

# Development Consent

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

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

These conditions are required to:

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



Chris Wilson  
Member of the Commission



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Member of the Commission

Sydney

8 July 2019

File: DOC19/114209

### SCHEDULE 1

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | SSD 8900   |
| <b>Applicant:</b>          | CIP/CH (Bringelly) Pty Ltd   |
| <b>Consent Authority:</b>  | The Independent Planning Commission  |
| <b>Site:</b>               | Skyline Crescent, Horningsea Park<br>Lot 10 of DP 29104  |
| <b>Development:</b>        | Construction and operation of a warehouse and distribution centre with associated light industry and ancillary office uses, including earthworks, infrastructure services, landscaping and car parking |

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## DEFINITIONS

|                                   |  |
|-----------------------------------|--|
| <b>Applicant</b>                  | CIP/CH (Bringelly) Pty Ltd, or any person carrying out any development to which this consent applies   |
| <b>BCA</b>                        | Building Code of Australia   |
| <b>Certifying Authority</b>       | A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 6 certificates  |
| <b>CEMP</b>                       | Construction Environmental Management Plan   |
| <b>Conditions of this consent</b> | Conditions contained in Schedule 2 of this document  |
| <b>Construction</b>               | The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.   |
| <b>Council</b>                    | Liverpool City Council   |
| <b>Day</b>                        | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays  |
| <b>Demolition</b>                 | The deconstruction and removal of buildings, sheds and other structures on the site  |
| <b>Department</b>                 | NSW Department of Planning and Environment   |
| <b>Development</b>                | The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of a warehouse and distribution centre for the storage, cutting and distribution of structural steel, as modified by the conditions of this consent.  |
| <b>Development layout</b>         | The plans at Appendix 1 of this consent  |
| <b>Earthworks</b>                 | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction  |
| <b>EIS</b>                        | The Environmental Impact Statement titled 'SSDA 17_8900 Steelforce Warehouse Amended Environmental Impact Statement', prepared by Ethos Urban Pty Ltd dated 5 December 2018, submitted with a request for a changed application for consent for the development, including any additional information provided by the Applicant in support of the application  |
| <b>ENM</b>                        | Excavated Natural Material   |
| <b>Environment</b>                | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings   |
| <b>EPA</b>                        | NSW Environment Protection Authority   |
| <b>EP&amp;A Act</b>               | <i>Environmental Planning and Assessment Act 1979</i>  |
| <b>EP&amp;A Regulation</b>        | <i>Environmental Planning and Assessment Regulation 2000</i>   |
| <b>Evening</b>                    | The period from 6 pm to 10 pm  |
| <b>Heritage</b>                   | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement   |
| <b>Heritage item</b>              | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent |
| <b>Incident</b>                   | An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance<br>Note: "material harm" is defined in this consent  |
| <b>Land</b>                       | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Material harm</b>              | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the</li> </ul>   |

|                                      |   |
|--------------------------------------|---|
|                                      | reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)   |
| <b>Minister</b>                      | NSW Minister for Planning (or delegate)   |
| <b>Mitigation</b>                    | Activities associated with reducing the impacts of the development prior to or during those impacts occurring   |
| <b>Monitoring</b>                    | Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act   |
| <b>Night</b>                         | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays   |
| <b>Non-compliance</b>                | An occurrence, set of circumstances or development that is a breach of this consent   |
| <b>OEH</b>                           | NSW Office of Environment and Heritage  |
| <b>OEMP</b>                          | Operational Environmental Management Plan   |
| <b>Operation</b>                     | The carrying out of warehouse and distribution and associated light industrial activities for the storage, cutting and distribution of structural steel upon completion of construction.                          |
| <b>PA</b>                            | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.   |
|                                      |   |
| <b>Planning Secretary</b>            | Planning Secretary under the EP&A Act, or nominee   |
| <b>POEO Act</b>                      | <i>Protection of the Environment Operations Act 1997</i>  |
| <b>Reasonable</b>                    | Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements. |
| <b>Registered Aboriginal Parties</b> | Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)                                    |
| <b>Rehabilitation</b>                | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.   |
| <b>Response to submissions</b>       | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.  |
| <b>RMS</b>                           | NSW Roads and Maritime Services   |
| <b>Sensitive receivers</b>           | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.   |
| <b>Site</b>                          | The land defined in Appendix 1.   |
| <b>Site Auditor</b>                  | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>Site Audit Report</b>             | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>Site Audit Statement</b>          | As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>   |
| <b>TfNSW</b>                         | Transport for New South Wales   |
| <b>Upgrading</b>                     | The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation       |
| <b>Year</b>                          | A period of 12 consecutive months   |

