

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, 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



Chris Ritchie
Director
Industry Assessments

Sydney

25 June 2021

SCHEDULE 1

Application Number:	SSD-10470
Applicant:	Fabcot Pty Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	11 and 13 Percy Street, Auburn Lot 1 DP 1183821 Lot 2 DP 1183821
Development:	Construction and 24-hour operation of a Warehouse and Distribution centre, comprising: • demolition of two existing buildings, associated structures and landscaping • remediation work • bulk earthworks and tree clearing • construction and operation of a warehouse with ancillary offices and customer pick up component; and • car parking, docking areas, associated infrastructure, site access points and landscaping.

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DEFINITIONS

Applicant	Fabcot Pty Limited, 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>
Calendar year	A period of 12 months commencing on 1 January
Certifier	A person who is authorised by or under section 6 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CLM Act	<i>Contaminated Land Management Act 1997</i>
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 construction works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Cumberland 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	NSW Department of Planning, Industry and Environment
Development	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising demolition of existing building, construction and operation of warehouse and distribution facilities, ancillary office, ancillary car parking, infrastructure provision, earthworks, tree clearing and landscaping
Development layout	The plans at Appendix 1 of this consent
DPIE	Department of Planning, Industry and Environment
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group of the Department
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Proposed Warehouse and Distribution Centre</i> ', prepared by Willow Tree Planning, dated October 2020, submitted with the application for consent for the development.
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
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 Telecommunications Act 1997 (Cth)
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 and Public Spaces (or delegate)
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
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OCHP	Operational Complaints Handling Protocol
OEMP	Operational Environmental Management Plan
Operation	The use of the warehouse and distribution facility as described in the EIS and RTS
Principal Certifier	Principal Certifier 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>
RAP	Remedial Action Plan titled <i>Remediation Action Plan 11-13 Percy Street Auburn NSW 2144</i> , dated February 2021, prepared by Geo-Logix
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
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>Response to Submissions – SSD 10470 Proposed Warehouse and Distribution Centre</i> , prepared by Willow Tree Planning and dated 2 February 2021; and updated Noise Assessment titled <i>SSDA Acoustic Assessment Rev 7</i> , prepared by Acoustic Logic and dated 20 May 2021; and <i>Supplementary Response to Submissions – SSD 10470 Proposed Warehouse and Distribution Centre</i> , prepared by Willow Tree Planning and dated 9 June 2021
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
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
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 2.
- 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) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) or A2(e), 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.

NOTIFICATION OF COMMENCEMENT

- A6. 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 (or as otherwise agreed by the Planning Secretary) before that date:
- (a) construction;
 - (b) operation; or
 - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month (or as otherwise agreed by the Planning Secretary) before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A8. 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

- A9. 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).
- A10. 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.
- A11. 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

- A12. 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.
- A13. 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

- A14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A15. 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

- A16. 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.

CONTRIBUTIONS TO COUNCIL

- A17. Before the issue of an occupation certificate for any part of the development, a contribution under section 7.12 of the EP&A Act must be paid to Council under *The Cumberland Local Infrastructure Contributions Plan 2020*. The cost of development works must be calculated in accordance with clause 25J of the EP&A Regulation by a suitably qualified quantity surveyor.

OPERATION OF PLANT AND EQUIPMENT

- A18. 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.

EXTERNAL WALLS AND CLADDING

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A20. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate,
- the Applicant must provide the Certifier 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.
- A21. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

AUSGRID REQUIREMENTS

- A22. Prior to commencement of works along Percy Street the Applicant must ensure that all necessary precautions are implemented in relation to the construction and ongoing operation of the facility in the vicinity of 33,000 volt Ausgrid Cables buried along Percy Street.
- A23. The Applicant must decommission and remove two existing Ausgrid substations from the site. The design and construction of any new substations must meet Ausgrid load requirements.

