

# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Anthea Sargeant  
Executive Director  
Key Sites and Industry Assessments

Sydney

8 May

2017

File: 16/07055

### SCHEDULE 1

<b>Application No.:</b>	SSD 7663
<b>Applicant:</b>	Goodman Property Services (Aust) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 12 in Deposited Plan 1178389, Kemps Creek.
<b>Development:</b>	Construction, fitout and operation of a warehouse and distribution facility, comprising the following: <ul style="list-style-type: none"><li>• a warehouse building;</li><li>• mezzanine level and office;</li><li>• 191 car parking spaces; and</li><li>• business identification and wayfinding signage.</li></ul>

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>1</b>
<b>SCHEDULE 2 PART A: ADMINISTRATIVE CONDITIONS.....</b>	<b>3</b>
Obligation to Minimise Harm to the Environment .....	3
Terms of Consent.....	3
Limits of Consent.....	3
Staging .....	3
Staged Submission of Plans or Programs .....	3
Evidence of Consultation .....	4
Dispute Resolution .....	4
Statutory Requirements.....	4
Structural Adequacy and Certification .....	4
Utilities.....	4
Compliance .....	4
Operation of Plant and Equipment.....	4
Works-As-Executed Plans .....	4
Developer Contributions .....	5
<b>SCHEDULE 2 PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT.....</b>	<b>6</b>
Traffic and Access.....	6
Soil and Water.....	7
Noise.....	8
Aboriginal Heritage .....	9
Historic Heritage.....	9
Air Quality .....	10
Hazardous and Dangerous Goods .....	10
Contamination .....	10
Visual Amenity and Landscaping.....	11
Transmission Requirements .....	12
<b>SCHEDULE 2 PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>13</b>
Environmental Management.....	13
Environmental Reporting .....	14
Access to Information .....	14
<b>APPENDIX A: SCHEDULE OF APPROVED DRAWINGS</b>	
<b>APPENDIX B: MANAGEMENT AND MITIGATION MEASURES</b>	
<b>APPENDIX C: SATISFACTORY ARRANGEMENTS CERTIFICATE</b>	

## DEFINITIONS

Applicant	Goodman Property Services (Aust) Pty Ltd, its successors in title or any other person acting upon this consent
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifying Authority	Means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates
Construction	The demolition of buildings or works, carrying out of works, including bulk earthworks and the erection of buildings and other infrastructure covered by this consent
Council	Penrith City Council
Dangerous Goods	As defined by the <i>Australian Dangerous Goods Code 7<sup>th</sup> Edition</i> (Australian Government, 2010)
Day	The period from 7 am to 6 pm on Mondays to Saturdays, and 8 am to 6 pm on Sundays and public holidays
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS and approved by this development consent for the construction and operation of a warehouse and distribution facility with ancillary office space
Earthworks	Bulk and detailed earthworks
EIS	Environmental Impact Statement titled, 'Site 3B Oakdale South Estate – Toyota Spare Parts Warehouse and Distribution Centre – SSD – 16-7663', prepared by Urbis Advisory Services, dated 4 November 2016
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Incident	A set of circumstances that causes or threatens to cause material harm to the environment and/or breaches or exceeds the limits or performance measures/criteria in this consent.
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
Management and Mitigation Measures	The Applicant's mitigation measures included at Section 7 of the EIS (see Appendix B of this development consent)
Night	The period from 10 pm to 7 am on Mondays to Saturdays, and 10 pm to 8 am on Sundays and public holidays
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits; cost of mitigation versus benefits provided; community views; and the nature and extent of potential improvements
RMS	Roads and Maritime Services
RTS	Response to Submissions letter titled, 'SSDA 7663 – Toyota Spare Parts Warehouse and Distribution Centre – Site 3B, Oakdale South Estate', prepared by Urbis Advisory Services, dated 16 January 2017
Secretary	Secretary of the Department of Planning and Environment, or delegate/nominee
Site	Lot 3B within Precinct 3 of the Oakdale South Industrial Estate as legally described in Schedule A and as shown in the drawings referenced at Appendix A
SSD 6917	Concept and Stage 1 Approval for the Oakdale South Industrial Estate
VPA	Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement between the Minister for Planning, Goodman Property Services (Aust) Pty Ltd, BGAI 6 Pty Ltd, BGMG 8 Pty Ltd, BGAI 2 Pty Ltd and the Austral Brick Co Pty Ltd, executed on 12 March 2015 and amended by the letter of offer dated 23 January 2017

**SCHEDULE 2**  
**PART A: ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance criteria established under this consent, the Applicant must 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 Development.

