

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 grant consent to the Development Application referred to in Schedule A, subject to the conditions in Schedules B, C and 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.



Arthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 16 September

2016

File: 16/02717

SCHEDULE A

Application No.:	SSD 7491
Applicant:	Goodman Property Services (Aust) Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lot 21 DP 1173181, Horsley Park, Fairfield local government area.
Development:	Construction and operation of a Dangerous Goods Storage Facility with a total Gross Floor Area of 36,365 m² comprised of: • 35,840 m² of warehousing space including storage space for aerosols, flammable and corrosive substances; • 700 m² of ancillary office space; • 95 m² of dock office space; • minor grading earthworks; and • 150 car parking spaces.

DEFINITIONS	ii
SCHEDULE B ADMINISTRATIVE CONDITIONS	1
Obligation to Minimise Harm to the Environment	1
Terms of Consent	1
Limits of Consent	1
Staging	2
Staged Submission of Plans or Programs	2
Evidence of Consultation	2
Dispute Resolution	2
Statutory Requirements	2
Structural Adequacy and Certification	3
Utilities	3
Protection of Public Infrastructure	3
Compliance	3
Operation of Plant and Equipment	3
Works As-Executed Drawings	3
Easements	4
Developer Contributions	4
SCHEDULE C ENVIRONMENTAL PERFORMANCE AND MANAGEMENT	5
Traffic and Access	5
soil and Water	7
Noise and Vibration	7
Air Quality	9
Hazards and Risk	9
Waste	11
Visual Amenity	11
SCHEDULE D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	13
Environmental Management	13
Hazards Audit	14
Environmental Reporting	14
APPENDIX 1 - SCHEDULE OF APPROVED DRAWINGS	15
APPENDIX 2 - MANAGEMENT AND MITIGATION MEASURES (Source: EIS)	16
APPENDIX 3 - NOISE RECEIVER LOCATIONS	18

DEFINITIONS

Applicant	Goodman Property Services (Aust) Pty Ltd, its successors in title or any other person acting upon this consent
AS	Australian Standard
BCA	Building Code of Australia
Biodiversity Lot B	Biodiversity Lot B as shown in the <i>Estate Masterplan</i> (drawing OAK 3 DA02) prepared by SBA Architects, dated 10 March 2016
Construction	The demolition of buildings or works, the carrying out of works, including earthworks, and erection of buildings and other infrastructure covered by this consent
CEMP	Construction Environmental Management Plan
Concept Plan	Concept Plan MP 08_0065 for the establishment of Oakdale Central, a regional distribution park of warehouses, distribution centres, freight logistics facilities and associated infrastructure, determined by the Minister for Planning on 2 January 2009
Council	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and public holidays
Department	Department of Planning and Environment
Development	The Development known as SSD 7491 for the construction and operation of a dangerous goods storage facility on Lot 3B at Oakdale Central, approved by this Development Consent and as described in Schedule A
EIS	Environmental Impact Statement titled ' <i>Proposed Dangerous Goods Facility, Lot 3, Warehouse 3B, Oakdale Central, Horsley Park, Lot 21, DP 1173181</i> ', prepared by Willowtree Planning Pty Ltd, dated May 2016
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>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
GFA	Gross floor area (m ²)
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 such as a shared associations in pastoral landscapes as well as associations linked with the mission period
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	A set of circumstances that: • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
Minister	Minister for Planning
Mitigation	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and public holidays
OEH	Office of Environment and Heritage
Operation	Use of warehouse buildings for packing, loading and distribution of consumer goods as described in the EIS
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RMS	Roads and Maritime Services
RTS	Response to Submissions titled ' <i>Response to Submissions, State Significant Development Application (SSD 7491) Proposed Dangerous Goods Facility, Lot 3</i>