UTILITIES AND SERVICES

- A24. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A25. 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*.
- A26. Before the issuing of a Subdivision Works or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, 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.
- A27. Before the issue of the final Occupation Certificate the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

APPLICABILITY OF GUIDELINES

- A28. 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.
- A29. 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

NOISE

Hours of Work

- B1. 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
Demolition, earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

- B2. Works outside of the hours identified in Condition B1 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the Planning Secretary;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B3. 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 the Appendix 2.

Construction Noise Management Plan

- B4. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with Condition C2 and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) be approved by the Planning Secretary prior to the commencement of construction (or each stage of construction, where relevant) of the development;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works;
 - (f) describe the community consultation undertaken to develop the strategies in Condition B4(e); and
 - (g) include a complaints management system that would be implemented for the duration of the development.
- B5. The Applicant must:
- (a) not commence construction of any relevant stage until the Construction Noise Management Plan required by Condition B4 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

- B6. 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	Night L _{Aeq} (15 minute)
NM1	62

NM2	47
NM3	50
NM4	47

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.

Post-Commissioning Noise Verification Report

- B7. A noise verification report must be submitted to the Planning Secretary within three months of the completion of operation. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:
- (a) an analysis of compliance with noise limits specified in Condition B6;
 - (b) an outline of management actions to be taken to address any exceedances of the limits specified in Condition B6; and
 - (c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B8. 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;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and 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.
- B9. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by Condition B8 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

- B10. Prior to the commencement of operation of the development, the Applicant must complete the construction of access driveways to Percy St to the satisfaction of the relevant roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B11. Prior to the commencement of operation of the development, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 19-metre Articulated vehicle.

Parking and Access

- B12. Prior to the commencement of construction of the site access points and the associated driveways, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate the proposed access arrangements are:
- (a) designed to accommodate the turning path of a 19-metre Articulated vehicle; and
 - (b) consistent with the most recent version of the Austroads Guide to Road Design and TfNSW's specifications.
- B13. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B14. 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 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004), AS 2890.2:2018 *Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009);
 - (b) the development does not result in any vehicles queuing on the public road network;
 - (c) heavy vehicles, shipping containers and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (d) all vehicles are wholly contained on site before being required to stop;
 - (e) all loading and unloading of materials is carried out on-site; and
 - (f) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

REMEDIATION

Site Auditor

- B15. Prior to the commencement of construction, the Applicant must engage a Site Auditor accredited under the CLM Act NSW Site Auditor Scheme.

Remedial Works

- B16. The site is to be remediated in accordance with the approved RAP and relevant guidelines produced or approved under the CLM Act. If any amendments are required to the RAP, they must be reviewed and approved by the Site Auditor in the form of an Interim Audit Advice.
- B17. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced contractor(s).

Validation Report

- B18. Within three months of the completion of the remediation works required under Condition B16, or as otherwise agreed with the Planning Secretary, the Applicant must submit a Validation Report to the Site Auditor and Planning Secretary which demonstrates the remediation works have been completed in accordance with the approved RAP and CEMP. The validation report must include:
- (a) details of the remediation works undertaken;
 - (b) details of any unexpected finds (see also Condition B22);
 - (c) validation of any imported fill to the site, as permitted under condition (imported soil condition B23); and
 - (d) information that the objectives of the RAP have been achieved.

Site Audit Statement

- B19. Within six months of the completion of the remediation works and prior to the commencement of operation, the Applicant must obtain from the Site Auditor, a Site Audit Statement and a Site Audit Report. The reports must be prepared in accordance with the relevant guidelines under the CLM Act and must confirm:
- (a) the remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the approved RAP; and
 - (b) the site is suitable for its intended use.

A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.

Long Term Environmental Management Plan

- B20. The Long-Term Environmental Management Plan (LTEMP) for the development must be submitted for consideration and approval by the Site Auditor, prior to the finalisation of the Site Audit Statement and Site Audit Report. The LTEMP is to:
- (a) address all environmental impacts of the development's construction and operational phases;
 - (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s); and
 - (c) incorporate a program for ongoing monitoring and review to ensure the LTEMP remains contemporary with relevant environmental standards; and mechanisms to report results to Planning Secretary and the EPA.
- B21. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP; and
 - (b) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.

