



Prestons Industrial Estate

State Significant
Development
Modification Assessment
(SSD 7155 MOD 7)



February 2019

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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
AHD	Australian Height Datum
Applicant	Logos Properties Holding Pty Ltd
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Liverpool City Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
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
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(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks approval to:

- amend the layout of Warehouse 1 to create two separate warehouse tenancies (Warehouse 1A and Warehouse 1B) with ancillary office and display floor space
- construct an additional 1,093 square metres (m²) of warehouse gross floor area (GFA) by extending the built form of the building by approximately 17 metres (m) to the east and 3 m to the south
- remove the existing office and replace with two separate offices to result in an additional 1,658 m² of GFA of office space
- modify the hardstand areas, vehicle loading and access arrangements and car parking layout
- reduce car parking on the site by 19 spaces.

1.1 Background

The Applicant is progressively developing the approved Prestons Industrial Estate located at 5-35 Yarrunga Street, 36-36A Kookaburra Road North and 42B Kurrajong Road, 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**).

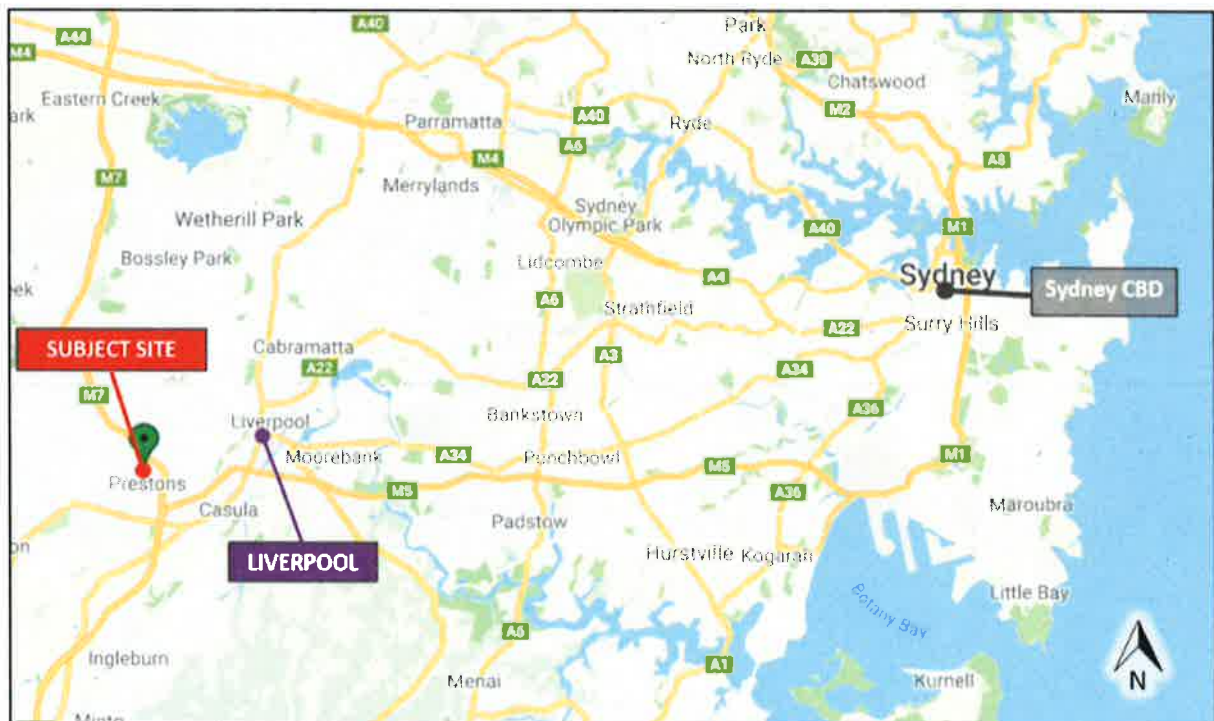


Figure 1 | Site Location

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 26 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 warehouses which have been constructed to date comprise Warehouses 2, 3A, 3B, 3C, 6 and 5 (except the extension shaded blue 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**).



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. 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 the Prestons Industrial Estate 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.

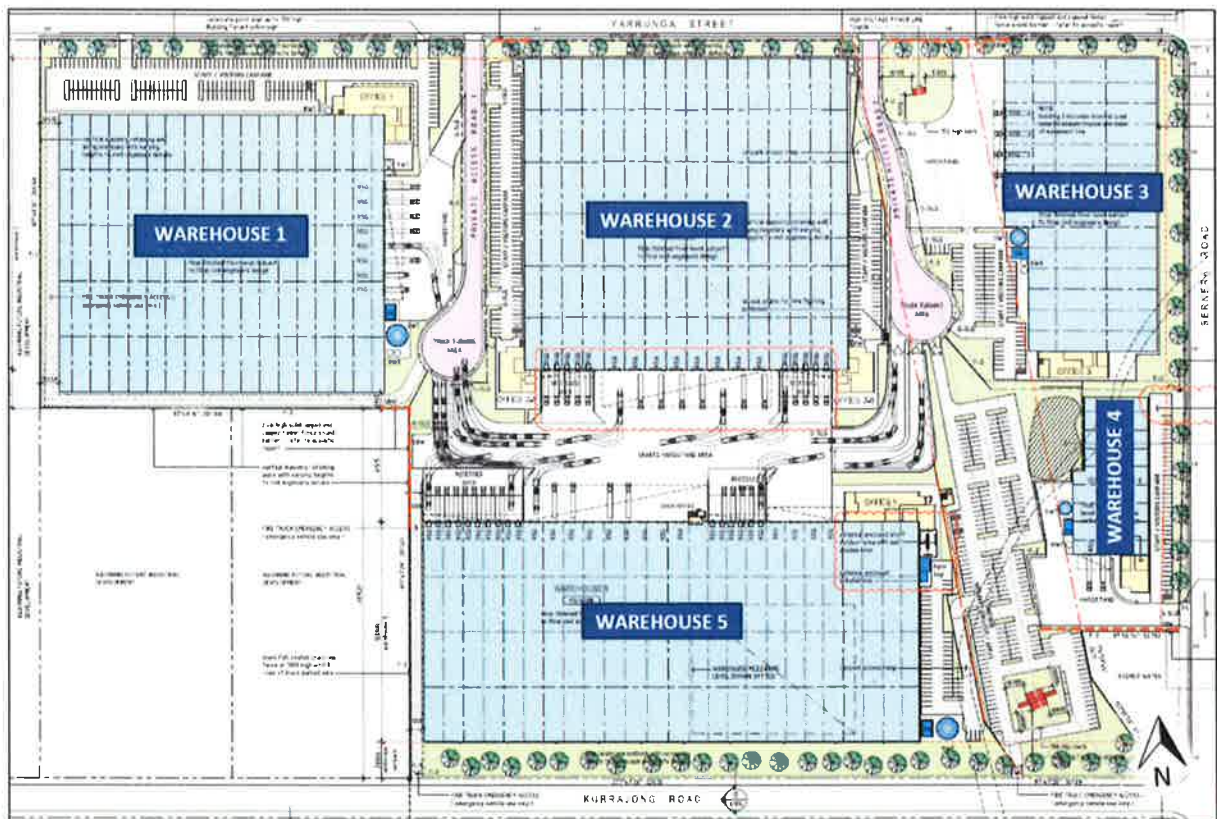


Figure 4 | Approved Site Plan under SSD 7155

SSD 7155 has been modified on four occasions and a further modification application is currently under assessment (see **Table 1**).

