

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

30/11/2018

Sydney

2018

File: EF18/3228

SCHEDULE 1

Application Number:	SSD 9153
Applicant:	Marsden Park Developments Pty Ltd
Consent Authority:	Minister for Planning
Site:	Part Lots 302, 303 & 304 and Lot 305 in DP 1213756 4 Darling Street, Marsden Park
Development:	The construction and operation of a warehousing and distribution facility consisting of: <ul style="list-style-type: none">• a warehouse building with two levels of ancillary office space• a showroom and retail outlet• turfed private open space and a multi-use sports court• stormwater management infrastructure• car parking, hardstand areas and landscaping

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DEFINITIONS

Applicant	Marsden Park Developments Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including detailed earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Blacktown 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
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of a warehouse, office space, showroom and retail outlet with associated stormwater management infrastructure, car parking and landscaping, as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>ASICS Facility, Sydney Business Park Environmental Impact Statement</i> , prepared by PJEP Environmental Planning Pty Ltd dated April 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
EPA	NSW 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 POEO Act
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i>
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the

	environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The use of the warehouse and distribution centre, ancillary offices and retail outlet upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement 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	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Response to Submissions report titled <i>ASICS Facility, Sydney Business Park (SSD 9153) – Response to Submissions</i> , prepared by PJEP Environmental Planning Pty Ltd and dated 10 July 2018, the Addendum report titled <i>ASICS Facility, Sydney Business Park (SSD 9153) – Response to Submissions – Additional Information</i> , prepared by PJEP Environmental Planning Pty Ltd and dated 29 August 2018, and any additional information provided by the Applicant in support of the application
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1 of this consent.
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of maintenance works.
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- A5. 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 that date.

Use of Development

- A6. The office space approved under this consent must only be used solely in conjunction with the use of the building to which it is attached, as granted by this consent. The separate use or occupation of the office space is not permitted under this consent.
- A7. The retail space approved under this consent must only be used solely in conjunction with the sale and showcase of products distributed from the warehouse, as granted by this consent. The separate use or occupation of the retail space is not permitted under this consent.
- A8. The private open space and multi-use sports court must only be used in conjunction with the development as granted by this consent, with public access to be supervised by the Applicant at all times.

NOTIFICATION OF COMMENCEMENT

- A9. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A10. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A12. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development 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);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A15. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A17. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- Under Part 6 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.

COMPLIANCE

- A19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A20. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EASEMENTS

- A21. Within six months after the date of this consent, any required easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for stormwater management infrastructure must be registered on title of Lot 303, 304 & 305 DP 1213756.

EXTERNAL WALLS AND CLADDING

- A22. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A23. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence 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 requirements of the BCA.
- A24. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- A25. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A26. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A27. Before the issue of a Subdivision or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A28. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A29. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.

APPLICABILITY OF GUIDELINES

- A30. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A31. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC, ACCESS AND PARKING

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including identification of potential impacts to traffic, pedestrian, cyclist and bus services from the development and other construction projects in the vicinity of the site;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) 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.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B3. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed heavy vehicle accesses to the development are designed to accommodate the turning path of B-doubles.
- B4. The Applicant must signpost the site access points to clearly identify driveways as "Truck Entry/Exit Only" and "Car Entry/Exit Only".

Parking and Amenities

- B5. The Applicant must provide:
- (a) sufficient car parking facilities on-site, in accordance with the relevant Australian Standards, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities; and
 - (b) sufficient bicycle parking facilities on-site, including amenity and change room facilities for cyclists, in accordance with the relevant Australian Standards and *NSW Bicycle Guidelines* (Roads and Traffic Authority, July 2005).

Operating Conditions

- B6. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS/NZS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;

- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network;
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and
- (i) parking for promotional events is accommodated on-site.

Operational Traffic Management Plan

- B7. Prior to the commencement of operation of any part of the development, the Applicant must prepare an Operational Traffic Management Plan to the satisfaction of the Planning Secretary. The Operational Traffic Management Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with Council and be submitted to Council prior to commencement of operation;
 - (b) detail the numbers, size and frequency of truck movements, vehicle routes and hours of operation;
 - (c) detail the access and parking arrangements for operational vehicles to ensure road and site safety and demonstrate there will be no queuing on the public road network;
 - (d) detail management measures to minimise conflict between heavy vehicles entering and exiting the loading docks;
 - (e) describe measures to avoid conflicts and minimise delays for heavy vehicles entering and exiting the site;
 - (f) detail measures to manage parking demands associated with promotional events and use of the showroom/retail outlet; and
 - (g) include a Driver Code of Conduct to:
 - (i) minimise the impacts of operation on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) ensure truck drivers use specified routes; and
 - (v) manage/control pedestrian movements.
- B8. The Applicant must:
- (a) not commence operation until the Operational Traffic Management Plan is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Operational Traffic Management Plan approved by the Planning Secretary for the duration of the development.

