

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Chris Ritchie  
**Acting Executive Director**  
**Energy, Industry and Compliance**

Sydney

8 April 2021

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### SCHEDULE 1

<b>Application Number:</b>	SSD-9691
<b>Applicant:</b>	Orica Australia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	28 McPherson Street, Banksmeadow Lot 9 DP 1205673
<b>Development:</b>	Staged construction of the Orica Southlands Warehouse Estate, comprising: <ul style="list-style-type: none"><li>• construction of a suspended concrete platform above the existing flood detention basin;</li><li>• construction and operation of two warehouse buildings with a combined gross floor area of 21,810 m<sup>2</sup>;</li><li>• associated landscaping, hardstand areas, stormwater and other on-site infrastructure; and</li><li>• subdivision of the site into two lots.</li></ul>

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## DEFINITIONS

<b>ABP Detector Dog Facility</b>	Australian Border Protection Detector Dog Facility, located at 28A McPherson Street, Banksmeadow (Lot 101 DP 1223909)
<b>AEP</b>	Annual Exceedance Probability
<b>Applicant</b>	Orica Australia Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development (including bulk earthworks), and the erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Bayside Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and the RTS, including the works and activities comprising the construction and operation of a warehouse estate above the existing flood detention basin, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>EESG</b>	Environment, Energy and Science Group
<b>EIS</b>	The document titled ' <i>Environmental Impact Statement – State significant development application (SSD 9691)</i> ' and all attachments, prepared by Keylan Consulting Pty Ltd, dated March 2020, and submitted with the application for consent for the development
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in section 372W of the Telecommunications Act 1997 (Cth)
<b>FRNSW</b>	Fire and Rescue NSW
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LTEMP</b>	Long-Term Environmental Management Plan

**Material harm**

Is harm that:

- a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or
- b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	<del>The use of the two warehouses</del> and their associated office spaces and the ongoing maintenance of the flood detention basin, as described in the EIS and RTS
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>RAP</b>	Remedial Action Plan prepared by JBS&G Australia, dated 15 May 2019 at Appendix G of the EIS
<b>RCC</b>	Randwick City Council
<b>Reasonable</b>	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
<b>RTS</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, and includes the document titled ' <i>Response to Submissions – State significant development application (SSD 9691)</i> ' and all attachments, prepared by Keylan Consulting Pty Ltd, dated 2 September 2020
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Stage 1 works</b>	Involves construction of the elevated concrete platform and timber/concrete piers
<b>Stage 2 works</b>	Involves construction of the warehouse/industrial buildings and associated hardstand areas on the deck
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS and RTS;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in conditions A2(c) and A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A2(c) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

##### Proximity to the Botany Industrial Park

- A6. The Applicant must ensure the total on-site population of the development does not exceed an average daytime permanent employee population of 170 people.

#### NOTIFICATION OF COMMENCEMENT

- A7. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one week before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
  - (b) operation; and
  - (c) cessation of operations.
- A8. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one week before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

#### EVIDENCE OF CONSULTATION

- A9. 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

- A10. 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).
- A11. 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.
- A12. 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.

## COMPLIANCE

- A13. 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.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- A14. Prior to the commencement of construction of the development, the Applicant must 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;
- A15. 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.

## UTILITIES AND SERVICES

- A16. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A17. Prior to the issuing of a Subdivision Works or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.
- A18. Prior to the issuing of an Occupation Certificate, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre-ready facilities are fit for purpose.

## SUBDIVISION AND EASEMENTS

- A19. Prior to the issuing of an Occupation Certificate, the Applicant must subdivide the site in accordance with the subdivision plan listed in Appendix 1.
- A20. Prior to the issuing of an Occupation Certificate, the Applicant must register a Section 88B instrument over proposed Lot 1 to facilitate ongoing access benefiting the owner of proposed Lot 2. The instrument must be prepared and registered:
- (a) generally in accordance with the draft Section 88B instrument included in the RTS; and
  - (b) in accordance with the requirements of the *Conveyancing Act 1919*.

**Note:** *The draft Section 88B instrument included in the RTS sets out the purposes for which access to proposed Lot 1 is to be granted. This includes, but is not limited to: inspecting, testing, measuring, surveying and evaluating proposed Lot 1, performing or causing to be performed environmental testing and remediation works and complying with any other obligations which have been imposed upon proposed Lot 1 or the owner of proposed Lot 2 (including those imposed by the EPA or any other authority).*

- A21. Prior to the issuing of a Subdivision Certificate, the Applicant must:
- (a) provide the Certifier with evidence that all matters required to be registered on title (including easements), have been prepared and are included on the plan of subdivision for registration at Land Registry Services;
  - (b) obtain a Compliance Certificate for water and sewerage infrastructure servicing proposed Lot 1 under section 73 of the *Sydney Water Act 1994*; and
  - (c) provide the Certifier with evidence that satisfactory service arrangements for the provision of electricity to proposed Lot 1 have been established.

