

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 2022, I determine:

- a) to grant consent to the Staged Development Application referred to in Schedule 1, subject to the Concept Proposal conditions and Stage 2 Development Application conditions in Schedule 2;
- b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979* (NSW), any subsequent development under the Concept Proposal is only considered to be State Significant Development should the development meet the relevant criteria in Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (or any substituted SEPP);
- c) any subsequent development under the Concept Proposal may not be considered Exempt Development or Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

These conditions are required to:

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



Chris Ritchie
Director
Industry Assessments

Sydney

11 October 2023

File: SSD-37486043

SCHEDULE 1

Application Number:	SSD-37486043
Applicant:	Goodman Property Services (Aust) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	2 – 10 Old Wallgrove Road, Horsley Park Lot 102 and 103 in DP 1268366
Development:	Oakdale East Industrial Estate including: <ul style="list-style-type: none">• a Concept Proposal for an industrial estate to be built over five stages, including development controls; and• a Stage 2 development for earthworks, intersection works, construction of estate roads and services, subdivision, noise barriers, biodiversity offsets and construction, fit-out and operation of an expansion of an existing warehouse in Precinct 1 and three new warehouses in Precinct 3

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DEFINITIONS

AR	Amendment Report titled <i>Amendment Report Oakdale East Industrial Estate 2-10 Old Wallgrove Road, Horsley Park</i> prepared by Keylan dated May 2023 and RFI Responses dated 3 August 2023 and 6 September 2023
Applicant	Goodman Property Services (Aust) Pty Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Concept Proposal	A concept masterplan for an industrial estate comprising warehouse and distribution centres, to be built over five stages, as described in the EIS, RTS and AR and shown in Appendix 1
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	Construction of buildings, hardstands, offices, roads, stormwater infrastructure and landscaping
Council	Fairfield City Council
DA	Development Application
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the EIS, RTS and AR, including the Concept Proposal for an industrial estate to be built over 5 stages and the Stage 2 development for detailed earthworks, construction of estate roads and services, expansion of an existing warehouse in Precinct 1 and construction and operation of three new warehouses in Precinct 3, as shown on the plans in Appendix 1 and as modified by the conditions of this consent
Development layout	The plans in Appendix 1 and Appendix 2 of this consent
DPE	Department of Planning and Environment
Earthworks	Detailed earthworks in Precincts 2, 3, 4 and for the extension of the warehouse in Precinct 1
EHG	Environment and Heritage Group, DPE (formerly Biodiversity and Conservation Division and Environment, Energy and Science Group)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement State Significant Development SSD 37486043 Oakdale Est Estate 2-10 Old Wallgrove Road, Horsley Park</i> prepared by Keylan dated July 2022, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
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)
GFA	Gross Floor Area
GLA	Gross Lettable Area

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Intersection works	The works, approved under a Works Authorisation Deed, at both Lenore Drive / Old Wallgrove Road and Millner Avenue / Old Wallgrove Road intersections, as shown on the plans in Appendix 2
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEE DCP	Oakdale East Estate Development Control Plan prepared by Urbis dated May 2022
OEMP	Operational Environmental Management Plan
Operation	The use of warehouse buildings for the storage and distribution of goods upon completion of construction, as described in the EIS, RTS and AR
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Principal Certifier	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
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Registered Surveyor	Means registered surveyor within the meaning of the term in the <i>Surveying and Spatial Information Act 2002</i> (NSW)
Relevant Roads Authority	The authority responsible for ownership and maintenance of the applicable road (i.e. Transport for NSW or Fairfield City Council)
Response to Submissions (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 and includes the document titled <i>Submissions Report State Significant Development Application (SSD)</i>

37486043) Oakdale East Industrial Estate 2-10 Old Wallgrove Road, Horsley Park prepared by Keylan dated November 2022 and RTS Addendum titled *Response to Request for Information Oakdale East Industrial Estate (SSD 37486043) 2 – 10 Old Wallgrove Road, Horsley Park* prepared by Keylan dated 24 November 2022

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
Stage 2 development	Intersection upgrades, detailed earthworks in Precincts 1 and 3, construction of estate roads and services, expansion of an existing warehouse in Precinct 1 and construction and operation of three warehouses in Precinct 3, as described in the EIS, RTS and AR
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
WAD	Works Authorisation Deed, a contract between TfNSW and the Applicant to undertake roadworks on the State road network
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Water pipelines corridor	Two Sydney drinking water pipelines located on land owned by Water NSW along the northern boundary of the site
WNSW	Water NSW
WSFL	Western Sydney Freight Line corridor as shown in TfNSW Western Sydney Freight Line Corridor Identification – Consultation, March 2018
Year	A period of 12 consecutive months

SCHEDULE 2

PART A CONDITIONS FOR CONCEPT PROPOSAL

TERMS OF CONSENT

- A1. 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, RTS and AR;
 - (d) in accordance with the Development Layout in Appendix 1 and Appendix 2; and
 - (e) in accordance with the management and mitigation measures in Appendix 3.
- A2. 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 A2(a).
- A3. 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 A1(c) or A1(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A1(c) or A1(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

FUTURE DEVELOPMENT APPLICATIONS

- A4. In accordance with section 4.22 of the EP&A Act, each subsequent stage of the Concept Proposal (excluding the Stage 2 development) is to be subject to future development applications (DAs). Future DAs are to be consistent with the terms of this consent.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless any Stage of the development has physically commenced on the land to which the consent applies before that date.
- A6. The Applicant must ensure any future development on the site is consistent with the development controls in Condition 0.
- A7. The Applicant must update the *Oakdale East Estate Development Control Plan (OEE DCP)* to reflect the controls in Condition 0. The updates to the OEE DCP must be submitted to Council within 6 months of the date of this consent.
- A8. The following limits apply to the Concept Proposal:
- (a) Infrastructure
 - (i) a minimum 60 metre (m) wide corridor along the northern site boundary shall not be developed and shall be maintained and preserved for the future WSFL corridor, in accordance with the requirements of TfNSW;
 - (ii) the access road between Precinct 4 and 5 that traverses the WSFL corridor as shown on Figure 1 in Appendix 1 is not approved. The layout and levels of any future access road through the WSFL corridor must be assessed by a separate DA and must satisfy the requirements of TfNSW and Part B of this consent.
 - (b) Precincts 2 and 4 – the building layouts and footprints shown in Precincts 2 and 4 on Figure 1 in Appendix 1 are not approved. The position, layouts and footprints of the buildings on these lots must be assessed by separate DAs and must satisfy the requirements in Part B of this consent. Building layouts in Precinct 2 must ensure loading docks face away from neighbouring residences; and
 - (c) Precinct 5 - the earthworks, retaining walls and basin D proposed in Precinct 5 are not approved.
- A9. The maximum GLA for development on the site must not exceed the limits in Table 1.

Table 1 Maximum GLA of the Concept Proposal

Land Use	Maximum GLA (m ²)
Warehouses and distribution centres and ancillary offices	333,754

A10. The Applicant shall ensure the Concept Proposal is consistent with the development controls in Table 2.

Table 2 Development Controls

Development Aspect	Control
Minimum building setbacks from:	
• Old Wallgrove Road	15 m
• Estate Roads	7.5 m
• Southern Link Road	15 m
• Corner lots – secondary street frontage	5 m
• Rear and side setbacks within the estate	5 m ¹
• WNSW water pipelines corridor	5 m
Heights	
• Buildings in Precinct 1, 2, 3 and 4	15 m ²
Subdivision	
• Minimum lot size	5,000 m ²
• Minimum street frontage	40 m (excluding cul-de-sacs)
• Minimum width at the building line	35 m
• Minimum depth	30 m
Site coverage	Maximum 65% on each lot (excluding awnings)
Minimum landscaping setbacks from:	
• Old Wallgrove Road and Southern Link Road	10 m
• Collector Road	7.5 m
• Local Estate Roads	3.75 m
• Side boundary (internal)	No minimum requirement
• Rear boundary	2.5 m
Minimum tree canopy cover on lot (once mature)	10% ³
Parking rates	<ul style="list-style-type: none"> • 1 space per 300 m² of warehouse GFA; • 1 space per 40 m² of office GFA; and • 1 space for accessibility parking for every 100 car parking spaces • A minimum 5% of car parking spaces to be electric vehicle charging stations

Notes:

1. Subject to compliance with fire rating standards, side and rear setbacks may be reduced to nil where the lot boundaries are internal to the site.
2. Excludes rooftop mechanical plant and solar panels.
3. Excludes public roads and non-industrial land.

STAGING PLAN

A11. Prior to the commencement of construction of any stage of the Concept Proposal, the Applicant shall prepare a Staging Plan for the Development, to the satisfaction of the Planning Secretary. The plan shall:

- (a) be prepared in consultation with Council, utility and service providers and other relevant stakeholders;
- (b) describe how the implementation of the Concept Proposal, would be staged to ensure it is carried out in an orderly and economic way and minimises construction impacts;
- (c) show the likely sequence of DAs that will be lodged to develop the Site, with the estimated timing for each Stage and identification of any overlapping construction and operational activities;
- (d) include concept design for the staged delivery of landscaping, focusing on early implementation of screen planting to minimise the visual impact of subsequent development stages; and

- (e) include conceptual design for the provision of services, utilities and infrastructure to the Site, including stormwater management infrastructure and any future road upgrades.

A12. The Applicant must:

- (a) not commence construction of any stage of the development until the Staging Plan required by Condition A11 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Staging Plan approved by the Planning Secretary.

A13. The Planning Secretary may require the Applicant to address certain matters identified in the Staging Plan. The Applicant must comply with any such requirements of the Planning Secretary given as part of the Staging Plan approval.

Notes:

- The Applicant may amend the Staging Plan as desired, with the approval of the Planning Secretary.
- The Staging Plan is intended to broadly describe the development sequence for the Site and the delivery of infrastructure for all stages. It is not required to provide detailed design for latter Stages.

NOISE LIMITS

A14. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3.

Table 3 Noise Limits (dB(A))

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)
Residential receivers on Burley Road, and Delaware Road, Horsley Park (R01 – R12)	47	42	38

Note Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the Figure 5 in Appendix 4 for the location of residential sensitive receivers.

A15. The Applicant must ensure that noise generated by any activity on the site does not exceed a sound power level of L_{AMax} 115 dB(A) or result in annoying noise characteristics as determined in accordance with the Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018).

BUSHFIRE PROTECTION

A16. The Applicant must ensure the development complies with:

- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
- (b) the construction standards and asset protection zone requirements recommended in the Bushfire Hazard Assessment for the Oakdale East Industrial Estate, prepared by Blackash Bushfire Consulting, dated 23 March 2023; and
- (c) Australian Standard AS2419.1-:2021 *Fire hydrant installations System design, installation, and commissioning or a Performance Requirement E1P3 of the National Construction Code Building Code of Australia Volume 1 for hydrant systems*.