Work Place Travel Plan

- B9. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with TfNSW;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives;
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site; and
 - (d) include wayfinding strategies and travel access guides to assist in increasing walking and cycling to access the site.
- B10. The Applicant must
- (a) not commence operation until the Work Place Travel Plan is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

VISUAL AMENITY

Landscaping

- B11. The Applicant must implement the landscape design plans for the development as described in the Response to Submissions. The Applicant shall provide evidence to the satisfaction of the Planning Secretary, prior to operation, demonstrating that the landscaping has been implemented in accordance with the landscape design plans. Landscaping and vegetation is to be maintained at all times, for the life of the development.
- B12. The Applicant shall ensure that all landscaping and vegetation within TransGrid's transmission line easement complies with the requirements of TransGrid.

Lighting

- B13. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened, illuminated and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- B14. All signage and fencing must be erected in accordance with the development plans included in the Response to Submissions. Signage is for business identification purposes, and must not include any advertising signage.

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

- B15. The Applicant must install directional signage on the site to distinguish between the car park access for the warehouse and the car park access for the showroom/retail outlet. The Applicant must install signage and marked walkways from the car park to the showroom/retail outlet.
- B16. All type 3 tenant logo signage associated with the showroom/retail outlet must only be illuminated (either internally or externally) during the permitted hours of work for the showroom and retail outlet, private open space and court, as detailed in Table 1 of this consent.

UTILITIES

TransGrid

- B17. The Applicant must:
- (a) maintain a 20 metre exclusion zone around TransGrid's transmission tower;
 - (b) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission tower, lines and easement, 24 hours a day, 7 days a week;
 - (c) comply with the requirements of TransGrid for any works in the TransGrid easement; and
 - (d) advise TransGrid of any proposed amended or modified encroachment into the easement.

Endeavour Energy

- B18. The Applicant must comply with the requirements of Endeavour Energy for any works in the vicinity of the Endeavour Energy easement, and maintain access as required by Endeavour Energy.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B19. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

- B20. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B21. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B22. Prior to the commencement of operation, 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) in consultation with Council;
 - (b) be generally in accordance with the design in the Response to Submissions;
 - (c) be generally in accordance with applicable Australian Standards and Council design guidelines including:
 - (i) Council's Works Specification - Civil (Current Version);
 - (ii) Council's Engineering Guide for Development (Current Version);
 - (iii) Council's On-Site Detention General Guidelines and Checklist; and

- (iv) Council Growth Centre Precincts Development Control Plan;
- (v) Council's Development Control Plan (Current Version) Part J – Water Sensitive Urban Design and Integrated Water Cycle Management; 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.

AIR QUALITY

Dust Minimisation

- B23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B24. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Odour Management

- B25. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

- B26. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation of warehouse and office	Monday – Sunday	24 hours
Showroom and retail outlet, private open space and court	Monday – Sunday	7 am to 9 pm

- B27. Works outside of the hours identified in condition B26 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (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 or to prevent environmental harm.

Construction Noise Limits

- B28. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in Appendix 3.

Operational Noise Limits

- B29. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

Table 2 Noise Limits dB(A)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)
Residential A1	40	38	33

Residential A2, A3 and A4	43	38	33
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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 Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

Road Traffic Noise

B30. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and carry out induction training to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

WASTE MANAGEMENT

Waste Storage

B31. 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.

Waste Management Plan

B32. The Applicant must implement the Construction and Operation Waste Management Plan for the development, as described in the EIS. The Waste Management Plan must form part of the CEMP and OEMP and be prepared in accordance with conditions C2 and C5. The Plan must:

- detail the type and quantity of wastes to be generated during construction and operation of the development;
- describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- detail the materials to be reused or recycled, either on or off site; and
- include the Management and Mitigation Measures included in Appendix 3.

Statutory Requirements

B33. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B34. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B35. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

B36. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B37. If any item or object of Aboriginal heritage significance is identified on site:

- all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- the OEHL must be contacted immediately.