		<i>Warehouse 3B, Oakdale Central, Horsley Park (Lot 21 in Deposited Plan 1173181), prepared by Willowtree Planning Pty Ltd, dated 28 June 2016</i>
Secretary		The Secretary of the Department of Planning and Environment, or nominee
Secretary's agreement satisfaction	approval, or	A written approval from the Secretary (or nominee/delegate)
Site		Land referred to in Schedule A
TfNSW		Transport for New South Wales
VENM		Virgin Excavated Natural Material
VPA		<i>The Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement between the Minister for Planning, Goodman Property Services (Aust) Pty Ltd, BGAI 6 Pty Ltd, BGMG 8 Pty Ltd and BGAI 2 Pty Ltd executed on 12 March 2015</i>
Warehouse Building		The building envelope as shown in the <i>Estate Masterplan</i> (drawing OAK 3 DA02) prepared by SBA Architects, dated 10 March 2016

SCHEDULE B ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) EIS and RTS;
 - (b) Schedule of Drawings (see Appendix A); and
 - (c) the Management and Mitigation Measures (Appendix B).
- B3. If there is any inconsistency between the documents referred to above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- (a) any reports, plans, or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in 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 Act.
- B6. The Applicant shall ensure the total building area does not exceed the limits outlined in Table 1 below:

Table 1: Maximum GFAs

Use	Area (m ²)
Warehouse	35,840
Office	700
Office Dock	95
Total	36,365

- B7. The storage of dangerous goods within Warehouse 3B shall not exceed the quantities provided in Table 2 below:

Table 2: Dangerous Goods Storage within Warehouse 3B

Hazardous Material	Dangerous Goods Class	Total Storage Capacity
Aerosols	2.1 (LPG) and 2.2	1,000 tonnes* (12,278 pallets)
Flammable liquids	3 (packing groups II and III)	1,500 m ³ (1,776 pallets)
Corrosive substances	8 (packing groups II and III)	1,000 m ³ (1,391 pallets)
Miscellaneous dangerous substances	9 (packing group III)	200 m ³ (265 pallets)

* The quantity of aerosols is in relation to the quantity of liquefied petroleum gas (LPG) contained in aerosols cans as propellant.

- B8. The Applicant shall ensure that:
- (a) the storage of Dangerous Goods Class 3 (flammable liquids) are enclosed within walls rated with a 240/240/240 Fire Resistance Level (FRL) rating; and
 - (b) the storage of Dangerous Goods Class 2.1 (aerosols) will be separated from the general warehouse by a wall rated for 240/240/240 FRL.

- B9. The Applicant shall not store Dangerous Goods Class 6.1 (toxic substances) within Warehouse 3B.
- B10. To minimise impacts on Biodiversity Lot B to the east during construction and operation of the Development, the Applicant shall:
- (a) ensure no construction works are undertaken within Biodiversity Lot B;
 - (b) ensure no materials, waste, equipment, vehicles or machinery are stored or operated within Biodiversity Lot B; and
 - (c) prohibit vehicular and pedestrian access to and from the Warehouse 3B site and Biodiversity Lot B.

STAGING

- B11. The Applicant may elect to construct and/ or operate the Development in stages. Where staging is proposed, the Applicant shall submit a Staging Report to the Secretary prior to the commencement of the first proposed stage. The Staging Report shall provide details of:
- (a) how the Development will be staged, including general details of work activities associated with each stage and the general timing of when each stage will commence; and
 - (b) details of the relevant conditions of consent, which will apply to each stage and how these shall be complied with across and between the stages of the Development.

Where staging of the Development is proposed, these conditions of consent are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

Note: These conditions do not relate to staged development within the meaning of section 83B.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B12. 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.
- B13. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that are to be combined must be demonstrated.

EVIDENCE OF CONSULTATION

- B14. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the Certifying Authority, where required;
 - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent to the Secretary; 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

- B15. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- B16. The Applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date 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 approvals.

- B17. The Applicant shall comply with the requirements of Division 8A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

STRUCTURAL ADEQUACY AND CERTIFICATION

- B18. The Applicant shall ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the BCA.

- B19. 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

- B20. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain the relevant approvals from service providers.

- B21. Prior to the occupation of the Development, the Applicant shall obtain a Compliance Certificate for the water and sewerage infrastructure required to service the site under section 73 of the *Sydney Water Act 1994* from Sydney Water Corporation.