**TERMS OF CONSENT**

- A2. The Applicant must carry out the Development in accordance with the:
- (a) Development Application SSD 7663;
  - (b) EIS;
  - (c) RTS;
  - (d) conditions in Schedule B and C;
  - (e) Schedule of Drawings (see Appendix A); and
  - (f) the Management and Mitigation Measures (Appendix B).
- A3. If there is any inconsistency between the documents referred to above, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this consent must prevail to the extent of any inconsistency.
- A4. The Applicant must comply with any written requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans, or correspondence that are submitted in accordance with this consent; and
  - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

**LIMITS OF CONSENT**

- 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 the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. The total building area must not exceed:
- (a) 37,029 m<sup>2</sup> of warehouse and distribution uses;
  - (b) 8,231 m<sup>2</sup> mezzanine; and
  - (c) 1,478 m<sup>2</sup> of ancillary office area.

**STAGING**

- A7. Prior to the commencement of construction, a Staging Report must be prepared to the satisfaction of the Secretary including details of:
- (a) how the development will relate to other construction stages as described in the Construction Environmental Management Plan for Stage 1 (SSD 6917) approved by the Director Industry Assessments on 5 December 2016;
  - (b) general timing of construction stages that impact upon the timing of the development subject of this consent; and
  - (c) details of the relevant conditions of the Concept Approval (SSD 6917), which would apply to the development subject of this consent.
- A8. Prior to the commencement of operation, evidence must be provided to the satisfaction of the Secretary that internal estate roads, utilities and stormwater infrastructure (Stages 4 and 5 of the Infrastructure Staging Plan Drawing No. SKC224 dated 17 August 2016) has been constructed to the extent required to service the site.

**Note:** These conditions do not relate to staged development within the meaning of section 83B of the EP&A Act.

**STAGED SUBMISSION OF PLANS OR PROGRAMS**

- A9. With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
  - (b) combine any strategy, plan or program required by this consent.
- A10. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of

the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined must be demonstrated.

#### **EVIDENCE OF CONSULTATION**

- A11. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the Certifying Authority for approval, where required;
  - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
  - (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant, or any person acting on this development consent.

#### **DISPUTE RESOLUTION**

- A12. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute must be final and binding on the parties.

#### **STATUTORY REQUIREMENTS**

- A13. The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up to date as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

#### **STRUCTURAL ADEQUACY AND CERTIFICATION**

- A12. The Applicant must ensure all new buildings and structures, and any alterations and additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.
- A13. Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.

#### **UTILITIES**

- A14. Prior to the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.
- A15. Prior to the operation of the Development, the Applicant must obtain a Compliance Certificate from Sydney Water Corporation under section 73 of the *Sydney Water Act 1994* for water and sewerage infrastructure servicing of the site.

#### **COMPLIANCE**

- A16. The Applicant must ensure employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

#### **OPERATION OF PLANT AND EQUIPMENT**

- A17. The Applicant must ensure all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

#### **WORKS-AS-EXECUTED PLANS**

- A18. Prior to the issue of a final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating the stormwater drainage, rainwater harvesting system, and finished ground levels have been constructed as approved must be submitted to the Certifying Authority.

## DEVELOPER CONTRIBUTIONS

- A19. The Applicant must provide all monetary contributions and/or works-in-kind under section 94EF of the EP&A Act as relevant to the site, in accordance with the Voluntary Planning Agreement entered into between the Minister for Planning and Goodman Property Services (Aust) Pty Ltd, BGAI 6 Pty Ltd, BGMG 8 Pty Ltd, and BGAI 2 Pty Limited and executed on 12 March 2015 (VPA), and as amended by the letter of offer dated 23 January 2017 as attached at **Appendix C**.
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## PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. The Applicant must prepare a Construction Traffic Management Plan (CTMP) for the Development. The plan must form part of the CEMP required by Condition C1 and must:
- (a) be prepared by a suitably qualified and experienced expert, in consultation with Council and RMS;
  - (b) be submitted to the satisfaction of the Secretary prior to the commencement of construction;
  - (c) detail the measures that would be implemented to ensure road safety and network efficiency during construction;
  - (d) detail the traffic control measures to prevent vehicles colliding with TranGrid's transmission towers;
  - (e) detail heavy vehicle routes, access and parking arrangements;
  - (f) 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;
  - (g) include a program to monitor the effectiveness of these measures; and
  - (h) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must ensure that the CTMP (as revised and approved by the Secretary from time to time) is implemented for the duration of the construction works.

#### Operational Traffic Management Plan

- B3. The Applicant must prepare an Operational Traffic Management Plan (OTMP) for the Development. The Plan must, at a minimum:
- (a) be prepared by a suitably qualified and experienced expert, in consultation with Council and RMS;
  - (b) be submitted to the satisfaction of the Secretary prior to the commencement of operation;
  - (c) detail the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
  - (d) 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;
  - (e) include detail of proposed truck parking to ensure it is managed in an orderly manner; and
  - (f) include a Drivers' Code of Conduct which details traffic management measures to be implemented during operation to:
    - (i) minimise impacts of the Development on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) ensure truck drivers use specified routes and minimise traffic noise during night-time hours; and
    - (iv) manage/control pedestrian movements.
- B4. The Applicant must ensure the OTMP (as revised and approved by the Secretary from time to time) is implemented for the life of the Development.