B38. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HAZARDS AND RISK

Dangerous Goods

B39. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- B40. The Applicant 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 EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: *the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Dust minimisation measures (see Condition B23);
 - (c) Waste Management Plan (see Condition B32); and
 - (d) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would 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;
 - (iv) respond to any non-compliance;

- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Traffic (see Condition B7);
 - (ii) Workplace Travel (see Condition B9);
 - (iii) Waste (see Condition B32).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C15;
- (b) the submission of an incident report under condition C10;
- (c) the submission of an Independent Audit under condition C18;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this consent must be reviewed.

C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C10. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 4.

Non-Compliance Notification

C11. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C14. No later than 6 weeks before the date notified for the commencement of construction and operation, a Compliance Monitoring and Reporting Program prepared in accordance with the *Compliance Reporting Post Approval Requirements* (Department 2018) must be submitted to the Department.

C15. Compliance Reports of the project must be carried out in accordance with the *Compliance Reporting Post Approval Requirements* (Department 2018).

C16. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

C17. No later than 4 weeks before the date notified for the commencement of operation, an Independent Audit Program prepared in accordance with the *Independent Audit Post Approval Requirements* (Department 2018) must be submitted to the Department.

C18. Independent Audits of the development must be carried out in accordance with:

- (a) the Independent Audit Program submitted to the Department under condition C17 of this consent; and

- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the *Independent Audit Post Approval Requirements* (Department 2018).
- C19. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C18 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

- C21. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) 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;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Drawing No.	Rev.	Date	Title
Architectural Drawings Prepared by Reid Campbell			
118101_A001	G	28/08/2018	Cover Sheet/Drawing List
118101_A002	G	28/08/2018	Site Analysis
118101_A003	F	28/08/2018	Signage Strategy Plan
118101_A100	U	28/08/2018	Site Plan
118101_A200	L	28/08/2018	Warehouse Floor Plan
118101_A201	J	28/08/2018	Office Floor Plans
118101_A202	M	28/08/2018	Showroom Floor Plan
118101_A203	J	28/08/2018	Roof Plan
118101_A300	L	28/08/2018	Warehouse Elevations
118101_A301	H	28/08/2018	Office Elevations
118101_A302	L	28/08/2018	Showroom Elevations
118101_A400	E	28/08/2018	Sections
Civil Plans Prepared by Northrop			
DAC02.01	02	28/08/2018	Concept Sediment and Soil Erosion Control Plan
DAC02.11	02	28/08/2018	Sediment and Soil Erosion Control Details
DAC03.01	04	28/08/2018	Earthworks Cut and Fill Plan