PROTECTION OF PUBLIC INFRASTRUCTURE

- B22. Prior to the commencement of construction, the Applicant shall:
- (a) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site, including the WaterNSW pipelines; and
 - (b) submit a copy of this report to the Secretary and WaterNSW.
- B23. The Applicant shall:
- (a) repair, or pay the full costs associated with repairing any public infrastructure 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

- B24. The Applicant shall ensure employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B25. The Applicant shall be responsible for any 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

- B26. The Applicant shall ensure 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.
- B27. The Applicant shall not operate any mobile plant and equipment which exceeds a height of 4.2 metres within the TransGrid transmission line easement. All construction plant and equipment that will operate within the transmission line easement shall be fitted with an earthing trail.

WORKS AS-EXECUTED DRAWINGS

- B28. Prior to the issue of the final Occupation Certificate, works-as-executed drawings signed by a Registered Surveyor demonstrating the stormwater drainage, rainwater harvesting system, and finished ground levels have been constructed as approved shall be submitted to Council.

EASEMENTS

B29. 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; and
- (c) maintenance of the subsurface drains is to be included in the section 88E Instrument.

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

DEVELOPER CONTRIBUTIONS

B30. The Applicant shall provide all monetary contributions and/or works-in-kind in accordance with the Voluntary Planning Agreement entered into between the Minister for Planning and Goodman Property Services (Aust) Pty Ltd, BGAI 6 Pty Ltd, BGMG 8 Pty Ltd, and BGAI 2 Pty Limited and executed on 12 March 2015.

B31. A monetary contribution of \$351,283.90 is payable to Fairfield City Council pursuant to section 94A of the *Environmental planning and Assessment Act 1979* and the Fairfield City Council Indirect (section 94A) Development Contribution Plan 2013. Payment must be made by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to the Council prior to the issue of the Construction Certificate for each stage of the Development. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the consumer price index (all groups index) for Sydney issued by the Australian Statistician.

SCHEDULE C ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

TRAFFIC AND ACCESS

Operating Conditions

- C1. The Applicant shall ensure that:
- (a) all trucks entering or leaving the site with loads have their loads covered;
 - (b) trucks associated with the Development do not track dirt onto the public road network;
 - (c) 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 relevant standards and the latest versions of AS 2890.1, AS 2890.2 and AS/NZS 2890.6;
 - (d) vehicular crossings are constructed in accordance with Council's Commercial Vehicular Crossing Plan A(BS) 103S;
 - (e) finished boundary levels of all internal works at the boundary of the property shall be 4 per cent above the top of the kerb;
 - (f) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with the AUSTROADS Guidelines;
 - (g) the Development does not result in any vehicles queuing on the public road network;
 - (h) heavy vehicles associated with the Development do not park or stand on local roads or footpaths in the vicinity of the site;
 - (i) all vehicles are wholly contained on-site before being required to stop;
 - (j) all vehicles enter and exit the site in a forward direction;
 - (k) all loading and unloading of materials is carried out on-site; and
 - (l) the proposed loading areas and turning areas in the car park are kept clear of any obstacles, including parked vehicles, at all times.

Parking and Amenities

- C2. Prior to the commencement of operations, the Applicant shall provide:
- (a) a minimum of 150 on-site car parking spaces (including 3 disabled spaces) and 57 provisional parking spaces for use during operation of the Development; and
 - (b) Class 3 bicycle rails, and amenity and change room facilities for cyclists in accordance with AS 2890.3:1993 – Bicycle Parking Facilities and RMS' NSW Bicycle Guidelines.