CONTAMINATION

Unexpected Contamination Finds Procedure

- B22. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary, prior to removal of the contaminated materials from the site.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B23. 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 Planning Secretary upon request.

Erosion and Sediment Control

- B24. 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

- B25. 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

- B26. Prior to the commencement of construction, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B27. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and

(c) Heritage NSW must be contacted immediately.

B28. 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

B29. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

B30. The Applicant must:

- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
- (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, priority weed has the same definition of the term in the *Biosecurity Act 2015*.

Waste Storage and Processing

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.

Statutory Requirements

B32. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B33. 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.

B34. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

AIR QUALITY

Dust Minimisation

B35. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B36. During construction of the development, 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

B37. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

VISUAL AMENITY

Landscaping

B38. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site. The plan must:

- (a) detail the species to be planted on-site, incorporating locally native species;
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
- (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2; and
- (d) be approved by the Planning Secretary prior to the commencement of operation.

Lighting

B39. 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 and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

B40. All signage and fencing must be erected in accordance with the development plans included in the RTS.

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

COMMUNITY ENGAGEMENT

B41. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in Appendix 2, relevant regulatory authorities and other interested stakeholders.

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) detailed baseline data;
 - (b) 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;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) 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;
 - (e) 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;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) 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
 - (h) 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 Noise Management Plan (see Condition B4);
 - (b) Construction Traffic Management Plan (see Condition B8);
 - (c) Erosion and Sediment Control Plan;
 - (d) a copy of the RAP;
 - (e) Unexpected finds contamination procedures (see Condition B22); and
 - (f) 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 COMPLAINTS HANDLING PROTOCOL

- C5. Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:
- (a) detail how complaints would be received by the Applicant;
 - (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
 - (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint.

A copy of the complaints register must be provided to the Planning Secretary upon request.

Note: Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.

- C6. The Applicant must:
- (a) not commence operation until the OCHP required under Condition C5 is submitted to the Planning Secretary; and
 - (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of operation.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C7. Within three months of:
- (a) the submission of a Compliance Report under Condition C13;
 - (b) the submission of an incident report under Condition C9;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) 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.
- C8. 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

- C9. The Planning Secretary must be notified in writing via the Major Projects website 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 3.

Non-Compliance Notification

- C10. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C11. 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.
- C12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C13. Within three months after the first year of commencement of operation of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C14. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C15. 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.*