#### **EXTERNAL WALLS AND CLADDING**

- A22. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Note:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

- A23. Prior to the issuing of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,

the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

- A24. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

#### **WORK AS EXECUTED PLANS**

- A25. Prior to the issuing of the relevant Occupation Certificate, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

#### **CONTRIBUTIONS TO COUNCIL**

- A26. Prior to the issuing of an Occupation Certificate for any part of the development, a contribution under section 7.12 of the EP&A Act must be paid to Council under the City of Botany Bay S94A Development Contributions Plan 2016. The proposed cost of carrying out the development must be calculated in accordance with clause 25J of the EP&A Regulation by a registered quantity surveyor.

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

- A27. 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.

#### **APPLICABILITY OF GUIDELINES**

- A28. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A29. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by Condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council 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) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by Condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Intersection Works

- B3. Prior to the commencement of operation of the development, the Applicant must complete the construction of the Botany Road / Exell Street upgrade works (see Figure 3 in Appendix 1 of this consent), to the satisfaction of TfNSW. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B4. The Botany Road / Exell Street upgrade works must be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The detailed design must be prepared in accordance with *Austrroads Guide to Road Design* in association with relevant TfNSW supplements. The certified copies of the civil design plans must be submitted to TfNSW for approval prior to the issuing of a Construction Certificate for the ~~Stage 2~~ works.
- Note:** The detailed design documentation must be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).
- B5. The Applicant must enter into a Work Authorisation Deed (WAD) with TfNSW for any works that need to be carried out on TfNSW land.
- B6. A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Botany Road during construction activities.

#### Parking and Access

- B7. Prior to the commencement of construction of the site access point and the associated driveway ramp, the Applicant must submit design plans to the satisfaction of the Planning Secretary and the relevant roads authority which demonstrate the proposed access arrangements are:
- (a) designed to accommodate the turning path of a 26-metre B-Double vehicle and a 19-metre Articulated vehicle; and
  - (b) consistent with the most recent version of the *Austrroads Guide to Road Design* and TfNSW's specifications.
- B8. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not park in nearby public and residential streets or public parking facilities.
- B9. A minimum of twelve (12) fixed bicycle hoops (or similar) must be provided in close proximity to the Warehouse 1 office space. The bicycle hoops must be located and installed in accordance with the applicable design standards contained in *AS 2890.3:2015 Parking facilities, Part 3: Bicycle parking* (Standards Australia, 2015), to the satisfaction of the Certifier.



## Operating Conditions

B10. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and *AS 2890.6:2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009);
- (b) the development does not result in any vehicles queuing on the public road network;
- (c) heavy vehicles, shipping containers and bins associated with the development are not parked and/or stored on local roads or footpaths in the vicinity of the site;
- (d) all vehicles are wholly contained on site before being required to stop;
- (e) all loading and unloading of materials is carried out on-site; and
- (f) the proposed on-site turning areas are kept clear of any obstacles, including parked cars and shipping containers, at all times.

## Green Travel Plan

B11. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Green Travel Plan to encourage the use of sustainable and active transport options by operational staff. The Green Travel Plan must form part of the OEMP required by Condition C5 and must:

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

B12. The Applicant must:

- (a) not commence operation until the Green Travel Plan has been submitted to the Planning Secretary; and
- (b) implement the most recent version of the Green Travel Plan submitted to the Planning Secretary for the duration of the development.

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

B13. The Applicant must:

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

### Erosion and Sediment Control

B14. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.

### Discharge Limits

B15. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence.

### Stormwater Management System

B16. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s)
- (b) be generally in accordance with the conceptual design in the EIS;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

## **Flood Detention Basin**

B17. During the following phases of the development:

- (a) pre-construction of Stage 1 works; and
- (b) post-construction of Stage 1 works,

the Applicant must undertake the following surveys and studies, to the satisfaction of the Planning Secretary:

- (i) detailed ground survey of the site to ensure the existing floodplain storage capacity is maintained;
- (ii) verification study, prepared by a qualified hydraulic expert, confirming landscaping of the site has not impacted the flood storage capacity or conveyance of floodwaters across the site; and
- (iii) photographic survey of the flood storage retaining wall structure adjacent to Nant Street and McPherson Street.