#### Parking and Amenities

- B5. The Applicant must provide:
- (a) a minimum of 191 on-site car parking spaces (including 4 disabled spaces) for use during operation of the Development and constructed in accordance with the latest version of AS2890.1-1993; and
  - (b) Class 3 bicycle rails, and amenity and change room facilities for cyclists in accordance with the latest version of AS 2890.3:1993 – *Bicycle Parking Facilities* and RMS' *NSW Bicycle Guidelines*.

#### Internal Roads, Queuing and Parking

- B6. The Applicant must ensure that:
- (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 and AS 2890.2;
  - (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; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### **Workplace Travel Plan**

- B7. The Applicant must prepare a Work Place Travel Plan to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate.
- B8. The Applicant must ensure that the Work Place Travel Plan (as revised from time to time) is implemented for the life of the Development.

### **SOIL AND WATER**

#### **Stormwater Management**

- B9. The Applicant must prepare a Stormwater Management Plan (SMP). The Plan must form part of the OEMP for the required by Condition C4 and:
  - (a) be prepared by a suitably qualified engineer, in consultation with Council;
  - (b) be submitted to the satisfaction of the Secretary prior to the commencement of construction;
  - (c) be prepared generally in accordance with the:
    - (i) *Stormwater Management Report*, prepared by at&l, rev 05, report no 16-379-R001 dated August 2016 as modified by the *Civil, Stormwater and Infrastructure Services Strategy*, rev 10, report no 14-193-R001, prepared by AT&L, dated September 2016, and accompanying drawings; and
    - (ii) relevant requirements of Council;
  - (d) identify all building and roadworks to be constructed relevant to the Construction Certificate to which the works relate;
  - (e) incorporate design plans and accompanying design notes, including any water sensitive urban design measures; and
  - (f) describe the measures which would be implemented to maintain the infrastructure during the life of the Development, including maintenance, monitoring and annual reporting.
- B10. Prior to the commencement of construction, a final MUSIC model must be prepared and submitted to the satisfaction of the Certifying Authority.
- B11. The Applicant must ensure the SMP (as revised and approved by the Secretary from time to time) is implemented prior to the issue of any Occupation Certificate and maintained for the life of the Development

#### **Erosion and Sediment Control**

- B12. During construction works, the Applicant must implement and maintain best practice erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of *Managing Urban Stormwater: Soils and Construction Guideline*.

#### **Pollution of Waters**

- B13. The Applicant must comply with section 120 of the POEO Act, except as may be expressly permitted by a licence under the POEO Act.
- B14. Stormwater, surface water and sub-surface seepage (other than natural flows) must be prevented from entering the buildings or being diverted onto any adjoining land by:
  - (a) the floor level being a minimum 300 mm above the adjoining finished ground level except where building access is required; and
  - (b) being drained to an effective drainage system.

#### **Works-as-Executed Drawings – Stormwater Drainage**

- B15. On completion of the drainage works and prior to commencement of operation, works-as-executed (WAE) plans certified by a Registered Surveyor must be submitted to the Department demonstrating that the drainage works have been completed in accordance with the approved plans. All relevant details are to be on the WAE plans and must be marked in red on a copy of the original plan approved at the Construction Certificate stage.



## Flooding

- B16. All finished floor levels must achieve a minimum 500 mm freeboard from the 100 year ARI flood level.

## Rainwater Harvesting

- B17. The Applicant must ensure that the rainwater reuse/harvesting system for the Development is designed, constructed and operated in accordance with the Civil Plans and *Stormwater Management Report* prepared by at&I (Revision 05 dated August 2016) at Appendix G of the EIS. A rainwater re-use plan is to be prepared and certified by an experienced hydraulic engineer. A signed works-as-executed Rainwater Re-use Plan is to be provided to Council prior to the issue of any Occupation Certificate.