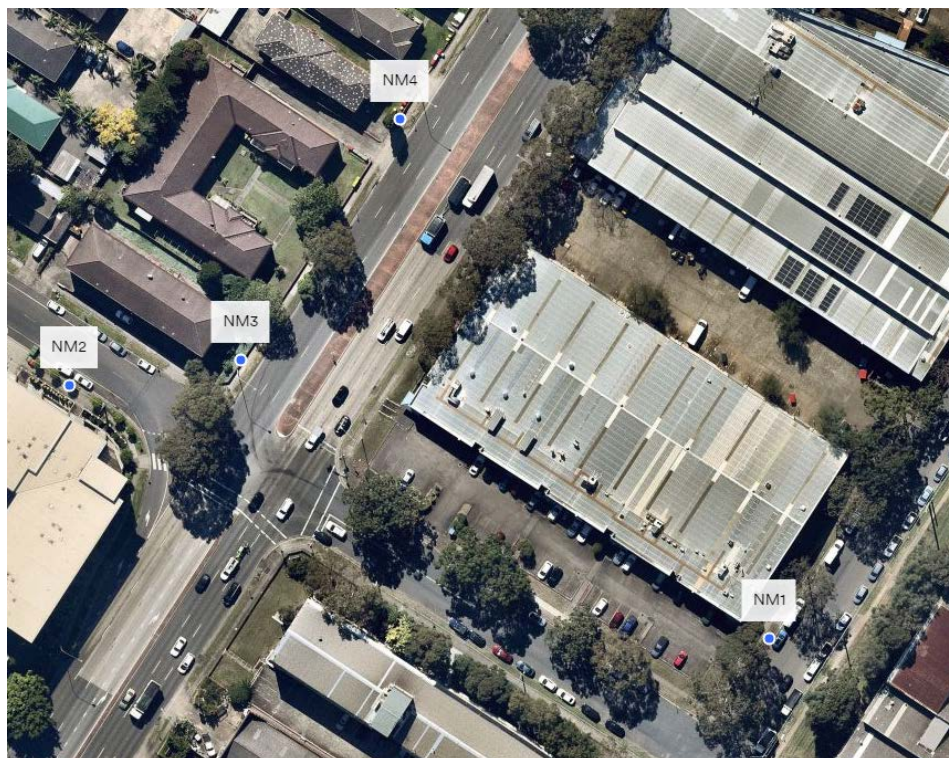
ACCESS TO INFORMATION

- C16. At least 48 hours before the commencement of construction of the development until the completion of all works construction works under this consent, including remediation, 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) a summary of the current stage and progress of the development;
 - (v) contact details to enquire about the development or to make a complaint;
 - (vi) a complaints register, updated quarterly;
 - (vii) any other matter required by the Planning Secretary; and
 - (viii) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Job No.	Drawing No.	Rev.	Date	Title
Architectural Drawings by Nettletontribe Architects				
	11250 DA000	B	09/06/2021	Cover Page
	11250 DA001	B	09/06/2021	Site Plan
	11250 DA002	B	09/06/2021	Demolition Plan
	11250 DA011	G	09/04/2021	Ground Floor Plan
	11250 DA012	E	08/04/2021	Office L1, Carpark & WH Mezz. Floor Plan
	11250 DA013	B	08/04/2021	Roof Plan
	11250 DA014	C	08/04/2021	Mezz 1 Floor Plan
	11250 DA015	B	14/12/2020	Office Floor Plans
	11250 DA021	D	14/12/2020	Elevations – Sheet 1
	11250 DA022	D	14/12/2020	Elevations – Sheet 2
	11250 DA025	A	01/10/2020	Signage Elevations
	11250 DA031	D	14/12/2020	Sections
	11250 DA-051	A	01/10/2020	Shadow Diagrams
	11250 DA-091	A	01/10/2020	Perspective – Sheet 1
	11250 DA-092	A	01/10/2020	Perspective – Sheet 2
Civil Plans prepared by Henry & Hymas				
	19513 DA C000	03	09/12/2020	Cover Sheet, Drawing Schedule, Notes and Locality Sketch
	19513 DA C100	05	15/12/2020	General Arrangement Plan
	19513 DA C101	05	15/12/2020	Site Detail Plan Sheet 1 of 4
	19513 DA C102	05	15/12/2020	Site Detail Plan Sheet 2 of 4
	19513 DA C103	05	15/12/2020	Site Detail Plan Sheet 3 of 4
	19513 DA C104	05	15/12/2020	Site Detail Plan Sheet 4 of 4
	19513 DA C110	04	09/12/2020	Mezzanine Level Detail Plan Sheet 1 of 2
	19513 DA C111	04	09/12/2020	Mezzanine Level Detail Plan Sheet 2 of 2
	19513 DA C200	03	14/09/2020	Stormwater Miscellaneous Details
	19513 DA C201	03	09/12/2020	OSD Tank Plan, Sections and Details
	19513 DA C202	01	09/12/2020	Stormwater Longitudinal Sections
	19513 DA C203	02	09/12/2020	Stormwater Design Results
	19513 DA C250	03	14/09/2020	Stormwater Catchment Plan Pre Development
	19513 DA C251	05	15/12/2020	Stormwater Catchment Plan Post Development
	19513 DA SE01	05	15/12/2020	Sediment and Erosion Control Plan
	19513 DA SE02	03	14/09/2020	Sediment and Erosion Control Details
	19513 DA BE01	02	14/09/2020	Bulk Earthworks Cut/Fill Plan
	19513 DA BE02	02	14/09/2020	Bulk Earthworks Sections Sheet 1 of 2
	195103 DA BE03	02	14/09/2020	Bulk Earthworks Sections Sheet 2 of 2