WATER NSW PIPELINES CORRIDOR

A17. The Applicant must:

- (a) provide safe and unobstructed access for Water NSW plant and personnel to the water pipelines corridor adjacent the site, 24 hours a day, 7 days a week;
- (b) comply with the requirements of Water NSW for any works adjacent to or over, the water pipelines corridor; and
- (c) advise Water NSW of any proposed amended or modified encroachment into the water pipelines corridor.

TRANSGRID EASEMENT

A18. The Applicant must:

- (a) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission towers, lines and easements on the site, 24 hours a day, 7 days a week;
- (b) comply with the requirements of TransGrid for any works in the TransGrid easement; and
- (c) advise TransGrid of any proposed amended or modified encroachment into the easement.

PART B CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS

DEVELOPMENT CONTRIBUTIONS

- B1. Prior to the issue of a Subdivision Certificate or Construction Certificate (as required by the contributions plan or agreed by Council) for any future stage of the development, the Applicant must pay contributions to Council as required in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*, or any other contributions plan as in force when the subsequent consent is issued.

Note: Subject to agreement between Council and the Applicant, local contributions may be satisfied by a planning agreement or works-in-kind agreement between Council and the Applicant.

DEVELOPMENT CONTROLS

- B2. Future DAs must demonstrate how the development complies with the development controls in Table 2.

NOISE AND VIBRATION

- B3. Future DAs must be accompanied by a Noise and Vibration Impact Assessment. The assessment must:
- (a) identify the noise and vibration impacts during construction and operation;
 - (b) demonstrate compliance with the noise limits in Conditions A14 and A15;
 - (c) provide an analysis of all external plant and equipment, including but not limited to, forklifts, air conditioners and refrigeration systems and on-site vehicle movements;
 - (d) incorporate noise mitigation measures, such as increased building setbacks, building insulation, noise barriers, layout of truck loading areas or source controls, to demonstrate the noise limits in Condition A14 can be achieved;
 - (e) analyse the need for additional or modified noise barriers to meet the noise limits in Condition A14; and
 - (f) recommend mitigation and management measures (excluding measures at receivers) to be implemented to minimise noise during construction and operation.

TRANSPORT, ACCESS AND PARKING

Transport

- B4. Future DAs shall be accompanied by a transport, access and parking assessment. The assessment must:
- (a) assess the impacts on the safety and capacity of the surrounding road network and access points during construction and operation of the relevant stage in accordance with TfNSW guidelines;
 - (b) demonstrate internal roads, driveways and car parking complies with relevant Australian Standards and the car parking rates in Condition 0;
 - (c) demonstrate 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;
 - (d) detail the scope and timing of any required road or intersection upgrades to service the relevant stage; and
 - (e) detail measures to promote non-car travel modes, including a Sustainable Travel Plan identifying pedestrian and cyclist facilities to service the relevant stage of the development including pedestrian connections to offices and warehouse buildings in accordance with relevant guidelines and standards.

Access

- B5. Any future application that proposes an access road between Precincts 4 and 5 that traverses the WSFL corridor must:
- (a) include detailed plans that have been prepared in consultation with TfNSW showing agreed horizontal and vertical levels of the access road; and
 - (b) demonstrate the access road would not impact the ability to deliver and operate the future WSFL.
- B6. Future DAs must:
- (a) demonstrate the layout, spacing and position of all access points to the estate road network would:
 - (i) minimise road safety risks, including consideration of minimising potential conflicts with other driveways within the development;
 - (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 queueing on the estate road network.
 - (b) detail measures to minimise road safety risks and congestion such as:

- (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.

VISUAL AMENITY

Landscaping

- B7. Future DAs must be accompanied by a Landscape Plan. The plan must:
- (a) clearly identify on-lot landscaping to comply with the landscape setback and canopy cover requirements in Condition 0;
 - (b) include a planting schedule consistent with Appendix F of Fairfield City Council's Development Control Plan, 2013;
 - (c) detail measures to monitor and manage landscaping on site; and
 - (d) include an assessment of the condition of landscaping completed as part of earlier stages of the development and detail any additional landscaping or rehabilitation works required to ensure the canopy cover requirements in Table 2 are met.

Outdoor Lighting

- B8. Future development must ensure compliance with Australian Standards *AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting* and *AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting*.

Signage

- B9. Future development must include a signage strategy detailing any external advertising or business identification signage and demonstrate compliance with Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (or any substituted SEPP).

Building Materials

- B10. The Applicant must ensure the finished facades and roofs of the warehouses and office buildings use neutral, recessive colours, non-reflective materials and are designed to present an attractive façade to residential areas and to minimise glare.

STORMWATER MANAGEMENT

- B11. Future development on the site must achieve compliance with Fairfield City Council's Stormwater Management Policy, September 2017 or its latest version.
- B12. Future DAs must include an update to the Stormwater Management System Design required under Condition D58. The strategy must:
- (a) be prepared in consultation with Council;
 - (b) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems;
 - (c) consider the approved or as modified stormwater management system for preceding stages of the development;
 - (d) demonstrate the relevant stage can comply with the water flow and quality targets in Fairfield City Council's Stormwater Management Policy, September 2017 or its latest version; and
 - (e) detail any infrastructure required to connect the relevant stage to the approved stormwater management system for the site.

AIR QUALITY

- B13. Future DAs must be accompanied by an Air Quality and Odour Impact Assessment. The assessment must:
- (a) be prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA 2016) and *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006);
 - (b) identify the air quality and odour impacts during construction and operation, including potential impacts on sensitive receivers;
 - (c) assess any potential cumulative impacts from concurrent construction and operational activities on the site; and
 - (d) recommend mitigation, management and monitoring measures to be implemented to minimise air quality and odour impacts during construction and operation.

HAZARDS AND RISK

- B14. Future DAs must be accompanied by a Preliminary Risk Screening. The risk screening must:
- (a) be prepared in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 and Hazardous and Offensive Development Application Guidelines – Applying SEPP 33, Department of Planning, 2011;
 - (b) clearly indicate the class, quantity and location of all dangerous goods and hazardous materials associated with the development.
- B15. If the Preliminary Risk Screening required by Condition B14 indicates that the development is 'potentially hazardous', a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (Department of Planning, 2011) and Multi-Level Risk Assessment (Department of Planning, 2011).

BUSHFIRE PROTECTION

- B16. The Applicant shall ensure future DAs comply with:
- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
 - (b) the construction standards and asset protection zone requirements recommended in the Bushfire Hazard Assessment for the Oakdale East Industrial Estate, prepared by Blackash Bushfire Consulting, dated 23 March 2023; and
 - (c) Australian Standard *AS2419.1-:2021 Fire hydrant installations System design, installation, and commissioning or a Performance Requirement E1P3 of the National Construction Code Building Code of Australia Volume 1 for hydrant systems*.

WATER NSW

- B17. The Applicant must consult with Water NSW prior to lodging a DA for works on Precinct 5 adjoining the water pipelines corridor, to identify and implement any requirements of Water NSW for protection of the water pipelines corridor including but not limited to:
- (i) vibration monitoring during construction;
 - (ii) restrictions on vibratory equipment; and
 - (iii) pre and post construction surveys.

SYDNEY WATER

- B18. Future developments must include a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* (NSW).

EXTERNAL WALLS AND CLADDING

- B19. The external walls of all future buildings must comply with the relevant requirements of the BCA.
- B20. Future development involving the construction of external walls must ensure 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.

Note: Documentary evidence that these comply with the BCA will need to be provided to the Certifier prior to the issue of any construction certificate for these works and prior to the Occupation Certificate. A copy of the documentation given to the Certifier will also be required to be provided to the Planning Secretary within seven days after the Certifier accepts it.

PART C STAGE 2 DEVELOPMENT GENERAL CONDITIONS

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 Stage 2 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, RTS and AR;
 - (d) in accordance with the Development Layout in Appendix 2; and
 - (e) in accordance with the management and mitigation measures in Appendix 3.
- 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 C2(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) or C2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C2(c) or C2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- C5. 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.

Maximum GLA

- C6. The maximum GLA for the Stage 2 Development must not exceed the limits in Table 4.

Table 4 Maximum GLA for the Stage 2 Development

Land Use	Maximum GLA (m ²)
Precinct 1	
- warehouses and distribution centres	2,665
- ancillary office	307
Precinct 3	
- warehouses and distribution centres	108,754
- ancillary office	6,150
Sub-Total	117,876
Other	5,910
Total	123,786

NOTIFICATION OF COMMENCEMENT

- C7. 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 month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction; and
 - (b) operation.

EVIDENCE OF CONSULTATION

- C8. 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

- C9. 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).
- C10. 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.
- C11. 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.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

General Requirements

- C12. Before the commencement of Intersection works for the development, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the Stage 2 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
- C13. 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 Stage 2 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 Stage 2 development.

Sydney Water

- C14. 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*.

Fibre-Ready Facilities

- C15. Before the issuing of a Subdivision Works or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development 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 the development demonstrated through an agreement with a carrier.
- C16. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

PROTECTION OF WATER NSW INFRASTRUCTURE

- C17. The Applicant must:

- (a) ensure all contractors do not enter the water pipelines corridor, unless a written access consent has been obtained from Water NSW;
- (b) implement all practical measures to protect the Water NSW infrastructure, as required by Water NSW, for the duration of the development;
- (c) repair, or pay the full costs associated with repairing any Water NSW infrastructure that is damaged by carrying out the development; and
- (d) report all incidents that affect or could affect the water pipelines corridor to Water NSW on the 24 hour incident notification number 1800 061 069, as a matter of urgency.

C18. The Applicant must ensure:

- (a) all works adjacent to the water pipelines corridor is consistent with the *Guideline for development adjacent to the Upper Canal and Warragamba Pipelines* (Water NSW, 2021);
- (b) post-development flows do not exceed pre-development flows into and through the water pipelines corridor;
- (c) stockpiles are not placed in a position where they may interfere with or impede Water NSW drainage infrastructure;
- (d) boundary identification fencing is installed prior to commencing construction and is maintained for the duration of construction;
- (e) permanent fencing is installed along the length of the boundary with Water NSW, prior to the commencement of operation of the development. Design and installation of the fencing is to be agreed with Water NSW prior to installation; and
- (f) all retaining walls adjacent to the water pipelines corridor are set back from the boundary with all footings and supporting structures contained wholly within the site.

TRANSGRID EASEMENT

C19. The Applicant must:

- (a) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission towers, lines and easements on the site, 24 hours a day, 7 days a week;
- (b) comply with the requirements of TransGrid for any works in the TransGrid easement on the site including complying with TransGrid Easement Guidelines, TransGrid Fencing Guidelines and NSW Workcover's *Code of Practice – Work Near Overhead Powerlines, 2006*; and
- (c) advise TransGrid of any proposed amendments or modified encroachment into the easement.

STRUCTURAL ADEQUACY

C20. 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.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

EXTERNAL WALLS AND CLADDING

C21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

C22. 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.

C23. 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.

SUBDIVISION

C24. Prior to the issuing of a Subdivision Certificate for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage, street trees, and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.

- C25. Prior to the issuing of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.
- C26. Prior to the issuing of a Subdivision Certificate for any stage of the development, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.