## NOISE

### Construction Noise Management Plan

- B18. The Applicant must prepare a Construction Noise Management Plan (CNMP) for the Development to manage high noise generating works. The plan shall form part of the CEMP required by Condition C1 and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) be submitted to the satisfaction of the Secretary prior to the commencement of construction;
  - (c) describe procedures for achieving the noise management levels in the EPA's *Interim Construction Noise Guideline 2009*;
  - (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 e) above; and
  - (g) include a complaints management system that would be implemented for the duration of the Development.
- B19. The Applicant must ensure the CNMP (as revised and approved by the Secretary from time to time) is implemented for the duration of the construction works.
- B20. Construction activities associated with the Development must be undertaken during the following hours:
- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and
  - (b) 8:00 am to 1:00 pm Saturdays; and
  - (c) at no time on Sundays or public holidays.
- B21. Construction works outside of the standard construction hours identified in Condition B20 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers; or
  - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
  - (d) works agreed to in writing by the Secretary.
- B22. Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) must only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
  - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
  - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.
- For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.
- B23. The Development must be constructed with the aim of achieving the following construction vibration goals:
- (a) for structural damage, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration - effects of vibration on structures*; and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

- B24. Wherever practical, piling activities must be undertaken using quieter alternative methods than impact or percussion piling, such as bored piles or vibrated piles.
- B25. Where feasible and reasonable, noise mitigation measures must be implemented at the start of construction (or at other times during construction) to minimise construction noise impacts.

#### Construction Noise Limits

- B26. The Development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures 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 RTS.

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

#### Operational Noise Limits

- B27. The Applicant must ensure that noise generated by operation of the Development does not exceed the noise limits in **Table 1**.

**Table 1: Maximum Allowable Operational Noise Limits**

Location	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
L1 North of Warragamba Pipeline	37	37	37	47
L2 Horsley Park	39	39	39	49
L3 Kemps Creek, Mt Vernon, Jacfin and Capitol Hill	40	40	40	48

**Note:** Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

#### Noise Management

- B28. The Applicant must:
- implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the Development (including low frequency noise and traffic noise);
  - minimise the noise impacts of the Development during adverse meteorological conditions when noise criteria do not apply;
  - maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
  - regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.
- B29. Within three months of the commencement of operations, the Applicant must undertake noise monitoring and prepare a Noise Validation Report. The noise validation report must:
- be prepared by an appropriately qualified and experienced noise expert;
  - be submitted to the satisfaction of the Secretary;
  - include an analysis of compliance with noise limits specified in Condition B27;
  - include an outline of management actions to be taken to address any exceedances of the limits specified in Condition B27; and
  - include a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

#### ABORIGINAL HERITAGE

- B30. If unexpected Aboriginal objects are uncovered during earthworks, excavation or disturbance, the Applicant must cease works immediately and notify the OEH and obtain any necessary approvals to continue the works. The Applicant must comply with any request made by the OEH to cease works for the purpose of archaeological recording.

#### HISTORIC HERITAGE

- B31. If substantial intact archaeological deposits and/or State significant relics which were not previously identified are discovered during construction, the Applicant must:

- (a) immediately cease works in the affected area(s) and contact a suitably qualified and experienced archaeologist to assess the finds;
- (b) not commence work until the Heritage Council has confirmed works may continue within the affected area(s);
- (c) address any request for information made by the Heritage Council, and provide copies of this information to the Secretary; and
- (d) update any relevant plans or strategies, if required by the Secretary.

## **AIR QUALITY**

B32. The Applicant must:

- (a) implement best management practice, including all reasonable and feasible mitigation measures to prevent and minimise dust and odour emissions from the construction and operation of the Development; and
- (b) minimise any visible off-site air pollution that occurs as a result of the Development during its construction and operation.

## **Dust Minimisation**

B33. 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.

## **Energy Efficiency and Greenhouse Gases**

B34. The Applicant must include all sustainability measures outlined in the *Sustainability Management Plan, Oakdale South, Warehouse 3B – Toyota Facility* dated 30 March 2017 and prepared by SLR Consulting Australia Pty Ltd (as revised and approved by the Secretary from time to time) in the Construction Certificate drawings for the development prior to the issue of any Occupation Certificate.

## **HAZARDOUS AND DANGEROUS GOODS**

### **Dangerous Goods**

- B35. The storage of Dangerous Goods must not exceed the thresholds outlined in the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33*.
- B36. Dangerous Goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with all relevant Australian Standards.
- B37. The potential fuel load contained within the development must be appropriately assessed to ensure that the fire sprinkler system is appropriate for the hazard classification as defined in Australian Standard AS 2118.1-1999.

### **Bunding**

- B38. 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 the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

## **CONTAMINATION**

- B39. The Applicant must implement the *Unexpected Finds Protocol, Oakdale South Estate*, prepared by Aecom Australia Pty Ltd dated 9 September 2016 for the broader Oakdale South Industrial Estate (SSD 6917) to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Certifying Authority, prior to its removal from the site.

## WASTE

### Classification

- B40. The Applicant must ensure that any waste generated on the site is classified in accordance with the EPA's *Waste Classification Guidelines* (DECCW, 2009) or any superseding document, and disposed of to a facility that may lawfully accept the waste.

