

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Chris Wilson (Chair)
Member of the Commission

Wendy Lewin
Member of the Commission

Prof Chris Fell AM
Member of the Commission

Sydney

11 November 2019

File: J12/06640

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD 5248
Applicant:	Gazcorp Pty Ltd
Consent Authority:	Independent Planning Commission
Site:	Lot 5 DP 24094 813-913 Wallgrove Road, Horsley Park NSW 2175 Fairfield City Council local government area
Development:	The Staged Development Application for the Gazcorp Industrial Estate comprised of: A Concept Proposal with: • 218,628 square metres (m²) of gross floor area (GFA) comprised of 207,924 m² of warehouse/industrial uses and 10,704 m² of ancillary office space; • 14 warehouse buildings; and • Conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements. A Stage 1 Development Application including: • Clearing of vegetation and undertaking of bulk earthworks across the entire site; • Construction of internal estate roads, water, sewer, telecommunications, and gas infrastructure; • Construction of stormwater management devices; • Installation of estate landscaping; • Construction and operation of a 45,225 m² warehouse and distribution building, including 3,066 m² of ancillary office space; and • Intersection works in Wallgrove Road.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-5248-Mod-1	23 December 2021	Director, Industry Assessments	Modifications to: Concept Plan • a revised layout with 14 warehouse buildings • increase in gross floor area from 211,550 m² to 218,735 m² Stage 1 Development Application • undertaking bulk earthworks and • installation of utilities and services across the site
SSD-5248-Mod-2	22 December 2022	Director, Industry Assessments	Modifications to: Concept Plan • a revised layout and subdivision plan • decrease in gross floor area from 218,735 m² to 218,628 m² • increase in building height for Lot 11/12 from 14 m to 15 m

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DEFINITIONS

ACHMP	Aboriginal Cultural Heritage Management Plan
Applicant	Gazcorp Pty Ltd, or any person carrying out any development to which this consent applies
ARI	Average Recurrence Level
CAQMP	Construction Air Quality Management Plan
CEMP	Construction Environmental Management Plan
Certifying Authority	Means a person who is authorised by or under section 6.17 of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates
CNMP	Construction Noise Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Fairfield City Council
CTMP	Construction Traffic Management Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and RtS, including construction and operation of 16 warehouse buildings, offices and associated infrastructure, as modified by the conditions of this consent and shown on the plans in Appendix 1 and Appendix 2
Development layout	The plans at Appendix 1 and Appendix 2 of this consent
Dol	(former) NSW Department of Industry
DPIE Water	Water Group of the Department (former Department of Industry – Lands & Water Division)
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement – Gazcorp Industrial Estate Western Sydney Employment Area</i> , prepared by JBA Urban Planning Consultants Pty Ltd dated February 2014, 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	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
ESD	Ecologically Sustainable Development
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 NSW	Heritage NSW, Community Engagement, Department of Premier and Cabinet
Heritage item	An item as defined under the <i>Heritage Act 1977</i> (NSW), 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> (NSW), the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the

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	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
LMP	Landscape Management Plan
Material harm	Is harm that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - 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
Modification Application	The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act: a) the Section 4.55(2) modification application SSD-5248-MOD-1 prepared by Ethos Urban, dated 12 April 2021 (Ref: 2200495) b) the Section 4.55(2) modification application SSD-5248-MOD-2 prepared by Ethos Urban, dated 31 March 2022
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
NCC	National Construction Code
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NVR	Noise Verification Report
OEMP	Operational Environmental Management Plan
ONVR	Operational Noise Verification Report
Operation	The use of warehouse buildings for packing, loading, unloading, storing and distribution of consumer goods or any other industrial use upon completion of construction
OTMP	Operational Traffic Management Plan
OWMP	Operational Water Management Plan
Planning Secretary	The Secretary of the Department of Planning, Industry and Environment, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
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 “Aboriginal cultural heritage consultation requirements for proponents 2010” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
RMP	Refuse Management Plan
RMS	(former) NSW Roads and Maritime Services (now TfNSW)
Roads Authority	As defined in Dictionary of the <i>Roads Act 1993</i> (NSW)
RtS	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.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1 of this consent

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SLR	(Proposed) Southern Link Road as shown in the WSEA SEPP and the broader WSEA SLRN Options Refinement Report prepared by AECOM, 2014
SMP	Sustainable Management Plan
Stage 1 DA	The Stage 1 Development Application comprising clearing of vegetation and construction of bulk earthworks, construction of internal estate roads, water, sewer, telecommunications and gas infrastructure; construction of a stormwater management system; landscaping; construction and operation of a 45,225 m ² warehouse building on the proposed Lot 10, including 3,000 m ² of ancillary office space; and roadworks
STP	Sustainable Travel Plan
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
VRMP	Vegetation and Riparian Management Plan
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WTP	Workplace Travel Plan
WSUD	Water Sensitive Urban Design
Year	A period of 12 consecutive months

SCHEDULE 2

PART A CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

DETERMINATION OF FUTURE DEVELOPMENT

- A1. In accordance with section 4.22(3) of the EP&A Act, subsequent stages of the Development are to be subject of future development applications.
- A2. Future development applications are to be generally consistent with the terms of Development Consent SSD 5248 as described in Schedule 1, and subject to the conditions in Schedule 2.

STATUTORY REQUIREMENTS

- A3. The Applicant must ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained 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/consents.

TERMS OF CONSENT

- A4. 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 (RtS);
 - (d) [in accordance with the Modification Application](#);
 - (e) in accordance with the drawings listed in **Appendix 1**; and
 - (f) in accordance with the management and mitigation measures in Appendix 6.
- A5. 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 C3(a).
- A6. 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 A4(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A4(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

- A7. This consent lapses five years after the date from which it operates, unless the development associated with the Stage 1 DA has physically commenced on the land to which the consent applies before that date.
- A8. The following limits apply to the Concept Proposal for the Development:
- (a) the maximum Gross Floor Area (GFA) for the land uses in the Development must not exceed the limits outlined in **Table 1** below; and
 - (b) no loading docks or delivery bays are permitted along the southern elevation of any warehouse buildings that have a direct frontage to the southern boundary of the site.

Table 1 GFA Maximum for Concept Proposal

Land Use	Maximum GFA (m ²)
Total Industrial/Warehousing space	207,288
Total Office space	11,340
Total GFA	218,628

- A9. The Applicant must ensure the Development is consistent with the development controls in **Table 2** below.

Table 2 Development Controls

Development Aspect	Control
Southern Link Road alignment setback	10 m
Wallgrove Road setback	20 m
Internal estate roads setback	7.5 m
Height	14 m
Height – Building on Lot 11/12	15 m
Site coverage	Maximum of 50 per cent

Note: The site coverage control excludes building awnings.

- A10. A maximum of one illuminated sign is permitted on each elevation of each building. All illuminated signage must be oriented away from residential receivers.
- A11. Underground car parking is not permitted.

SUSTAINABILITY MANAGEMENT

- A12. Prior to the commencement of construction of warehouse building 10, the Applicant must submit a Sustainability Strategy for the Development to the Planning Secretary for approval. The Sustainability Strategy must:
- (a) detail how the ESD and WSUD initiatives and energy efficiency measures outlined in the EIS will be implemented on site;
 - (b) identify the total greenhouse gas savings estimated to be achieved in comparison to a base case development (i.e. a development constructed in accordance with the minimum requirements of the latest version of Section J, Volume one of the National Construction Code (NCC)) if the measures proposed under the Sustainability Strategy are implemented;
 - (c) include a calculation of water requirements and measures incorporated to reduce water use;
 - (d) include a program to monitor and report annually on the efficiency measures implemented; and
 - (e) ensure the development will continue to operate at industry best practice over time.

OPERATIONAL NOISE LIMITS

- A13. The Applicant must ensure the Development does not exceed the noise limits provided in **Table 3** below or the project specific noise trigger levels determined by a noise verification required by condition A13A, whichever is lower, at the receiver locations as shown in **Figure 6** in **Appendix 5**.

Table 3 Project Specific Noise Limits dB(A)

Location	Day	Evening	Night	L _{Amax}
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	
Residential receivers	48	43	38	52
Industrial Developments to the south	51	51	51	

Note: Noise generated by the Stage 1 Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 5 for the location of residential sensitive receivers.