## **Flood Detention Basin Management Plan**

B18. Prior to the commencement of construction of Stage 1 works, the Applicant must prepare a Flood Detention Basin Management Plan to the satisfaction of the Planning Secretary. The plan must:

- (a) describe the monitoring and maintenance procedures to maintain the current design standard of the flood detention basin during construction and operation; and
- (b) nominate the frequency of inspections and provide details of compliance procedures.

B19. The Applicant must:

- (a) not commence construction until the Flood Detention Basin Management Plan required by Condition B18 is approved by the Planning Secretary; and
- (b) must implement the most recent version of the Flood Detention Basin Management Plan approved by the Planning Secretary.

## **Flood Warning Signs**

B20. During construction and operation of the development, the Applicant must ensure that flood warning signs are maintained throughout the site. The flood warning signs must indicate the site is prone to flooding and must show the location of assembly and evacuation points, which are above the 1% Annual Exceedance Probability (AEP) flood level.

## **Flood Emergency Response Plan**

B21. Prior to the commencement of construction of Stage 1 works, the Applicant must update the Flood Emergency Response Plan contained within the Flood Impact Assessment report, prepared by BMT Eastern Australia Pty Ltd and dated January 2019, to the satisfaction of the Planning Secretary. The Plan must:

- (a) address the provisions of the NSW Government's Floodplain Development Manual and the associated Floodplain Risk Management Guidelines;
- (b) include details of the flood emergency responses for both construction and operation phases of the development; and
- (c) include details of a flood education, awareness and preparedness program for staff and visitors accessing the site.

B22. The Applicant must:

- (a) not commence construction until the Flood Emergency Response Plan required by Condition B21 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

## **Floor Levels**

B23. All floor levels must be no lower than the 1% AEP flood level plus 500 mm of freeboard.

B24. Any structures below the 1% AEP flood level plus 500 mm of freeboard must be constructed from flood compatible building components.

## **REMEDIATION**

### **Site Auditor**

B25. Prior to the commencement of construction of the Stage 1 works, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme to review the CEMP (see Condition C2), Validation Report (see Condition B27) and LTEMP (See Condition B28).

B26. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved RAP and relevant guidelines produced or approved

under the *Contaminated Land Management Act 1997*. Any revisions of the approved RAP must be reviewed by the Site Auditor.

### Validation Report

- B27. Prior to commencement of ~~construction of the Stage 2 works~~, the Applicant must submit a Validation Report which demonstrates the remediation works have been completed in accordance with the RAP and CEMP, to the satisfaction of the Site Auditor. The validation report must include:
- (a) details of the remediation works undertaken;
  - (b) information that the objectives of the RAP have been achieved;
  - (c) verification of placement of the contact barrier system; and
  - (d) details confirming the construction of the deck, void and associated foundations.

### Long Term Environmental Management Plan

- B28. The Long-Term Environmental Management Plan (LTEMP) for the development must be submitted for consideration and approval by the Site Auditor, prior to the finalisation of the Site Audit Statement and Site Audit Report. The LTEMP is to:
- (a) address all environmental impacts of the development's construction and operational phases;
  - (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);
  - (c) incorporate a program for ongoing monitoring and review to ensure the LTEMP remains contemporary with relevant environmental standards; and
  - (d) mechanisms to report results to Planning Secretary and the EPA.
- B29. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP; and
  - (b) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.



### Audit Statement

- B30. Prior to the ~~construction of Stage 2 works~~, the Applicant must ensure all requirements specified in the RAP and Site Audit Statement (SA263/6) prepared by Site Auditor Christopher Jewell, dated 16 May 2019 at Appendix G1 of the EIS are satisfied.
- B31. Prior to the ~~construction of Stage 2 works~~, the Applicant must obtain from a Site Auditor, a Site Audit Statement and a Site Audit Report, which demonstrates the site is suitable for its intended use. A copy of the final Site Audit Statement and Site Audit Report must be provided to the Planning Secretary and the EPA.

## CONTAMINATION

### Unexpected Contamination Finds Procedure

- B32. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary, prior to removal of the contaminated materials from the site.

## AIR QUALITY

### Dust Minimisation

- B33. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B34. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### Air Quality Discharges

- B35. The Applicant must install and operate equipment in line with best practice.

## Odour Management

B36. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

## NOISE

### Hours of Work

B37. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

B38. Works outside of the hours identified in Condition B37 may be undertaken in the following circumstances:

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

### Construction Noise Limits

B39. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in Appendix 2.