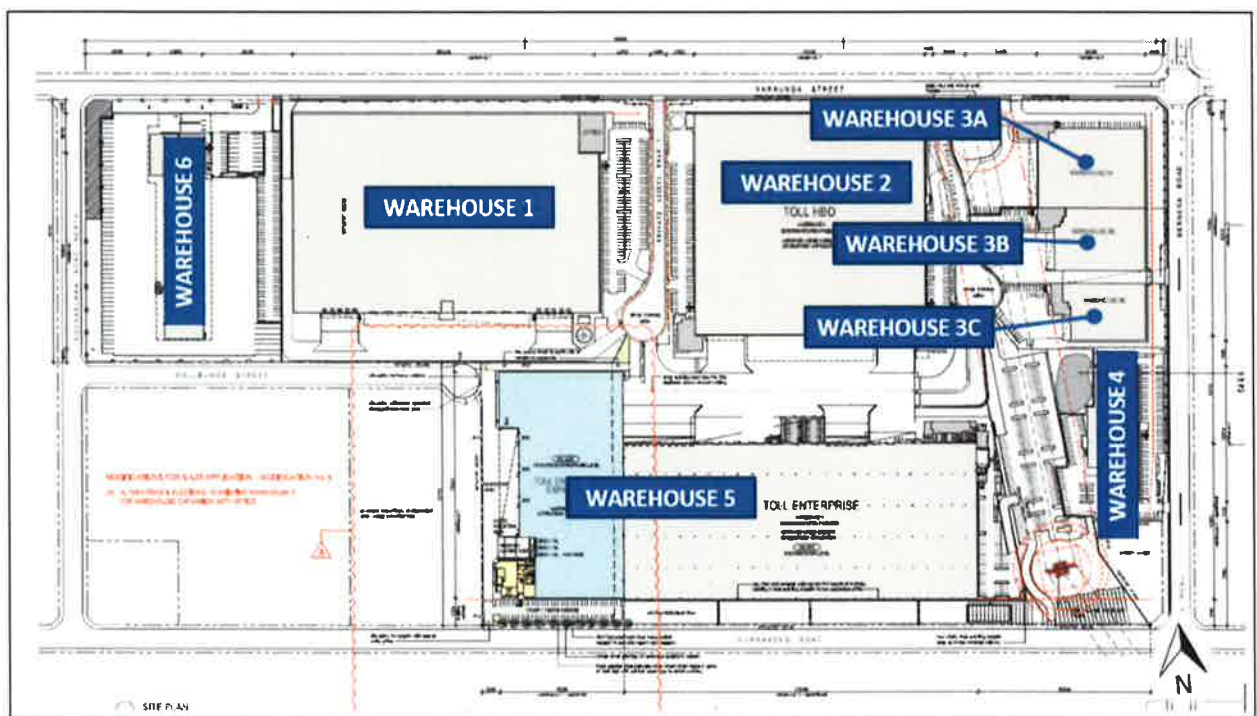


Figure 5 | Approved Site Plan under SSD 7155 MOD 6

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	Alteration 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	Department	4.55(2)	13 February 2018
MOD 4	Seeking to enter into a Voluntary Planning Agreement (VPA) with Liverpool City Council (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 6	Expansion of the Prestons Industrial Estate by extending Warehouse 5 on Lot 43 DP 2359 onto an adjacent lot (Lot B DP 416483), construction of an ancillary office, hardstand, vehicles access points and car parking and modifications to the fire access arrangements	Department	4.55(2)	21 December 2018

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 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 meet the design requirements of prospective tenants and market demand for smaller tenancies.



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development consent SSD 7155 for the Prestons Industrial Estate to amend the layout of Warehouse 1 to create two separate warehouse tenancies. The modification application seeks approval to:

- amend the layout of Warehouse 1 to create two separate warehouse tenancies (Warehouse 1A and Warehouse 1B) with ancillary office and display floor space
- construct an additional 1,093 m² of warehouse GFA by extending the built form of the building by approximately 17 m to the east and 3 m to the south
- remove the existing office and replace with two separate offices to result in an additional 1,658 m² of GFA of office space
- modify the hardstand areas, vehicle loading and access arrangements and car parking layout
- reduce car parking on the site by 19 spaces.

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

No changes are proposed to Warehouses 2 to 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**, **Figure 8** and summarised in **Table 2**.

Table 2 | Proposed Modification

Modification Aspect	Description
Summary	• Modifications to the built form and layout of Warehouse 1 to create two separate warehouses (Warehouse 1A and 1B) with ancillary office space and display showrooms
Design changes to Warehouse 1	• Splitting of Warehouse 1 to result in an additional 2,751 m² of GFA comprising the following: ○ Warehouse 1A: 24,917 m² warehouse floor space, 2,358 m² ancillary office space over two levels ○ Warehouse 1B: 11,546 m² warehouse floor space, 500 m² ancillary office space over two levels ○ the existing 13.7 m building height of Warehouse 1 being maintained
Occupants of Warehouse 1A and 1B	• Warehouse 1A: storage and distribution of goods for Intertrading, an importer and distributor of a range of household and beauty products • Warehouse 1B: the future tenant is yet to be determined
Earthworks	• Minor additional earthworks for Warehouse 1B to accommodate cut to fill balance of earthworks for the Prestons Industrial Estate to comprise the following volumes: Cut: -2,500 m³ Fill: +17,700 m³