Construction Traffic Management Plan

- C3. Prior to the commencement of construction works, the Applicant shall prepare a **Construction Traffic Management Plan (CTMP)** for the Development and submit the plan to the Secretary for approval to describe the management of traffic and access arrangements during construction. The Plan shall at a minimum:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be prepared in consultation with RMS, WaterNSW and Fairfield City Council;
 - (c) detail the number and frequency of truck movements, size of trucks, vehicle routes and hours of construction;
 - (d) provide the estimated duration and staging of construction works;
 - (e) detail the access and parking arrangements for construction vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network;
 - (f) demonstrate that adequate and safe access will be provided for all users of the section of Old Wallgrove Road between Milner Avenue and Lenore Drive at all times during road construction works;
 - (g) demonstrate how construction will be managed to ensure the WaterNSW can operate and maintain its pipeline infrastructure (including the installation of traffic barriers wherever construction is undertaken adjacent to the pipeline corridor);
 - (h) demonstrate how construction will be managed to ensure TransGrid can safely operate and maintain its transmission towers;

- (i) outline when and where temporary traffic barriers will be erected to ensure the construction works will not affect the integrity of the WaterNSW pipeline;
- (j) demonstrate that access to private property will be maintained at all times;
- (k) contain a Drivers Code of Conduct to:
 - (i) minimise the impacts of construction on the local and regional road network; and
 - (ii) minimise conflicts with other road users;
- (l) detail heavy vehicle routes, access and parking arrangements; and
- (m) if necessary, detail procedures for notifying any nearby residents of any potential disruptions to routes.

C4. The CTMP in Condition C3 must be implemented for the full duration of the construction works.

Operational Traffic Management Plan

- C5. Prior to the issue of any Occupation Certificate, the Applicant shall an **Operational Traffic Management Plan** (TMP) for the Development in consultation with Council and SafeWork, and submit the plan to the Secretary for approval. The Plan shall at a minimum:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) estimate the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
 - (c) detail the access and parking arrangements for operational vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network;
 - (d) include detail of proposed truck parking to ensure it is managed in an orderly manner; and
 - (e) include a Driver Code of Conduct that details traffic management measures to be implemented during operation to:
 - (i) minimise impacts of the Development on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) ensure truck drivers use specified routes and minimise traffic noise during night-time hours; and
 - (iv) manage/control pedestrian movements.
 - (f) include Transport Emergency Response Plans specific to the type of Dangerous Goods to be transported.
- C6. The Applicant must ensure that the Operational TMP (as revised and approved by the Secretary from time to time) is implemented for the life of the Development.

Management of Traffic Impacts on the WaterNSW Pipeline during Operation

- C7. To ensure the integrity of WaterNSW pipelines and associated land infrastructure are not adversely affected during operation, the Application shall undertake the following works to the satisfaction of WaterNSW:
- (a) install and maintain traffic barriers along the trafficable areas associated with warehouse 3B, to restrain B-Double vehicles, generally in accordance with the relevant Austroads and RMS design standards; and
 - (b) ensure all activities associated with the operation of the Development are undertaken in a manner that does not restrict WaterNSW from operating or maintaining their pipelines. This includes not restricting vehicle or machinery access to the pipelines along the existing roadway within the corridor.

Roads Act Approval

- C8. Prior to the commencement of construction works for any estate road(s) that connects to the existing public road network, the Applicant shall obtain approval for the works under section 138 of the *Roads Act 1993*.

Work Place Travel Plan

- C9. The Applicant shall prepare a Work Place Travel Plan to the satisfaction of Certifying Authority prior to the issue of any Occupation Certificate.

- C10. The Applicant shall ensure that the Work Place Travel Plan (as revised from time to time) is implemented for the life of the Development.

SOIL AND WATER

Stormwater Management

- C11. Prior to the commencement of construction, the Applicant shall prepare and submit a **Stormwater Management Plan (SMP)** to the Secretary for approval. The SMP shall:
- (a) be prepared by a suitable qualified engineer prior to the commencement of the relevant works in consultation with Council and WaterNSW;
 - (b) be prepared generally in accordance with:
 - (i) the *Oakdale Concept Plan, Water Sensitive Urban Design Strategy*, prepared by GHD, dated September 2010;
 - (ii) the OEH's *Managing Urban Stormwater: Soils and Construction Guideline*;
 - (iii) the *Oakdale Central Development – Lot 3B Stormwater Management Report*, revision 2, prepared by At&I, dated 8 April 2016;
 - (iv) Fairfield City Council's *Development Control Plan 2013*;
 - (c) identify all works to be constructed relevant to the Construction Certificate the works relate to; and
 - (d) demonstrate how the Development will connect to any existing stormwater management infrastructure in Lot 3 of Oakdale Central.

