2: Staging Plan

In Appendix D: Residential Receivers

30. Replace Figure 5 with the following:

APPENDIX D: Residential Receivers

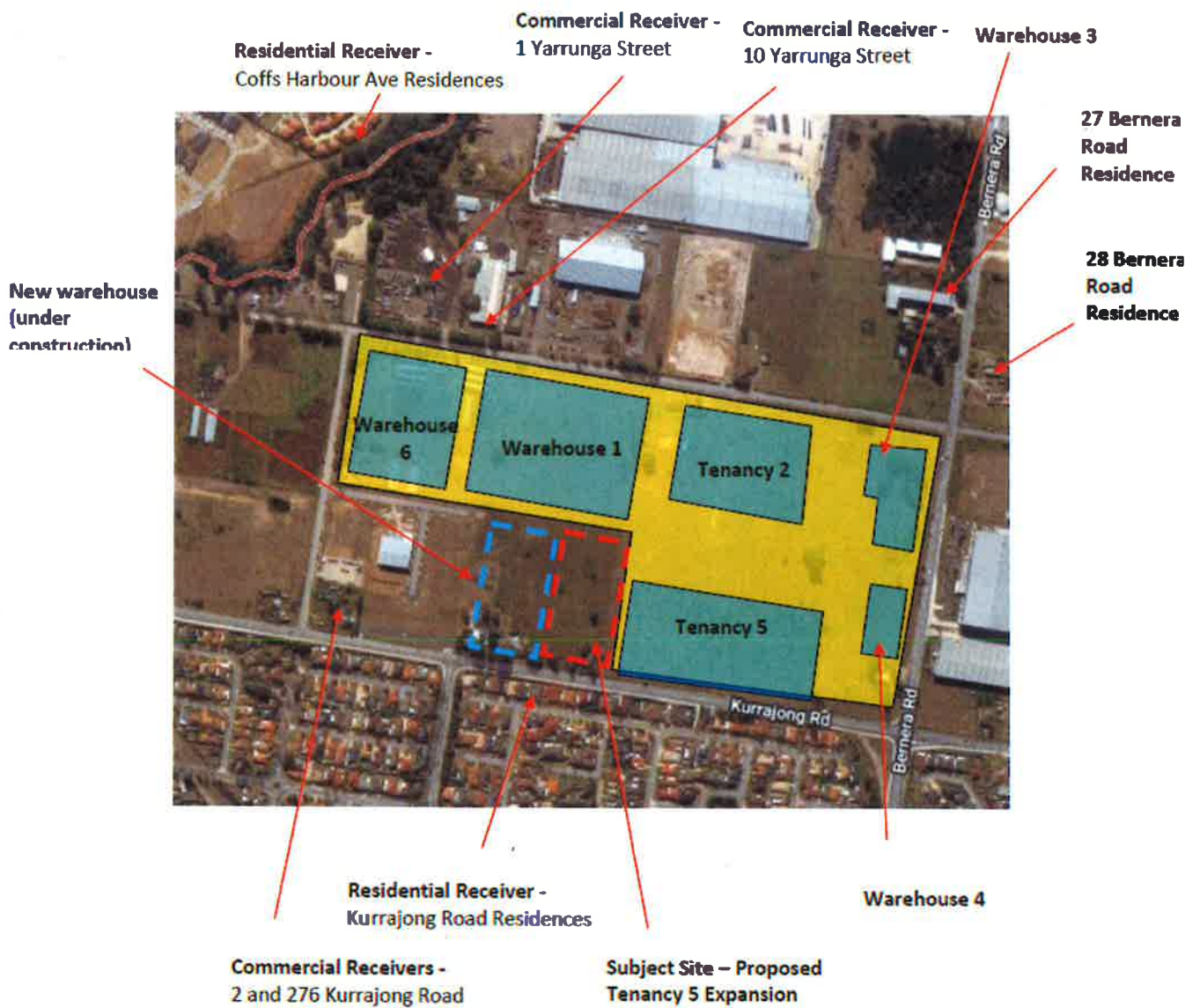


Figure 5: Nearest Sensitive Receivers