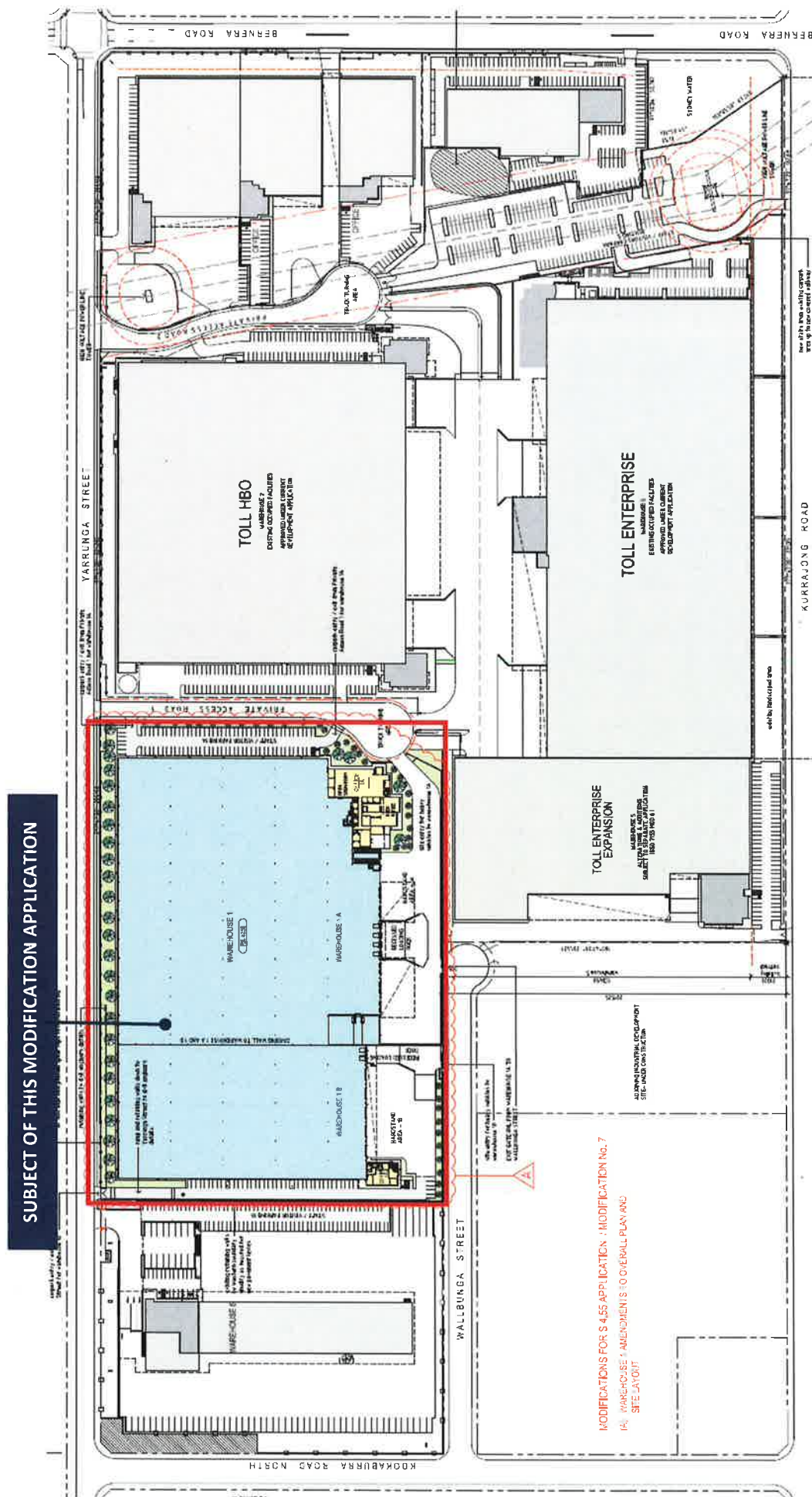
Detailed Excavation: -4,200 m³

Cut Bulking: -100 m³

Import from adjacent site: -11,000 m³

Balance: - 100 m³ (approximate cut and fill balance achieved)

Landscaping	• Minor changes to the proposed layout of landscaping in response to amendments to the layout of hardstand areas
Additional car parking and loading dock	• Warehouse 1A: 88 car parking spaces • Warehouse 1B: 45 car parking spaces • A reduction of 19 car spaces, resulting in a total provision of 879 car spaces for the estate • An additional recessed loading dock on the southern side of Warehouse 1
Access arrangements	• Warehouse 1A: separate heavy and light vehicle accesses proposed from the Private Access Road 1 which connects with Yarrunga Street • Warehouse 1B: heavy vehicle access from Wulbanga Street and separate access from Yarrunga Street for light vehicles
Operational Traffic	• An additional 47 vehicle trips per day comprising 33 trips from light vehicles and 14 trips from heavy vehicles
Stormwater	• Separate on-site detention tanks are proposed for Warehouse 1A and 1B
Administrative Amendments to Conditions	• Amend administrative conditions B2 and plans in Appendix A to refer to changed property description on the site