APPENDIX 2 NOISE MONITORING LOCATIONS AND SENSITIVE RECEIVERS



APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

ENVIRONMENTAL IMPACT STATEMENT
Proposed Warehouse and Distribution Centre
11 – 13 Percy Street, Auburn

PART G PLANNED MANAGEMENT AND MITIGATION MEASURES FOR THE PROPOSED DEVELOPMENT

By:	Fabcot Pty Limited
In relation to:	State Significant Development Application (SSD-10470) For proposed Warehouse and distribution centre
Site:	11 – 13 Percy Street, Auburn Lot 1 DP1183821 and Lot 2 DP1183821

Fabcot Pty Limited (Fabcot), plan to undertake the construction and operation of the proposed Warehouse and distribution centre, in accordance with the following subsections.

Below prescribes some of the terms and abbreviations used in this statement, including:

Approval	The Minister's approval of the project
BCA	Building Code of Australia
Council	Cumberland City Council
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Fabcot	Fabcot Pty Limited
Project	The proposed development as described in this EIS
Secretary	Secretary-General of the Department (or delegate)
Subject site	Land to which the project application applies
WorkCover	NSW WorkCover

7.1 ADMINISTRATIVE COMMITMENTS

7.1.1 Commitment to Minimise Harm to the Environment

1. Fabcot will commit to 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 proposed development.

7.1.2 Terms of Approval

2. Fabcot would carry out the project generally in accordance with the:
 - (a) Environmental Impact Statement;
 - (b) Drawings;
 - (c) Management and Mitigation Measures;
 - (d) Any Conditions of Approval.
3. If there is any inconsistency between this document and the Conditions of Approval, the Conditions of Approval shall prevail to the extent of the inconsistency.

7.1.3 Occupation Certificate

4. Fabcot would ensure that Occupation Certificates are obtained prior to the occupation of the facilities.
5. Fabcot would ensure compliance with any reasonable requirement(s) of the Secretary of the DPIE arising from the assessment of:

- (a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and
- (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.

7.1.4 Structural Adequacy

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

7.1.5 Operation of Plant and Equipment

- 7. Fabcot would 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.

7.1.6 Construction Environmental Management Plan

- 8. Prior to the commencement of construction, Fabcot would prepare a Construction Environmental Management Plan (CEMP) that addresses the following:
 - (a) Land Contamination;
 - (b) Air Quality;
 - (c) Waste Classification;
 - (d) Erosion and Sediment Control; and,
 - (e) Materials Management Plan

7.1.7 Monitoring of State of Roadways

- 9. Fabcot would monitor the state of roadways leading to and from the subject site, during construction, and take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

7.1.8 Waste Receipts

- 10. Fabcot would ensure that a permanent record of receipts, for the removal of both liquid and solid waste from the subject site, be kept and maintained up to date at all times. Such records would be made available to authorised person upon request.

7.2 SPECIFIC ENVIRONMENTAL COMMITMENTS

7.2.1 Noise

- 11. During the construction phase, Fabcot would ensure that all recommendations of the Construction Noise and Vibration Management Plan are adopted and implemented.
- 12. Fabcot would install an absorptive soffit above the outbound loading dock, with a minimum lining of 0.9 NRC, in line with the recommendation of the Acoustic Assessment (20200597.1/1205A/R7/WY).

7.2.2 Air

- 13. Prior to commencement of works, a construction air quality management plan will be developed (post approval) in line with the Air Quality Impact Assessment. This would form part of the CEMP.