### Waste Management

- B41. The Applicant must implement the Waste and Recycling Management Plan at Appendix I of the EIS for the duration of construction works and for the operational life of the Development. The plan must form part of the OEMP required by Condition C4.
- B42. For the life of the Development, the Applicant must:
- (a) monitor the amount of waste generated by the Development;
  - (b) investigate ways to minimise waste generated by the Development; and
  - (c) implement reasonable and feasible measures to minimise waste generated by the Development in accordance with the *Waste and Recycling Management Plan* prepared by SLR Consulting Australia Pty Ltd and dated 27 July 2016.

## VISUAL AMENITY AND LANDSCAPING

### Landscaping and Vegetation Management

- B43. Within 3 months of commencement of construction works, the Applicant must prepare a Landscape Management Plan (LMP) for the Development. The plan must form part of the OEMP required by Condition C4, and:
- (a) be prepared in consultation with Council and to the satisfaction of the Secretary;
  - (b) detail any landscaping treatments;
  - (c) be in accordance with the Landscape Plans contained in the EIS and Condition B44;
  - (d) demonstrate landscaping will be in accordance with the relevant Australian Standards and Agriculture NSW' requirements for weed management and noxious weeds; and
  - (e) describe measures to maintain landscaping and vegetation on the site for the life of the Development.
- B44. The 42 Spotted Gums (*Corymbia maculata*) along the eastern boundary of the site must be a minimum pot size of 75L and are to be staked and regularly maintained for a minimum of 12 months.
- B45. The Applicant must ensure all landscaping identified in the approved LMP and as required by Condition B44 is installed prior to the issue of any Occupation Certificate. All landscaping remaining under private ownership must be maintained by the Applicant over the life of the Development.

### Lighting

- B46. The Applicant must ensure all outdoor lighting associated with the Development:
- (a) complies with the latest version of AS 4282 (INT) - *Control of Obtrusive Effects of Outdoor Lighting*; and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Signage and Fencing

- B47. All signage and fencing must be erected in accordance with the Development plans included in the EIS as amended by the RTS.

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

### Reflectivity

- B48. The visible light reflectivity from building materials used in the facades of the buildings must not exceed 20 per cent and must be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### **Service Conduits**

- B49. Service conduits located on the external façades of the buildings must not be exposed, and must be screened from view.

### **TRANSMISSION REQUIREMENTS**

- B50. TransGrid must be notified of the intended construction commencement date prior to the commencement of construction.
- B51. No works are permitted within a 30 metre exclusion zone around the TransGrid transmission towers. In the event of any damage to the towers earthing straps, works must immediately cease and TransGrid contacted.
- B52. Height restrictors must be fitted to all plant and equipment operating in the easement capable of exceeding the 4.2 metre height restriction.
- B53. Heavy vehicle parking is not permitted within the TransGrid easement.
- B54. All works are to be carried out in accordance with the NSW WorkCover *Work Near Overhead Power Lines* Code of Practice 2006 and accompanying *TransGrid Easement Guidelines for Third Party Development*.
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## **PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Construction Environmental Management Plan**

- C1. The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP must:
- (a) be approved by the Secretary prior to the commencement of construction;
  - (b) be prepared in consultation with Council;
  - (c) identify the statutory approvals that apply to the Development;
  - (d) outline all environmental management practices and procedures to be followed during construction works associated with the Development;
  - (e) describe all activities to be undertaken on the site during construction of the Development, including a clear indication of the construction stages;
  - (f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (g) describe the roles and responsibilities for all relevant employees involved in construction works associated with the Development; and
  - (h) at a minimum, include all management plans specified under Condition D2 of this consent.
- C2. As part of the CEMP for the Development, required under Condition D1 of this consent, the Applicant must include the following:
- (a) construction Traffic Management Plan (see Condition B1);
  - (b) construction soil and Water Management Plan (see Condition B12);
  - (c) unexpected finds protocol (see Condition B39); and
  - (d) community consultation and complaints handling.
- C3. The approved CEMP (as revised and approved by the Secretary from time to time) must be implemented by the Applicant for the duration of the construction works.

#### **Operational Environmental Management Plan**

- C4. The Applicant must prepare an Operational Environmental Management Plan (OEMP) to the satisfaction of the Secretary. The OEMP must:
- (a) be submitted to the Secretary for approval prior to the commencement of operation;
  - (b) provide the strategic framework for environmental management of the Development;
  - (c) identify the statutory approvals that apply to the Development;
  - (d) include a copy of all relevant management plans and monitoring programs under this consent;
  - (e) outline all environmental management practices and procedures to be followed during operation;
  - (f) describe all activities to be undertaken on the site during operation;
  - (g) detail how the environmental performance of the operation of the Development will be monitored, and what actions will be taken to address identified, adverse environmental impacts;
  - (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development; and
  - (i) describe the procedures that will be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise during the course of the Development;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies;
    - (vi) include copies of any strategies, plans and programs approved under the conditions of this consent; and
    - (vii) a clear plan depicting all monitoring required to be carried out under the conditions of this consent.
- C5. The approved OEMP (as revised and approved by the Secretary from time to time) must be implemented by the Applicant for the duration of the Development.