- A13A. Prior to the commencement of bulk earthworks, the Applicant must prepare a noise verification report in accordance with the Noise Policy for Industry (2017) to the satisfaction of the Planning Secretary. The noise verification report must:
- (a) detail methodology for recording background noise levels, including locations of sensitive receivers;
 - (b) detail background noise levels at sensitive receivers; and
 - (c) establish project specific noise trigger levels in accordance with the methodology set out in the Noise Policy for Industry (2017).

A13B. An Operational Noise Verification Report (ONVR) must be prepared by a suitably qualified and experienced person(s) and submitted to the satisfaction of the Planning Secretary at the following stages of the development:

- (a) within three months of the commencement of operation of the first tenancy of each warehouse building; and
- (b) within three months of the occupation of the warehouse building by any new tenants for the life of the development.

A13C. The ONVR required by Condition A13B must include:

- (a) an analysis of compliance with noise limits undertaken in accordance with the *Noise Policy for Industry* and the latest version of Australian Standard AS1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia); and
- (b) a detailed maximum noise level event assessment undertaken in accordance with the *Noise Policy for Industry*;
- (c) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and
- (d) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the limits specified in Condition A13 and when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.

STAGING

A14. Unless otherwise agreed to in writing by the Planning Secretary, the Applicant must prepare a detailed Staging Plan in consultation with Council and all relevant utility and service providers to the satisfaction of the Planning Secretary. The Staging Plan must include detailed plans for earthworks, provision of all services and infrastructure and landscaping within the road reserve for each stage. The Staging Plan must be approved by the Planning Secretary prior to the lodgement of any development applications.

DISABLED ACCESS

A15. Access for disabled people shall be provided in all buildings in accordance with Clauses D3.2, D3.3 and Table D3.2 of the Volume One of the NCC and to the standards set out in AS 1428.1.

TRANSGRID EASEMENT

A16. Prior to the commencement of construction of Stage 1, detailed plans of the swale proposed within 20 metres of TransGrid's Structure 14 and the batters within 20 m of TransGrid Structures 15 and 16 are to be prepared in consultation with TransGrid to the satisfaction of the Planning Secretary. The detailed swale must ensure:

- (a) access for TransGrid's plant and personnel is maintained and unrestricted at all times during construction and operation, for the life of the development, to the satisfaction of TransGrid;
- (b) any slopes (proposed batters) TransGrid's heavy maintenance vehicles would be required to traverse must not have a grade steeper than 1:6;
- (c) fill does not impact on safe ground clearances to transmission line conductors; and
- (d) cut does not impact on the buried structures.

Note: *TransGrid's preferred maximum grade for batters is 1:8.*

A17. Excavation works are not permitted to be undertaken within 20 metres of any part of a steel tower and adequate precautions shall be taken during construction to protect structures from any damage. Subsoil stability and surface drainage is not to be adversely affected in the vicinity of these structures.

Note: *Earth straps are buried coming out from each of the leg towers and these are not to be disturbed or exposed to avoid any danger to the public.*

A18. The TransGrid easement is not to be used for vehicular parking or storage of any materials during construction and/or operation.

PART B CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS

DEVELOPMENT CONTRIBUTIONS

- B1. Future development applications must identify whether the provisions of Council's 7.12 Contributions Plan or any planning agreement(s) apply to the site.
- B1A. In accordance with Section 4.37 of the EP&A Act, any subsequent development application not being for the purpose of a warehouse or distribution centre with a capital investment value in excess of the threshold specified in Clause 12, Schedule 1 to the State Environmental Planning Policy (State and Regional Developments) 2011 (or its replacement) is to be determined by the relevant Consent Authority and that development ceases to be State Significant Development.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B2. Future development applications must demonstrate how the Development incorporates the principles of Ecologically Sustainable Development in the design, construction and on-going operation of the Development.

SUSTAINABILITY MANAGEMENT PLAN

- B3. Future development applications must set out how the development intends to comply with the Sustainability Strategy approved under Condition A12.

TRAFFIC AND ACCESS

- B4. Future development applications must be accompanied by a detailed assessment of the traffic and transport impacts on the surrounding road network and intersection capacity and must:
- (a) include detailed provisions of loading/unloading and access arrangement;
 - (b) demonstrate that sufficient car parking has been provided in accordance with the car parking rates approved under Condition B5 below, and details to promote non-car travel modes;
 - (c) have specific regard to the scope and timing of road infrastructure works in the surrounding road network;
 - (d) verify that the development is generally consistent with the traffic volumes for the Concept Proposal;
 - (e) demonstrate the layout, spacing and position of all access points to the estate road network would:
 - i. minimise road safety risks, including consideration of cumulative impacts associated with the approved Concept Plan road and access layouts and minimise potential conflicts with other driveways within the Concept Plan;
 - ii. include adequate sight distances for all turning movements;
 - iii. accommodate the turning path of the largest vehicles accessing the site to minimise the risk of conflict with other vehicles on the estate road network; and
 - iv. minimise congestion and queuing on the estate road network.
 - (f) detail measures to minimise road safety risks and congestion including but not limited to:
 - i. consolidation of access points to reduce the number of driveways in close proximity to each other;
 - ii. line marking, warning signage and parking restrictions;
 - iii. restricted turning movements, such as left-in left-out restrictions; and
 - iv. installation of traffic controls.
- B5. Car parking must be provided in accordance with the following rates, unless evidence is provided in accordance with the car parking requirements contained in the latest version of Part 12.1 of Fairfield Citywide Development Control Plan 2013:
- (a) 1 space per 300m² of industrial/warehouse GFA;
 - (b) 1 space per 40m² of office GFA; and
 - (c) 2 disabled spaces for every 100 car parking spaces.
- B6. To ensure that potential conflicts between heavy vehicles and light vehicles are minimised, future development applications must include details demonstrating satisfactory arrangements have been made to separate heavy and light vehicle movements.
- B7. To ensure that sustainable transport modes are supported, all future development applications proposing the construction of new industrial/warehouse buildings must include a Sustainable Travel Plan (STP). All STP's must identify the pedestrian and cyclist facilities proposed to service the proposed industrial/warehouse buildings.

- B8. Future development applications must provide bicycle racks, and amenity and change room facilities for cyclists in accordance with *Planning Guidelines for Walking and Cycling* (December 2004, NSW Department of Infrastructure, Planning and Natural Resources, Roads and Traffic Authority).

BUSHFIRE PROTECTION

- B9. Future development applications for industrial/warehouse buildings must demonstrate compliance with the relevant provisions of the latest version of Planning for Bush Fire Protection (PBP) and the asset protection zones recommended in the *Bushfire Protection Assessment for the Proposed Gazcorp Industrial Estate*, prepared by Australian Bushfire Protection Planners Pty Ltd, dated April 2013.
- B10. Future development applications for industrial/warehouse buildings must demonstrate compliance with AS 3959-2009 *Bushfire Construction Standard* as recommended in the *Bushfire Protection Assessment for the Proposed Gazcorp Industrial Estate*, prepared by Australian Bushfire Protection Planners Pty Ltd, dated April 2013.
- B11. Future development applications must demonstrate compliance with the following sections of RFS's *Planning for Bushfire Protection 2006*:
- (a) section 4.2.7 for internal road access;
 - (b) section 4.2.7 for water, electricity and gas; and
 - (c) appendix 5 for landscaping.
- B12. Future development applications must include an Emergency/Evacuation Plan prepared in accordance with *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (NSW Rural Fire Service, December 2014).

NOISE AND VIBRATION

- B13. Future Development applications must include a noise assessment identifying the noise and vibration impacts associated with the construction and operation of future industrial/warehouse buildings. The assessment must also identify whether appropriate acoustic amenity can be achieved at surrounding sensitive receivers and identify all mitigation measures, such as noise barriers, necessary to achieve compliance with the requirements of the project specific noise levels identified in Condition A13.

OUTDOOR LIGHTING

- B14. Future development applications must demonstrate how the development intends to comply with AS/N21158.3:1999 *Pedestrian Area (Category P) Lighting* and A54282: 1997 *Control of Obtrusive Effects of Outdoor Lighting*.