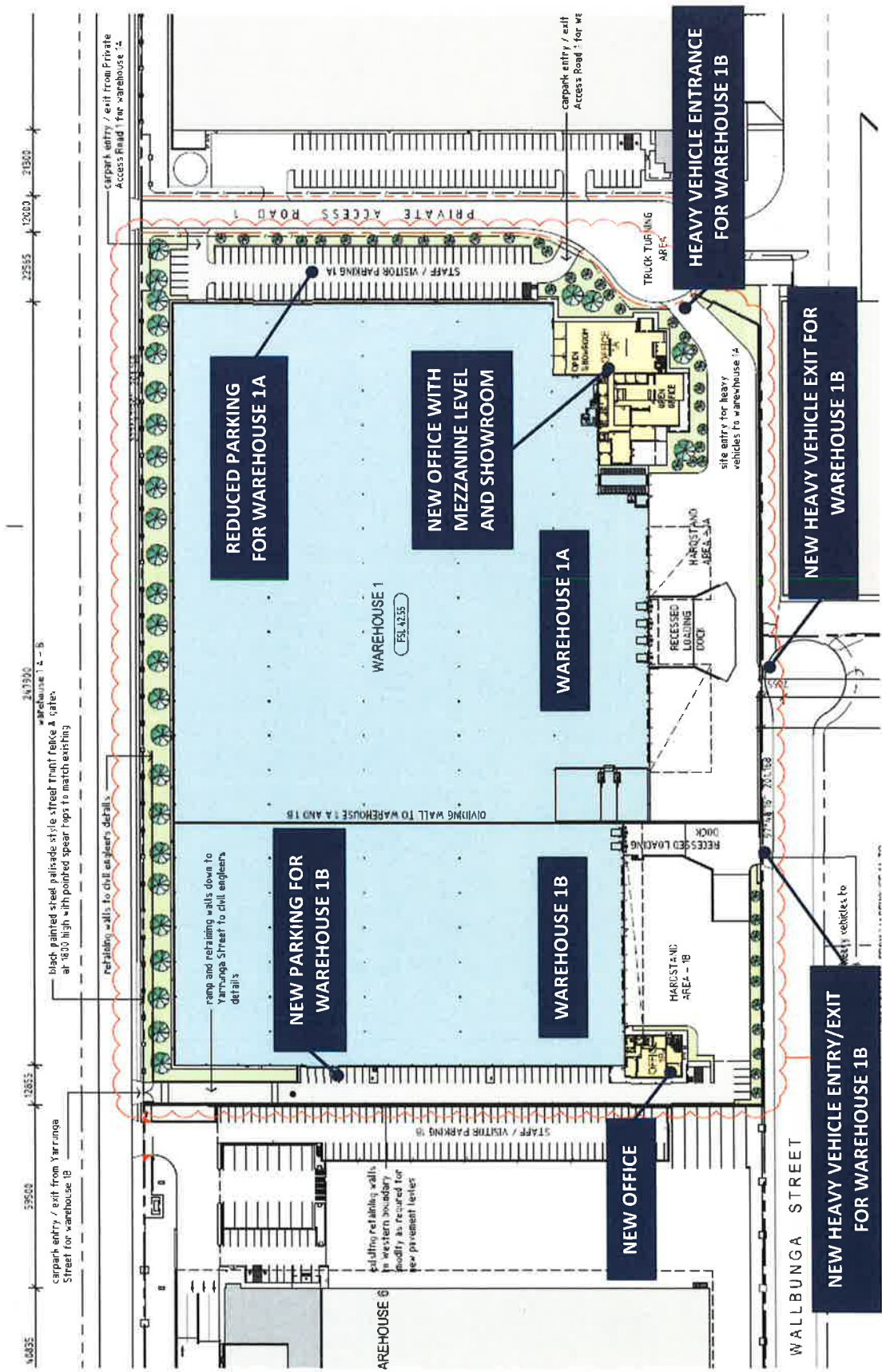


Figure 8 | Detailed Site Plan under SSD 7155 MOD 7



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:

- maintain 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 modification will not increase the bulk of the approved Warehouse 1 and is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) 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(1A) 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 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
- 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

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Council, Transport for NSW (TfNSW), NSW Rural Fire Service (RFS), Fire Safety for NSW (FRNSW), NSW Roads and Maritime Services (RMS), WaterNSW and Sydney Water for comment.

5.2 Summary of Submissions

None of the government agencies objected to the proposed modification.

RMS did not object to the modification and advised Council should be satisfied the proposed modification would not have a detrimental impact on any preliminary upgrade designs for the Yato Road / Bernera Road / Yarrunga Street intersection.

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

- 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
- the Applicant pay all outstanding development contributions owed to Council prior to the determination of this modification application
- the 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.

TfNSW did not object to the modification and had no comments.

FRNSW did not object to the modification and provided general recommendations to ensure compliance with the requirements of the National Construction Code.

RFS did not object to the modification and had no comments.

WaterNSW did not object to the modification or have any specific requirements as the site is not located in close proximity to any WaterNSW land, assets or infrastructure.

Sydney Water did not provide a submission.

The Department has considered the issues raised in submissions 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 provided to support the proposed modification (see **Appendix A**)
- assessment report for the original development application and subsequent modification application(s)
- 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 operational traffic and roadworks and the payment of development contributions.

6.2 Operational Traffic and Roadworks

6.2.1 Operational Traffic

The expansion of Warehouse 1 would increase operational 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 Liverpool Development Control Plan (DCP) 2008 and the RMS 'Guide to Traffic Generating Development' (RMS Guide). The traffic report considers the potential traffic impacts of the 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**).



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

Heavy and light vehicles would travel to/ from the site primarily via the M7 motorway via Bernera Road, Yarrunga Street and Kookaburra Road North as shown in **Figure 9**. Only light vehicles would use Kurrajong Road as heavy vehicles are prohibited on Kurrajong Road under condition C7F of SSD 7155 MOD 6.

Based on the same vehicle generation rate for the previous assessments of the Prestons Industrial Estate, the Applicant estimated the additional 2,751 m² in GFA on the new allotment would result in an additional 47 vehicle trips per day or an additional 5 vehicle trips per hour (vtph) during peak traffic periods (8 am to 9 am and 5 pm to 6 pm). Of the additional 47 vehicle trips per day, 33 trips would be from light vehicles and 14 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 (MOD 2)	Approved (MOD 3)	Approved (MOD 6)	Proposed (MOD 7)
Daily Traffic Volume (vehicles per day)	2,320	2,320	3,375	3,627	3,674
Peak Traffic Volume (vehicle trips per hour)					
AM (8 am to 9 am)	258	258.47	333	361	366
PM (5 pm to 6 pm)	258	258.47	417	445	450

The traffic report found, 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 5 vtph during peak periods through the Bernera Road and Yarrunga Street intersection or a 1.3 % increase on the predicted overall vehicle movements generated by the approved Prestons Industrial Estate.

The traffic report concludes that the projected additional traffic 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 vtph per 100 m² of GFA) adopted in the Applicant's traffic report and recommended the report be updated to use trip generation rates of 0.5 vtph per 100 m² of GFA in accordance with the 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**).

The Applicant clarified the vehicle trip generation rates are consistent with those used for the rest of the Prestons Industrial Estate. The Applicant also clarified the increases in traffic from the proposal at the Kookaburra Road North and Kurrajong Road intersection would be negligible (up to an additional 13 vehicle trips per day) and would not be detected as a change in any SIDRA traffic modelling of this intersection.

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

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 1.3 % 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.

The Department's assessment concludes the predicted operational traffic impacts from the proposed expansion and reconfiguration of Warehouse 1 are minor. The projected 1.3 % 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 13 vehicle trips per day 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.

6.2.2 Roadworks

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.

Because the potential additional movements through this intersection in a worst-case scenario would be 5 vtpd during peak periods, the Applicant does not consider further works or additional monetary contribution towards the upgrade of the intersection, beyond those required under the original consent would be necessary.

This modification application (MOD 7) does not seek to modify conditions C1 to C4 of SSD 7155 nor has the Applicant submitted a VPA for upgrades to the Bernera Road and Yarrunga Street intersection. As such, any necessary additional contribution to Council in a VPA is not a relevant matter for consideration for the assessment of this modification. However, the Applicant is liaising with Council and intends to lodge a separate modification application to enter into a VPA with Council for the intersection works required under conditions C1 to C4 of SSD 7155.

Under the conditions of SSD 7155 MOD 3, the Applicant was 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 10**). 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 10**). The Applicant objected to this recommendation.

The Department has reviewed Council's recommendation and there is no clear nexus between the predicted increase in vehicle trips (by up to an additional 5 vtpd 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 and would maintain the existing LOS of nearby key intersections. 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 10 | Council's recommended road upgrades

6.3 Development Contributions

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 Liverpool Contributions Plan 2009 (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 outstanding payment of development contributions is not relevant to this modification application. The Department will consider this matter under the SSD 7155 MOD 5 application and will consult separately with Council as part of the assessment of this application.