## ENVIRONMENTAL REPORTING

### Incident Reporting

- C6. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant must immediately (or as soon as practical thereafter) notify the Secretary and other relevant agencies of the exceedance/incident. Within seven days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

- C7. The Applicant must provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## ACCESS TO INFORMATION

- C8. The Applicant must make the following information publicly available on its website and keep the information up to date:
- (a) the EIS;
  - (b) current statutory approvals for the Development;
  - (c) approved strategies, plans or programs;
  - (d) a complaints register, updated on an annual basis; and
  - (e) any other matter required by the Secretary.

**Note:** This condition does not require any confidential information to be made available to the public.

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## APPENDIX A - SCHEDULE OF APPROVED DRAWINGS

Drawing No.	Issue	Date	Title
<b>Architectural Drawings Prepared by SBA Architects</b>			
OAK TOY DA 00	D	5 August 2016	Cover Sheet
OAK TOY DA 01	J	3 February 2017	Site Plan
OAK TOY DA 02	J	5 August 2016	Warehouse Plan
OAK TOY DA 03	H	5 August 2016	W/H Mezzanine Plan
OAK TOY DA 04	G	5 August 2016	Roof Plan
OAK TOY DA 05	J	3 February 2017	Office Plan – Ground Floor
OAK TOY DA 06	H	5 August 2016	Office Plan – First Floor Dock Office – Ground and First Floor
OAK TOY DA 07	D	5 August 2016	Warehouse Elevations
OAK TOY DA 08	C	5 August 2016	Warehouse Sections
OAK TOY DA 09	G	5 August 2016	Elevations Office
OAK TOY DA 10	C	5 August 2016	Signage Details
<b>Landscape Drawings Prepared by Site Image Landscape Architects</b>			
000	B	21 July 2016	Cover Sheet
001	B	21 July 2016	Landscape Site Plan
101	B	21 July 2016	Landscape Plan
102	B	21 July 2016	Landscape Plan
103	B	21 July 2016	Landscape Plan
104	B	21 July 2016	Landscape Plan
501	B	21 July 2016	Landscape Plan



## APPENDIX B - MANAGEMENT AND MITIGATION MEASURES

Key Matter	SSDA Component	Proposed Mitigation Measure
Development Consent SSD 6917	Design/ Construction/Operation	Imposition of conditions where relevant to ensure a consistent approach for all development across the OSE.
Traffic and Transport		
Traffic Generation (Construction)	Construction	Adoption of a Transport Management Plan (CTMP) will mitigate impacts arising from the demolition and construction stage of development.
Traffic Generation (Operational)	Operation	A sustainable travel plan will be adopted providing measures by which to promote alternative travel choices and reduce private vehicle usage of employees commuting to the site in accordance with the Condition C9 of SSD 6917.  Impacts from the quantum of traffic likely to be generated by the site have been accounted for in the previous Concept and Stage 1 application assessment. Road safety and capacity is therefore considered to be acceptable.  No road or intersection upgrades, beyond those being undertaken as part of the approved Concept and Stage 1 SSDA and section 96 modification applications are required to accommodate the proposal.  Proposed car parking meets the minimum requirements according to the approved rates provided within SSD 6917.  The proposed access arrangements will comply with the relevant Australian Standards with consideration of appropriate intersection location, suitable access design to accommodate the intended use and adequate sight distance to vehicles and pedestrians on public roads
Dangerous Goods	Operation	Mitigation for impacts resulting from incidents will be managed through the adoption on of the Dangerous Goods Transport Incident Management Strategy prepared by Goodman and included at Appendix M of this EIS

Key Matter	SSDA Component	Proposed Mitigation Measure
Urban Design and Visual	Design	<p>Proposed layout will be according to the layout as proposed to be modified by the concurrent s 96 application to the Stage 1 SSDA 6917.</p> <p>The proposed building has been setback further than the minimum required from street frontages to accommodate truck, staff and visitor parking zones, thus lessening the warehouse building's visual imposition on the streetscape</p> <p>Landscaping will be provided along the street frontages and will incorporate endemic species as detailed within the landscaping plans at Appendix E.</p>
Visual Impacts	Design/Operation	<p>Proposed warehouse building has been designed to be below the maximum permissible height of 15m.</p> <p>Neutral colours to be used to warehouse buildings and facades with additional swatches of "Toyota" Red.</p> <p>All signage will face Estate Road 4 and 1 and well below the maximum permissible building height of 15m</p> <p>The proposed Toyota building will be obscured from key views by other development within the OSE as assessed in the VIA. Nevertheless views to the OSE will be mitigated by the acoustic wall and increased 30m landscape buffer with 5m landscaped mound serves to mitigate the visual impacts in along the southern boundary approved by SSD 6917.</p>
Reflectivity	Design/Construction	<p>As per Condition C14 of Consent 6917 for the Concept and Stage 1 Development The visible light reflectivity from building materials used in the facades of the buildings will not exceed 20 per cent and will be designed so as to minimise glare.</p> <p>A report demonstrating compliance with these requirements will be submitted to the satisfaction of the Certifying Authority for each future warehouse building prior to the issue of the relevant Construction</p>