SIGNAGE

- B15. Future development applications must include details of any external advertising signage and demonstrate compliance with the requirements of Condition A10 and *State Environmental Planning Policy No. 64 - Advertising and Signage*.

ROAD INFRASTRUCTURE

- B16. Future development applications must ensure the design of any road infrastructure is consistent with the approved plans listed in **Appendix 1**.

REFLECTIVITY

- B17. The visible light reflectivity from building materials used in the façades 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 for each future industrial/warehouse building prior to the issue of the relevant Construction Certificate.

TRANSMISSION LINE EASEMENT

- B18. As part of future development applications for industrial/warehouse buildings located adjacent to the TransGrid Easement, the Applicant must demonstrate that the design of the development allows accumulated stormwater to drain away from the TransGrid easement.
- B19. Plans accompanying future development applications are required to clearly depict, to scale, both the 20-metre exclusion zone around each transmission tower and the TransGrid easement to a width of 60 metres.

STORMWATER MANAGEMENT

- B20. Future development applications must demonstrate that the design of the development is consistent with:
- (a) [Stormwater Management Report – DA for 14 industrial lots, Lot 5 in DP 24094 813-913 Wallgrove Road, Horsley Park](#), prepared by Orion Consulting, dated 16 December 2020, Revision 2;

- (b) *Lot 5 Wallgrove Road Industrial Site Concept Plan – Modification*, prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07); and
- (c) *Fairfield City Council Stormwater Management Policy* (Fairfield City Council, 2017) (as may be updated or replaced from time to time).

WASTE

B21. Future development applications must include a Waste Management Plan which:

- (a) details the type and quantity of waste to be generated during construction and operation of the development;
- (b) describes the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) identifies waste storage area(s) on a site plan(s); and
- (d) details the materials to be reused or recycled, either on or off site.

LANDSCAPING

B22. Future development applications must include a detailed landscape plan consistent with *813-913 Wallgrove Road Eastern Creek Amended Landscape Masterplan for Gazcorp Pty Ltd*, prepared by Site Image Landscape Architects, dated 25 March 2021, Issue B.

B22A. Future development applications must ensure landscaping meets the minimum setback requirements of the *Urban Design Guidelines – Momentum M7, 813 – 913 Wallgrove Road, Eastern Creek, version 4* prepared by MBMO dated 18 October 2013, including but not limited to, 5 metres of landscaped setback to internal estate roads.

URBAN DESIGN

B23. Future development applications must demonstrate compliance with *Urban Design Guidelines – Momentum M7, 813-913 Wallgrove Rd, Eastern Creek*, version 4, prepared by MBMO, dated 18 October 2013.

CIVIL WORKS

B24. Future development applications must demonstrate the design of the development is consistent with *Lot 5 Wallgrove Road Industrial Site Concept Design – Modification*, prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07).

AIR QUALITY

B25. Future development applications must include an Air Quality Impact Assessment which has been prepared by a suitably qualified expert.

WESTERN SYDNEY FREIGHT LINE CORRIDOR

B26. Prior to the lodgement of any future development application, the Applicant is required to undertake consultation with TfNSW regarding the future Western Sydney Freight Line. Evidence of consultation with TfNSW is required to be submitted with the development application and all reasonable advice from TfNSW is required to be incorporated into the proposed development.

PART C CONDITIONS OF CONSENT FOR THE STAGE 1 DA

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- C1. 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

- C2. 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 (RtS);
 - (d) in accordance with the drawings listed in **Appendix 2**; and
 - (e) in accordance with the management and mitigation measures in **Appendix 6**.
- C3. 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 C3(a).
- C4. 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 C2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition C2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

- C5. Development Consent is granted to the Stage 1 DA as described in Schedule 1 of this consent and the EIS, as amended by the RtS and the conditions contained in this Development Consent.
- C6. 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.
- C7. This consent grants approval for the maximum GFA for Lot 10 as detailed in **Table 4** below:

Table 4: GFA Maximum for Lot 10 (Stage 1 Development)

Land Use	Maximum Total GFA (m ²)
Industrial/Warehouse	42,219
Office	3,006
Total	44,225

NOTIFICATION OF COMMENCEMENT

- C8. The date of commencement of each of the following phases of the Development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.

EVIDENCE OF CONSULTATION

- C9. 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

- C10. 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).
- C11. 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.
- C12. 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

- C13. 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.
- C14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the Development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.

DEMOLITION

- C15. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- C16. 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 NCC.

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.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017 (NSW), the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

COMPLIANCE

- C17. 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

- C18. 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

- C19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- C20. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.
- C21. The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition C20 to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- C22. Before the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.
- C23. 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* (NSW).
- C24. Before the issue of a Subdivision [Certificate or the commencement of construction of warehouse building 10](#), the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- C25. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

EASEMENTS

- C26. The creation of easements for services, rights of carriageway and restrictions as to user are applicable under sections 88A and 88E of the *Conveyancing Act 1919* (NSW), including (but not limited to) the following:
- (a) easements for sewer, water supply and drainage over all public services/infrastructure on private property;
 - (b) drainage easements are to be placed over all subsurface drains and inter allotment drainage, benefiting and burdening the property owners;
 - (c) maintenance of the subsurface drains is to be included in the 88E Instrument;
 - (d) restriction as to user and positive covenant relating to the:
 - (i) on-site detention system/s;
 - (ii) stormwater pre-treatment system/s; and
 - (iii) overland flow path works.

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

APPLICABILITY OF GUIDELINES

- C27. 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.
- C28. 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.

DEVELOPER CONTRIBUTIONS

- C29. The Applicant shall provide all monetary contributions and/or works-in-kind contributions under Subdivision 2 of Division 7 of Part 7 of the EP&A Act, in accordance with the Planning Agreement entered into between the Minister for Planning, Gazcorp Pty Limited (the developer) and Wallgrove Road Industrial Investments Pty Ltd as trustee for Wallgrove Road Unit Trust (the landowner) executed on 25 June 2019 and as attached in **Appendix 4**.
- C30. Before the issue of a construction certificate for any part of the Stage 1 development, a payment equal to 1% of the proposed cost of carrying out the development must be paid to Fairfield City Council under section 7.12 of the EP&A Act.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- C31. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the Development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by Condition D2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (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) detail predicted daily and peak hour construction vehicle movements, types and routes;
 - (f) detail traffic and pedestrian management methods;
 - (g) provide the estimated duration and staging of construction works;
 - (h) detail the access and parking arrangements for construction vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network;
 - (i) provide measures to ensure the unhindered movement of authorised vehicles to the Warragamba to Prospect Pipeline;
 - (j) 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;
 - (k) include a program to monitor the effectiveness of these measures; and
 - (l) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- C32. The Applicant must:
- (a) not commence construction until the CTMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Vehicular Crossing Application

- C33. Prior to the commencement of construction, a vehicular crossing application shall be submitted to and approved by the relevant Roads Authority in accordance with the relevant Roads Authority's requirements and the *Roads Act 1993* (NSW).

Intersection Works

- ~~C34. Prior to the commencement of construction, the Applicant must submit a detailed design of the signalised intersection of the site access (part of the future SLR) and Wallgrove Road. The detailed design must:~~
- ~~(a) be prepared and endorsed by a suitably qualified engineer;~~
 - ~~(b) be approved by TfNSW as the roads authority under the *Roads Act 1993* (NSW);~~

- ~~(c) include detailed civil design plans;~~
- ~~(d) include a swept path analysis; and~~
- ~~(e) generally in accordance with the Concept Plan in Appendix 3 of this consent.~~

- C35. Prior to commencement of construction of the intersection, the Applicant must enter into a Works Authorisation Deed for the signalised intersection with TfNSW.
- C36. Prior to the issue of any Occupational Certificate, the signalised intersection of the site access and Wallgrove Road must be constructed and approved for use by TfNSW.
- C36A. Within 3 months of the date of the MOD 2 consent, the Applicant must provide to the Planning Secretary, a list of recommendations to minimise the safety risks identified in the Road Safety Audit titled *Momentum Industrial Estate, Eastern Creek Concept design road safety audit* prepared by DC Traffic Engineering dated 19 December 2022. The Applicant must include a timetable for implementing the recommendations, to the satisfaction of the Planning Secretary.