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, and Response to Submissions EIS;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Lapsing

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

#### NOTIFICATION OF COMMENCEMENT

- A6. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
  - (b) operation; and
  - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### EVIDENCE OF CONSULTATION

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A9. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A12. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

#### **STRUCTURAL ADEQUACY**

- A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Note:*

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

#### **COMPLIANCE**

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

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

- A16. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

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

- A17. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A18. Before the issue of the relevant Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- A19. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

#### **UTILITIES AND SERVICES**

- A20. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A21. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

- A22. Before the issue of an Occupation Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A23. Before the issue of an Occupation Certificate for any stage of the development, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

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

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

#### **APPLICABILITY OF GUIDELINES**

- A25. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A26. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

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

#### Roadworks and Access

- B3. Prior to the commencement of operation of the development, the Applicant must ensure the vehicle crossings connecting to Skyline Crescent and any other works in a public road are carried out in accordance with Council's specifications and any approval obtained under section 138 of the *Roads Act 1993*.
- B4. The Applicant must ensure any new buildings, structures or improvements integral to the use of the site are erected clear of the land reserved for road widening under the RMS Road Widening Order for DP 225208 under Section 25 of the *Roads Act 1993*, published in Folio 2660 of the Government Gazette 105, dated 20 August 1965.

#### Parking

- B5. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### Operating Conditions

- B6. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines noting the limitations established in B6 (j) and (k) below;
  - (c) all vehicles enter and exit the site in a forward direction noting the limitations established in B6 (j) and (k) below ;
  - (d) the development does not result in any vehicles queuing on the public road network;
  - (e) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (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 noting the limitations established in B6 (k);

- (h) all trucks entering or leaving the site with loads have their loads covered or otherwise secured and do not track dirt onto the public road network;
- (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
- (j) there shall be no access via the eastern side of the building by heavy vehicles between the hours of 10:00pm and 7:00am;
- (k) all roller doors/shutters on the eastern elevation of the building shall be closed between the hours of 10:00pm and 7:00am; and
- (l) externally there shall be no loading or unloading activities on the eastern side of the building between 10:00pm and 7:00am.

#### Work Place Travel Plan

- B7. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must:
- (a) be prepared in consultation with TfNSW;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B8. The Applicant must implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

#### Bicycle Parking

- B9. Bicycle parking spaces are to be provided in accordance with the rates provided in the Cycling Aspects of Austroads Guides (2017) and designed in accordance with the latest version of *AS 2890.3:2015 Bicycle parking facilities* (Standards Australia, 2015).

#### NOISE

##### Hours of Work

- B10. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

*Table 1 Hours of Work*

| Activity                    | Day               | Time         |
|-----------------------------|-------------------|--------------|
| Earthworks and construction | Monday – Friday   | 7 am to 6 pm |
|                             | Saturday          | 8 am to 1 pm |
| Operation                   | Monday – Saturday | 24 hours     |

- B11. Works outside of the hours identified in condition B11 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

##### Construction Noise Limits

- B12. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time).

##### Driver Code of Conduct

- B13. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the operation of the development to minimise road traffic noise. The Driver Code of Conduct and induction training should include:
- (a) measures to ensure heavy vehicles only use the western access between 10 pm and 7 am Monday to Saturday;
  - (b) measures to minimise noise from the airbrakes of heavy vehicles during the operation of the development between 10 pm and 7 am Monday to Saturday; and
  - (c) the matters in Condition B6 above.
- B14. The Applicant must implement the most recent version of the Driver Code of Conduct for the life of the development.

## VIBRATION

### Vibration Criteria

- B15. Vibration caused by construction 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).
- B16. 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 B16.

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

- B17. The Applicant must:
- ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - keep accurate records of the volume and type of fill to be used; and
  - make these records available to the Department upon request.