COMPLIANCE

- C27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONTRIBUTIONS TO COUNCIL

- C28. Prior to the issue of a Subdivision Certificate or Construction Certificate (as required by the contributions plan or otherwise agreed by Council) for the Stage 2 Development, a payment of a levy of 1% of the proposed cost of carrying out the Stage 2 development must be paid to Council under section 7.12 of the EP&A Act.

Note: subject to agreement between Council and the Applicant, local contributions may be satisfied by a planning agreement or works-in-kind agreement between Council and the Applicant.

PLANNING AGREEMENT

- C29. Within six months after the date of commencement of earthworks for the development, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with the Minister in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the offer in the letter dated 21 September 2023 from the Applicant to the Minister, which has been accepted by the Minister.

OPERATION OF PLANT AND EQUIPMENT

- C30. All plant and equipment used on-site, or to monitor the performance of the Stage 2 development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

WORK AS EXECUTED PLANS

- C31. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the street trees, stormwater drainage (including operation and maintenance management plans) and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- C32. 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.
- C33. 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 D STAGE 2 DEVELOPMENT SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Hours of Work

- D1. 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
Operation	Monday – Sunday	24 hours

- D2. Works outside of the hours identified in condition D1 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
 - works agreed to in writing by the Planning Secretary;
 - 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

- D3. The Stage 2 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 CNVMP required by condition D4.

Construction Noise and Vibration Management Plan

- D4. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the Stage 2 development to the satisfaction of the Planning Secretary. The CNVMP must form part of a CEMP in accordance with condition E2 and must:
- be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary;
 - 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);
 - describe the measures to be implemented to manage high noise generating works such as piling and rock breaking, in close proximity to the sensitive receivers on Burley Road, shown on Figure 7 in Appendix 4;
 - include strategies that have been developed with the community for managing high noise generating works; and
 - describe the community consultation undertaken to develop the strategies in condition D4(d).
 - include a complaints management system that would be implemented for the duration of the development.
- D5. The Applicant must:
- not commence construction of the Stage 2 development until the CNVMP required by condition D4 is approved by the Planning Secretary; and
 - implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

- D6. The Applicant must ensure noise generated by operation of the Stage 2 Development does not exceed the noise limits in condition A14 and A15.
- D7. The Applicant must ensure warehouses in the Stage 2 Development do not include any refrigerated systems.

Temporary Noise Barrier

- D8. Within three months of the commencement of earthworks for the development, the Applicant must prepare a Design Noise Verification Report for the temporary noise barrier shown on Figure 6 in Appendix 4, to the satisfaction of the Planning Secretary. The report must:
- be prepared by a suitably qualified and experienced acoustic consultant;

- (b) detail the temporary noise mitigation measures to ensure compliance with the noise limits in Conditions A14 and A15;
- (c) detail the location and specifications of the temporary noise barrier;
- (d) provide updated noise modelling to verify the predicted performance of the temporary noise barrier in reducing noise levels at sensitive receivers;
- (e) include an analysis of compliance with the noise limits in Conditions A14 and A15;
- (f) describe the community consultation undertaken with the sensitive receivers shown on Figure 5 in Appendix 3; and
- (g) detail any additional or modified measures to achieve compliance with the noise limits in Conditions A14 and A15.

D9. The Applicant must:

- (a) not commence construction of any warehouse building in the Stage 2 development until the Design Noise Verification Report required by condition D8 is approved by the Planning Secretary;
- (b) install the temporary noise mitigation measures, prior to the commencement of operation of the first warehousing building in the Stage 2 development; and
- (c) maintain the temporary noise mitigation measures until such time as the permanent noise mitigation measures developed in accordance with condition D10 are implemented.

Permanent Noise Mitigation

D10. Within 12 months of the commencement of operation of the first warehouse in the Stage 2 development, or as part of a future DA in Precinct 2, the Applicant must prepare a Design Noise Verification Report detailing permanent noise mitigation measures, to the satisfaction of the Planning Secretary. The report must:

- (a) be prepared by a suitably qualified and experienced acoustic consultant;
- (b) detail the permanent noise mitigation measures to ensure compliance with the noise limits in Conditions A14 and A15, including but not limited to increased building setbacks, building insulation, permanent noise barriers, layout of truck loading areas or source controls;
- (c) detail the location and specifications of each adopted noise mitigation measure;
- (d) provide updated noise modelling to verify the predicted performance of the permanent noise mitigation measures in reducing noise levels at sensitive receivers;
- (e) describe the community consultation undertaken with the nearest affected sensitive receivers shown on Figure 5 in Appendix 3 in relation to the adopted noise mitigation measures;
- (f) detail the timing for implementing the permanent noise mitigation measures; and
- (g) detail any additional or modified measures to achieve compliance with the noise limits in Conditions A14 and A15.

D11. The Applicant must install the permanent noise mitigation measures in accordance with condition D10 to the satisfaction of the Planning Secretary.. The Applicant must provide written evidence demonstrating that the permanent noise mitigation measures have been installed in accordance with this condition.

Noise Validation

D12. Within three months of the commencement of operation of the first warehouse within the Stage 2 Development, and quarterly for a period of 12 months thereafter, the Applicant must undertake noise validation monitoring to the satisfaction of the Planning Secretary. The monitoring must:

- (a) be undertaken by a suitably qualified, experienced and independent acoustic consultant, whose appointment has been approved by the Planning Secretary;
- (b) be undertaken in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
 - (iii) Section 7 of the Noise Policy for Industry (EPA, 2017);
- (c) include an analysis of compliance with noise limits in Conditions A14 and A15;
- (d) outline the implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise;
- (e) detail all reasonable and feasible noise mitigation measures to achieve compliance with the noise limits in Conditions A14 and A15, if the results of monitoring show that noise from the development is exceeding the noise limits; and

- (f) include a timetable for implementing any additional noise mitigation measures.

Road Traffic Noise

- D13. Prior to the commencement of construction of the Stage 2 development, 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.
- D14. The Applicant must ensure the largest vehicle permitted to enter the site is a 30 m super B-double.

VIBRATION

Vibration Criteria

- D15. Vibration caused by construction of the development, at any residence or structure outside the site, must be limited to:
- 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
 - 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).
- D16. 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 D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition E2 of this consent.

Vibration Monitoring Plan

- D18. The Applicant must prepare a Vibration Monitoring Plan (VMP) for the Stage 2 development to the satisfaction of the Planning Secretary. The VMP must form part of the CEMP in accordance with condition E2 and must:
- be prepared by a suitably qualified and experienced expert;
 - be prepared in consultation with Water NSW;
 - describe procedures to ensure the development complies with the *German Standard DIN 4150-3:2016 Structural Vibration Part 3: Effects of vibration on structures*;
 - describe the measures to be implemented to manage vibration intensive works, in close proximity to the water pipelines corridor.
- D19. The Applicant must:
- not commence construction until the VMP required by condition D18 is approved by the Planning Secretary; and
 - implement the most recent version of the VMP approved by the Planning Secretary for the duration of construction.

BIODIVERSITY

Offsets

- D20. Prior to any clearing or construction works for the development, the Applicant must purchase and retire the ecosystem and species credits in Tables 6 and 7 to offset the removal/disturbance of native vegetation at the site. The ecosystem and species credits must be retired in accordance with the requirements of EHG's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

Table 6 Ecosystem Credits Offset Requirements

Plant Community Type	No. of ecosystem credits	Requirement for hollowing bearing trees
PCT 835: Cumberland River-flat Forest	10	Yes
PCT 1071: <i>Phragmites australis</i> /Typha orientalis coastal freshwater wetland – artificial basins	3	No
PCT 1800: Cumberland Swamp Oak Floodplain Forest	1	No

Table 7 Species Credits Offset Requirements

Impacted Species	No. of species credits
<i>Callocephalon fimbriatum</i> (Gang-gang Cockatoo)	10

- D21. The requirement to retire ecosystem and species credits (see condition D20) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem and species credits, as calculated by EHG's Biodiversity Offsets Payment Calculator.
- D22. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see condition D20); or
 - (b) a payment has been made to the Biodiversity Conservation Fund (see condition D21), prior to undertaking any clearing or construction works for the development.

Flora and Fauna Management Plan

- D23. Prior to the commencement of earthworks, the Applicant must prepare a Flora and Fauna Management Plan (FFMP) for the development. The FFMP must form part of the CEMP required by condition E2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) describe pre-clearance and dam decommissioning protocols including fauna rescue and relocation procedures;
 - (c) detail measures to protect retained native vegetation on site to avoid impacts during construction, including but not limited, to fencing and signage;
 - (d) detail the timing for undertaking clearing works including the removal of hollow bearing trees to avoid key fauna breeding seasons; and
 - (e) include a tree hollow replacement strategy.
- D24. The Applicant must implement the Flora and Fauna Management Plan for the duration of earthworks and construction.

Vegetation Management Plan – Riparian Corridor

- D25. Prior to the commencement of any clearing or construction works, the Applicant must update the Vegetation Management Plan (VMP) prepared by ecologique dated 22 March 2023 to include a detailed map showing the area of each vegetation community that will be revegetated on the site.
- D26. The Applicant must complete the revegetation of the riparian corridor in accordance with the VMP within 6 months of completing construction of the access road within Precinct 4.

Biosecurity Management Plan

- D27. The Applicant must implement the Biosecurity Management Plan prepared by ecologique dated 28 September 2022 for the duration of the development.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- D28. Prior to the commencement of construction of the development, 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 E2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council, TfNSW and Water NSW;
 - (c) detail the measures to be implemented to ensure safe and efficient access to the site during construction both on-site and for the external road upgrades;
 - (d) detail truck numbers, hours of operation, heavy vehicle routes, access arrangements, traffic controls and parking;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of 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, of any potential disruptions to routes.

D29. The Applicant must:

- (a) not commence construction until the Construction Traffic Management Plan required by condition D28 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.

External Road Upgrades

D30. Prior to the commencement of operation of the first warehouse building in the Stage 2 development, the Applicant must complete construction of the upgrades to the intersections of Old Wallgrove Road / Millner Avenue and Old Wallgrove Road / Lenore Drive as shown on **Figure 3** and **4** in **Appendix 2**, to the satisfaction of the Relevant Roads Authority. Approval must be obtained for the works under section 138 of the *Roads Act 1993*.

D31. Prior to the commencement of construction works for the intersection upgrade of Old Wallgrove Road / Lenore Drive, the Applicant must enter into a Works Authorisation Deed with TfNSW. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of works.

D32. The Applicant must carry out all public utility adjustment/relocation works, necessary for the Intersection works as required by the relevant public authorities and/or their agents. Should any public utility adjustment/relocation works be required adjacent to a classified road, plans are to be submitted to TfNSW for approval, prior to the commencement of relocation works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee may be payable and a performance bond may be required before TfNSW approval is issued.

Note: This approval process may be undertaken separate to the Works Authorisation Deed for the Intersection works.

D33. The Applicant must submit detailed design plans and hydraulic calculations to TfNSW detailing any changes to the stormwater drainage system adjacent to the road network. The Applicant must obtain approval from TfNSW for changes to the stormwater drainage system, prior to the commencement of any road works.