Erosion and Sediment Control

- C12. During construction works, the Applicant shall implement and maintain best practice erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline* (Landcom).
- C13. The Applicant shall ensure the erosion and sedimentation measures prevent the escape of sediments and run-off from the Warehouse 3B site into Biodiversity Lot B.

Pollution of Waters

- C14. The Development shall comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in a licence under that Act.

Flooding

- C15. All finished floor levels shall achieve a minimum freeboard of 300 mm from the 100 year average recurrence interval (ARI).

Rainwater Harvesting

- C16. The Applicant shall install rainwater harvesting systems for the Development consistent with the recommendations of the *Oakdale Central Development – Lot 3B Stormwater Management Report*, revision 2, prepared by At&I, dated 8 April 2016.

NOISE AND VIBRATION

Construction Noise and Vibration

- C17. Construction activities associated with the Development shall be undertaken during the following hours:
- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and
 - (b) 8:00 am to 1:00 pm Saturdays; and
 - (c) at no time on Sundays or public holidays.

- C18. Construction works outside of the standard construction hours identified in Condition C17 may be undertaken in the following circumstances:
- (a) construction works that generate noise that is:
 - (i) no more than 5 dB(A) above rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009); and
 - (ii) no more than the noise management levels specified in Table 3 above of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) at other sensitive receivers; or
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;
 - (d) works approved through an EPL, or by the Secretary; and
 - (e) works as approved through the out-of-hours work protocol outlined in the CEMP.
- C19. Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:
- (a) between the hours of 8 am to 5 pm Monday to Friday;
 - (b) between the hours of 8 am to 1 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.

- C20. The Development shall be constructed with the aim of achieving the following construction vibration goals:
- (a) for structural damage, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration - effects of vibration on structures*; and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).
- C21. Wherever practical, piling activities must be undertaken using quieter alternative methods than impact or percussion piling, such as bored piles or vibrated piles.
- C22. Where feasible and reasonable, noise mitigation measures shall be implemented at the start of construction (or at other times during construction) to minimise construction noise impacts.

Construction Noise Limits

- C23. The Development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the management and mitigation measures in the RTS.

Note: The *Interim Construction Noise Guideline* identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.

Operational Noise Limits

- C24. The Applicant shall ensure that the noise generated by the operation of the Development is consistent with limits set out in Condition 6 of the Concept Plan (MP 06_0065).

Noise Management

C25. The Applicant shall:

- (a) implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the Development (including low frequency noise and traffic noise);
- (b) minimise the noise impacts of the Development during adverse meteorological conditions when noise criteria do not apply;
- (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
- (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Hours of Operation

C26. The approved hours of operation for the use of the Development, including ancillary offices, are 24 hours per day, seven days per week.

AIR QUALITY

C27. The Applicant shall:

- (a) implement best management practice, including all reasonable and feasible mitigation measures to prevent and minimise dust and odour emissions from operation of the Development;
- (b) minimise any visible off-site air pollution that occurs as a result of construction and operation the Development; and
- (c) ensure the development does not cause or permit the emission of any offensive odour, as defined by the *Protection of the Environment Operations Act 1997* (POEO Act).

HAZARDS AND RISK

Pre-construction

C28. At least one month prior to the commencement of construction of the Development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Secretary may agree, the Applicant shall prepare, in consultation with SafeWork NSW, and to the satisfaction of the Secretary, the studies set out under subsections (a) and (b) (the pre-construction studies). Construction, other than preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

(a) Fire Safety Study

A Fire Safety Study for the Development. This study shall cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study shall also be submitted for approval to Fire and Rescue NSW.

(b) Final Hazard Analysis

A Final Hazard Analysis of the Development, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.

C29. Prior to finalising the detailed design of the safety related controls, the Applicant must carry out an assessment of both on-site and off-site risks, particularly with regard to potential major incidents. The assessment should be developed in consultation with the Major Hazard Facilities team at SafeWork NSW and in accordance with Chapter 9 of the *Work Health and Safety Regulation 2011*. The risk assessment must take into account, but not be limited to, explosions, toxic products of combustion and their behaviour during atmospheric inversions in the event of a fire.

