

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 9 March 2020, 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.



Mike Young
Executive Director
Energy, Industry and Compliance

Sydney

30 November 2020

File: EF20/26150

SCHEDULE 1

Application Number:	SSD-8586218
Applicant:	ESR Developments (Australia) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Proposed Lot 4 of the Bringelly Road Business Hub (Lot 11 DP 29104)
Development:	Construction and operation of a light industrial building, encompassing a temperature controlled warehouse facility including: <ul style="list-style-type: none">• ancillary office and amenities• car parking• landscaping.

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DEFINITIONS

Applicant	ESR Developments (Australia) Pty Ltd, or any person carrying out any development to which this consent applies
AAAC	Association of Australasian Acoustical Consultants
BCA	Building Code of Australia
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
CEMP	Construction Environmental Management Plan
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Liverpool City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment (DPIE)
Development	The activities as described in Schedule 1, the EIS and response to submissions, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group of DPIE
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement SSD-8586218</i> , prepared by Ethos Urban, dated 27 August 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
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 <i>Telecommunications Act 1997</i> (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
Heritage NSW	Heritage NSW division within Department of Premier and Cabinet
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: <ul style="list-style-type: none"> 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
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The light industrial building, encompassing a temperature controlled warehouse facility, as described in the EIS and RTS
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The 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-8586218</i> , prepared by Ethos Urban and dated 14 October 2020
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
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) and A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and 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 before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
 - (b) operation; and
 - (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 before the commencement of each stage (or other timeframe agreed with the Planning Secretary), 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.

STRUCTURAL ADEQUACY

- A14. 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, including the general fire safety provisions.

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

- A15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A16. 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

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A18. 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.

- A19. 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.

UTILITIES AND SERVICES

- A20. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A21. 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*.
- A22. Before the issue 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.
- A23. 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.

WORKS AS EXECUTED PLANS

- A24. Before the issue of the Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- A25. 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.
- A26. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

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

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (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.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B3. Prior to the commencement of operation, the Applicant must complete the vehicle crossings connecting to Skyline Crescent and any other works in a public road, in accordance with Council's specifications and to the satisfaction of the roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

Parking

- B4. 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

- B5. 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) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Bicycle Parking

- B6. A minimum of nineteen (19) fixed bicycle hoops (or similar) are to be provided for the operational life of the development as indicated on development plans and, in accordance with the applicable design standards contain in AS 2890.3: 2015 *Bicycle parking facilities* (Standards Australia, 2015).

FIRE PROTECTION AND MANAGEMENT

Asset Protection Zones

- B7. From the commencement of building works, and in perpetuity, the Applicant must manage the entire site as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:
- (a) tree canopy cover should be less than 15% at maturity;
 - (b) trees at maturity should not touch or overhang the building;
 - (c) lower limbs should be removed up to a height of 2m above the ground;
 - (d) tree canopies should be separated by 2 to 5m;
 - (e) preference should be given to smooth barked and evergreen trees;
 - (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - (g) shrubs should not be located under trees;
 - (h) shrubs should not form more than 10% ground cover;
 - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - (j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - (k) leaves and vegetation debris should be removed.

Property Access

- B8. Property access roads must comply with the following requirements of Table 7.4a of Planning for Bush Fire Protection 2019:
- (a) property access roads are two-wheel drive, all-weather roads;
 - (b) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating;
 - (c) hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
 - (d) there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - (e) minimum 4m carriageway width;
 - (f) a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - (g) property access must provide a suitable turning area in accordance with Appendix 3;
 - (h) curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - (i) the minimum distance between inner and outer curves is 6m; and
 - (j) the crossfall is not more than 10 degrees.