Operating Conditions

- C37. The Applicant must provide a minimum of 223 on-site car parking spaces (including at least 5 spaces for people with disabilities at a rate of two per 100 parking spaces) for use during operation of the Development.
- C37A. The Applicant must ensure all estate roads are line marked and include signage in accordance with relevant Australian Standards and Austroads guidelines.
- C37B. Prior to the commencement of operation of the estate roads, the Applicant must install No Stopping signs for the full length of the estate roads within the development.
- C37C. The Applicant must enforce the No Stopping restrictions to ensure vehicles do not park along the estate roads within the development.
- C38. 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;
 - (h) all trucks leaving the site having had access to unpaved or contaminated areas shall depart via a wheel wash facility to prevent mud, dust or debris from being deposited on public roads. A wheel wash facility must be installed prior to the commencement of the removal of fill from the site in accordance with best practice or industry standard; and
 - (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.
- C39. The Applicant shall provide bicycle racks and amenity and change room facilities for cyclists in accordance with *Planning Guidelines for Walking and Cycling* (NSW Department of Infrastructure, Planning and Natural Resources, Roads and Traffic Authority, December 2004).

Operational Traffic Management Plan

- C40. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by Condition D5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;

- (c) estimate the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
- (d) provide measures to ensure the unhindered movement of authorised vehicles to the Warragamba to Prospect Pipeline;
- (e) detail the access and parking arrangements for operational vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network;
- (f) include details of proposed truck parking to ensure this is managed in an orderly manner; and
- (g) include a Driver Code of Conduct that details traffic management measures to be implemented during operation to:
 - (i) minimise impacts of the Development on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) ensure truck drivers use specified routes and minimise traffic noise during night-time hours; and
 - (iv) manage/control pedestrian movements.

C41. The Applicant must:

- (a) not commence operation until the OTMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the Development.

Workplace Travel Plan

C42. Prior to the commencement of operation of the Development, the Applicant must prepare a Workplace Travel Plan (WTP) for the Development to the satisfaction of the Planning Secretary. The WTP must form part of the OEMP required by Condition D5 and must:

- (a) be prepared in consultation with TfNSW;
- (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
- (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

C43. The Applicant must:

- (a) not commence operation until the WTP is approved by the Planning Secretary; and
- (b) implement the most recent version of the WTP approved by the Planning Secretary for the duration of the Development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

C44. The Applicant must:

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

Erosion and Sediment Control

C45. 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 D2.

Dam Dewatering

C46. Dewatering of the dam shall be carried out so that there are no flows from the Site onto adjoining properties or roadways.

Stormwater Management System

C47. Prior to the commencement of construction, the Applicant must design, install and operate a stormwater management system for the Development. The system must:

- (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council;
 - (c) be generally in accordance with the conceptual design in the EIS;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) 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; and
 - (f) be in accordance with the *Fairfield City Council Stormwater Management Policy September 2017*.
- C48. Prior to the commencement of construction, a certificate must be submitted to Certifying Authority, certifying that:
- (a) satisfactory arrangements have been made for the disposal of stormwater;
 - (b) the Development will not impede or divert natural surface runoff so as to cause a nuisance to adjoining properties;
 - (c) the drainage system has been designed to an Average Recurrence Interval (ARI) of not less than 5/20/100 years; and
 - (d) the on-site detention system has been designed in accordance with Council's Engineering Guidelines to restrict the total discharge from the site to current discharge for all storms up to and including the 100-year storm event and restrict the peak discharge from the site for the 100 year 9-hour storm event to 140/1/s/ha.
- C49. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, on-site detention system and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority and Council.
- C50. Prior to the issue of the final Occupation Certificate, works-as-executed drawings signed by a Registered Surveyor are to be submitted to the Certifying Authority and Council to verify that the drainage works have been completed in accordance with the approved plans. The works-as-executed plans shall show in red:
- (a) sufficient levels and dimensions to verify the on-site detention storage volumes;
 - (b) location and surface levels of all drainage pits, weir levels and dimensions;
 - (c) invert levels of the internal drainage lines, orifice plates and outlet control pit;
 - (d) finished floor levels of structures such as units and garages;
 - (e) verification that the orifice plates have been fitted and the diameter of the fitted plates;
 - (f) verification that a trash screen is installed;
 - (g) location and levels of any overland flow paths through the site; and
 - (h) details of any variations made from approved plans.
- C50A. Prior to the issue of a Subdivision Works Certificate, the Applicant must construct the swale drain along the northern site boundary connecting Lot 11/12 to Reedy Creek.**

Flood Management

- C51. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.

Operational Water Management Plan

- C52. Prior to the commencement of operation, the Applicant must prepare an Operational Water Management Plan (OWMP) to the satisfaction of the Planning Secretary. The OWMP must form part of the OEMP required by Condition D5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and DPIE Water;
 - (c) detail water use, metering, disposal and management on-site;
 - (d) contain a Surface Water Management Plan (SWMP), including:
 - (i) a program to monitor:
 - surface water flows and quality;

- surface water storage and use; and
- sediment basin operation;
- (ii) sediment and erosion control plans;
- (iii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
- (iv) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.

C53. The Applicant must:

- (a) not commence operation until the OWMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the OWMP approved by the Planning Secretary for the duration of the Development.

AIR QUALITY

Dust Minimisation

C54. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C55. 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

C56. Prior to the commencement of construction works, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by Condition D2 and be prepared in accordance with Condition D1. The CAQMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail and rank all emissions from all sources of the Development, including particulate emissions;
- (c) demonstrate compliance with the *Protection of the Environment Operations Act 1997* (NSW) and its associated regulations;
- (d) demonstrate that no offensive odours would be detectable beyond the boundary of the premises;
- (e) identify the control measures that that will be implemented throughout construction works;
- (f) describe measures to identify non-compliances and strategic measures to manage any non-compliance; and
- (g) describe proactive and reactive management strategies.

NOISE

Hours of Work

C57. The Applicant must comply with the hours detailed in **Table 5**, unless otherwise agreed in writing by the Planning Secretary.

Table 5: Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sundays or Public Holidays	No work is permitted
Operation	Monday – Sunday	24 hours

C58. Works outside of the hours identified in Condition C57 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

C59. 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 6**.

Construction Noise Management Plan

- C60. Prior to the commencement of construction, the Applicant must prepare a Construction Noise Management Plan (CNMP) for the Development to the satisfaction of the Planning Secretary. The CNMP must form part of a CEMP required by Condition D2 and must:
- (a) be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary;
 - (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the Development;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
 - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (e) include strategies that have been developed with the community for managing high noise generating works; and
 - (f) describe the community consultation undertaken to develop the strategies in (e); and
 - (g) include a complaints management system that would be implemented for the duration of the Development.
- C61. The Applicant must:
- (a) not commence construction of any relevant stage until the CNMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CNMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

C62. The Applicant must ensure the Development does not exceed noise limits in Table 6 below or the project specific noise trigger levels determined by a noise verification required by condition A13A, whichever is lower, at the receivers shown in Figure 6 in Appendix 5:

Table 6: Noise Limits dB(A)

Location	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}
Residential receivers	48	43	38	52
Industrial development to the south	51	51	51	

Note: Noise generated by the *Stage 1* Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *Noise Policy for Industry (2007)* (as may be updated or replaced from time to time). Refer to the plan in **Appendix 5** for the location of residential sensitive receivers.

Noise Wall

C63. The Applicant must:

- (a) complete the noise wall along the southern boundary of the site shown in **Figure 6** in **Appendix 5** within six (6) months of commencing any construction including bulk earthworks;
- (b) consider the use of noise absorptive material in the construction of the noise wall; and
- (c) ensure that the design of the noise wall is endorsed by a suitably qualified and experienced noise expert.