C30. Prior to finalising detailed design, the Applicant must consult with the Major Hazard Facilities Team of SafeWork NSW with regard to the safety systems to be incorporated into the design to

ensure that the risks have been reduced so far as is reasonably practicable to comply with Work Health and Safety legislation.

Pre-commissioning

- C31. Prior to commencement of commissioning, the Applicant shall prepare and submit to SafeWork NSW a Safety Case together with an application for a MHF licence. The Safety Case shall demonstrate that on-site and off-site risks have been reduced to so far as is reasonably practicable.
- C32. Prior to commencement of commissioning, the Applicant shall develop, in consultation with SafeWork NSW, the plans and systems set out under subsections (a) and (b). No later than two months prior to the commencement of commissioning of the Development, or within such further period as the Secretary may agree, the Applicant shall submit for the approval of the Secretary, documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Secretary.
- (a) Emergency Plan
A comprehensive **Emergency Plan** and detailed emergency procedures for the Development. The plan shall include detailed procedures for the safety of all people outside of the Development who may be at risk from the development. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
- (b) Safety Management System
A document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Secretary upon request. The Safety Management System shall be developed in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.
- C33. The Applicant shall implement the Emergency Plan and Safety Management System under Conditions C32(a) and (b) for the operational life of the Development.

Pre-startup

- C34. One month prior to the commencement of operation of the Development, the Applicant shall submit to the Secretary, a **pre-start up compliance report** detailing compliance with conditions C31 and C35, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
- (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
- (c) responses to each requirement imposed by the Secretary under Condition D10.

Post-startup

- C35. Three months after the commencement of operation of the Development, the Applicant shall submit to the Secretary, a **post start-up compliance report** verifying that:
- (a) the updated Emergency Plan required under Condition C32(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the updated Safety Management System required under Condition C32(b) has been fully implemented and that records required by the system are being kept.

Ongoing

- C36. FURTHER REQUIREMENTS
The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions C28 to C35 inclusive, within such time as the Secretary may agree.

Bunding

- C37. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

WASTE

Classification

- C38. The Applicant shall ensure that any waste generated on-site is classified in accordance with the EPA's *Waste Classification Guidelines* (DECCW, 2009) or any superseding document and disposed of to a facility that may lawfully accept the waste.

Waste Management

- C39. The Applicant shall implement the Waste Management Plan at Appendix 11 of the EIS for the duration of construction works and for the operational life of the Development.
- C40. For the life of the Development, the Applicant shall:
- (a) monitor the amount of waste generated by the Development;
 - (b) investigate ways to minimise waste generated by the Development; and
 - (c) implement reasonable and feasible measures to minimise waste generated by the Development in accordance with the EPA's *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.
- C41. The Applicant shall not store or dispose of any waste from the construction or operation of the Development within Biodiversity Lot B.
- C42. The garbage and recycling storage area shall be designed to the satisfaction of Council and evidence provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for the warehouse building.

VISUAL AMENITY

Signage and Fencing

- C43. All signage and fencing shall be erected in accordance with the Development plans included in the EIS as amended by the RTS.
- Note: This condition does not apply to temporary construction-related and safety-related signage.*
- C44. Prior to installation of any business identification signage, the Applicant shall submit detailed plans of the façade signage and elevations of the warehouse building to the satisfaction of the Secretary, demonstrating consistency with the signage strategy plans within the RTS.
- C45. The Applicant shall install security fencing along the common boundary of the Development site and the WaterNSW pipeline corridor in consultation with WaterNSW. The security fencing shall be 2.1 metres high, of chain mesh construction with 3 strand barbed wire.

Lighting

- C46. The Applicant shall ensure that 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.