### Operational Noise Limits

B40. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2 at the receiver locations shown on the plan in Appendix 3.

**Table 2** Noise Limits (dB(A))

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
Receiver R01 (Detector dog facility)	53	53	53
Receiver R02 – R05 (Surrounding industrial receivers)	63	63	63
Receiver R06 (Residential receivers to the east)	56	51	47
Receiver R07 (Residential receivers to the west)	54	50	47
Receiver R08 (Banksmeadow Public School)	48	48	48

**Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

### Operational Driver Code of Conduct

B41. Prior to the commencement of operation, the Applicant must prepare a Driver Code of Conduct and induction training for the operation of the development to minimise road traffic noise. The Applicant must implement the most recent version of the Driver Code of Conduct and induction training for the life of the development.

## BIODIVERSITY

### Frog-Exclusion Fencing

B42. Prior to the commencement of construction, the Applicant must install frog-exclusion fencing around the perimeter of the site. The fencing must be maintained for the duration of the construction works.

### Pre-Clearing Surveys

B43. Prior to the commencement of construction, the Applicant must carry out pre-clearing surveys to identify any green and golden bell frogs and implement procedures for the safe relocation of the species.

## HAZARDS AND RISK

### Pre-commissioning

B44. Prior to the operation of the development, the Applicant must develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the proposed development. This plan must include detailed procedures for the safety of all people outside and within the development who may be at risk. The Emergency Plan must:

- (a) take into account the potential impacts from the Botany Industrial Park and the most recent Quantitative Risk Assessment (QRA) for the BIP; and
- (b) provide monitoring procedures for managing the number of people on-site at any one time (see Condition A6).

No later than two months prior to the commencement of operation of the development, or within such further period as the Planning Secretary may agree, the Applicant must submit the document for the approval of the Planning Secretary. Commissioning must not commence until approval has been given by the Planning Secretary.

*Note: The BIP QRA can be found on the Department's website under 'Sites of Interest' (<https://www.planning.nsw.gov.au/Policy-and-Legislation/Hazards/Industrial-Hazards>)*

### Dangerous Goods

B45. 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

B46. 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 Manual* (Department of Environment and Climate Change, 2007).

### Fire and Life Safety Systems

B47. Prior to the issuing of a construction certificate for the ~~Stage 2~~ works, the Applicant must consult with FRNSW on the fire and life safety systems for the site using the Fire Engineering Brief Questionnaire (FEBQ) process.

## WASTE MANAGEMENT

### Construction Waste Management

B48. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with Condition C2 and must:

- (a) detail the anticipated quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) include a register to detail the type and volume of material excavated and disposed of as part of the remediation works; and
- (c) be implemented for the duration of construction works.

B49. The Applicant must:

- (a) not commence construction until the Construction Waste Management Plan is approved by the Planning Secretary.
- (b) implement the most recent version of the Construction Waste Management Plan approved by the Planning Secretary.

### Pests, Vermin and Priority Weed Management

B50. The Applicant must:

- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and

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

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

### **Waste Storage and Processing**

- B51. Waste must be secured and maintained within designated waste storage areas at all times and must not be stored or impact upon neighbouring public or private properties.

### **Statutory Requirements**

- B52. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B53. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of the 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.
- B54. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B55. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.

### **VISUAL AMENITY**

#### **Landscaping**

- B56. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP and be prepared in accordance with Condition C5. The plan must:
  - (a) detail the species that have been planted on-site (including final planting densities);
  - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B57. The Applicant must:
  - (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
  - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
  - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Condition C5 for the life of the development.

#### **Lighting**

- B58. The Applicant must ensure the lighting associated with the development:
  - (a) complies with the latest version of AS 4282-2019 – *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

#### **Signage and Fencing**

- B59. All signage and fencing, including the black mesh fencing to the underside of the deck, must be erected in accordance with the development plans included in Appendix 1.

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

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

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

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) a procedure for consulting with nearby sensitive receivers (including the adjacent ABP Detector Dog Facility) to schedule high noise generating works and vibration intensive activities;
  - (b) details of the vibration monitoring which would be undertaken during the Stage 1 works;
  - (c) erosion and sediment control plans;
  - (d) a copy of the:
    - (i) development's Construction Traffic Management Plan (see Condition B1);
    - (ii) development's Flood Emergency Response Plan (see Condition B21);
    - (iii) RAP included in the EIS;
    - (iv) development's Unexpected Finds Protocol (see Condition B32); and
    - (v) development's Construction Waste Management Plan (see Condition B48).
- C4. The Applicant must:
- (a) ensure a copy of the CEMP has been provided to the Site Auditor for review (see Condition B25);
  - (b) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (c) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.

- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the procedures that would be implemented to:
    - (i) manage and report on the number of people on-site at any one time (see Condition A6);
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (b) details of the procedures for ongoing maintenance, monitoring and access under the concrete platform, including maintenance and periodic inspection of the piers
  - (c) include copies of the following environmental management plans:
    - (i) Green Travel Plan (see Condition B11);
    - (ii) Flood Emergency Response Plan (see Condition B21);
    - (iii) Long-Term Environmental Management Plan (see Condition B28);
    - (iv) Operational Driver Code of Conduct (see Condition B41);
    - (v) Emergency Plan (see Condition B44); and
    - (vi) Landscape Management Plan (Condition B56).
- C7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
  - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

#### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- C8. Within three months of:
- (a) the submission of an incident report under Condition C10;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- C9. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

#### **REPORTING AND AUDITING**

##### **Incident Notification, Reporting and Response**

- C10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number, SSD-9691) and set out the location and nature of the incident. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 4.

##### **Non-Compliance Notification**

- C11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification (see Condition C11) must:
- (a) identify the development (including the development application number, SSD-9691);
  - (b) set out the condition of consent that the development is non-compliant with and the way in which it does not comply;
  - (c) set out the reasons for the non-compliance (if known); and
  - (d) identify what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident (see Condition C10) does not need to also be notified as a non-compliance.



## Monitoring and Environmental Audits

C14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

## ACCESS TO INFORMATION

C15. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in Condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) a summary of the current stage and progress of the development;
  - (v) contact details to enquire about the development or to make a complaint;
  - (vi) a complaints register, updated monthly;
  - (vii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1 DEVELOPMENT LAYOUT PLANS**

<b>JOB NO.</b>	<b>DRAWING NO.</b>	<b>REV</b>	<b>DATE</b>	<b>TITLE</b>
<b>Architectural Drawings prepared by Axis Architectural</b>				
180101	DA / A 100	A	12/12/2018	Podium slab plan – Stage 1
180101	DA / A 101	I	21/01/2021	Site & ground floor plan
180101	DA / A 201	B	07/07/2020	Office floor plans
180101	DA / A 202	B	07/07/2020	Roof plan
180101	DA / A 301	C	16/10/2020	Warehouse 1 elevations
180101	DA / A 302	B	07/07/2020	Warehouse 2 elevations
180101	DA / A 303	B	07/07/2020	Photomontages
180101	DA / A 401	B	07/07/2020	Sections
<b>Landscape Plans prepared by Geoscapes</b>				
180829	SSD-00	G	09/03/2021	Landscape site masterplan
180829	SSD-01	G	09/03/2021	Landscape plan south
180829	SSD-02	G	09/03/2021	Landscape plan north
180829	SSD-03	G	09/03/2021	Landscape detailed plan south
180829	SSD-04	G	09/03/2021	Landscape detailed plan north
180829	SSD-05	G	09/03/2021	Landscape sections: AA and BB
180829	SSD-06	G	09/03/2021	Typical landscape details & specifications
180829	SSD-07	G	09/03/2021	Planting schedules and images
<b>Civil Engineering Plans prepared by Costin Roe Consulting</b>				
9349.12	DA 10	C	24/07/2020	Drawing list and general notes
9349.12	DA 20	C	24/07/2020	Erosion and sediment control – Plan & details
9349.12	DA 30	E	24/07/2020	Site preparation plan
9349.12	DA 40	C	24/07/2020	Stormwater key plan – Plan & details
9349.12	DA 41	C	24/07/2020	Stormwater drainage plan – Sheet 1
9349.12	DA 42	C	24/07/2020	Stormwater drainage plan – Sheet 2
9349.12	DA 45	C	24/07/2020	Stormwater drainage details – Sheet 1
9349.12	DA 51	C	24/07/2020	Finished levels plan – Sheet 1
9349.12	DA 52	C	24/07/2020	Finished levels plan – Sheet 2
<b>Subdivision Plan prepared by Rygate &amp; Company</b>				
78858	-	-	25/11/2019	Plan of subdivision of Lot 9 D.P. 1205673
<b>Intersection Upgrade Plan prepared by Traffix</b>				
12.060	SK.01	B	02/02/2021	Concept design – Botany Road linemarking