Post-Operation Noise Verification Report

- C64. A noise verification report must be submitted to the Department within three months of the commencement of use of the Development. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:
- (a) an analysis of compliance with noise limits specified in Condition C62;
 - (b) an outline of management actions to be taken to address any exceedances of the limits specified in Condition C62; and
 - (c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.
- C65. The Applicant shall:
- (a) implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the Development (including low frequency noise and traffic noise);
 - (b) minimise the noise impacts of the Development during adverse meteorological conditions;
 - (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
 - (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Road Traffic Noise

- C66. 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.

VIBRATION

Vibration Criteria

- C67. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC 2006) (as may be updated or replaced from time to time).
- C68. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition C67.
- C69. The limits in Conditions C67 and C68 apply unless otherwise outlined in a CNMP, approved as part of the CEMP required by Condition D2 of this consent.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Management Plan

- C70. Before the commencement of any clearing or construction works, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the Development to protect and manage 45-5-3684 (WR 1 Prospect), WR2 and the area of archaeological sensitivity next to Reedy Creek to the satisfaction of the Planning Secretary. The ACHMP must form part of the CEMP required by Condition D2 and must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
 - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the Development; and
 - (c) describe the measures to protect the Aboriginal artefacts in perpetuity.

C71. The Applicant must:

- (a) not commence construction until the ACHMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the Development.

Unexpected Finds Protocol

C72. If any item or object of Aboriginal heritage significance, or relic as defined by the *Heritage Act 1977* (NSW) is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item, object or relic must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) the Heritage Division of the Department of Premier and Cabinet (the former Heritage Division of the OEH) (or in relation to a relic, the Heritage Council) must be contacted immediately.

C73. 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* (NSW).

BIODIVERSITY AND BIOSECURITY

C74. Prior to the issue of a Construction Certificate, the Applicant must prepare a Biodiversity Staging Plan which must:

- (a) be approved by the Planning Secretary;
- (b) detail the proposed staging of site clearing works for the entire development;
- (c) detail the number and type of credits required to be retired for Stage 1, and all subsequent stages proposed in (b);
- (d) ensure the relevant biodiversity credits are retired prior to the corresponding site clearing identified in (b);
- (e) ensure the minimum biodiversity credits to be retired are:
 - i. 173 ecosystem credits for the Biometric Vegetation Type HN529 or HN526 in the Cumberland – Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion;
 - ii. 56 ecosystem credits for the either Biometric Vegetation Type HN528 or HN526 in the Cumberland – Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion;
 - iii. 30 ecosystem credits for the Biometric Vegetation Type HN526 in the Cumberland – Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion; and
 - iv. an additional offset credit calculated based on a habitat polygon created for *Primelea Spicata* within the vegetated south-eastern portion of the site in accordance with the (former) OEH's *Framework for Biodiversity Assessment* (FBA) and the *Biobanking Assessment Methodology 2014* (BBAM);
- (f) detail the proposed methodology for securing the appropriate biodiversity credits; and
- (g) outline the procedure to be followed if the relevant biodiversity credits are not available for purchase, in accordance with Condition C76.

C75. Prior to the issue of a Construction Certificate, the Applicant must purchase and retire 36 species credits for the species Southern Myotis (*Myotis Macropus* – breeding habitat).

C76. Should any of the credits required by Condition C74 not be available for purchase, the Applicant must:

- (a) place an expression of interest for the purchase of those credits;
- (b) liaise with Heritage Division of the Department of Premier and Cabinet (former OEH) and Councils to obtain a list of potential sites that meet the requirements for offsetting; and
- (c) consider properties for sale in the required area; or
- (d) provide evidence of why offset sites are not feasible and propose an alternative in an offset strategy to be approved by the Planning Secretary.

Note: If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the (former) OEH's *NSW Biodiversity Offsets Policy for Major Projects 2014*

- C77. Prior to the commencement of construction, the Applicant must prepare a Vegetation and Riparian Management Plan (VRMP) for the Development to the satisfaction of the Planning Secretary. The VRMP must form part of the CEMP required by Condition D2 and the OEMP required by Condition D5. The VRMP must:
- (a) be prepared in consultation with Council and DPIE Water;
 - (b) be prepared in accordance with the *Guidelines for Vegetation Management Plans on Waterfront Land* (Department of Primary Industries – Office of Water, 2012);
 - (c) include a strategy to maintain conservation areas in perpetuity;
 - (d) provide for delineation (fencing, bollards or similar) and interpretative signage at an early stage of the Development to prevent inadvertent access to the environmental areas during construction;
 - (e) focus on using local provenance where revegetation is planned;
 - (f) include a wide range of Cumberland Plain Woodland species to be planted; and
 - (g) ensure the welfare of fauna during construction.
- C78. The Applicant must:
- (a) not commence construction until the VRMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the VRMP approved by the Planning Secretary for the duration of the Development.

Pests, Vermin and Noxious Weed Management

- C79. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious 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 noxious 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, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015 (NSW).

HAZARDS AND RISK

- C80. 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 Manual* if the chemicals are liquids.
- C81. In the event of an inconsistency between the requirements of Conditions C80(a) and C80(b), the most stringent requirement must prevail to the extent of the inconsistency.
- C82. Prior to the commencement of operation, an Emergency/Evacuation Plan must be prepared for the Development in accordance with *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (NSW Rural Fire Service, December 2014).

Dangerous Goods

- C83. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- C84. 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*.

WASTE MANAGEMENT

Waste Storage

- C85. Prior to the commencement of construction of [warehouse building 10](#), the Applicant must submit the design of the waste storage area, to the satisfaction of the Planning Secretary. The waste storage area is required to be designed in consultation with Council.
- C86. 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.

Refuse Management Plan

- C87. Prior to the commencement of operation, the Applicant must prepare a Refuse Management Plan (RMP) for the Development to the satisfaction of the Planning Secretary. The RMP must form part of the OEMP and be prepared in accordance with Condition D5. The Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the Development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997* (NSW), *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Applicant's Management and Mitigation Measures included in **Appendix 6**.
- C88. The Applicant must:
- (a) not commence operation until the RMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the RMP approved by the Planning Secretary for the duration of the development.

Statutory Requirements

- C89. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- C90. 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.
- C91. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- C92. The collection of waste generated during operation of the Development must be undertaken between 7am to 10pm Monday to Friday.

CONTAMINATION

- C93. Prior to the commencement of earthworks, the Applicant must prepare an Unexpected Contamination Procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition D2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

VISUAL AMENITY

Landscaping

- C94. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) for the development to manage the revegetation and landscaping works on site to the satisfaction of the Planning Secretary. The LMP must form part of the OEMP required by Condition D5 and must:
- (a) detail the species to be planted on-site;
 - (b) ensure landscaping is undertaken in accordance with the Landscape Plans prepared by Site Image contained within the EIS and as amended by the Rts;
 - (c) ensure landscaping is established as early as possible;
 - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
 - (e) be consistent with the Applicant's Management and Mitigation Measures at **Appendix 6**; and
 - (f) where practicable and feasible, provide for landscaping within car parking areas and along access roads that supports tree species which, with appropriate spacing and when mature, will maximise areas of tree canopy.
- C95. The Applicant must:
- (a) not commence operation until the LMP is approved by the Planning Secretary;
 - (b) must implement the most recent version of the LMP approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved LMP for the life of the Development.

- C96. Where practicable and feasible, the Applicant shall implement the perimeter landscape treatments prior to the commencement of construction, to ensure sufficient time for the establishment of a landscape buffer.
- C97. Within three months of the commencement of operation, other than the perimeter landscape treatments, the Applicant shall provide evidence to the satisfaction of the Planning Secretary, demonstrating that the landscaping has been implemented in accordance with the LMP.

Offsite Visual Impact Mitigation

- C98. For a period of 12 months from the commencement of operation, the owner of any nearby residential receivers (Lot 2406 DP 1090132, Lot 2405 DP 1090132, Lot 2404 DP 1090132 and Lot 2403 DP 1090132) may ask the Applicant in writing to establish landscape screening on the receivers land to minimise the visual impacts of the Stage 1 development on their residence (including its curtilage).

Upon receiving such a written request from the owner of these residences, the Applicant must implement reasonable landscape screening in consultation with the owner making the request.

The landscape screening must be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise.

If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Lighting

- C99. 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.