7.2.3 Traffic and Transport

ENVIRONMENTAL IMPACT STATEMENT

Proposed Warehouse and Distribution Centre
11 – 13 Percy Street, Auburn

13. Fabcot would ensure that a Construction Traffic Management Plan is prepared and submitted to DPIE, in line with the Draft Construction Traffic Management Plan. This plan would:

- (a) be submitted to the Secretary for approval prior to the commencement of construction;
- (b) describe the traffic volumes and movements to occur during construction;
- (c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and,
- (d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

14. The Construction Traffic Management Plan would be implemented throughout the construction cycle.

7.2.4 Aboriginal Cultural Heritage

15. All contractors undertaking earthworks on site would be briefed on the protection of Aboriginal heritage objects under the *National Parks and Wildlife Act 1974* and the penalties for damage to these items.

7.2.5 Waste Management

16. During construction, Fabcot would implement the measures contained within the prepared Waste Management Plan. These are to be incorporated into the CEMP to be issued prior to commencement of construction.

17. Fabcot would ensure that all waste generated on-site during construction and operation is classified in accordance with the *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of at facility that may lawfully accept the waste.

7.2.6 Aboriginal Heritage

18. If unforeseen Aboriginal objects are uncovered during construction the unexpected finds protocol will be followed. Work will cease in the area, and the NSW Office of Environment and Heritage will be informed.

7.2.7 Flooding

19. A Local Flood Plan is to be prepared for the development that includes measures to be implemented during a PMF event including:

- on-site refuge facilities, within buildings that are to be structurally stable during a PMF event.
- development of a means to inform all users of the site on how to respond and reach the refuge facilities in major flood events;
- collaboration with Council and State Emergency Services in developing the Local Flood Plan. In particular, addressing evacuation and clean up procedures.

7.2.8 Dangerous Goods

20. Fabcot operations would ensure that:

- The DG storages shall be subject to a DG assessment against *AS 1940-2017* to ensure compliance with the standard as required by the *WHS Regulation 2017*.
- The flammable liquid storage shall be subject to a hazardous area classification per *AS/NZS 60079.10.1:2009* to ensure ignition sources are not introduced into a hazardous area as required by the *WHS Regulation 2017*.

ENVIRONMENTAL IMPACT STATEMENT

Proposed Warehouse and Distribution Centre
11 – 13 Percy Street, Auburn

- All operational documentation required by the *WHS Regulation 2017* (i.e. risk assessment, manifest, register, emergency response plan, notification, etc.) shall be prepared for the site prior to occupation.

7.2.9 Contamination

21. Fabcot would have the following information provided to the NSW EPA:

- Implementation of the Remediation Action Plan (RAP) outlining the removal and validation of the ACM identified at the site surface and in shallow soils, by Geo-Logix, and the protocol to be followed if unexpected finds are encountered.
- Preparation of a final site validation report by a qualified environmental consultant, certifying the suitability of the site for the proposed development.
- Preparation of an Environmental Management Plan (EMP), if required, for the management of any contamination remaining on site following the redevelopment that presents a risk to human health or the environment.

7.2.10 Tree Works

22. Approved removal of trees shall be undertaken by an experienced Certified AQF Level 3 Arborist in accordance with Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work'.

23. Prior to the installation of the onsite detention (OSD) tank, a root investigation by Non-Destructive Excavation (NDE) be carried out to map roots of nearby stand of *Eucalyptus molucanna*.

24. All new trees to be planted shall:

- Be located in such a way that at maturity the canopies will be clear of the projected mature canopies of existing trees.
- Tree stock will be grown in accordance with AS2373 Tree Stock and Specifications for Landscape Uses and the supplying nursery shall provide certification in relation to compliance.
- Planted by an AQF Level 3 Arborist or AQF Level 3 Horticulturalist
- Maintained and watered as required by an AQF Level 3 Arborist or AQF Level 3 Horticulturalist after planting for 12 months.
- All excavation within the Tree Protection Zone (TPZ) of any tree shall be undertaken as directed by the Project Arborist.

APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website 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.