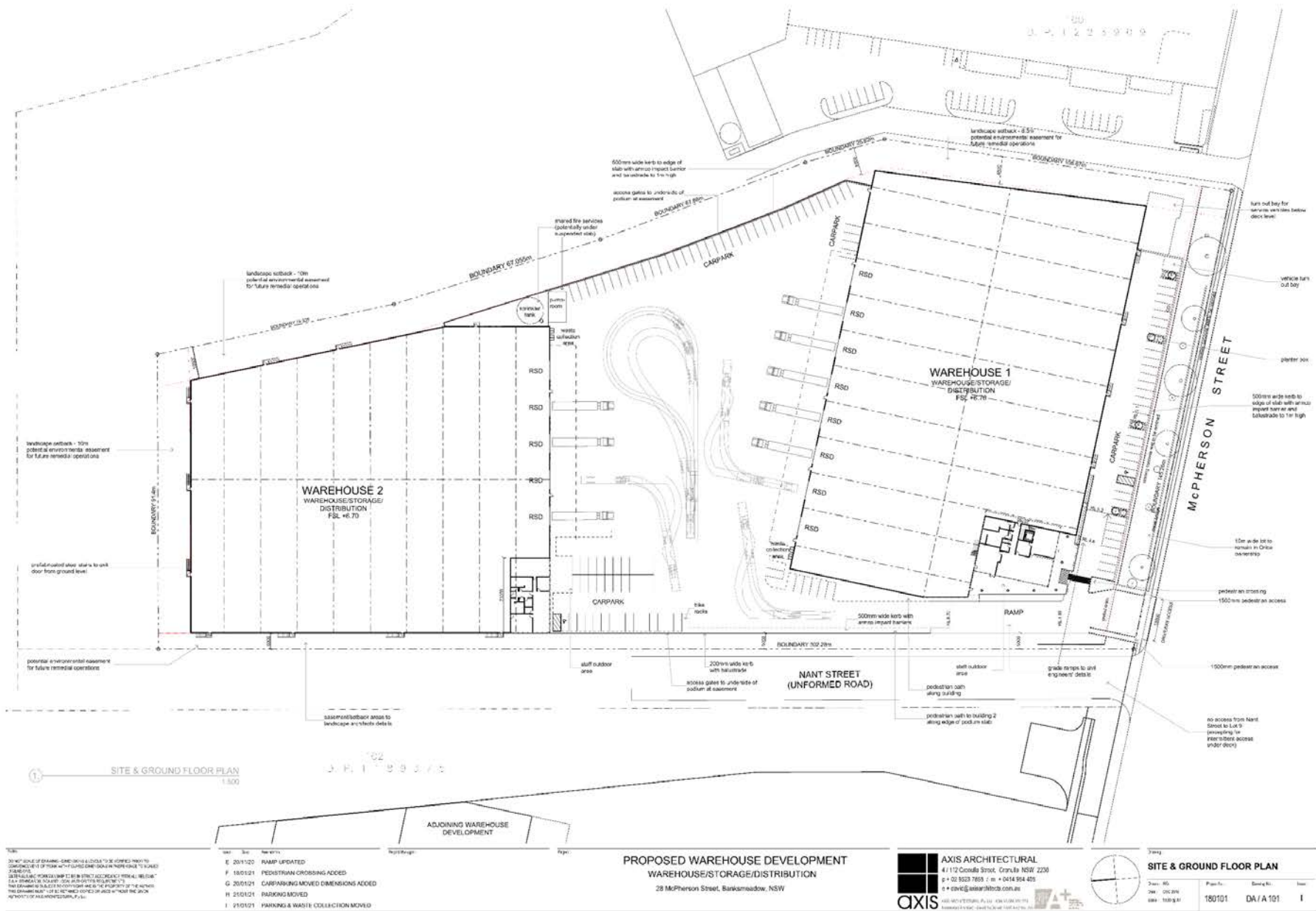


Figure 2 Site & Ground Floor Plan (Stage 2 works)