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

COMMUNITY ENGAGEMENT

- C100. The Applicant must consult with the community regularly throughout the Development, including consultation with the nearby sensitive receivers identified on **Figure 6** in **Appendix 5**, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

WATER NSW WARRAGAMBA TO PROSPECT PIPELINES CORRIDOR

- C101. Prior to the commencement of construction, a geotechnical investigation must be prepared to confirm that the proposed construction would not adversely affect the integrity of the Pipelines or stability of the embankments within the pipelines corridor.
- C102. Adequate temporary and permanent security must be installed to prevent people and vehicles from entering the Warragamba to Prospect Pipelines Corridor.

TRANSMISSION LINE EASEMENT

- C103. All works must follow the *Work Near Overhead Power Lines Code of Practice 2006* (WorkCover NSW, 2006).
- C104. Any construction and maintenance works within the easement must observe the 6 metre safe approach distance to the exposed conductors when performing work which requires that plant to approach electrical apparatus.
- C105. Any work within the easement must be carried out by accredited person in presence of a safety observer.
- C106. Mobile plant is required to be earthed when operated within the easement.

WESTERN SYDNEY FREIGHT LINE CORRIDOR

- C107. Prior to the issue of any Construction Certificate, the Applicant must:
- (a) make allowances for the future construction of railways in the vicinity of the approved development, as agreed by TfNSW;
 - (b) in consultation with TfNSW, prepare a regime for consultation with and approval by TfNSW for the construction of the building foundations for the development, which may include geotechnical and structural certification;
 - (c) provide drawings, reports and other information related to the design, construction and maintenance of the approved development, to TfNSW;

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- (d) submit drawings showing ground surface, drainage infrastructure, sub-soil profile and structural design of sub-ground support adjacent to the corridor, to the satisfaction of TfNSW; and
- (e) provide any other information reasonably requested by TfNSW.

C108. Prior to the issue of any Occupation Certificate, relevant works-as-executed drawings must be submitted to TfNSW, in a format agreed to by TfNSW. Works-as-executed drawings must be to the satisfaction of TfNSW.

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 D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- D1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- D2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition D1 and to the satisfaction of the Planning Secretary and in consultation with TfNSW and Council.
- D3. As part of the CEMP required under Condition D2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (CTMP) (see Condition C31);
 - (b) Erosion and Sediment Control Plan (see Condition C45);
 - (c) Construction Air Quality Management Plan (CAQMP) (see Condition C56);
 - (d) Construction Noise Management Plan (CNMP) (see Condition C60);
 - (e) Aboriginal Cultural Heritage Management Plan (ACHMP) (see Condition C70);
 - (f) Vegetation and Riparian Management Plan (VRMP) (see Condition C77);
 - (g) Unexpected Contamination Procedure (see Condition C93); and
 - (h) Community Consultation and Complaints Handling.
- D4. The Applicant must:
- (a) not commence construction of the Development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the Development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- D5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Condition D1 and to the satisfaction of the Planning Secretary. As part of the OEMP, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance; and
 - (v) respond to emergencies.
 - (c) include the following environmental management plans:
 - (i) Operational Traffic Management Plan (OTMP) (see Condition C40)
 - (ii) Workplace Travel Plan (WTP) (see Condition C42);
 - (iii) Operational Water Management Plan (OWMP) (see Condition C52);
 - (iv) Vegetation and Riparian Management Plan (VRMP) (see Condition C77)
 - (v) Refuse Management Plan (RMP) (see Condition C87); and
 - (vi) Landscape Management Plan (LMP) (see Condition C94).
- D6. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the Development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D7. Within three months of:
- (a) the submission of an incident report under Condition D9;
 - (b) the submission of a Compliance Monitoring and Reporting Program under Condition D13;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under Condition C2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- D8. 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 (6) 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

- D9. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in **Appendix 7**.

Non-Compliance Notification

- D10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

- D11. 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.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- D13. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- D14. Compliance Reports of the Development must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- D15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- D16. 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 and independent environmental 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

- D17. 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 C2 of this consent and the final layout plans for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) 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;
 - (vi) 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;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Reporting of the development;
 - (xi) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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APPENDIX 1 CONCEPT PROPOSAL PLANS

Table 7: Schedule of Approved Plans – Concept Proposal

Architectural Plans prepared by SBA Architects		
Drawing	Title	Date
MM7 – DA-001(L)	Momentum M7 – Modification 02 Estate Master Plan	6 September 2022
MM7 – DA-002(D)	Momentum M7 – Modification 01 Subdivision Plan	6 September 2022
MM7 – DA-003(A)	Momentum M7 – Modification 01 Site Section 01	10 December 2020
MM7 – DA-004(B)	Momentum M7 – Modification 01 Site Section 02	15 December 2020
MM7 – DA-005(A)	Momentum M7 – Modification 01 Site Section 03	10 December 2020
MM7 – DA-009(A)	Momentum M7 – Modification 01 Site Areas	10 December 2020
Landscape Plans prepared by SBA Architects		
Drawing	Title	Date
MPA02, Issue B	813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Existing Vegetation	25 March 2021
MPA03, Issue B	813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Planting Zone Types	25 March 2021
MPA04, Issue B	813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Concept Masterplan with Local Access Road	25 March 2021
MPA05, Issue B	813-913 Wallgrove Road, Eastern Creek Masterplan Amendments – Concept Masterplan with Southlink Road	25 March 2021
Civil Plans prepared by Orion Consulting		
Drawing	Title	Date
19-0108, Set 07, Plan 001, Revision B	General Layout Plan, Notes and Legend	13 November 2020
19-0108, Set 07, Plan 003, Revision B	Site Regrading Plan	13 November 2020
19-0108, Set 07, Plan 100, Revision B	Sediment & Erosion Control Plan	13 November 2020
19-0108, Set 07, Plan 101, Revision B	Sediment & Erosion Control Notes & Details	13 November 2020
19-0108, Set 07, Plan 200, Revision B	Engineering Plan	13 November 2020

Legend	
	Site Boundary
	Road Reserve Boundary
	Lot Boundary
	20m Building Setback (Wallgrove Road)
	10m Building Setback
	3m Landscape Setback

GAZCORP



Figure 1: Concept Layout – MOD 2



Figure 2: Subdivision Plan – MOD 2

APPENDIX 2 STAGE 1 DA PLANS

Table 8: Schedule of Approved Plans – Stage 1 DA

Architectural Plans prepared by Morris Bray Martin Ollmann Architects		
Drawing	Title	Date
DA-101, Issue F	Site Plan	7/04/2015
DA-102, Issue F	Ground Floor Plan	7/04/2015
DA-103, Issue E	First Floor Plan	24/01/2014
DA-104, Issue D	Roof Plan	15/10/2013
DA-105, Issue D	Elevations	24/01/2014
DA-106, Issue D	Sections	24/01/2014
DA-107, Issue C	Office and Car Park Floor Plan	15/10/2013

Landscape Plans prepared by Site Image Landscape Architects		
Drawing	Title	Date
A001, Issue C	Amended Concept Masterplan	18/03/2015
A002, Issue B	Planting Zone Types	18/03/2015
A003, Issue C	Proposed low level screening	18/03/2015
A004, Issue C	Landscape Plan	18/03/2015
A005, Issue C	Rendered Landscape Plan	18/03/2015

Civil Plans prepared by Brown Consulting		
Drawing	Title	Date
101, Revision 04	Civil Engineering Plan	13/03/2015
102, Revision 04	Swept Path Analysis	13/03/2015
201, Revision 04	Road No.1&2 Longitudinal & Typical Cross Sections	13/03/2015
202, Revision 04	Road No.3 Longitudinal & Typical Cross Sections	13/03/2015
601, Revision 04	Site Regrading Plan	13/03/2015
602, Revision 04	Site Sections A, B & C	13/03/2015
701, Revision 04	Sediment and Erosion Control Plan	13/03/2015
702, Revision 04	Sediment and Erosion Control Notes & Details	13/03/2015