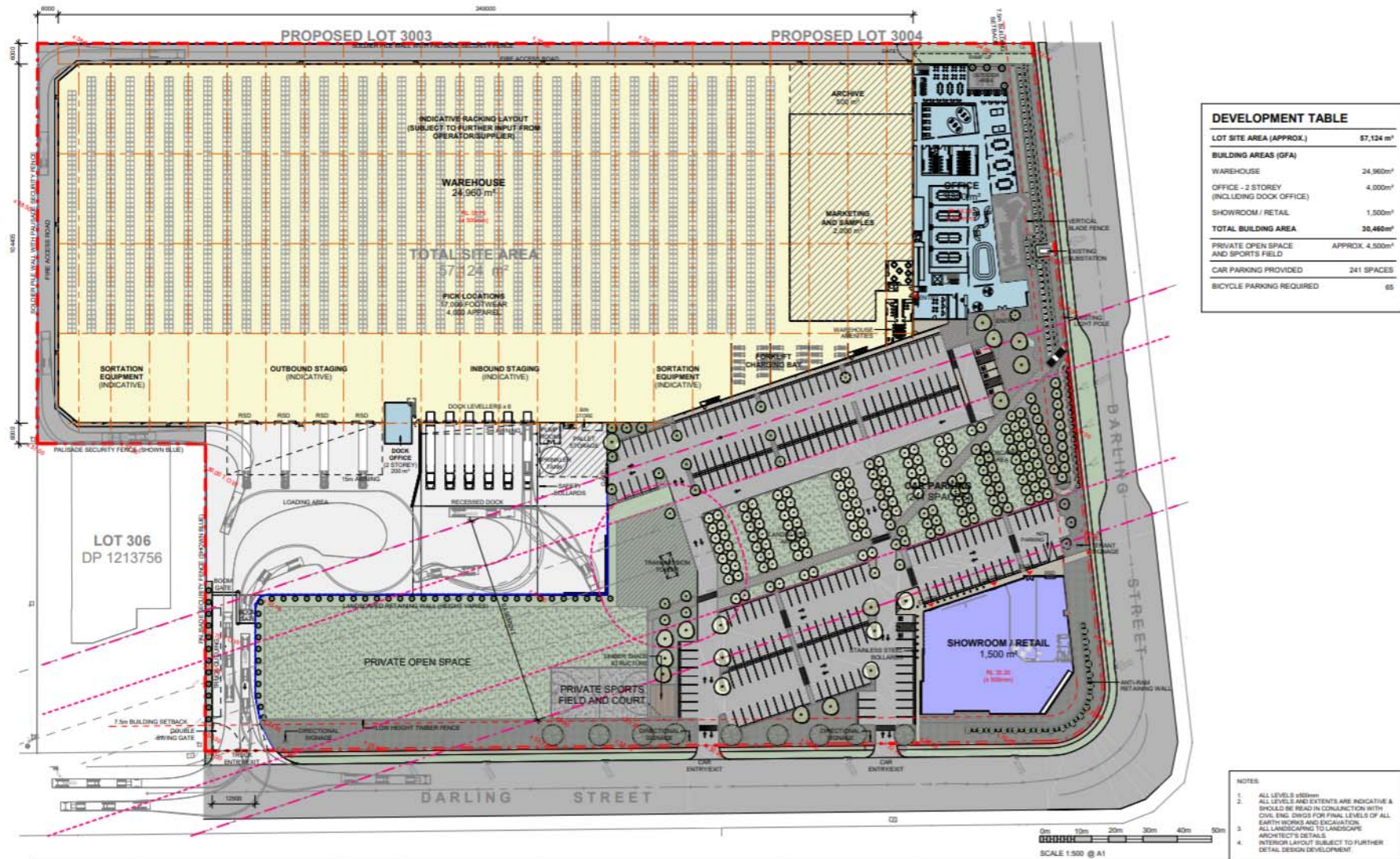
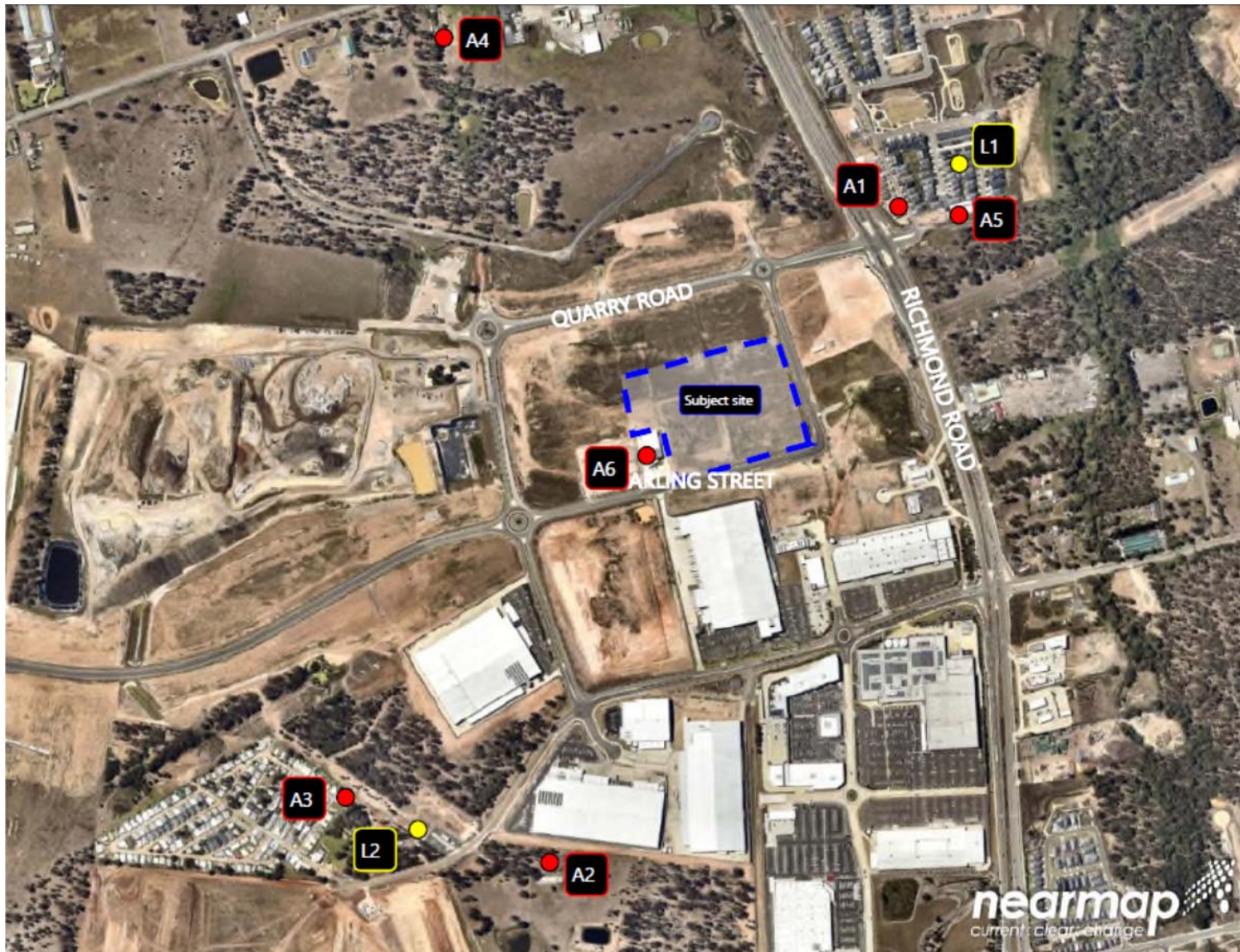