D34. The Applicant must ensure all structures along the Old Wallgrove Road boundary are erected clear of land required for the road and are wholly located within the site boundary.

D35. The Applicant must submit detailed design drawings to TfNSW detailing excavation of the site and support structures adjacent to Old Wallgrove Road, at least 6 weeks prior to commencement of earthworks adjacent to Old Wallgrove Road. The Applicant must meet the full cost of assessment of these plans by TfNSW.

Note: This condition relates to excavation and support structures required for the Intersection works at Millner Avenue / Old Wallgrove Road.

D36. The Applicant must obtain a Road Occupancy Licence (ROL) from the Transport Management Centre for any works that may impact on traffic flows on Old Wallgrove Road during earthworks and construction.

Traffic Control Signals

D37. Prior to the commencement of construction of the Stage 2 development, the Applicant must prepare Traffic Control Signal (TCS) plans for the modifications to the traffic control signals at Old Wallgrove Road and Lenore Drive, and Old Wallgrove Road and Millner Avenue. The TCS plans must:

- (a) be prepared by suitably qualified and experienced person(s);
- (b) be prepared in accordance with the requirements of TfNSW; and
- (c) be in accordance with the *Austroroads Guide to Road Design* and relevant TfNSW supplements; and
- (d) detail the dedication of land as public road for the maintenance of the TCS and associated infrastructure.

D38. The Applicant must obtain approval from TfNSW for the TCS plans, prior to the commencement of any Intersection works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of road works. The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned road works.

Estate Roads

D39. Prior to the commencement of construction of the estate roads within the Stage 2 development, the Applicant must confirm in writing to the Relevant Roads Authority that the design complies with the sight distance requirements of the *Austroroads Guidelines* for all roads, bends and intersections within the site.

D40. Prior to the commencement of construction of the estate roads within the Stage 2 development, the Applicant must undertake a Road Safety Audit to the satisfaction of the Relevant Roads Authority. The Road Safety Audit must:

- (a) be prepared by an Accredited Road Safety Auditor;
 - (b) be prepared in consultation with Council;
 - (c) demonstrate the estate road capacity is adequate for the intended design vehicles; and
 - (d) include a timetable for implementing the recommendations of the Road Safety Audit.
- D41. The Applicant must incorporate the recommendations of the Road Safety Audit undertaken in accordance with Condition D40 into the detailed design and construction of the estate roads, to the satisfaction of the Relevant Roads Authority.
- D42. Prior to the commencement of operation of the first warehouse building in the Stage 2 development, the Applicant must construct and operate the estate roads required for access into Precincts 1 and 3 within the Stage 2 development to the satisfaction of Relevant Roads Authority.
- D43. Prior to the commencement of operation of the estate roads, the Applicant must install No Stopping or No Parking restrictions along the length of the estate roads, at no cost to Council. The Applicant must obtain approval from the Fairfield Traffic Committee and Council, prior to the installation of the signage.

Note: Approval is not required from the Fairfield Traffic Committee and Council if the estate roads remain in private ownership.

Parking

- D44. The Applicant must provide sufficient parking facilities on site, including provision of electric vehicle car charging spaces, in accordance with Condition A9, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- D45. Prior to the commencement of operation of the first warehouse building in the Stage 2 development, the Applicant must ensure the development includes bicycle parking and end of trip facilities in accordance with Australian Standard AS1742.9:2018 *Manual of Uniform Traffic Control Devices - Bicycle Facilities*, and *Cycling Aspects of Austroads Guides*. Any bicycle parking and storage facilities must be secure, convenient, well lit, physically and visually accessible and within close proximity to the main building entrances in accordance with Austroads guidelines.

Operating Conditions

- D46. 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 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 must enter and exit the site in a forward direction;
 - (f) all vehicles are wholly contained on site before being required to stop;
 - (g) all loading and unloading of materials is carried out on site; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Operational Traffic Management Plan

- D47. Prior to the commencement of operation of the Stage 2 development, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development. The OTMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) include an hourly breakdown of the types of heavy vehicles accessing the site throughout the day, evening and night time periods;
 - (d) include an Operational Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) inform truck drivers of the site access arrangements and use of specified routes;
 - (v) include a program to monitor the effectiveness of these measures.

D48. The Applicant must implement the Operational Traffic Management Plan for the duration of the development.

Green Travel Plan

D49. Prior to the commencement of operation of the Stage 2 development, the Applicant must update the Green Travel Plan prepared by ASON Group dated 7 June 2022, in consultation with TfNSW. The most recent version of the Green Travel Plan must be implemented for the duration of the development.

VISUAL AMENITY

Landscaping

D50. Within three months of the date of this consent, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on site, to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified and experienced expert;
- (b) detail the species to be planted on-site that are consistent with Appendix F of Fairfield City Council's Development Control Plan 2013;
- (c) demonstrate the Stage 2 development achieves the landscape setback and canopy cover requirements in Condition 0; and
- (d) describe the monitoring and maintenance measures to manage landscaping works.

D51. The Applicant must:

- (a) not commence operation of the Stage 2 development 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 D50 for the life of the development.

Lighting

D52. 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

D53. All signage and fencing must be erected in accordance with the development plans included in the AR.

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

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

D54. The Applicant must:

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

Erosion and Sediment Control

D55. Prior to the commencement of earthworks for the Stage 2 development, the Applicant must install 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 E2.

D56. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition D55 for the duration of earthworks and construction of the development.

Discharge Limits

D57. The Stage 2 development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System Design

- D58. Prior to the commencement of construction of the Stage 2 development, the Applicant must finalise the detailed design of the stormwater management system, including any temporary stormwater management measures (to satisfy the Staging Plan). The stormwater management system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be designed in consultation with Council;
 - (c) be generally in accordance with the conceptual design in the EIS and the plans in Appendix 1;
 - (d) be in accordance with applicable Australian Standards;
 - (e) include all private and Council drainage infrastructure within the site boundary including connections to adjacent land or future stages of work;
 - (f) ensure the system capacity is design in accordance with *Australian Rainfall and Runoff* (Engineers Australia 2016) and *Managing Urban Stormwater: Council Handbook* (EPA 1997) and Fairfield City Council's *Stormwater Management Policy* (September 2017);
 - (g) ensure post development flows from the site do not exceed pre-development flows in the Water NSW drainage lines and water pipelines corridor;
 - (h) achieve the pollutant reduction targets in Council's *Stormwater Management Policy* (September 2017);
 - (i) include detailed design for all inlets and outlets from the basins, including measures to ensure a stream erosion index no greater than 2.0 and scour protection and creek bank protection works for discharges to Reedy Creek; and
 - (j) include an operational and maintenance manual.
- D59. The Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition D58 and in accordance with any approved Staging Plan under condition A11) and ensure the system is operational.
- D60. The Applicant must maintain the stormwater management system installed on the site under condition D59 for the duration of the development.

Flood Management

- D61. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.
- D62. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

AIR QUALITY

Dust Minimisation

- D63. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D64. 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 Stage 2 development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Odour Management

- D65. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

HERITAGE

Archaeological Protection

- D66. The Applicant must ensure the artefact scatter and potential archaeological deposit (PAD) in the riparian corridor is protected for the duration of earthworks, construction and operation.

Unexpected Finds Protocol

- D67. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.

- D68. 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*.
- D69. If any archaeological relics are uncovered during earthworks or construction, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

Asbestos

- D70. The Applicant must ensure that any asbestos encountered during earthworks and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

HAZARDS AND RISK

Dangerous Goods

- D71. The quantities of dangerous goods stored and handled in the Stage 2 development must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- D72. 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) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).
- D73. In the event of an inconsistency between the requirements of conditions D72(a) and D72(b), the most stringent requirement must prevail to the extent of the inconsistency.

BUSHFIRE PROTECTION

- D74. The Applicant shall ensure the Stage 2 development complies with:
- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
 - (b) the construction standards and asset protection zone requirements recommended in the Bushfire Hazard Assessment for the Oakdale East Industrial Estate, prepared by Blackash Bushfire Consulting, dated 23 March 2023; and
 - (c) Australian Standard *AS2419.1-2021 Fire hydrant installations System design, installation, and commissioning* or a Performance Requirement E1P3 of the National Construction Code Building Code of Australia Volume 1 for hydrant systems..

WASTE MANAGEMENT

Waste Management Plan

- D75. Prior to the commencement of construction of the Stage 2 development, the Applicant must update the Waste Management Plan included in the EIS for the development. The Plan must form part of the CEMP required by condition E2 and must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the Stage 2 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*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014); and
 - (c) detail the materials to be reused or recycled, either on or off site.
- D76. The Applicant must implement the Waste Management Plan for the duration of construction and operation.

Waste Storage and Processing

- D77. Prior to the commencement of construction of the Stage 2 development, the Applicant must obtain agreement from Council for the design of the waste storage area for the Stage 2 development.
- D78. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Statutory Requirements

D79. 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 waste management facility or premises lawfully permitted to accept the waste.

Pests, Vermin and Priority Weed Management

D80. 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.

PART E STAGE 2 DEVELOPMENT ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- E1. 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 Stage 2 development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Stage 2 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

- E2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the Stage 2 development in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.
- E3. As part of the CEMP required under condition E2 of this consent, the Applicant must include the following:
- (a) Construction Noise and Vibration Management Plan (see condition D4);
 - (b) Vibration Monitoring Plan (see condition D18);
 - (c) Flora and Fauna Management Plan (see condition D23);
 - (d) Construction Traffic Management Plan (see condition D28);
 - (e) Erosion and Sediment Control Plan (see condition D56);
 - (f) Community Consultation and Complaints Handling.
- E4. 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

- E5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.
- E6. As part of the OEMP required under condition E5 of this consent, 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;
 - (v) respond to emergencies; and
- (c) include an Operational Traffic Management Plan (see condition D47).

E7. 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

E8. Within three months of:

- (a) the submission of a Compliance Report under condition E14;
- (b) the submission of an incident report under condition E10;
- (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 A1(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 of the outcomes of any review.

E9. 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 required under condition E8, or such other timing as agreed by the Planning Secretary.

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

E10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 5.

Non-Compliance Notification

E11. 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.

E12. 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.