Key Matter	SSDA Component	Proposed Mitigation Measure
Outdoor Lighting	Design/Operation	<p>Certificate.</p> <p>Development to comply with AS/N21158.3:1999 Pedestrian Area (Category P) Lighting and A54282:1997 Control of Obtrusive Effects of Outdoor Lighting</p>
Cut and Fill	Construction	<p>All additional fill utilised on the site will be classified as VENM or ENM.</p> <p>Site drainage works will account for the proposed pad level and will ensure drainage to the Estate system.</p>
Noise and Vibration	Construction	<p>Construction works to be undertaken only within the approved construction hours for the OSE SSDA, being:</p> <ul style="list-style-type: none"> <li>- Monday to Friday 7.00 am to 6.00 pm.</li> <li>- Saturday 8.00 am to 1.00 pm.</li> </ul> <p>The specific conditions relating to mitigating impacts from construction noise will be reflected within the CEMP which is submitted with this SSDA.</p> <p>The CEMP will also include the following additional mitigation measures</p> <ul style="list-style-type: none"> <li>• Avoiding the coincidence of noisy plant working simultaneously close together</li> <li>• Equipment which is used intermittently is to be shut down when not in use.</li> <li>• Where possible, equipment with directional noise emissions should be oriented away from sensitive receivers.</li> <li>• Regular compliance checks on the noise emissions of all plant and machinery used for the proposal.</li> <li>• Ensure non-tonal reversing alarms are utilised on all items of plants and heavy vehicles used for construction.</li> <li>• Any permanent noise walls should be constructed as early as practicable during the construction phase of the OSE to assist in reducing construction noise impacts.</li> </ul>

Key Matter	SSDA Component	Proposed Mitigation Measure
	Operation	<p>Noise generated by the operation of the Development does not exceed the noise limits approved in Consent SSD 6917 for the Concept and Stage 1 development of the OSE.</p> <p>Noise walls approved in SSD 6917 must be constructed, prior to the commencement of operation of the Toyota facility.</p> <p>Noise validation reports are prepared prior to the construction the warehouse building to demonstrate that operation of the mechanical plant meets the noise limits approved in Consent SSD 6917 for the Concept and Stage 1 development of the OSE.</p> <p>Noise management should be undertaken in accordance with Consent SSD 6917 as follows to prevent and minimise noise and vibration during the operation of the development this may include the preparation of a site specific noise management plan.</p>
Vibration Impacts	Construction	<p>The Development will constructed with the aim of achieving the following construction vibration goals approved in Consent SSD 6917 for the Concept and Stage 1 development of the OSE:</p> <p>(a) for structural damage, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures; and</p> <p>(b) for human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)</i>.</p> <p>Wherever practical, piling activities must be undertaken using quieter alternative methods than impact or percussion piling, such as bored piles or vibrated piles.</p>
Noise Verification – External Mechanical Plant	Operation	<p>In accordance with Condition E37 of the OSE Consent a Noise Validation Report (NVR) will be prepared to demonstrate that operation of the external mechanical plant meets the noise limits in Condition E35 of the OSE Consent 6917.</p>

Key Matter	SSDA Component	Proposed Mitigation Measure
Soils and Water		
Erosion and Sediment Control	Construction	<p>Erosion and sediment controls as detailed within the Civil Plans and Report at Appendix G will be implemented through the CEMP.</p> <p>The erosion control measures proposed for the site will comply with the requirements of Penrith City Council and The Department of Environment, Climate Change and Water (DECC).</p> <p>The proposed SWMP will ensure that the best management practice is applied to the development site in controlling and minimising the negative impacts of soil erosion</p> <p>Earthworks on the site will be minimal in order to achieve refined site levels. All additional fill utilised on the site will be classified as VENM or ENM</p> <p>The CEMP shall include the recommended measures to mitigate erosion and sedimentation impacts prior to rainfall, as detailed in the Civil Report</p> <p>Stormwater drainage infrastructure will be constructed to manage stormwater and connect to the overall site stormwater management system for the OSE.</p> <p>Stormwater and drainage will be directed away from electricity transmission easement.</p> <p>The proposed on site stormwater system has been designed to connect to the approved estate-wide stormwater system and comply with the following:</p> <ul style="list-style-type: none"> <li>• Penrith City Council Design Guidelines for Engineering Works;</li> <li>• Penrith City Council Water Sensitive Urban Design (WSUD) Policy December 2013; and</li> <li>• C3 Water Management DCP.</li> </ul> <p>A gross pollutant trap (GPT) will be installed within the development site on the final downstream stormwater pit prior to discharging off site. GPTs will be owned and maintained by the individual property owner.</p> <p>Finished Floor Levels (FFL) will have a minimum 500mm freeboard to 100 year overland flows.</p> <p>Rainwater tank will be 50KL in accordance with the Penrith City Council C3 Water Management DCP.</p>
Earthworks	Construction	
Stormwater Management	Construction/Operation	