Service and Utilities

- B9. The provision of water, electricity and gas must comply the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:
- (a) reticulated water is to be provided to the development where available;
 - (b) all above-ground water service pipes external to the building are metal, including and up to any taps;
 - (c) where practicable, electrical transmission lines are underground;
 - (d) where overhead, electrical transmission lines are proposed as follows:
 - (i) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - (ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guidelines for Managing Vegetation Near Power Lines*.
 - (e) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;

- (f) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- (g) connections to and from gas cylinders are metal;
- (h) polymer sheathed flexible gas supply lines are not used; and
- (i) above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation

- B10. Prior to the commencement of operation, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan which is consistent with the NSW Rural Fire Service document 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.' The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants. The Applicant must implement the most recent version of the Bush Fire Emergency Management and Evacuation Plan for the duration of the development.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B11. 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

- B12. 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

- B13. 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

- B14. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that water discharged from the site comply with Council's water quality standards prior to being discharged downstream into Bedwell Park Wetland;
 - (e) provide water quality treatment works designed using MUSIC modelling software and verify the performance of the water quality treatment works using Council's MUSIC-link; and
 - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

AIR QUALITY

Dust Minimisation

- B15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B16. 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.

Air Quality Discharges

B17. The Applicant must install and operate equipment in line with best practice.

Odour Management

B18. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

B19. 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
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

B20. Works outside of the hours identified in condition B19 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B21. 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.

Road Traffic Noise

B22. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

Operational Noise Management Plan

B23. Prior to commencement of operation, the Applicant must prepare a Noise Management Plan (NMP) to the satisfaction of the Planning Secretary. The NMP must identify and implement strategies to minimise noise from the development and must:

- (a) be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm;
- (b) describe approaches for promoting noise awareness by staff and drivers;
- (c) include measures to minimise noise from the airbrakes of heavy vehicles during the operation of the development between 10 pm and 7 am Monday to Sunday;
- (d) incorporate training procedures;
- (e) include a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues;
- (f) provide an ongoing review process and a plan for responding to noise complaints; and
- (g) specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts.

B24. The Applicant must:

- (a) not commence operation until the NMP required by condition B23 is approved by the Planning Secretary; and
- (b) implement the most recent version of the NMP approved by the Planning Secretary for the duration of the development.

HAZARDS AND RISK

- B25. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals, fuels and oils are liquids.
- B26. In the event of an inconsistency between the requirements B25(a) and B25(b) the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- B27. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.
- B28. Before the commencement of construction, the Applicant must consult with Jemena to ensure that Jemena's existing high pressure gas pipelines can continue to comply with Australian Standard 2885 Pipelines – Gas and liquid petroleum (AS 2885).

WASTE MANAGEMENT

Pests, Vermin and Priority Weed Management

- B29. 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 as the term in the Biosecurity Act 2015.

Waste Storage and Processing

- B30. 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

- B31. 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.
- B32. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

VISUAL AMENITY

Landscaping

- B33. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) detail the species to be planted on-site;
 - (b) include a diversity of native trees, shrubs and groundcover species from the local native vegetation community;
 - (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
 - (d) detail how the landscaping on-site will comply with the principles of Planning for Bushfire Protection 2019;
 - (e) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2; and
 - (f) be consistent with amended site plan no. DA101 Rev. E, particularly in regard to vegetation buffer to Stuart Road.
- B34. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
 - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B33 for the life of the development.

Lighting

B35. 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

B36. The signage described in the EIS, RTS and shown on the approved drawing set does not form part of this consent.

B37. All fencing must be erected in accordance with the development plans included in the EIS.

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

ABORIGINAL HERITAGE

B38. 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.

B39. 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*.

HISTORIC HERITAGE

Unexpected Finds Protocol

B40. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert and in accordance with the requirements of Heritage NSW.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Erosion and Sediment Control Plan; and
 - (c) 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of an incident report under condition C7;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) 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 and the Planning Secretary must be notified in writing that a review is being carried out.
- C6. 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

- C7. 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

- C8. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C9. 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.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Monitoring and Environmental Audits