6.4 Other Issues

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

Table 4 | Summary of other issues raised

Issue	Findings	Recommended Condition
Noise	The proposed modification has the potential to result in increased operational noise, including from the operation of an additional loading dock and increased traffic. This may impact the amenity of surrounding residential receivers, including residential properties located along Kurrajong Road and Coffs Harbour Avenue (refer Figure 2).	Require the Applicant to: prohibit the use of diesel forklifts in external areas around Warehouse 1A and 1B.

Issue	Findings	Recommended Condition
	- The application included a Noise Impact Assessment (NIA) to assess the changes in cumulative operational and construction noise emissions. - The NIA concluded cumulative noise from the operation of Warehouse 1A and 1B and the rest of the 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's assessment concludes potential noise impacts can be suitably mitigated by the Applicant through the existing noise conditions under SSD 7155 and a condition restricting the use of diesel forklifts in external areas around Warehouse 1A and 1B.	
Construction Traffic	- The proposed modification would result in a minor and temporary increase in the number of construction traffic movements for the proposed expansion and splitting of Warehouse 1. - Construction traffic would access the site from Yarrunga 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.	Managed through the existing conditions of consent for SSD 7155.
Stormwater and Drainage	- The proposed modifications to the layout of the estate and the creation of Warehouse 1A and 1B would require amendments to the approved stormwater and drainage infrastructure to ensure stormwater flows from the site do not result in off-site impacts. - 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. - Stormwater quantity will be managed for Warehouse 1A and 1B via two detention tanks with a combined storage volume of 875 m³ designed for a 1 in 100-year ARI storm event. - The Applicant has advised the Warehouse 1 building is clear of any overland flow paths and flooding. - Council raised no objection to the proposed stormwater design and recommended as conditions that the constructed stormwater management system is generally in accordance with the proposed design	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.

Issue	Findings	Recommended Condition
	detailed in the civil engineering report, DCP 2008, Council's 'Design Guidelines and Construction Specification for Civil Works'. The Department is satisfied the proposed stormwater infrastructure for Warehouse 1A and 1B 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.	



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 splitting of Warehouse 1 into two tenancies (Warehouse 1A and Warehouse 1B) and increase in GFA would meet the operational requirements of Intertrading and increased market demand for warehouse and distribution services in NSW
- proposed modification would retain jobs 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
- modification 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 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 C**.



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 7 falls within the scope of section 4.55(1A) 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
- **modify** the consent SSD 7155
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

Chloe Dunlop

Senior Planning Officer
Industry Assessments

Recommended by:

Kane Winwood

Team Leader
Industry Assessments



9. Determination

The recommendation is **Adopted by:**

C. Ritchie
Chris Ritchie
Director

Industry Assessments

26/2/19.



Appendices

Appendix A – List of Documents

- Statement of Environmental Effects
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9656
- Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9656
- Response to Submissions Report
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9656

Appendix B – 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

MOD 7 (2019) changes in burgundy

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

2016

Sydney

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.

- (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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APPENDIX C PRESTONS CREEK BANK SITE.....	30
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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>

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.

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*.

- (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 and MOD 7 development, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the 'Environmental Assessment Report Section 4.55 (2) Modification, 5-35 Yarrunga Street, 36, 36A, 42B Kookaburra Road, Prestons (SSDA 7155 (MOD 6))' and the 'Environmental Assessment Report Section 4.55 (1A) Modification, 5-35 Yarrunga Street, 36, 36A, Kookaburra Road, Prestons (SSDA 7155 (MOD 7))';
 - (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.
- C15. 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.
- C16. 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.

NOISE

Hours of Work

- C27. 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

- C28. Works outside of the hours identified in condition C27 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
 - works agreed to in writing by Council or the Secretary;
 - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

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

Operational Noise Limits

- C29. The Applicant **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	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
All residential receivers	48	48	42	52

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

Noise Walls

- C30. The Applicant **shall 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 C29 at all times.

Noise Verification – External Mechanical Plant

- C31. Prior to the construction of each warehouse building containing external mechanical plant, the Applicant shall prepare a noise validation report to demonstrate that operation of the mechanical plant meets the noise limits in condition C29. The noise validation report **shall must**:
- be prepared by an appropriately qualified and experienced noise expert;
 - be approved by the Secretary, prior to the installation of any external mechanical plant;
 - demonstrate that the location, design and operation of external mechanical plant would achieve the noise limits in Condition C29;
 - describe any acoustic treatments required to ensure compliance with the noise limits in Condition C29; and
 - 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.

HISTORIC HERITAGE

Archaeological Salvage

- C39. 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.
- C40. The Applicant **shall must** prepare an archaeological report of the salvage excavation undertaken in accordance with Condition C39. 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

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

Unexpected Finds Protocol

- C43. If any archaeological relics are uncovered during the course of the work, then all works **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 C40.

BIODIVERSITY

- C44. 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.

HAZARDS AND RISK

Dangerous Goods

- C50. 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

- C51. 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

- C52. 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.
- C53. Waste generated outside the site **shall must** not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C54. 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.
- C55. 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

- C56. 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.
- C57. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Construction Waste Management

- C58. Prior to the commencement of construction, the Applicant **shall 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.

- (c) any temporary and permanent perimeter fencing within the easement is no greater than 2.4 metres in height and is appropriately earthed by a qualified electrician; and
- (d) TransGrid has access to any locked gates to enable access to the transmission towers for maintenance.