Landscaping

- C47. The Applicant shall implement the landscape works as shown in the EIS and in the approved landscape plans at Appendix 1 prior to the issue of any Occupation Certificate. The Applicant shall provide evidence to the satisfaction of the Secretary, within three months of commencement of operation, demonstrating that the landscaping has been implemented in accordance with the Landscape Plans.
- C48. The Applicant shall maintain the landscaping and vegetation on the site for the life of the Development.
-

SCHEDULE D
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- D1. The Applicant shall prepare a **Construction Environmental Management Plan (CEMP)** to the satisfaction of the Secretary. The CEMP shall:
- (a) be prepared by a suitably qualified and experienced person in consultation with Fairfield City Council and WaterNSW;
 - (b) approved by the Secretary prior to the commencement of construction;
 - (c) identify all statutory approvals that apply to the Development;
 - (d) outline all environmental management practices and procedures to be followed during construction works associated with the Development;
 - (e) describe all activities to be undertaken on the site during construction of the Development, including a clear indication of construction stages;
 - (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 for all relevant employees involved in construction works associated with the Development; and
 - (h) include all sub-management plans required under Condition D2 of this consent.
- D2. As part of the CEMP required under Condition D1 of this consent, the Applicant shall include the following sub-management documents:
- (a) construction traffic management plan (see Condition C3);
 - (b) landscape management (see Condition C47); and
 - (c) community consultation and complaints handling.
- D3. The approved Construction Environmental Management Plan (as revised and approved by the Secretary from time to time) must be implemented by the Applicant for the duration of the construction works.

Operational Environmental Management Plan

- D4. The Applicant shall prepare and implement an **Operational Environmental Management Plan (OEMP)** for the Development be submitted to the Secretary prior to the commencement of operations. This Plan shall:
- (a) provide the strategic framework for environmental management of the Development;
 - (b) identify the statutory approvals that apply to the Development;
 - (c) include a copy of all relevant management plans and monitoring requirements and
 - (d) programs relevant under this consent;
 - (e) outline all environmental management practices and procedures to be followed during operation;
 - (f) describe all activities to be undertaken on the site during operation;
 - (g) detail how the environmental performance of the operation of the Development will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (i) describe the procedures that will be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise during the course of the Development;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies;
 - (vi) include copies of any strategies, plans and programs approved under the
 - (vii) conditions of this consent; and

- (viii) a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

- D5. The approved OEMP (as revised and approved by the Secretary from time to time) shall be implemented by the Applicant for the life of the Development.

HAZARDS AUDIT

- D6. Twelve months after the commencement of operations of the Development and every five years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the Development and within one month of each audit submit a report to the Secretary.

The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the Development, approved by the Secretary prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.

The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

ENVIRONMENTAL REPORTING

Incident Reporting

- D7. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Secretary and other relevant agencies of the exceedance/incident. Within seven days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

- D8. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.
- D9. Twelve months after the commencement of operations of the Development and every three years thereafter, or at such intervals as the Secretary may agree, the Applicant shall carry out a comprehensive Hazard Audit of the Development and within one month of each audit submit a report to the Secretary. The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the Development, prior to commencement of each audit and shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.
- D10. The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the hazards reports submitted in respect of conditions C32 to C41 inclusive, within such time as the Secretary may agree.