- C11. 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

- C12. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Job No.	Drawing No.	Rev.	Date	Title
Architectural Drawings by SBA Architects				
20150	DA100	B	16/11/2020	Location Plan
20150	DA101	E	16/11/2020	Site Plan
20150	DA201	B	16/11/2020	Warehouse Plan
20150	DA202	B	16/11/2020	Roof Plan
20150	DA203	B	16/11/2020	Warehouse Elevations
20150	DA210	A	14/08/2020	Office - Ground Floor Plan
20150	DA211	A	14/08/2020	Office - Level 1 Plan
20150	DA214	A	14/08/2020	Office - Elevations
20150	DA215	A	14/08/2020	Office - Sections
20150	DA220	A	14/08/2020	Dock Office Plans
20150	DA221	A	14/08/2020	Dock Office Elevations
20150	DA305	B	16/11/2020	Warehouse Sections - 1
20150	DA400	A	14/08/2020	Typical Details - Dock
20150	DA401	A	14/08/2020	Typical Details RSD/RRD
20150	DA900	C	16/11/2020	Area Plans
Civil Plans prepared by Costin Roe Consulting Pty Ltd				
	CO11994.10-DA10	C	14/08/2020	Drawing List & General Notes
	CO11994.10-DA20	D	02/10/2020	Erosion and Sediment Control Plan
	CO11994.10-DA25	C	14/08/2020	Erosion and Sediment Control Details
	CO11994.10-DA30	B	14/08/2020	Bulk Earthworks Plan
	CO11994.10-DA35	B	14/08/2020	Bulk Earthworks Sections - Sheet 1
	CO11994.10-DA36	B	14/08/2020	Bulk Earthworks Sections - Sheet 2
	CO11994.10-DA41	C	14/08/2020	Stormwater Drainage Plan - Sheet 1
	CO11994.10-DA42	C	14/08/2020	Stormwater Drainage Plan - Sheet 2
	CO11994.10-DA45	B	14/08/2020	Stormwater Drainage Details - Sheet 1
	CO11994.10-DA46	B	14/08/2020	Stormwater Drainage Details - Sheet 2
	CO11994.10-DA51	C	14/08/2020	Finished Levels Plan - Sheet 1
	CO11994.10-DA52	C	14/08/2020	Finished Levels Plan - Sheet 2
	CO11994.10-DA55	B	14/08/2020	Typical Sections
Landscape Plans Prepared by Site Image Landscape Architects				
SS20-4497	DA 000	A	14/10/2020	Landscape Cover Sheet
SS20-4497	DA 101	A	14/10/2020	Landscape Plan
SS20-4497	DA 102	A	14/10/2020	Landscape Plan
SS20-4497	DA 103	A	14/10/2020	Landscape Plan
SS20-4497	DA 104	A	14/10/2020	Landscape Plan
SS20-4497	DA 105	A	14/10/2020	Landscape Plan
SS20-4497	DA 201	A	14/10/2020	Landscape Plan Amenity Area
SS20-4497	DA 501	A	14/10/2020	Landscape Details