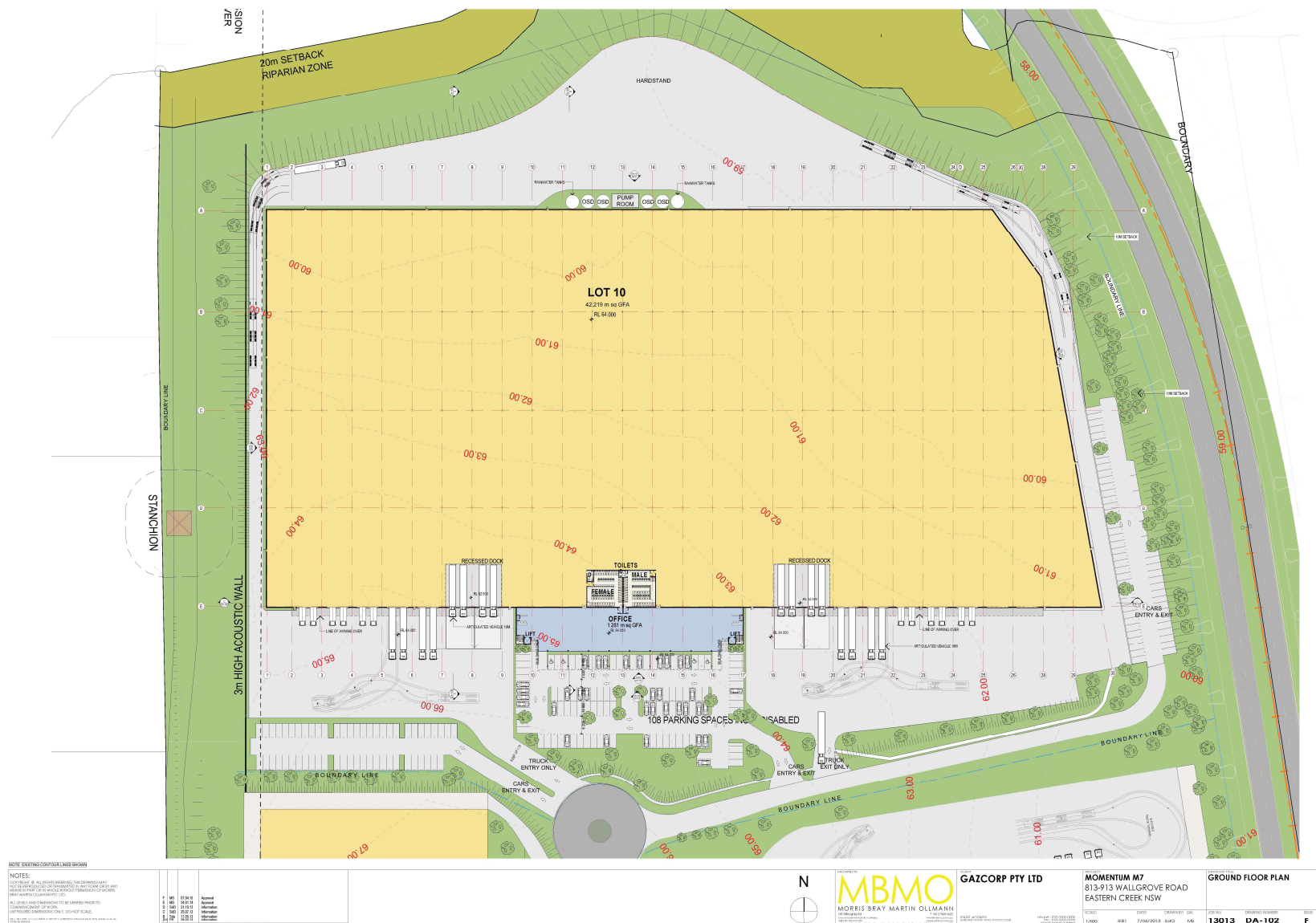


Figure 4: Stage 1 DA Detail



Rendered Landscape Lot 10 Plan - 1:1500 @ A3

Note: Landscape proposals shown on this plan and throughout this report are indicative only and subject to detailed design.



LOT 10 - DA Ammendments | Supplementary Submission Rendered Landscape Plan

Client
Architect
Site Image Job Number

Gazcorp Pty Ltd
Morris Bray Martin Olmann
SS13-2654

Drawing Number
Issue
Date
A 005
C
18.03.2015

Site Image (NSW) Pty Ltd
Level 1, 3-5 Baptist Street Redfern NSW 2017 Australia | T +61 2 8332 5600

Figure 5: Stage 1 DA Landscape Plan

APPENDIX 3 WALLGROVE ROAD INTERSECTION UPGRADE CONCEPT PLANS

FOR INFORMATION

APPENDIX 4 PLANNING AGREEMENT

FOR INFORMATION

APPENDIX 5 SENSITIVE NOISE RECEIVER AND NOISE WALL LOCATIONS

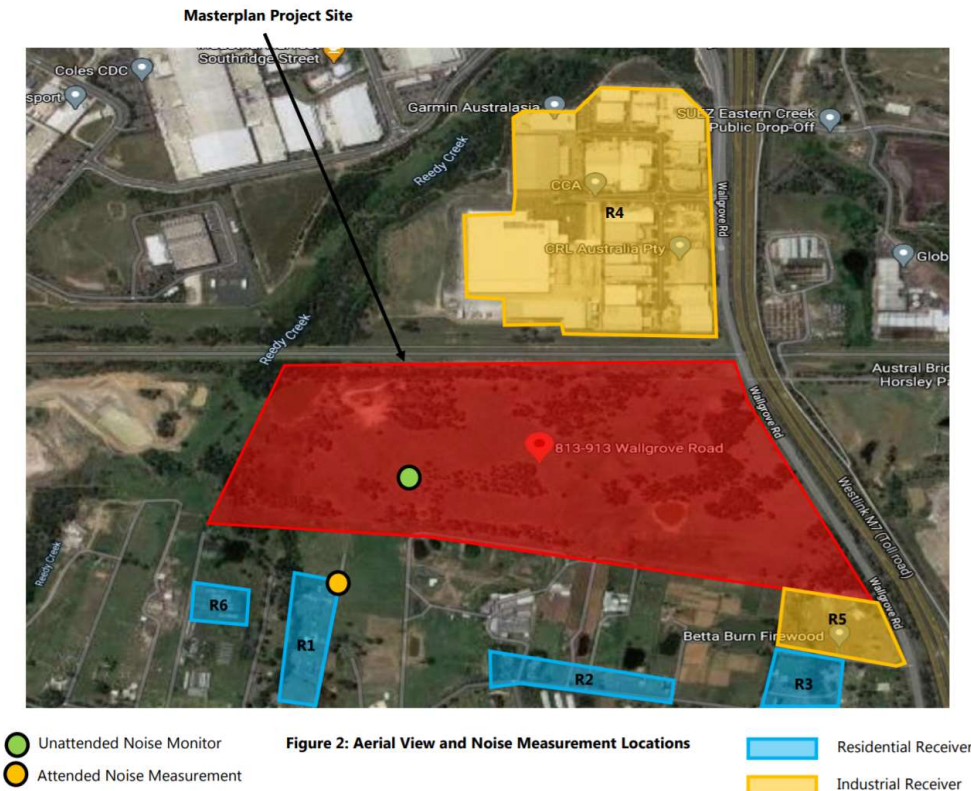


Figure 6: Sensitive Noise Receivers Location



APPENDIX 6 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Mitigation Measures

Construction Management

- A Construction Management Plan (CMP) will be prepared and submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.
- A Works Agreement Deed is to be negotiated with the RMS and executed prior to the issue of a Construction Certificate.
- A Traffic Construction Management Plan is to be prepared and recommendations are to be implemented for the Stage 1 construction works.

Heritage

- Prior to the Stage 1 works a program of test and salvage excavation will be undertaken on the slightly elevated land adjacent to the creek and its confluence, within the area of archaeological sensitivity that is proposed to be impacted.

Noise

- The following design elements will be included as part of the Stage 1 warehouse building:
- The southern wall of the Stage 1 building (made of Colourbond steel) will require 50mm of glasswool insulation to attenuate noise.
- The roof to be constructed from minimum 0.42mm sheet metal with 50mm glasswool insulation underneath.
- A noise barrier along the southern boundary will be provided. The minimum height for the screen will be 3m (above the elevation of the land), the barrier can be constructed with Colourbond, CFC sheet, Perspex or similar.
- Operational noise management measures that would be implemented include:
- Truck delivery drivers should limit the use of exhaust brakes on internal roads and Wallgrove Road.
- Where practical, trucks are to be switched off whilst in the loading dock and not to be left idling. This would apply to airbrake compressors to limit discharge within the loading dock area.