Earthworks and Construction

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

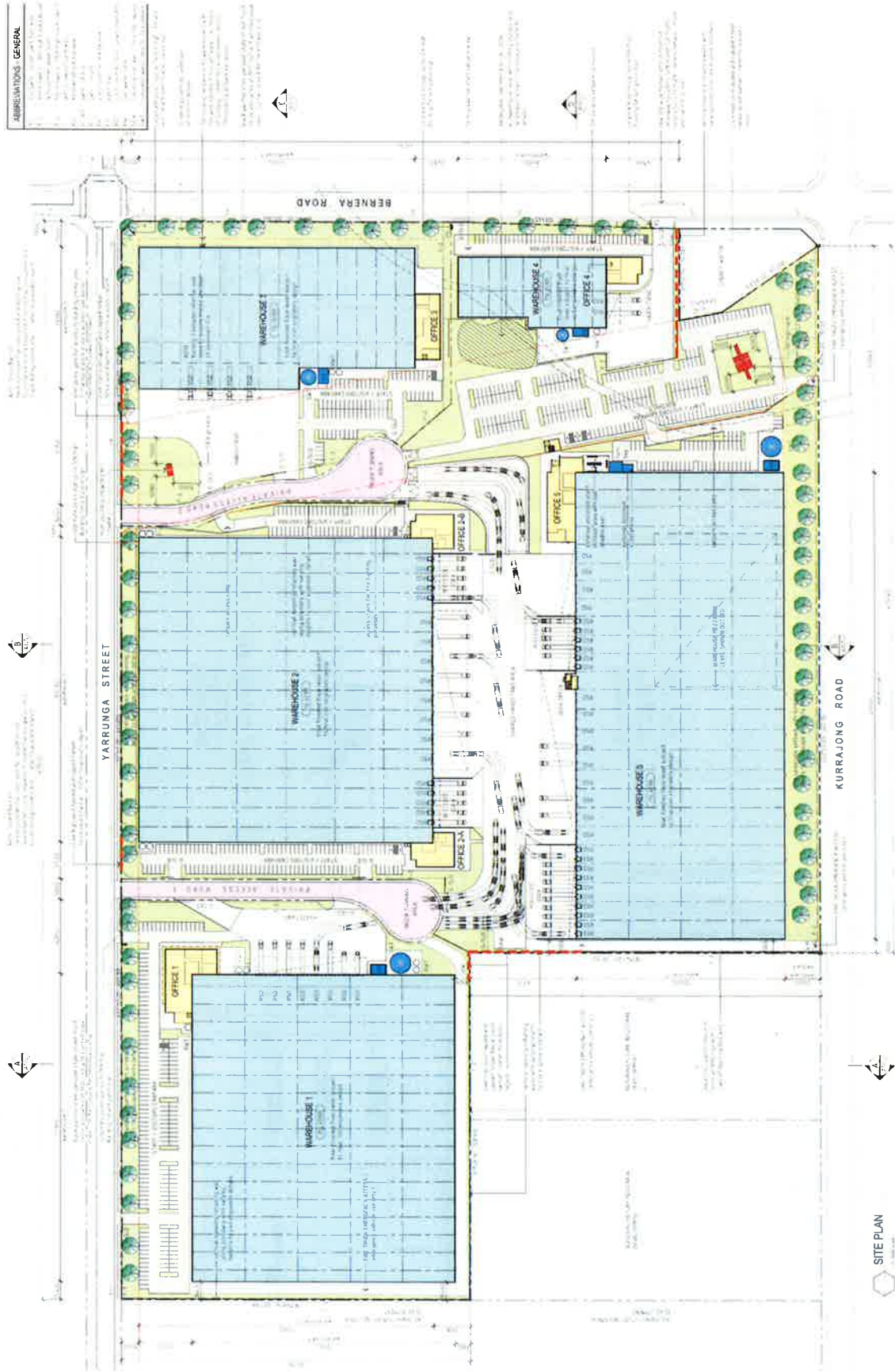
- (b) ~~current statutory approvals for the Development;~~
- (c) ~~approved strategies, plans or programs;~~
- (d) ~~a complaints register, updated on an annual basis; and~~
- (e) ~~any other matter required by the Secretary.~~

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.