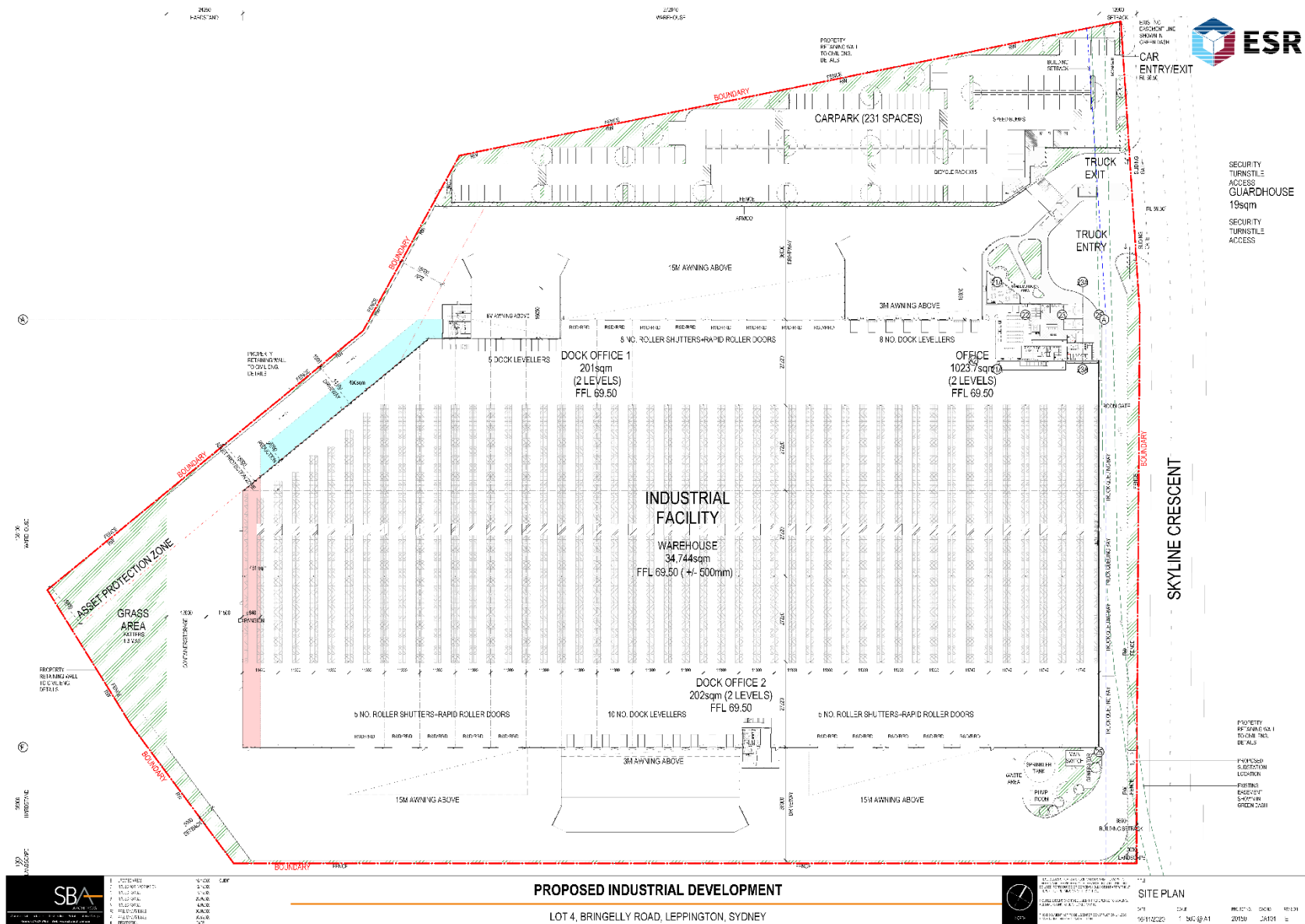


Figure 1: Site Plan(s)

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Mitigation Measures

Construction Impacts

- A detailed Construction Management Plan is to be prepared prior to the issue of a Construction Certificate.

Bushfire Risk

- The following ember protection measures are to be included within the design and construction of the buildings:
 - Weepholes, vents and openable portions of windows be screened against the entry of embers with steel mesh with maximum aperture of 2 mm;
 - Weather strips to external doors or similar measure to prevent the entry of embers through gaps greater than 3 mm; and
 - Nylon brush seals around roller doors or similar measure to prevent the entry of embers through gaps greater than 3 mm.
- Landscaping to be maintained in perpetuity to the detailed specifications in Section 3 of the Bushfire Protection Assessment at **Appendix J**.
- An Emergency and Evacuation Plan to be prepared consistent with RFS guides titled Preparation of Emergency/Evacuation Plan.

Traffic Impacts

- It is anticipated that full design compliance with the relevant Australian Standards would form a standard Condition of Consent further to approval, which will also provide for any minor design changes if required.

Construction Acoustic Impact

Scheduling Phase:

- Wherever possible, highly noisy intensive works should only be undertaken during the following hours, unless otherwise assessed and justified:
 - 7 am to 6 pm Mondays to Fridays, inclusive; and
 - 8 am to 1 pm Saturdays; and
 - At no time on Sundays or public holidays.
- Provide respite periods when noisy works are undertaken outside standard hours of construction or during periods where high noise impacts are likely.
- Carry out community consultation to determine the need and frequency of respite periods, if necessary.
- Avoid loading and unloading of materials / deliveries outside of daytime hours.