E13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

E14. Within six months after the commencement of construction of the Stage 2 development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary) for the duration of construction works, the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

- (a) identify any trends in the monitoring data;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

E15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

Monitoring and Environmental Audits

E16. 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

E17. At least 48 hours before the commencement of construction of the Stage 2 development and for the life of the development, 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 A1 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

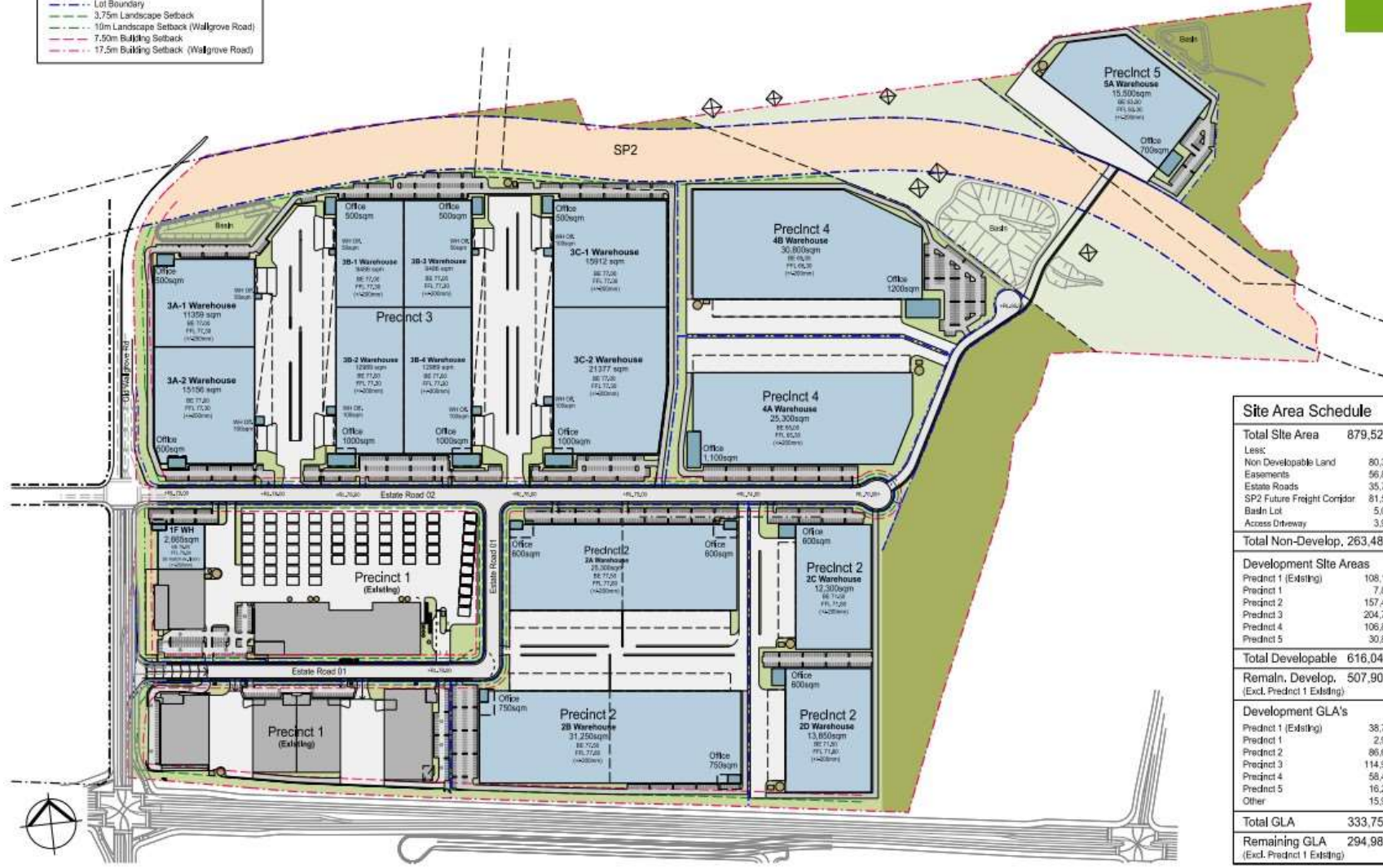
APPENDIX 1 CONCEPT PROPOSAL

Table 6 Schedule of Approved Plans – Concept Proposal

Drawing No.	Title	Issue	Date
Architectural Drawings prepared by SBA Architects			
MP02	Estate Masterplan	M	05.07.2023
MP03	Precinct Plan	E	21.03.2023
MP08	Building Staging Plan – Stage 2 Works	F	24.03.2023
Landscape plans prepared by Scape Design			
L.SK.01	Landscape Sketch Plan	D	15.03.2023
L.SK.02	Street Tree and Planting Plan	D	15.03.2023



Legend	
	Site Boundary
	Lot Boundary
	3.75m Landscape Setback
	10m Landscape Setback (Wallgrove Road)
	7.50m Building Setback
	17.5m Building Setback (Wallgrove Road)



Site Area Schedule	
Total Site Area	879,527 sqm
Less:	
Non-Developable Land	80,355 sqm
Easements	56,817 sqm
Estate Roads	35,786 sqm
SP2 Future Freight Corridor	81,531 sqm
Basin Lot	5,051 sqm
Access Driveway	3,940 sqm
Total Non-Develop	263,480 sqm
Development Site Areas	
Precinct 1 (Existing)	108,112 sqm
Precinct 1	7,883 sqm
Precinct 2	157,494 sqm
Precinct 3	204,768 sqm
Precinct 4	106,893 sqm
Precinct 5	30,897 sqm
Total Developable	616,047 sqm
Remain. Develop.	507,905 sqm
(Excl. Precinct 1 Existing)	
Development GLA's	
Precinct 1 (Existing)	38,772 sqm
Precinct 1	2,972 sqm
Precinct 2	85,600 sqm
Precinct 3	114,904 sqm
Precinct 4	58,400 sqm
Precinct 5	16,200 sqm
Other	15,906 sqm
Total GLA	333,754 sqm
Remaining GLA	294,982 sqm
(Excl. Precinct 1 Existing)	



Oakdale East Industrial Estate
Horsley Park

Estate Masterplan

1:2000 @ A1
1:4000 @ A3
5 July 2023
OAK E MP02 (M)
Project No: 23103

Figure 1: Concept Proposal Layout

APPENDIX 2 STAGE 2 DEVELOPMENT PLANS

Table 7 Schedule of Approved Plans – Stage 2 DA

Drawing No.	Title	Issue	Date
Architectural Plans prepared by SBA Architects			
DA101	Precinct 1 – Site & Warehouse Plan	H	31.05.2023
DA201	Precinct 1 – Elevations and Sections	C	31.05.2023
DA202	Precinct 1 – Office Plans & Elevations	C	31.05.2023
DA05	Site & Warehouse Plan (Precinct 3)	C	24.03.2023
DA20	3A Warehouse Elevations & Section	C	24.03.2023
DA21	3B Warehouse Elevations & Section	C	24.03.2023
DA22	3C Warehouse Elevations & Section	C	24.03.2023
DA50	Signage Plan	C	28.03.2023
Intersection Plans prepared by at&i			
20-798-C1211	Intersection 1 Roadworks and Stormwater Drainage Plan	D	27.06.2023
20-798-C1311	Intersection 2 Roadworks and Stormwater Drainage Plan	D	27.06.2023
Landscape plans prepared by Scape Design			
L.SK.01	Landscape Sketch Plan	E	06.07.2023

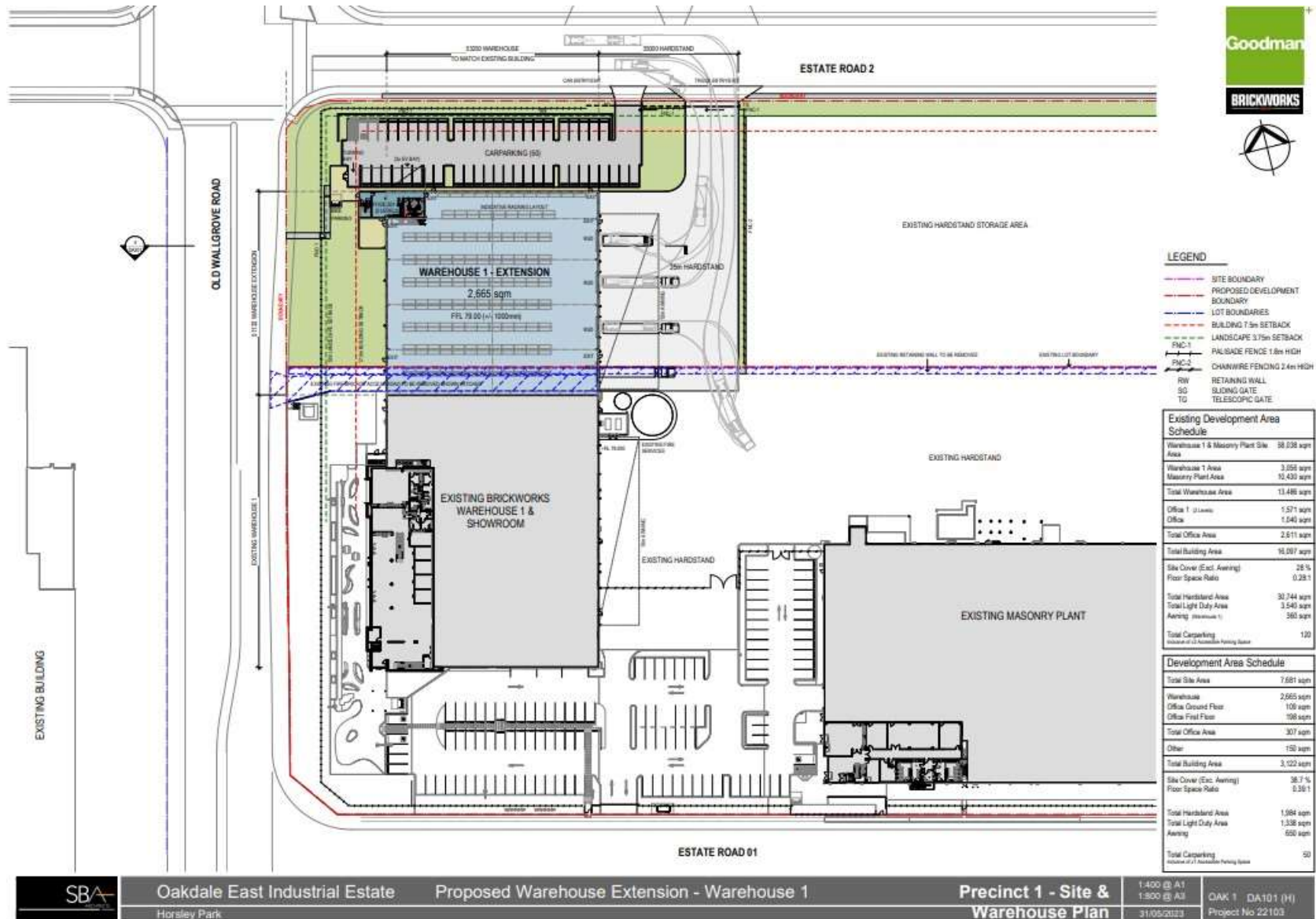
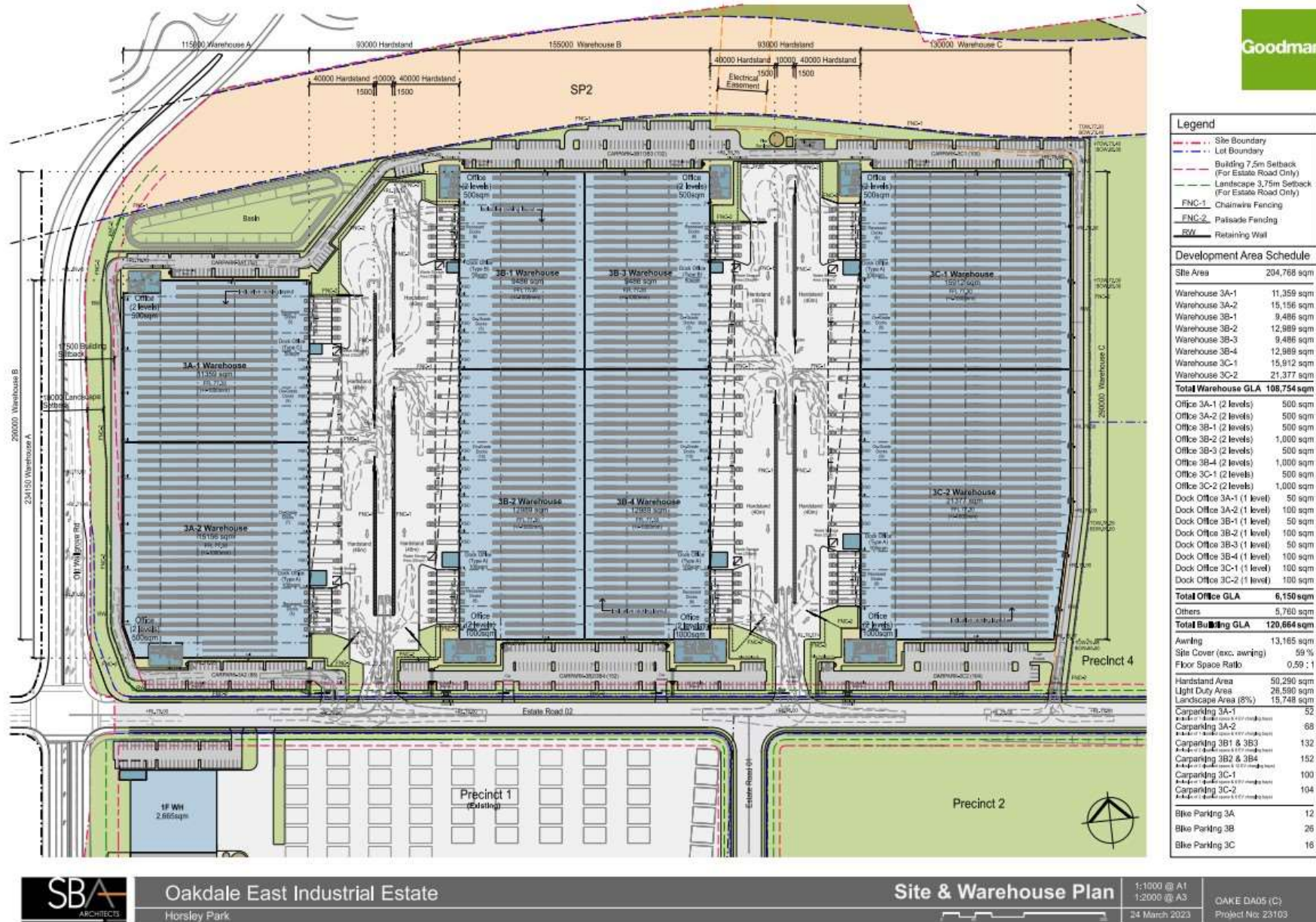