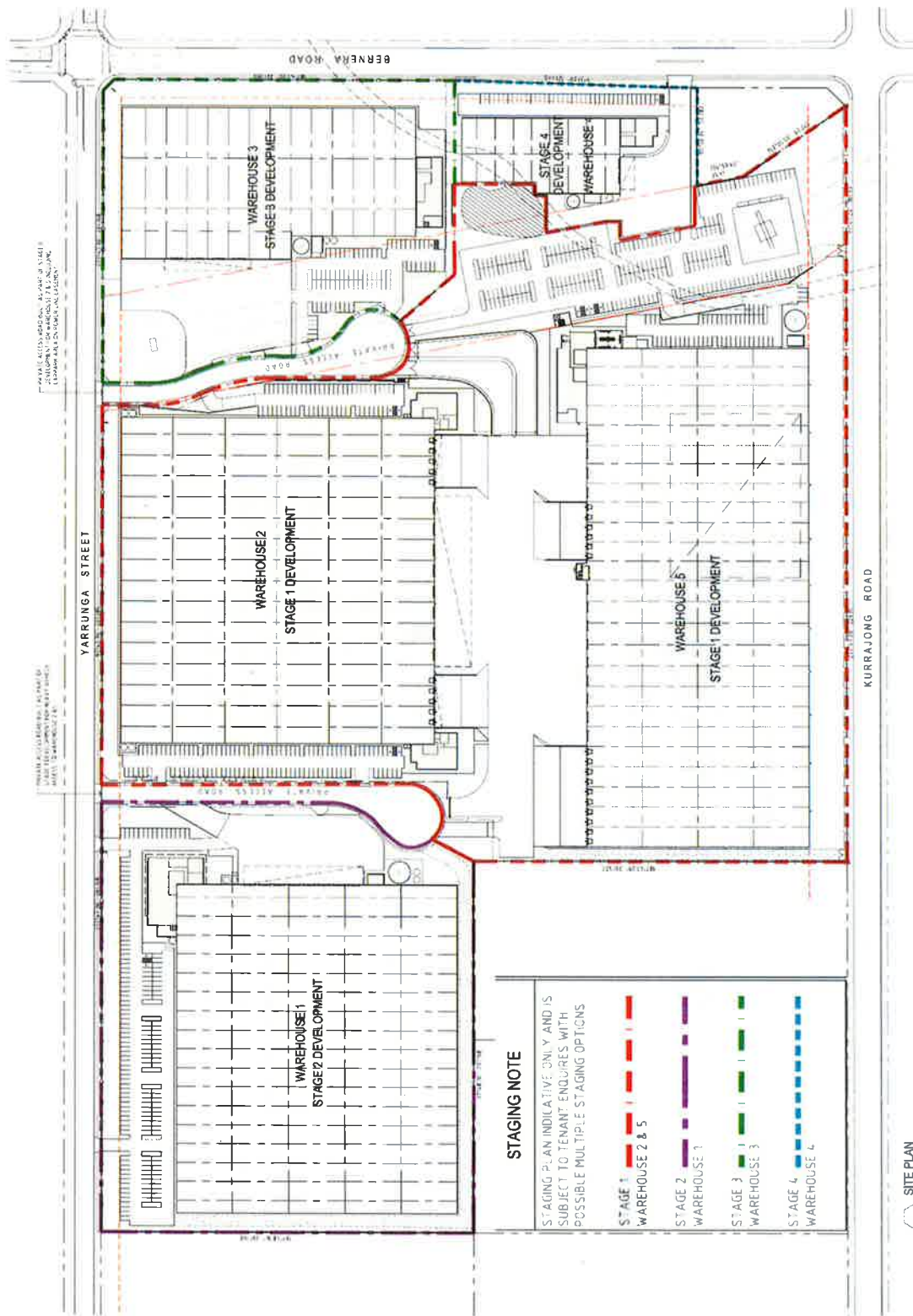


Figure 2: Staging Plan

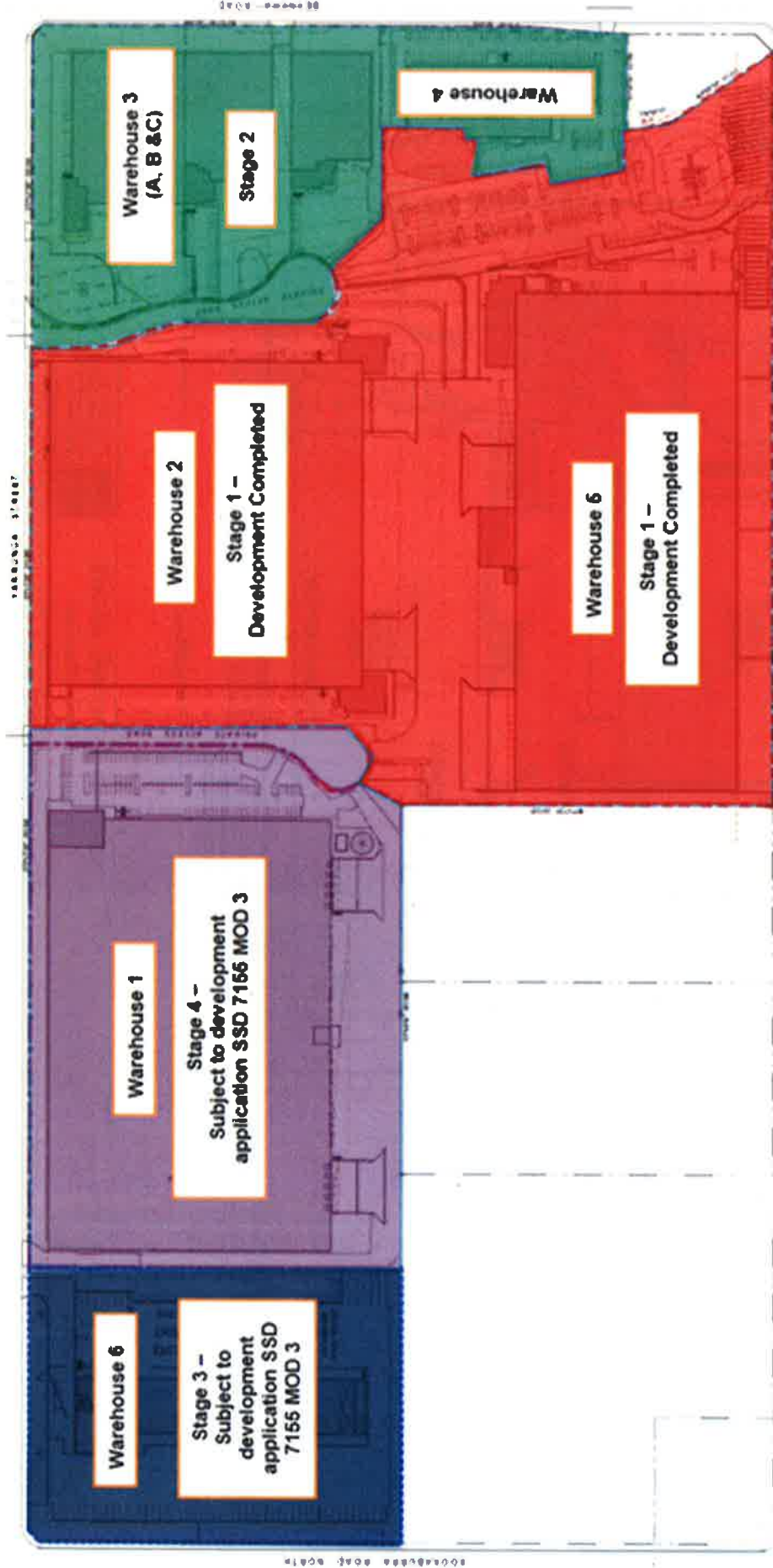
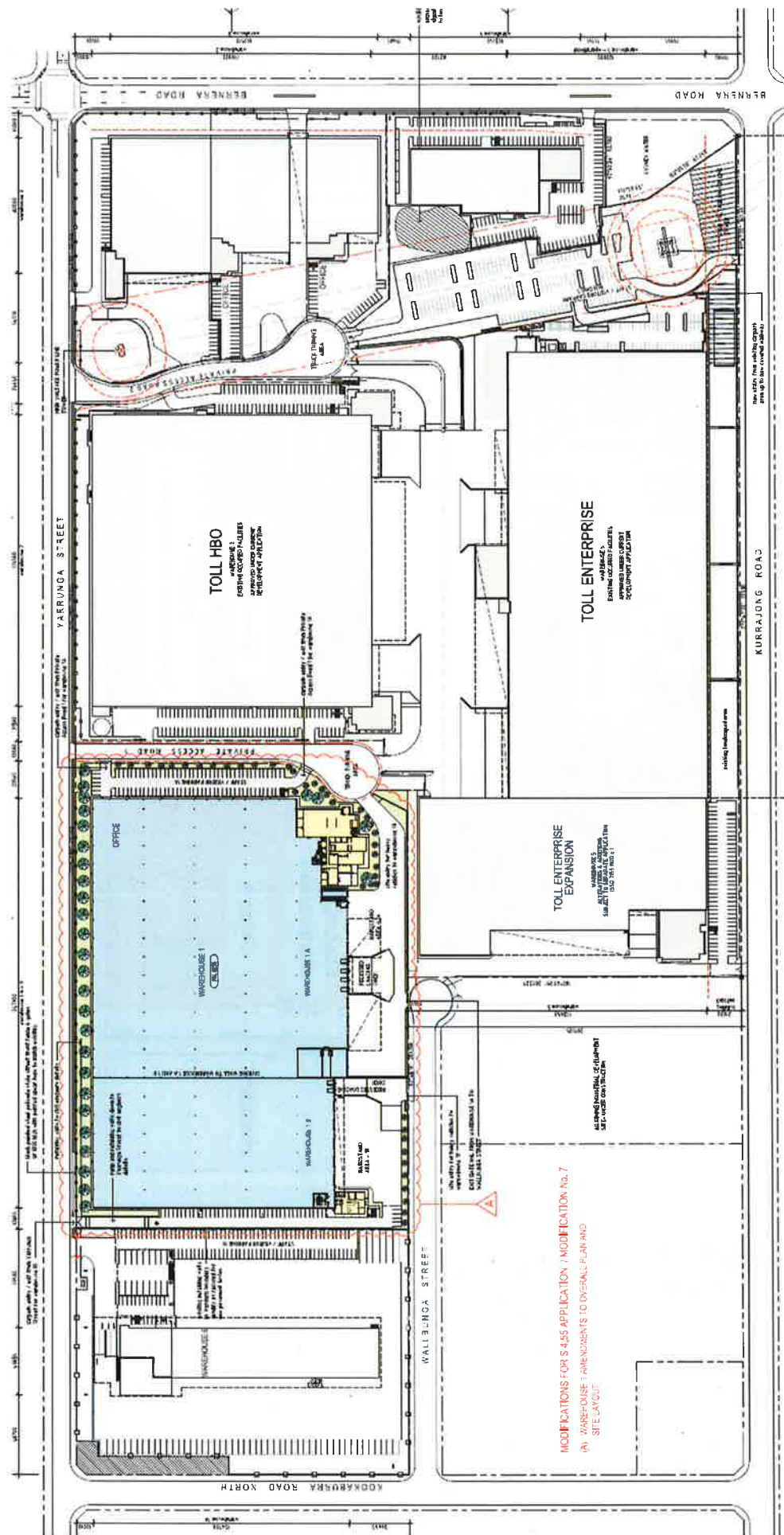


Figure 2:- Staging Plan



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.