APPENDIX 1 - SCHEDULE OF APPROVED DRAWINGS

Architectural Plans Prepared by SBA Architects			
Drawing No.	Rev.	Name of Plan	Date
OAK 3 DA01	W	Cover Sheet/Location Plan	15/04/2016
OAK 3 DA02	U	Estate Masterplan	10/03/2016
OAK 3 DA03	F	Lot 3 Masterplan	10/03/2016
OAK 3 DA10	V	Site Plan/Floor Plan	22/05/2016
OAK 3 DA11	F	Roof Plan	15/04/2016
OAK 3 DA12	K	Office Plans	15/04/2016
OAK 3 DA13	F	Office Elevations	15/04/2016
OAK 3 DA14	F	Warehouse Elevations	15/04/2016
OAK 3 DA15	C	Section	10/03/2016
OAK 3 DA16	A	Lighting Plan	07/04/2016
Civil Plans prepared by At&I			
Drawing No.	Rev.	Name of Plan	Date
C400	A	Cover Sheet and Locality Plan	04/03/2016
C401	A	General Notes	04/03/2016
C402	A	Typical Sections	04/03/2016
C410	A	General Arrangement Plan	04/03/2016
C411	A	Site works and stormwater Drainage Plan Sheet 1	04/03/2016
C412	A	Site works and stormwater Drainage Plan Sheet 2	04/03/2016
C413	A	Site works and stormwater Drainage Plan Sheet 3	04/03/2016
C414	A	Site works and stormwater Drainage Plan Sheet 4	04/03/2016
C420	A	Sedimentation and Erosion Control Plan	04/03/2016
C421	A	Sedimentation Erosion and Control Details	04/03/2016
C422	A	Pavement Plan	04/03/2016
C425	A	Sitework Details	04/03/2016
C426	A	Drainage Details	04/03/2016
Landscape Plans prepared by Site Image Landscape Architects			
Drawing No.	Rev.	Name of Plan	Date
002	B	Lot 3B Oakdale Central Landscape Plan	21/03/2016
003	B	Lot 3B Landscape Plan	21/03/2016
004	B	Lot 3B Landscape Sections Sheet 1	21/03/2016
005	B	Lot 3B Landscape Sections Sheet 2	21/03/2016
006	B	Planting Design	21/03/2016

APPENDIX 2 - MANAGEMENT AND MITIGATION MEASURES (Source: EIS)

Environmental Impact Statement

Proposed Dangerous Goods Facility (Warehouse 3B)
Lot 3, Oakdale Central, Horsley Park

PART G DRAFT MANAGEMENT AND MITIGATION MEASURES

by Goodman Property Services (Aust) Pty Ltd
in relation to Proposed Dangerous Goods Facility
at Lot 3 (Warehouse 3B), Oakdale Central, Horsley Park (Lot 21 in Deposited Plan 1173181)

Goodman Property Services (Aust) Pty Ltd will undertake the construction and operation of the proposed facility in accordance with the following:

The following defines some of the terms and abbreviations used in this statement:

Approval	The Minister's approval of the Project
BCA	Building Code of Australia
Council	Fairfield City Council
Department	Department of Planning and Environment
Secretary-General	Secretary-General of the Department (or delegate)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Goodman	Goodman Property Services (Aust) Pty Ltd
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

1. Goodman 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

2. Goodman will ensure a staged Interim and Final Occupation Certificate is obtained prior to the occupation of the facilities.

Terms of Approval

3. Goodman will carry out the project generally in accordance with the:
 - a) Environmental Impact Statement;
 - b) Drawings prepared by Goodman
 - c) Management and Mitigation Measures;
 - d) Any Conditions of Approval.
4. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
5. Goodman will ensure compliance with any reasonable requirement/s of the Secretary-General of the Department of Planning and Environment arising from the Department's assessment of:
 - a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and

Environmental Impact Statement

Proposed Dangerous Goods Facility (Warehouse 3B)
Lot 3, Oakdale Central, Horsley Park

- b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

Structural Adequacy

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

Operation of Plant and Equipment

- 7. Goodman will ensure that all plant and equipment used on site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

SPECIFIC ENVIRONMENTAL COMMITMENTS

Noise

- 8. Construction on the site will only be undertaken between 7am and 6pm Monday to Friday, and 7am and 6pm on Saturdays. No construction will be allowed on site on Sundays or public holidays.

Air

Construction Traffic

- 9. During construction:
 - a) all trucks entering or leaving the site with loads have their loads covered;
 - b) trucks associated with the project do not track dirt onto the public road network; and
 - c) the public roads used by these trucks are kept clean.

Dust Management

- 10. During the construction phase of the project, all reasonable and feasible measures to minimise the dust generated by the project.

Waste Management

- 11. Goodman will ensure that all waste generated on site during operation is classified in accordance with the Office of Environmental and Heritage's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.

APPENDIX 3 - NOISE RECEIVER LOCATIONS

Receiver Area
Location 1, 315-321 Burley Road
Location 2, Lenore Lane
Location 3, Emmaus College
Location 4, 32 Adlington Road