Figure 2: Warehouse Extension – Precinct 1



Oakdale East Industrial Estate
Horsley Park

Site & Warehouse Plan

1:1000 @ A1
1:2000 @ A3
24 March 2023

OAKE DA05 (C)
Project No: 23103

Figure 3: Precinct 3 Layout

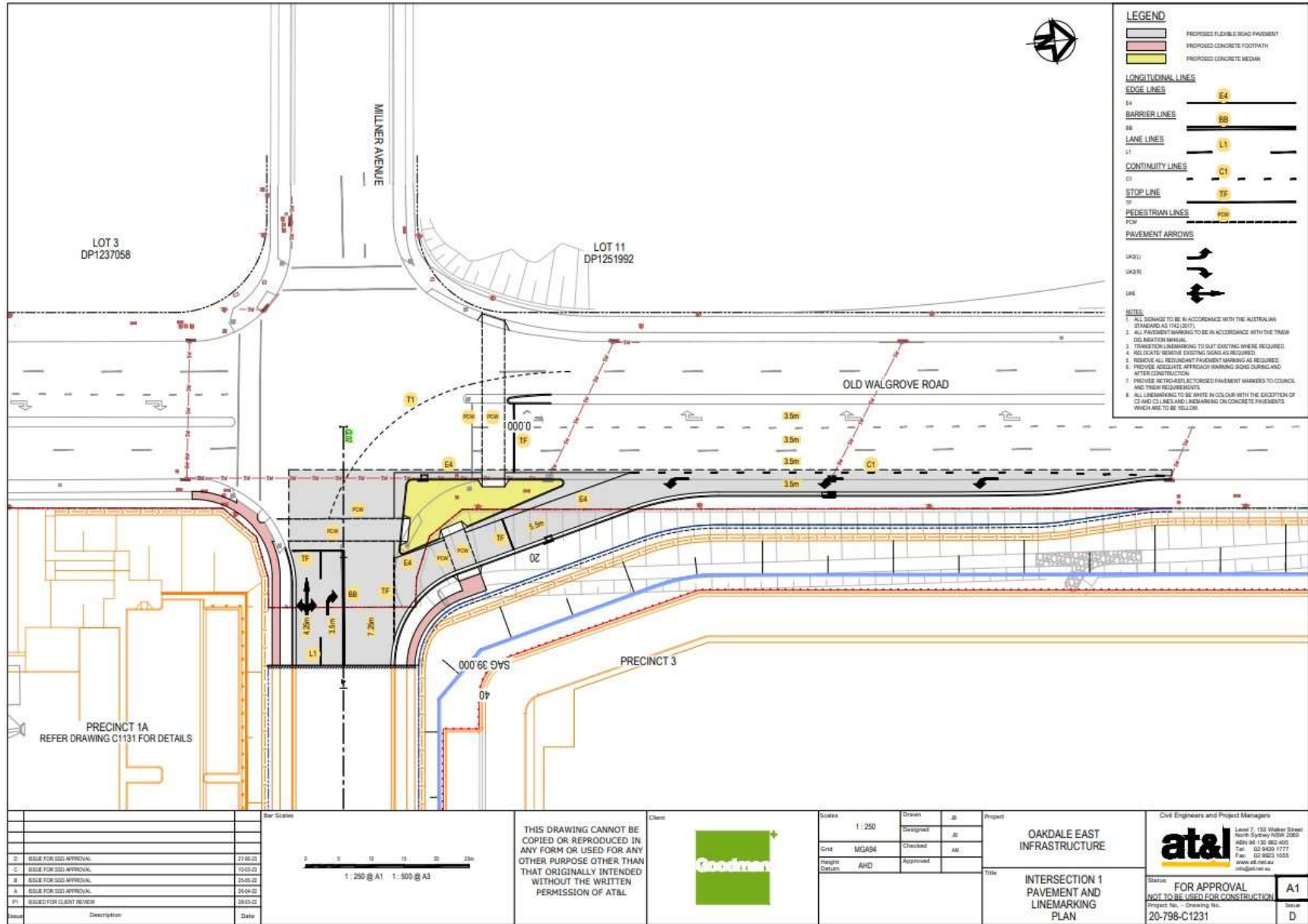


Figure 4: Intersection Upgrade Works – Old Wallgrove Road / Millner Avenue (site entrance)