Figure 3 Concept design for the Botany Road / Exell Street upgrade works

## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation measures
General	<ul style="list-style-type: none"> <li>Withdraw modification application MP 06_0191 MOD 5 if the plan of subdivision is approved as part of SSD 9691</li> <li>The ongoing operation of the development would be undertaken to ensure the requirements of the S88B Instrument over the land are met</li> <li>Payment of developer contributions in accordance with the requirements of <i>City of Botany Bay S94A Development Contributions Plan 2016</i></li> </ul>
Visual amenity	<ul style="list-style-type: none"> <li>Integration of a contemporary industrial design that is comparable in height, bulk and scale of surrounding industrial developments</li> <li>Landscaping is proposed along the entire boundary of the site to incorporate a variety of native trees, shrubs and grasses consistent with a Landscape Masterplan</li> </ul>
Flooding	<ul style="list-style-type: none"> <li>Implementation of a Flood Emergency Response Plan (FERP)</li> <li>Barrier layer to be constructed of permeable materials with permeability specifications based on a single-graded durable aggregate that will allow water to permeate at greater rates than the natural underlying sands</li> <li>The undercroft area will include a mesh steel fence around the perimeter of the underside of the suspended deck to ensure restricted access and allow flood water to enter and exit unimpeded</li> <li>The fencing around the compensatory flood storage area will be regularly inspected including after flooding events. Any debris potentially obstructing flood flows would be removed</li> <li>Implementation of a flood education, awareness and preparedness program for the site</li> </ul>
Contamination	<ul style="list-style-type: none"> <li>Implementation of the Remediation Action Plan (RAP) titled <i>Orica Australia Pty Ltd Remediation Action Plan 28 McPherson Street Banksmeadow, NSW 54709/119224 Rev 0</i> prepared by JBS&amp;G, dated 15 May 2019</li> <li>Development and implementation of a Construction Environmental Management Plan (CEMP) as recommended by the RAP</li> <li>Completion of a Validation Report at the completion of <del>Stage 1</del> Works to confirm site work has been completed in accordance with the RAP and CEMP</li> <li>Preparation of a Long-Term Environmental Management Plan (LTEMP) at the completion of <del>Stage 1</del> works to document the presence of contamination and describe relevant risk management measures</li> <li>To meet the Conditions required by the Site Audit Statement B prior to occupation of buildings on site</li> <li><del>Stage 2</del> works will not commence until a Section A Site Audit Statement is issued</li> </ul>
Hazards and risk	<ul style="list-style-type: none"> <li>Emergency response procedures to be developed and included in an Emergency Plan for the site</li> <li>Emergency Plan to be prepared in consultation with the Botany Industrial Park (BIP) to ensure the emergency plan for the warehousing site accounts for the required response to an incident in the BIP or at the Nant Street tank farm</li> </ul>
Traffic and transport	<ul style="list-style-type: none"> <li>Upgrade to the Excell Street and Botany Road intersection consistent with the concept design by Traffix dated 2 February 2021 in drawing 12.061- DA-SK.01-B, in consultation with Transport for NSW</li> <li>Preparation of a Green Travel Plan (GTP) to encourage alternative modes of transport and reduce the reliance on cars</li> <li>Preparation of a Construction Traffic Management Plan (CTMP) which will be submitted to Council</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>Implementation of a CEMP in accordance with the Biodiversity Development Assessment Report (BDAR) prepared by WSP which includes industry standard measures for management of soil, surface water, weeds and pollutants</li> <li>CEMP to include measures to minimise the potential of GGBF occurring within the site during construction such as pre-clearing surveys by a suitably qualified ecologist</li> </ul>

Issue	Mitigation measures
Noise and vibration	<ul style="list-style-type: none"> <li>• Construction work to be undertaken during the hours outlined within the <i>NSW Interim Construction Noise Guideline</i> (ICNG)</li> <li>• Construction noise to be managed and minimised in accordance with procedures outlined under Section 6.5 in Table 21 – Environmental Management Controls for Construction Noise - Source Control of the Noise and Vibration Impact Assessment (NVIA) prepared by SLR Consulting dated January 2019</li> <li>• Adoption of construction mitigation measures outlined in the NVIA to reduce vibration impacts</li> </ul>
Waste management	<ul style="list-style-type: none"> <li>• Implementation of the Construction Waste Management Plan dated January 2019 prepared by Waste Audit and Consultancy Services</li> <li>• Implementation of the Operational Waste Management Plan dated January 2019, prepared by Waste Audit and Consultancy Services</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>• inclusion in the CEMP of the Site-Specific Management Measures recommended by the IAQM contained in Table 8 of the Air Quality Impact Assessment (AQIA) prepared by SLR Consulting dated February 2019</li> <li>• LTEMP will address maintenance of the area to ensure that dust emissions are acceptable</li> </ul>
Erosion and sediment control	<ul style="list-style-type: none"> <li>• Implementation of the Erosion and Sediment Control Plan (ESCP) included in the report titled Civil Engineering Report for SSD Application – Proposed Development at Lot 9, DP 1205673, 28 McPherson St Banksmeadow, dated February 2019 prepared by Costin Roe Consulting</li> <li>• Site fencing to be installed ensuring traffic control and prohibiting unnecessary site access and disturbance</li> <li>• vehicular access to site limited to those essential for construction works and only through stabilised access points</li> <li>• Stockpiled material will be stored in bunded areas and located away from waterways to avoid sediment entering into waterways</li> <li>• land recently established with grass species to be watered regularly until an effective ground cover has been established</li> <li>• foot and vehicular traffic to be kept away from all recently established areas where practical</li> <li>• large unprotected areas to be kept moist by water cart to keep dust under control during windy weather</li> </ul>