Figure 1: Site Plan

APPENDIX 2 NOISE RECIEVER LOCATIONS



ASICS Facility – Summary of Mitigation Measures

A summary of the proposed measures to mitigate and/or manage the environmental aspects of the proposed development is provided in the following table.

Table 7.1: Summary of Mitigation Measures

<i>Issue</i>	<i>Mitigation Measure</i>
<i>Design and Visual</i>	<ul style="list-style-type: none"> The facility would be developed generally in accordance with the approved architectural and landscape plans for the ASICS Facility All external lighting would be installed in accordance with AS 4282(INT) - <i>Control of Obtrusive Effects of Outdoor Lighting</i>
<i>Soil and Water</i>	<ul style="list-style-type: none"> The facility would be developed generally in accordance with the approved Erosion and Sediment Control Plan for the facility, and OEH's <i>Managing Urban Stormwater – Soils and Construction</i> The facility would be developed generally in accordance with the salinity management measures in the Salinity Assessment for Sydney Business Park (GHD, October 2011), applicable Australian Standards including AS2159, AS2870, AS3600 and AS3700, and OEH's <i>Building in a Saline Environment</i> guideline The facility would be developed in accordance with the approved Stormwater Management Plan for the facility
<i>Noise and Air Quality</i>	<ul style="list-style-type: none"> Construction and operation of the ASICS Facility would be managed in accordance with the relevant noise criteria under the: <ul style="list-style-type: none"> <i>Noise Policy for Industry (NPI)</i>; <i>Interim Construction Noise Guideline</i>; and <i>Road Noise Policy</i> Construction activities would be undertaken generally within the hours stipulated in the EPA's <i>Interim Construction Noise Guideline</i> The hours of operation for the showroom and retail outlet, and supervised public access to the playing court, would be limited to between 7am to 9pm, 7 days a week Dust emissions during construction works would be managed in accordance with standard best practice techniques, including: <ul style="list-style-type: none"> minimising the area of disturbance as far as practicable; minimising drop heights for materials being worked on the site; keeping exposed surfaces moist at all times; rehabilitating/revegetating disturbed surfaces as soon as practicable; and ensuring that trucks are covered and do not track sediment onto public roads
<i>Greenhouse Gas and Resource Use</i>	<ul style="list-style-type: none"> The facility would be developed in accordance with the energy and water resource use efficiency measures outlined in the EIS
<i>Traffic</i>	<ul style="list-style-type: none"> Site access, parking and internal circulation arrangements for the facility would be developed in accordance with relevant Australian Standards (including AS2890.1 and AS2890.2) A Construction Traffic Management Plan would be prepared to appropriately manage traffic and traffic-safety construction works A Traffic Management Plan would be prepared to appropriately manage traffic and traffic-safety during operation of the facility. The plan would include measures for (amongst other things) managing access for heavy vehicles and light vehicles, signage of site entries, internal circulation, managing public access to the retail facility and during any promotional events, wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling
<i>Wastes and Hazards</i>	<ul style="list-style-type: none"> The facility would be developed and managed generally in accordance with the Waste Management Plan for the facility All dangerous goods and hazardous substances storage and handling on site would be undertaken in accordance with the Dangerous Goods Code and AS 1940-2004: <i>The storage and handling of flammable and combustible liquids</i>

APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.