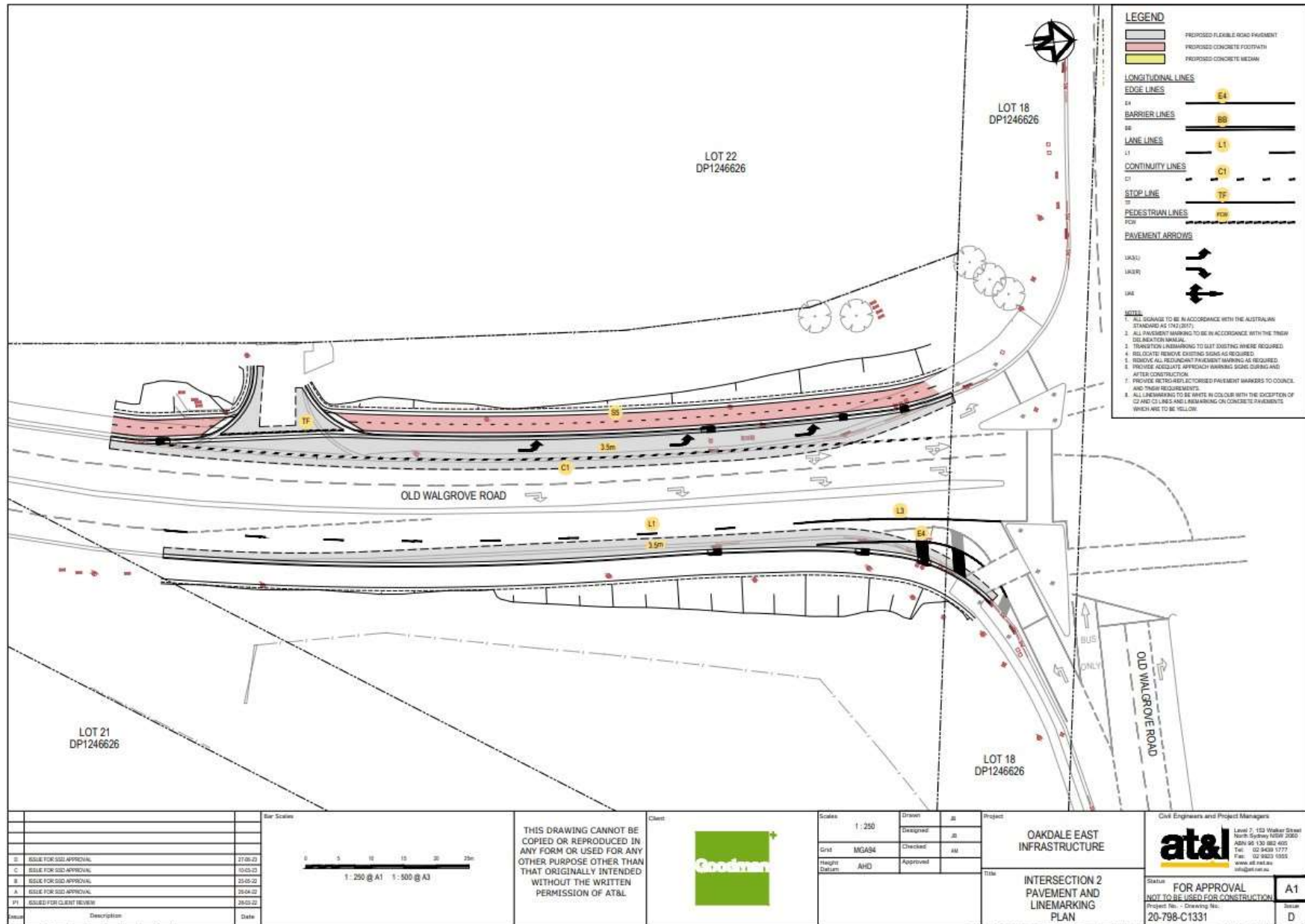


Figure 5: Intersection Upgrade Works – Old Wallgrove Road / Lenore Drive

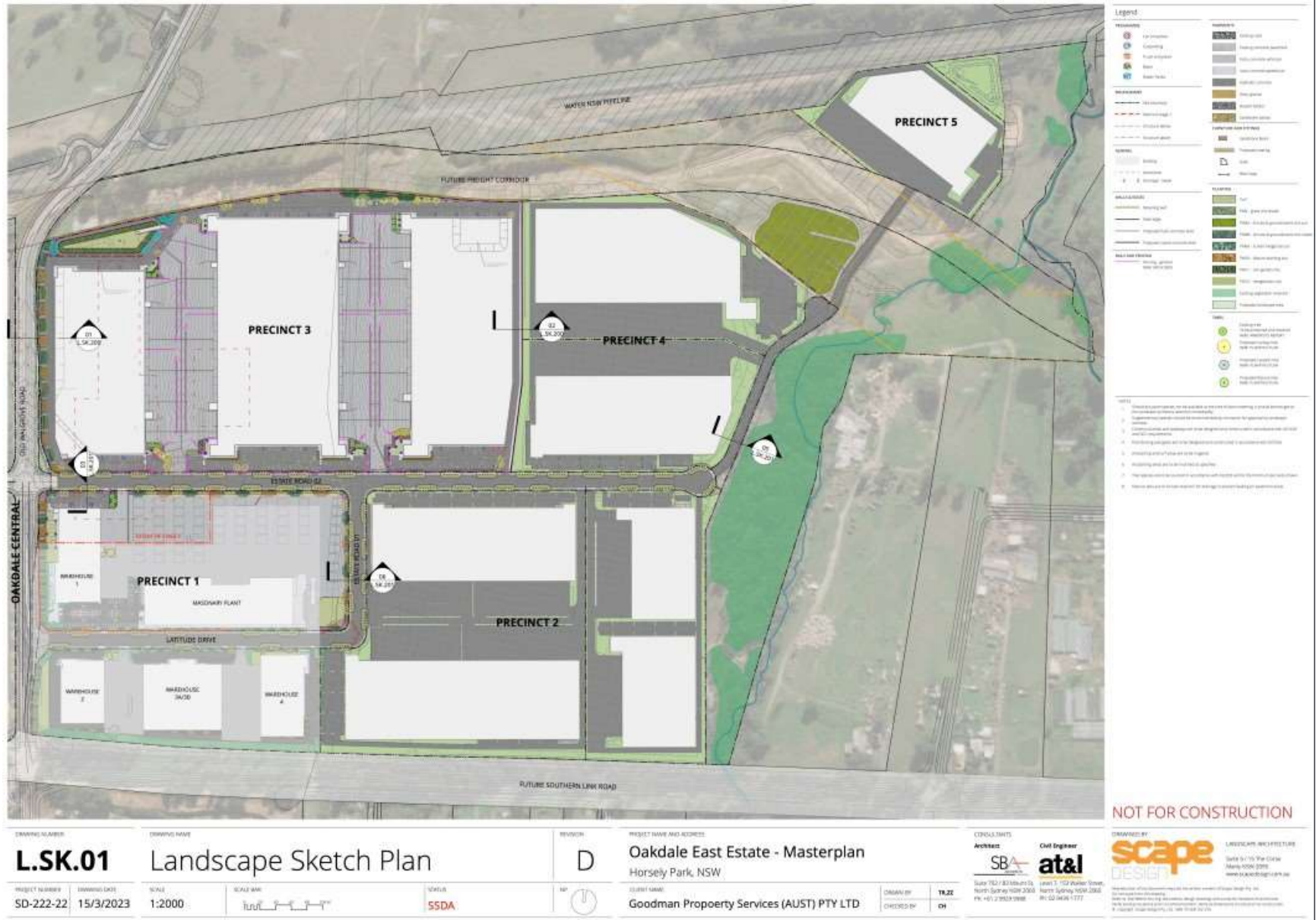


Figure 6: Landscape Masterplan

APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation Measure	EIS Reference
Urban Design, Landscape and Visual	<ul style="list-style-type: none"> • mature vegetation between Burley Road and the site will filter views of the site from adjoining rural residential properties • colour schemes will involve neutral colours and bold design elements will be minimised to ensure that the warehouses blend into the existing environment and surrounding landscape • the proposed warehouses will be setback in accordance with the controls established in the concept plan to mitigate visual impacts and perceived bulk. • the proposed material palette assists in articulating the built form and minimising the perceived scale of the development • implementation of the Landscape Plans (Scape Design, March 2023) including implementation of healthy and functional planting in the establishment period and on-going maintenance • detailed landscaping designs will be developed during the design and construction of each warehouse building and will be consistent with the landscape concept plan submitted with the EIS • landscaped areas will be maintained to ensure visual screening is provided, with the replacement of any trees which fail to establish • all signage for the proposed development will be designed and installed consistent with the requirements of Chapter 3 of SEPP Industry and Employment 	<p>Section 3</p> <p>Appendix 3</p> <p>Appendix 8</p> <p>Appendix 9</p> <p>Appendix 10</p>
Traffic and Transport	<ul style="list-style-type: none"> • separate access is provided for light and heavy vehicles to provide for safer access and to avoid conflicts on each lot for Estate Road 1 and Estate Road 02 • the Applicant will consult with Council during detailed design to ensure driveway access conforms with the relevant requirements • a construction traffic management plan to be prepared and submitted to Council separate to this DA, in response to any future conditions of consent • proposed signage and line-marking to be referred to Council and an accompanying Traffic Management Plan (TMP) to be prepared for the Council traffic committees to review and approve • street lighting will be reviewed during detailed design in consultation with Council • a Green Travel Plan has been included as part of the development to provide guidance and targets for sustainable transport options • Old Wallgrove Road / Lenore Drive: <ul style="list-style-type: none"> ○ Widening of the southern side of the intersection to accommodate a second departure lane, allowing for a continuous flow from the East approach; and ○ Widening and extension of the existing left-turn slip lane from the South approach from the existing 35 metres to 140 metres. • Old Wallgrove Road / Millner Avenue: <ul style="list-style-type: none"> ○ Widening of the northern side of the intersection to accommodate an additional 100 metres left turn slip lane into Estate Road 02 (eastern arm of intersection); and ○ Extending the kerbside lane of the East approach from 50 metres to 140 metres (i.e. through No Stopping restrictions or similar). 	<p>Appendix 15</p> <p>Appendix 28</p>

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> • traffic control will manage and regulate traffic movements into and out of the site during construction • disruption to road users will be kept to a minimum by scheduling intensive delivery activities outside of peak network hours 	
Soils and Water	<ul style="list-style-type: none"> • rainwater harvesting will be provided as part of the development to encourage reuse and recycling • overland flowpaths shall maintain a minimum of 3000mm freeboard to all habitable floor levels • to assist in maintaining embankment stability, any batters steeper than 1 in 5 will be vegetated and all external batters to the development have been limited to 1 in 4 as a minimum generally, with the maximum being 1 in 3. Any temporary batters constructed during the works will be in accordance with the geotechnical report and ongoing advice from the Level 1 supervisor • an erosion and sediment control plan will be prepared prior to commencing construction • all proposed stormwater drainage from the development will be designed in accordance with the Fairfield City Council engineering requirements and guidelines and in accordance with the Civil Infrastructure and Stormwater Management Report (AT&L) dated 23 March 2023. 	Appendix 12 Appendix 13
Noise and Vibration	<p>Construction noise mitigation:</p> <ul style="list-style-type: none"> • minimising the coinciding use of multiple noisy plant items • equipment which is used intermittently is to be shut down when not in use • equipment with directional noise emissions would be oriented away from sensitive receivers as much as practicable • regular compliance checks on the noise emissions of all plant and machinery used for the proposal would indicate whether noise emissions from plant items were higher than predicted. This also identifies defective silencing equipment on the items of plant • non-tonal reversing alarms should be used on all items of plants and heavy vehicles used for construction • pre-construction consultation with receivers R01, R03, R04, R05, R06 and R09 to clearly and transparently explain the proposed works and the potential for construction noise impacts • provision of regular on-going updates to these receivers throughout the works in order to understand and address as far as practicable any noise related concerns of the receivers. • development of a Construction Noise and Vibration Management Plan (CNVMP) by the construction contractor prior to commencement of site works. The CNVMP will form part of the CEMP for the development and include: <ul style="list-style-type: none"> ○ confirm that the results presented in the NVIA are representative of the final construction methodology ○ identify the most sensitive receivers potentially impacted by construction noise ○ provide details of all reasonable and feasible noise mitigation measures required ○ inform site staff of this sensitivity and methods to reduce construction noise. <p>Operational Noise Mitigation:</p>	Appendix 19

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> • install two 4 m high noise barriers along the southern perimeter of the site, to address gaps between warehouse buildings in Precinct 2 • only commence operation of the warehouse in Precinct 3 once the key structures in Precinct 2 are installed • in the event that development of these structures is delayed, the Applicant proposes to install temporary noise barriers along the southern and southeast boundary of Precinct 2 • during detailed design of each of the warehouses, to be assessed under subsequent DAs, the noise modelling will be updated based on the design, number and precise location of all key noise sources to ensure that the noise generated during operations will not exceed the project noise trigger levels established by the concept plan. • all plant and equipment are to be maintained such that they are in good working order • a register of complaints is to be recorded in the event of complaints being received, including location, time of complaint, nature of complaint and actions resulting from the complaint 	
Hazards and Risk	<ul style="list-style-type: none"> • the refrigeration system will be designed in accordance with AS 2022:2003 which provides the design requirements to minimise the risks associated with an ammonia system by ensuring appropriate isolations and protections are incorporated into the design • the site shall be designed to contain any spills or contaminated water from a fire incident within the boundaries of the site • multiple spill kits be provided around the DG storage area to ensure spills can be cleaned up immediately following identification • the warehouse and/or site boundaries shall be capable of containing 702m³ which may be contained within the warehouse footprint, site stormwater pipework and any recessed docks or other containment areas that may be present as part of the site design • the civil engineers designing the site containment shall demonstrate the design is capable of containing at least 702m³ • a stormwater isolation point (i.e penstock isolation valve) shall be incorporated into the design. The penstock shall automatically isolate the storm water system upon detection of a fire (smoke or sprinkler activation) to prevent potentially contaminated liquids from entering the water course • consultation with Fire and Rescue NSW to occur during detailed design of the fire and life safety systems 	Appendix 24
Contamination	<ul style="list-style-type: none"> • implement the recommendations of the Preliminary Site Investigation prepared by JBS&G (dated 31 March 2022) to undertake planned intrusive investigations to provide a quantitative assessment of contaminant levels prior to and during earthworks associated with the development of Precinct 5 	Appendix 26
Waste	<ul style="list-style-type: none"> • implementation of a waste management plan for the development • maximise resource recovery by reuse and recycling • minimise the generation of waste to landfill • minimise waste material avoidance and reuse on the site • establish record keeping, monitoring and reporting procedures • comply with the requirements of the relevant statutory authorities 	Appendix 21