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

APPENDIX C PRESTONS CREEK BANK SITE



Figure 3: Location of Prestons Creek Bank Site

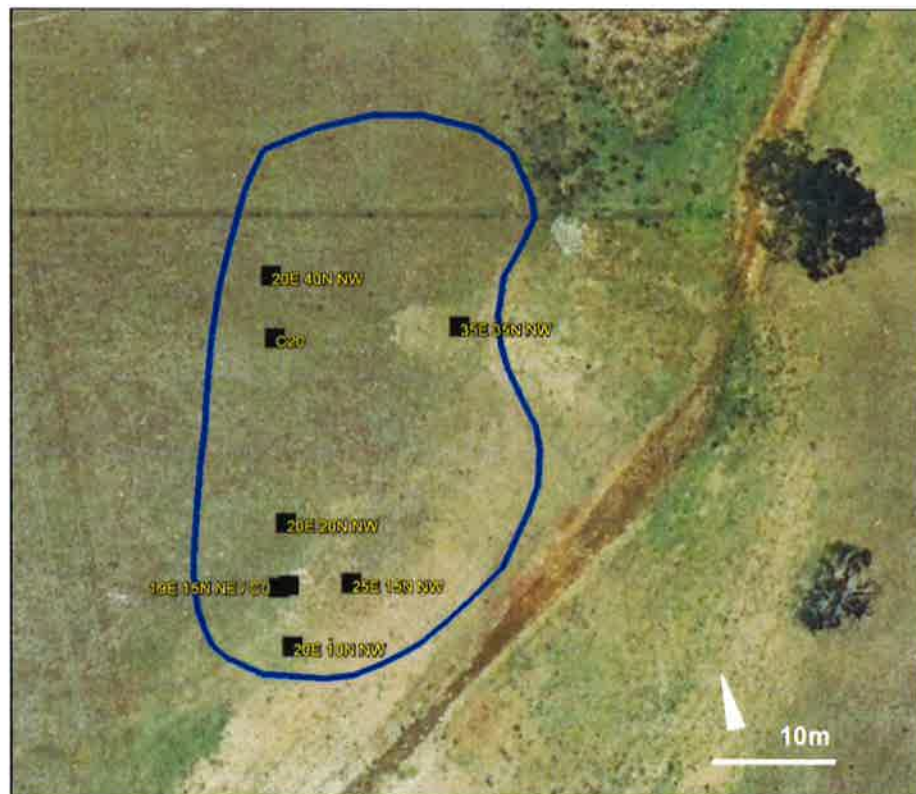


Figure 4: Prestons Creek Bank Site

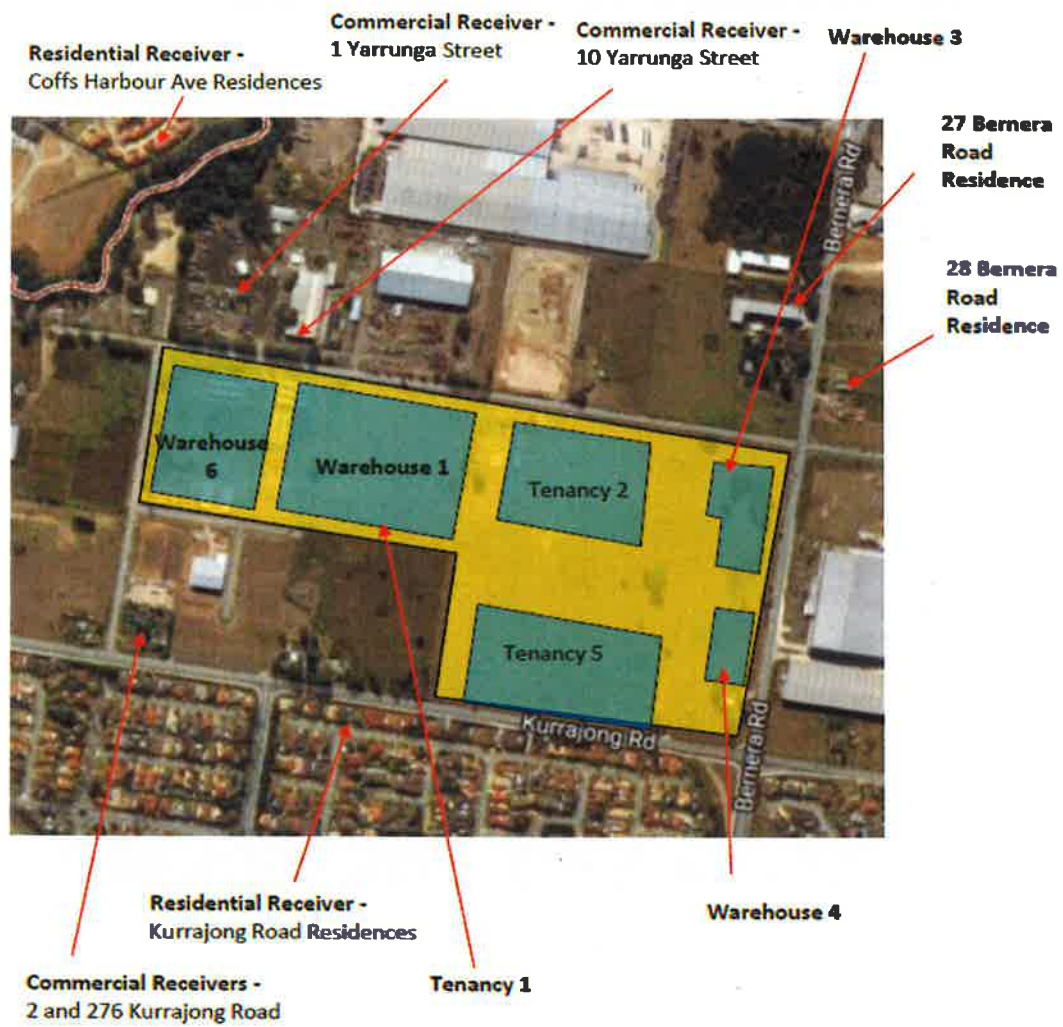


Figure 5: Nearest Sensitive Receivers

Appendix C - Modification of Development Consent