### APPENDIX 3 NOISE RECEIVER LOCATIONS

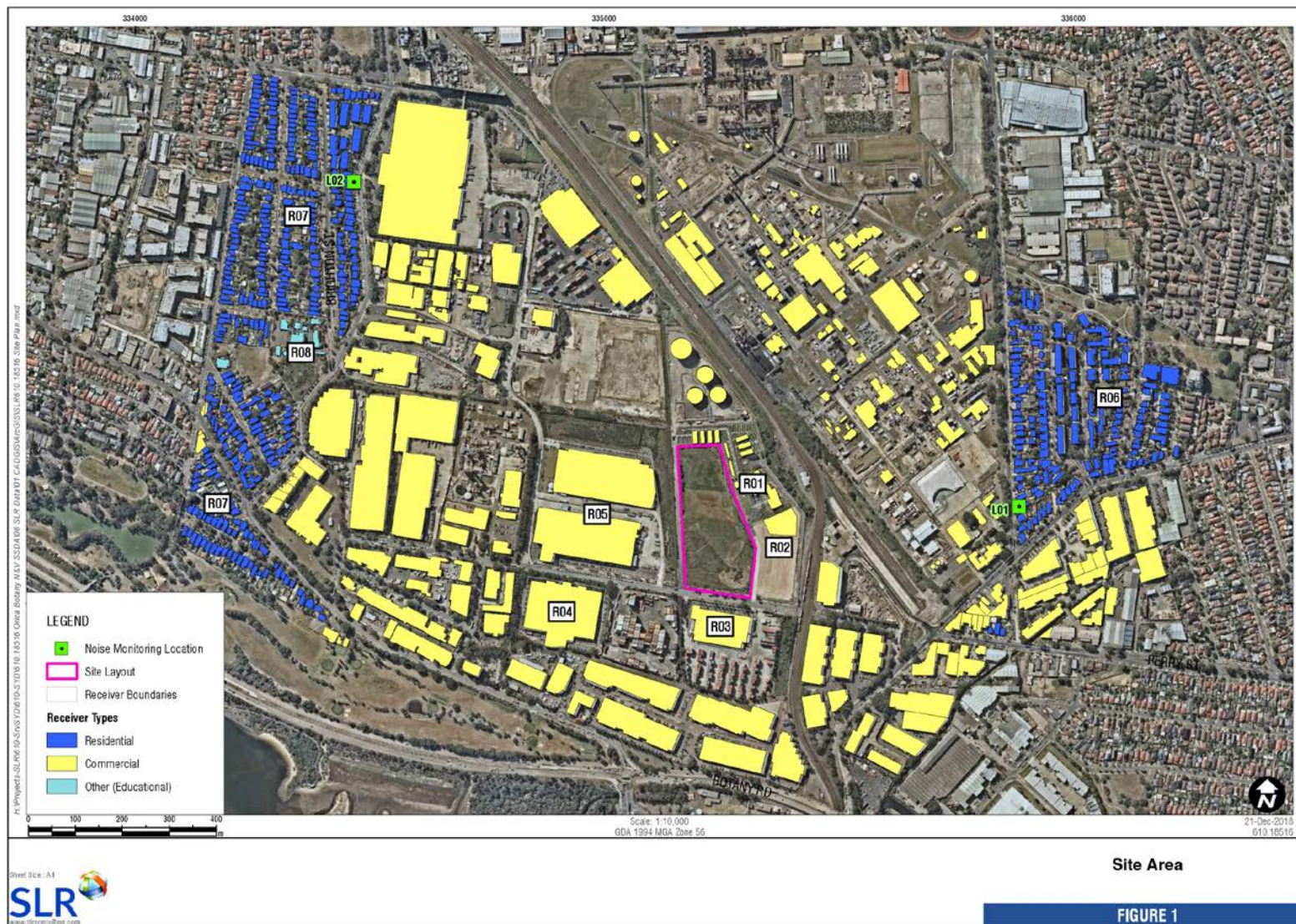


Figure 4 Noise receiver locations



## APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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

### INCIDENT REPORT REQUIREMENTS

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