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> • adopt an ongoing improvement approach to improve on best practice waste management principles • waste storage areas will be adequately sized to comfortably accommodate the required number of bins associated with the development • waste storage areas will be designed with sufficient space for convenient access and manoeuvring and additional specialised waste areas • waste storage areas will be designed with drainage connection to sewer to prevent potential contamination in stormwater • the waste storage areas are located so that they: <ul style="list-style-type: none"> ○ are located away from primary street frontages ○ are near any on-site loading bays ○ are convenient, safe, functional and directly accessible to users in each tenancy and servicing collections staff, but inaccessible to the public ○ avoid pedestrian or vehicular traffic hazards likely to be caused by waste collection and storage • consistent waste signage and colour coding throughout the Development • all staff are trained in correct waste separation and management procedures • directional signage to show location of and routes to waste storage area • general waste and co-mingled recycling bins will be clearly labelled and colour-coded to ensure no cross contamination, where applicable • employees and cleaners will adhere to the WMP for compliance, in consultation with management • repair signs and labels promptly to avoid breakdown of communications • visual assessments of bins and bin storage areas will be conducted by the building manager 	
Bushfire and Incident Management	<ul style="list-style-type: none"> • asset protection zones to be established around the site and managed in perpetuity • landscaping to be established and managed in accordance with <i>Planning for Bush Fire Protection</i> (RFS 2019) • design and construction measures in accordance with AS 3959 or the <i>National Association of Steel-framed Housing</i> (NASH) standard and Section 7.5 of <i>Planning for Bush Fire Protection 2019</i> (PBP 2019) • detailed design to ensure access and services (water, gas, electricity) meet the requirements of PBP 2019 • emergency and evacuation planning • at the commencement of building works and in perpetuity, the entirety of Precincts 2, 4 and 5 shall be maintained as an Asset Protection Zone. The APZ shall be established and maintained as an inner protection area as outlined within PBP 2019 and the NSW RFS document 'Standards for Asset Protection Zones' • fire hydrants are provided in accordance with Building Code of Australia E1.3, AS2419.1:2005, including the ring main requirements for large, isolated buildings • buildings are constructed in accordance Australian Standard AS 3959-2009 <i>Construction of buildings in bushfire-prone areas</i> (AS 3959-2018) as identified in the Bushfire Hazard Assessment • all proposed roads to comply with section 5.3.2 of PBP 2019 as appropriate 	Appendix 17
Biodiversity	<ul style="list-style-type: none"> • preparation and implementation of a construction Flora and Fauna Management Plan that specifies: 	Appendix 16

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> - clearing limits are delineated with high visibility tape, temporary fencing, or other appropriate boundary markers to prevent unauthorised clearing and / or damage to retained vegetation - pre-clearing surveys to minimise potential impacts on fauna and flora species and habitat on the site before any clearing begins - where habitat features are identified in pre-clearing surveys, a two-staged clearance process shall be undertaken and an experienced ecologist present to supervise the process, act as a fauna spotter and relocate any fauna captured • preparation and implementation of a construction Dam Decommissioning Management Plan that specifies: <ul style="list-style-type: none"> - water level -monitoring to ensure refuge habitat for aquatic fauna is maintained at all times up until the dam is ready for decommissioning and a program in place to capture and relocate aquatic fauna - details including a plan of all sediment and erosion control measures that will be in place during the dewatering of each basin - water quality of potential receiving waters in which aquatic fauna will be relocated to, will also need to be assessed to ensure relocation sites provide suitable habitat for aquatic fauna - prior to disturbing the sediment of the dam, the sediment within the dam walls and bed will be assessed against the National Environmental Protection Measure (NEPM) 2013 - aquatic fauna handling, relocation and euthanasia protocols • weed control and protocols to prevent the introduction or spread of pest species, disease and pathogens in accordance with the Oakdale East Estate Biosecurity Management Plan • revegetation and assisted regeneration of the Reedy Creek riparian corridor in accordance with the Oakdale East Estate Vegetation Management Plan 	
Greenhouse Gas and Energy Efficiency	<ul style="list-style-type: none"> • improved building form and thermal envelopment building fabric including increased insulation with high specification glazing will provide for energy efficiency • energy efficient HVAC systems • LED lighting with illumination power densities equal to or less than the maximum set out in the <i>National Construction Code</i> (2019 NCC) • lighting controls such as sensors and timers for external lighting and lighting in infrequently used areas have been incorporated into the design • hot water to be provided through either high efficiency heat pump systems or solar boosted systems • all windows, doors, exhaust fans and pipe penetrations will be constructed to minimise air leakage as required by the provisions of the 2019 NCC 	Appendix 22
Ecologically Sustainable Development	<ul style="list-style-type: none"> • oversize rainwater tanks and drought resistant landscaping to reduce the overall water load required for irrigation to mitigate impacts reduced average rainfall • downpipes to be capable of withstanding high volumes of water flowing over roofs, with eaves gutters designed for 1 in 20 year storm event to mitigate extreme rainfall events. Surface drainage and box gutters designed for 1 in 100 year storm events 	Appendix 22

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> • air conditioners designed to handle higher specified conditions than required in Western Sydney to accommodate for potential increased average annual temperature • space for adding insulation on the facades of the warehouse will be incorporated into the design to help reduce the thermal heat gain for workers • skylights will be insulated and/or well ventilated to reduce the amount of heat transfer into the buildings to accommodate for increased average annual temperature • policies for workers going home on extreme heat days will be considered to mitigate extreme temperature events • maximised landscaped areas and the use of green walls have been employed in the design to mitigate the impacts of urban heat island effect • solar panels to be high quality with tempered glass to cope with potential hail in extreme storm events • batteries or alternative back up power generation to run essentials in the event of a prolonged power outage will be available to mitigate impact of storm events • 2,000 kW PV Solar system: <ul style="list-style-type: none"> ○ the proposed 2,000 kW PV solar system will offset approximately 2,744 MWh/year of energy usage ○ the estimated greenhouse gas CO2 emission saving is approximately 2,274,680 kgCO2/annum • daylight controlled LED lighting for the warehouse instead of metal halide, resulting in a considerable energy reduction and reduced maintenance • motion sensors to all LED lights within the warehouse, and offices • translucent roof sheeting to warehouse areas • roof and external wall insulation as per the 2019 NCC requirements. • high performance glazing to all air-conditioned areas or minimum NCC requirements • passive solar design for external outdoor areas • power sub-metering to enable continued review of power consumption for the offices, and warehouse • selection of endemic and low maintenance landscaping species • 200 kL rainwater tanks for rainwater harvesting and re-use for landscape irrigation and toilet flushing • low flow fixtures and fittings including taps and shower heads 	
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> • if changes are made to the proposal that may result in impacts to OEAS1 which have not been assessed by this ACHAR, further investigation in the form of test excavation will occur • unexpected Aboriginal objects remain protected by the National Parks Wildlife 1974. If any such objects, or potential objects are uncovered in the course of the activity, all work in the vicinity will cease immediately. A qualified archaeologist will be contacted to assess the findings and Heritage NSW and Deerubbin LALC will be notified • if human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity will cease, the site will be secured, and the NSW Police and Heritage NSW will be notified 	Appendix 25
Air Quality	<ul style="list-style-type: none"> • developing stakeholder consultation plans and procedures to respond to air quality complaints during construction • display the name and contact details of person(s) accountable for air quality and dust issues on the boundary 	Appendix 20

Issue	Mitigation Measure	EIS Reference
	<p>of each tenancy (i.e. the tenant's representative/environment manager/engineer or the site superintendent etc), along with the head/regional office contact information</p> <ul style="list-style-type: none"> • the AQMP to be distributed to all the tenants of Estate, which can used by the tenants as a reference for air quality management practices. • dust suppression including covering or stabilizing stockpiled materials and wetting exposed surfaces • site management, site inspections and monitoring procedures, including observation of speed limits, minimisation of vehicle use, and engine idling will be utilised to minimise any potential air quality impacts during the operation phase • all dust and air quality complaints will be recorded and identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken • record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the Site Incident Register • revegetating disturbed surfaces will occur as soon as practicable • minimise dust generating activities in areas close to receptors • in case of exposed surfaces, land stabilisation works are to be carried out progressively on site to minimise the impact of exposed surfaces • wind erosion from exposed surfaces and stockpiles is to be suppressed by regular watering, as required • keep site fencing, barriers and scaffolding clean using wet methods • remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site • erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site • fully enclose site or specific operations where there is a high potential for dust production and the activity is occurring for an extensive period (e.g. more than 1-2 weeks) • ensure all on-road vehicles comply with relevant vehicle emission standards (where applicable), and maintain vehicles in good condition and in accordance with manufacturer's specifications, and so that the exhaust emissions comply with the Protection of the Environment Operations Act 1997 • stationary trucks are to switch off engines if idling time on-site is likely to exceed 5 minutes • vehicle speed limit restrictions are to be implemented on site • minimise truck queuing and unnecessary trips through effective logistical planning • ensure trucks associated with Estate operations do not track dirt onto the public road network, and any spills or dust track-out is to be cleaned up as soon as possible • only use cutting, grinding or sawing equipment fitted with suitable dust suppression systems, such as water sprays • ensure an adequate water supply on the site for effective dust/particulate matter suppression/ mitigation, using non-potable water • use a watercart or sprays to suppress dust emissions from unsealed roads (if relevant) 	

Issue	Mitigation Measure	EIS Reference
	<ul style="list-style-type: none"> • ensure equipment is readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods • potential dusty activities are not to be carried out during strong winds or in weather conditions where high levels of airborne particulates are likely • no on-site burning of waste materials, timbers or any other combustible materials • all trucks entering or leaving the Site with potentially dusty loads are to have their loads covered 	
Social Impact	<ul style="list-style-type: none"> • post SSDA approval, an employment strategy to be prepared to target local recruitment. The plan may include initiatives to partner with local businesses, visits to local schools, and incorporation of inclusion/diversity targets • when detailed plans for the proposed Western Sydney Freight Line are being prepared, the Applicant will work with TfNSW to identify opportunities for plantings between the proposed freight corridor and the northern boundary of Precinct 3 • incorporate the recommendations outlined in the acoustic impact assessment during the construction phase • incorporate the recommendation in the CSPA to prepare a Community Consultation Strategy to identify and track engagement with the community and resolve complaints and enquiries during the construction and operation phases • future detailed landscape plans for Precinct 2 should incorporate tall and fast-growing tree species to provide additional screening of the warehouse buildings from the residential area 	Appendix 29

APPENDIX 4 NOISE SENSITIVE RECEIVERS



Figure 7: Noise Sensitive Receivers (R01 – R12)



Figure 8: Temporary noise barrier approximate location – Stage 2 Development

APPENDIX 5 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 E10 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.