Key Matter	SSDA Component	Proposed Mitigation Measure
Salinity Management	Construction	Implement the recommendations outlined in the Salinity Management Plan prepared by Pells Sullivan Meynink, reference PSM1541-113L Rev 3, dated 9 September 2015.
Air Quality	Operation	No mitigation measures are required.
	Construction	CEMP will include all air quality management measures within the Air Quality report at Appendix H. This includes controlling <ul style="list-style-type: none"> <li>Ambient dust emissions</li> <li>Emissions from plant and machinery</li> <li>Emissions from fuel storage areas</li> <li>Emissions from contaminated soils/odour mitigation</li> </ul>
Waste	Construction	A Waste Management Plan has been prepared and is included at Appendix I. This plan will be adopted and incorporated into the CEMP to be prepared.
	Operation	A Waste Management Plan has been prepared and is included at Appendix I. This plan will be adopted for the operational life of the development.
Heritage	Construction	<p>A CEMP and accompanying unexpected finds procedure will provide a method to manage potential heritage constraints and unexpected finds during construction works. Aspects of site area protection that should be included in the CEMP include:</p> <ul style="list-style-type: none"> <li>- Establishing no-harm areas where appropriate. Depending on the nature and timing of works in the vicinity of identified Aboriginal sites that will not be impacted by the proposed works, it may be appropriate to establish visual markers around no-harm areas to avoid inadvertent impacts.</li> <li>- Nature of the visual markers around no-harm areas. The CEMP should document that type of visual marker will be put in place, such as temporary fencing, high visibility tape and temporary signage.</li> <li>- Provide clear guidance to all site workers on access restrictions to no-harm areas.</li> <li>- Unexpected finds procedure will include: if Aboriginal objects are identified during construction,</li> </ul>



Key Matter	SSDA Component	Proposed Mitigation Measure
Historical Archaeology	Construction	<p>work should stop immediately and DLALC, OEH and an archaeologist contacted to identify and record the objects.</p> <p>A CEMP and accompanying unexpected finds procedure will provide a method to manage potential heritage constraints and unexpected finds during construction works as follows.</p> <ul style="list-style-type: none"> <li>- If unexpected archaeological finds are discovered during the proposed works, work should cease in the affected area and a qualified archaeologist engaged to assess the significance of the remains. Further archaeological work may be required prior to works recommencing in the affected area.</li> </ul>
Greenhouse Gas and Energy Efficiency	Design/ Construction/Operation	<p>Adoption of commitments identified within the Sustainability Management Plan by SLR Consulting at Appendix K. These measures have been incorporated into the design so to achieve a minimum of 30% energy reduction.</p> <p>All commitments must be included and shown clearly on the plans to be submitted to the PCA prior to the issue of a Construction Certificate.</p>
Ecologically Sustainable Development	Design/ Construction/Operation	<p>Adoption of commitments identified within the Sustainability Management Plan by SLR Consulting at Appendix K.</p> <p>All commitments must be included and shown clearly on the plans to be submitted to the PCA prior to the issue of a Construction Certificate.</p>
Building Code of Australia		<p>All building work is to be undertaken in accordance with the Building Code of Australia and referenced Australian Standards.</p>
As per Condition C9 of Consent SSD 6917 – future Development Applications for the construction of buildings shall demonstrate compliance with the BCA as relevant.		<p>All construction documentation and building work is to be certified in accordance with the relevant provisions of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Fire Safety	Construction	<p>Undertake the development in accordance with the BCA and Fire Safety Strategy which details likely passive, active and management requirements to enable the design to meet the performance requirements of the BCA</p>

Key Matter	SSDA Component	Proposed Mitigation Measure
TransGrid Easement	Design/Construction	In accordance with Condition E74 prior to the issue of any Construction Certificate design drawings will be prepared in consultation with TransGrid demonstrating that stormwater accumulated on-site is directed away from the Transgrid easement.



## APPENDIX C – SATISFACTORY ARRANGEMENTS CERTIFICATE