Site Layout:

- Site entry and exit points should be located as far as possible from sensitive receivers.
- Compounds and work areas should be designed to as one-way to minimise the need for vehicles to reverse.
- Work compounds, parking areas, equipment and stockpiles should be positioned away from noise-sensitive locations and/or in shielded locations.
- Trucks should not idle near to residential receivers.
- Stationary sources of noise, such as generators, should be located away from sensitive receivers.

Contractor Management:

- Training should be provided to project personnel, including relevant sub-contractors, on noise and vibration requirements and the location of sensitive receivers during inductions and toolbox talks.
- Delivery vehicles should be fitted with straps rather than chains for unloading, wherever possible.
- Truck drivers should avoid compression braking as far as practicable.
- Where night-time works are required, trucks should use broadband reversing alarms.

Noise Source Mitigation:

- Use the minimum sized equipment necessary to complete the work and where possible, use alternative, low-impact construction techniques.

Mitigation Measures

- Power tools should use mains power where possible rather than generators.
- Shut down machinery, including generators, when not in operation.
- Avoid dropping materials from a height and dampen or line metal trays, as necessary.
- Ensure equipment is operated in the correct manner.
- All equipment should be appropriately maintained and fitted with noise control devices, where practicable, including acoustic lining of engine bays and air intake / discharge silencers, etc.
- Where possible, use dampened 'city' bits on jackhammers and rock breakers.

Community Consultation:

- Provide appropriate notice on the Bringelly Road Business Hub website prior to starting works.
- Provide signage with a 24 hour contact number.
- Where there are complaints regarding noise, review and implement additional control measures, where feasible and reasonable.

Monitoring:

Conduct noise and/or vibration monitoring in response to any valid complaints received.

Air Quality

Communications:

- Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager.
- Display the head or regional office contact information.
- Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the Local Authority.

Site Management:

- Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
- Make the complaints log available to the local authority when asked.
- Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the log book.

Monitoring:

- Perform daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary.
- Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority when asked.
- Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.

Preparing and Maintaining the Site:

- Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible.
- Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period.
- Avoid site runoff of water or mud.
- Keep site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below.
- Cover, seed or fence stockpiles to prevent wind erosion.

Operating Vehicle/Machinery and Sustainable Travel:

- Ensure all on-road vehicles comply with relevant vehicle emission standards, where applicable.

Mitigation Measures

- Ensure all vehicles switch off engines when stationary - no idling vehicles.
- Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable.
- Impose and signpost a maximum-speed-limit of 20 km/h on surfaced and 10 km/h on unsurfaced haul roads and work areas.

Operations:

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/ mitigation, using non-potable water where possible and appropriate.
- Use enclosed chutes and conveyors and covered skips.
- Minimise drop heights from loading shovels and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.
- Ensure equipment is readily available on site to clean any dry spillages, and clean up
- spillages as soon as reasonably practicable after the event using wet cleaning methods.

Waste Management:

- Avoid bonfires and burning of waste materials.

Construction:

- Avoid scabbling (roughening of concrete surfaces) if possible.
- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.

Trackout:

- Use water-assisted dust sweeper(s) on the access and local roads to remove, as necessary, any material tracked out of the site.
- Avoid dry sweeping of large areas.
- Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.
- Record all inspections of haul routes and any subsequent action in a site log book. Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).

Waste:

- During the construction phase, a qualified and certified contractor should be engaged to remove all contaminated or hazardous materials, for example, asbestos, and dispose of all contaminated or hazardous waste at an appropriately licenced facility.
- Packing waste to be returned to the suppliers where possible. Standard pallets are recommended to be returned to their owners and non-standard and broken pallets are to be stockpiled and collected as required by a private waste contractor.
- The architectural drawings (at Appendix B) should be updated to show the anticipated specifications for a waste collection room.

Social Impact

- Ongoing engagement measures be adhered to consistent with Section 4 of the Engagement Report submitted at Appendix D.

APPENDIX 3 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 C7 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.