Waste

- An Operational Waste Management Plan will be prepared for the Stage 1 building prior to the occupation of the warehouse.

Visual

- Details of the Stage 1 building colour scheme, external cladding and finishes will be provided for the approval of the Director-General prior to the commencement of construction.
- Future applications will be lodged providing detail on signage and lighting for the Stage 1 building.

Geotechnical

- Prior to filling commencement, remove all vegetation and root affected soil from the proposed filling area.
- Rip the exposed surface to a depth of not less than 300mm and re-compact to a minimum dry density ratio of 98%, relative to Standard compaction, adjusting the moisture content of the ripped and re-compacted surface to within 2% of Standard optimum moisture content. Proof roll the treated surface using a minimum 10 tonne smooth drum roller in non-vibration mode. The surface should be rolled with a minimum of six passes with the last two passes observed by an experienced geotechnical engineer to detect any 'soft spots'.
- Any heaving materials identified during proof rolling should be treated as directed by the geotechnical engineer, which is likely to require the localised removal and replacement of unsuitable soil.
- Place all new filling in layers of 300 mm maximum compacted thickness. The filling should be free of oversize particles (>150 mm) and deleterious material.
- Compact all filling to a minimum dry density ratio of 98%, relative to Standard compaction, whilst maintaining a moisture content within 2% of Standard optimum moisture content. The minimum dry density ratio should be increased to 100% relative to Standard compaction within the upper 300 mm of pavement subgrades and building footprints. A maximum dry density ratio of 102% is recommended for all filling to reduce the potential for swelling post-compaction.
- Maintain the moisture within the clay until the area is covered by buildings or pavements. Recent monitoring of foundation/floor slab movement measured heave of up to 60 mm for a warehouse floor slab cast on dry clay filling.
- Density testing of the filling should be carried out in accordance with AS3798 "Guidelines for Earthworks for Commercial and Residential Developments". Filling placed beneath building platforms and pavements should be carried out to a Level 1 inspection and testing programme.

Mitigation Measures

- Prior to placement of filling it will be necessary to pump out all existing water from the dam, remove all soft and wet sediments from the sides and base, remove all existing filling within dam embankments and strip the base of each dam to a suitable natural ground surface. Once stripped and prepared, all dams should be inspected by an experienced geotechnical engineer.

Bushfire Protection

- Management of the Site generally, except for the vegetation within the riparian corridor to Reedy Creek, shall comply with the recommendations of Appendix A5.4 & Appendix A5.5 of *Planning for Bushfire Protection 2006* and Standards for Asset Protection Zones, including:
 - Maintain a clear area of low cut lawn or pavement adjacent to the buildings; utilise non-flammable materials such as scoria, pebbles and recycled crushed bricks as ground cover to landscaped gardens in close proximity to the buildings;
 - Keep areas under shrubs and trees raked and clear of combustible fuels
 - Maintain trees and shrubs in such a manner that tree canopies are separated by 2m and understorey vegetation is not continuous.
- The northern, western and southern walls of the Stage 1 Warehouse Building will be constructed to comply with BAL 40, pursuant to A.S. 3959 – 2009 – ‘Construction of Buildings in Bushfire Prone Areas’. Louvres or vents located within these walls will be fitted to ember protection mesh comprising corrosion resistant steel or bronze mesh with a maximum aperture of 2mm.
- Roller doors will be fitted with ember protection to the head. Ventilation openings [slats] in roller doors will not be permitted.
- External seals to precast panels will be non-combustible.
- The fire-fighting water supply to the proposed building will comply with the BCA and Australian Standard A.S. 2419.1 – 2005.
- A site specific evacuation plan will be prepared for each building. The Evacuation Plan shall address the requirements of A.S. 3745-2002 – *Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces*.

Flora and Fauna

- Construction Measures
- Mark clearing limits to further reduce clearing extents and to retain potential habitat and other ecologically significant features at the edges of the clearing limits wherever practicable;
- Limit vehicular and plant equipment access to this area during construction;
- Install temporary fencing to mark the limits of clearing and ‘no-go’ areas; and
- Construction staff informed with regards to the status and location of protected areas during site induction and/or tool box talks.
- Where clearing of vegetation and fauna habitats will take place, pre-clearing and clearing protocols are recommended that include:
 - Preparation of an inventory of trees and hollows to be removed, prior to clearing;
 - Pre-clearance checks of hollow-bearing trees for the presence of bird nests and arboreal mammals, such as possums, gliders and bats, prior to felling;
 - Safe removal of animals found to be occupying trees prior to the clearing of trees and their appropriate relocation into nearby woodlands; and
 - Relocation of transportable features such as salvaged tree hollows, felled timber and large logs in the woodland areas to be retained to allow their continued use as fauna habitat.
- A dam drainage protocol which involves the safe removal of animals to suitable alternate locations by a suitably qualified ecologist or wildlife carer, timing of decommissioning works to non-breeding seasons for appropriate target species and implementation of chytrid protocols for ecologists and machinery entering the water to limit the transmission of disease.
- Erosion and sediment control plans will be implemented to mitigate the impact of soil disturbance and to prevent secondary or off-site impacts, particularly impacts on adjacent native vegetation along Reedy Creek.
- Stockpiles of overburden will be managed to limit unintended soil movement away from designated compound areas into adjacent woodland.
- All work sites will be constructed and managed in accordance with ‘Managing Urban Stormwater: Soils and Construction’ (Landcom, 2004, “Blue Book”).
- Topsoils being stored for reapplication should be stabilised using a blanket type Method.
- Any topsoil that is reapplied will be stabilised by seeding using a grass species native to the Cumberland Plain.
- A Riparian Management Plan will be prepared and implemented to provide for the biodiversity improvement of the Reedy Creek riparian corridor through restoration and ongoing management. The Riparian Management Plan will include:
 - Protection of the riparian corridor during construction;
 - Restoration and ongoing management of riparian vegetation;
 - Management of riparian vegetation as habitat for native wildlife;
 - Feral animal management;

Mitigation Measures

- Instructions for planting endemic species of local provenance
- Weed management;
- Reduction of sediment and nutrient delivery to waterways;
- In-stream erosion control;
- Fire management; and
- Monitoring and reporting protocols.
- Biodiversity credits for HN528 and HN529 vegetation communities will be purchased and offset to compensate for the clearing of relevant vegetation. The number of credits to purchased and retired will be 50% of the ecosystem credits established under the BioBanking Assessment Methodology.

Contamination

- An Unexpected Finds Protocol (UFP) will be established for site development, including set procedures in the event that asbestos or chemical contaminated soil is encountered during excavations.
- Further assessment of the dam water will be undertaken to determine an appropriate method of discharge or removal.

Stormwater and Flooding

- The stormwater management system for the Masterplan will need to be designed to ensure that each development site provides peak flow reduction through OSD in accordance with the parameters set out in **Appendix K** in order to compensate for the lack of OSD associated with the internal access road.
- The Stage 1 interim stormwater management scenario will need to be designed to provide OSD for the internal access road in accordance with the parameters set out in **Appendix K**.
- At each stage of development a revised interim stormwater management system will need to be provided, until all the remaining lots have been developed at which time the OSD systems provided on all the development sites will compensate for the impervious area of the access road, as provided for under the ultimate strategy, and the temporary basins can be decommissioned.
- The stormwater treatment installed will need to remove the pollutant loads for total suspended solids (TSS), total phosphorus (TP), total nitrogen (TN) and Gross Pollutants in accordance with **Appendix K**.
- In order to minimise flood impacts, the efficiency of the swale located in the south-east corner of the Site is to be designed so that it operates at a similar efficiency to the existing situation.
- Erosion control measures will be implemented on the banks of Reedy Creek with consideration of the nature of the underlying soil and its susceptibility to scour.

APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition D9 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.
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.