### Erosion and Sediment Control

- B18. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

### Discharge Limits

- B19. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

### Stormwater Management System

- B20. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- be designed by a suitably qualified and experienced person(s);
  - be generally in accordance with the conceptual design in the EIS;
  - be in accordance with applicable Australian Standards;
  - ensure that water discharged from the site comply with Council's water quality standards prior to being discharged downstream into Bedwell Park Wetland;
  - provide water quality treatment works designed using MUSIC modelling software and verify the performance of the water quality treatment works using Council's MUSIC-link; and
  - ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B21. The Stormwater Management System must be installed before the issue of any Occupation Certificate and must be maintained by the Applicant for the duration of the development. All stormwater works within public road reserves must be constructed before dedication to Council.

## FIRE PROTECTION AND MANAGEMENT

### Asset Protection Zones

- B22. At the commencement of construction, and in perpetuity, the Applicant must manage the property as an Inner Protection Area as outlined in Section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services' publication 'Standards for asset protection zones'.

### Design and Construction

- B23. The Applicant must ensure the building and building elements in the development comply with the 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. The Applicant must also ensure:
- internal access roads comply with section 4.2.7 of Planning for Bushfire Protection 2006; and
  - the provision of water, electricity and gas complies with section 4.1.3 of Planning for Bushfire Protection 2006.

## **Bush Fire Emergency Management**

- B24. Prior to the commencement of operation, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan which is consistent with NSW Rural Fire Services' publication Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

## **AIR QUALITY**

### **Dust Minimisation**

- B25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B26. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering;
  - all trucks entering or leaving the site with loads have their loads covered;
  - trucks associated with the development do not track dirt onto the public road network;
  - public roads used by these trucks are kept clean; and
  - land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Air Quality Discharges**

- B27. The Applicant must install and operate equipment in line with best practice.

### **Odour Management**

- B28. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

## **HAZARDS AND RISK**

- B29. The Applicant must ensure that the quantities of dangerous goods stored within the development or transported to and from the development will remain below the screening threshold quantities listed in the Department's Applying SEPP 33 guideline (January 2011) at all times.
- B30. The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:
- the requirements of all relevant Australian Standards; and
  - the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.
- B31. In the event of an inconsistency between the requirements listed from B31(a) to B31(b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

## **WASTE MANAGEMENT**

### **Pests, Vermin and Noxious Weed Management**

- B32. The Applicant must:
- implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
  - inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

**Note:** For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

### **Waste Storage**

- B33. 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**

- B34. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B35. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B36. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B37. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

B38. The collection of waste generated during operation of the development must be undertaken between 7am to 10pm Monday to Friday.

## **VISUAL AMENITY**

### **Landscaping**

B39. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

- (a) detail the species to be planted on-site;
- (b) include landscape buffer planting within Bedwell Park riparian corridor comprising a mixture of native ground covers, grasses, shrubs and mature trees that would complement the existing vegetation in the riparian corridor;
- (c) include landscape screening on the eastern side of the development between R01 and the development, in particular the 1<sup>st</sup> and 2<sup>nd</sup> access points to the warehouse in consultation with the owners of R01;
- (d) include a diversity of native trees, shrubs and groundcover species from the local native vegetation community;
- (e) describe the monitoring and maintenance measures to manage revegetation and landscaping works;
- (f) detail how the landscaping on-site will comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006; and
- (g) be consistent with the Applicant's Management and Mitigation Measures at Appendix 3.

B40. The Applicant must:

- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
- (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B40 for the life of the development.

### **Lighting**

B41. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage and Fencing**

B42. All signage and fencing must be erected in accordance with the development plans included in the EIS.

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

## **COMMUNITY ENGAGEMENT**

B43. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 8 in Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; 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 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

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
  - (b) Erosion and Sediment Control Plan (see Condition B19); and
  - (c) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of a Compliance Report under condition C12;
  - (b) the submission of an incident report under condition C7;
  - (c) the submission of an Independent Audit under condition C15;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed.
- C6. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

- C7. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 4.

### Non-Compliance Notification

- C8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.
- C9. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C11. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- C12. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C13. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

### Independent Audit

- C14. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C15. Independent Audits of the development must be carried out in accordance with:
- the Independent Audit Program submitted to the Department under condition C14 of this consent; and
  - the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C16. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- review and respond to each Independent Audit Report prepared under condition C15 of this consent;
  - submit the response to the Department; and
  - make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

### Monitoring and Environmental Audits

- C17. 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.

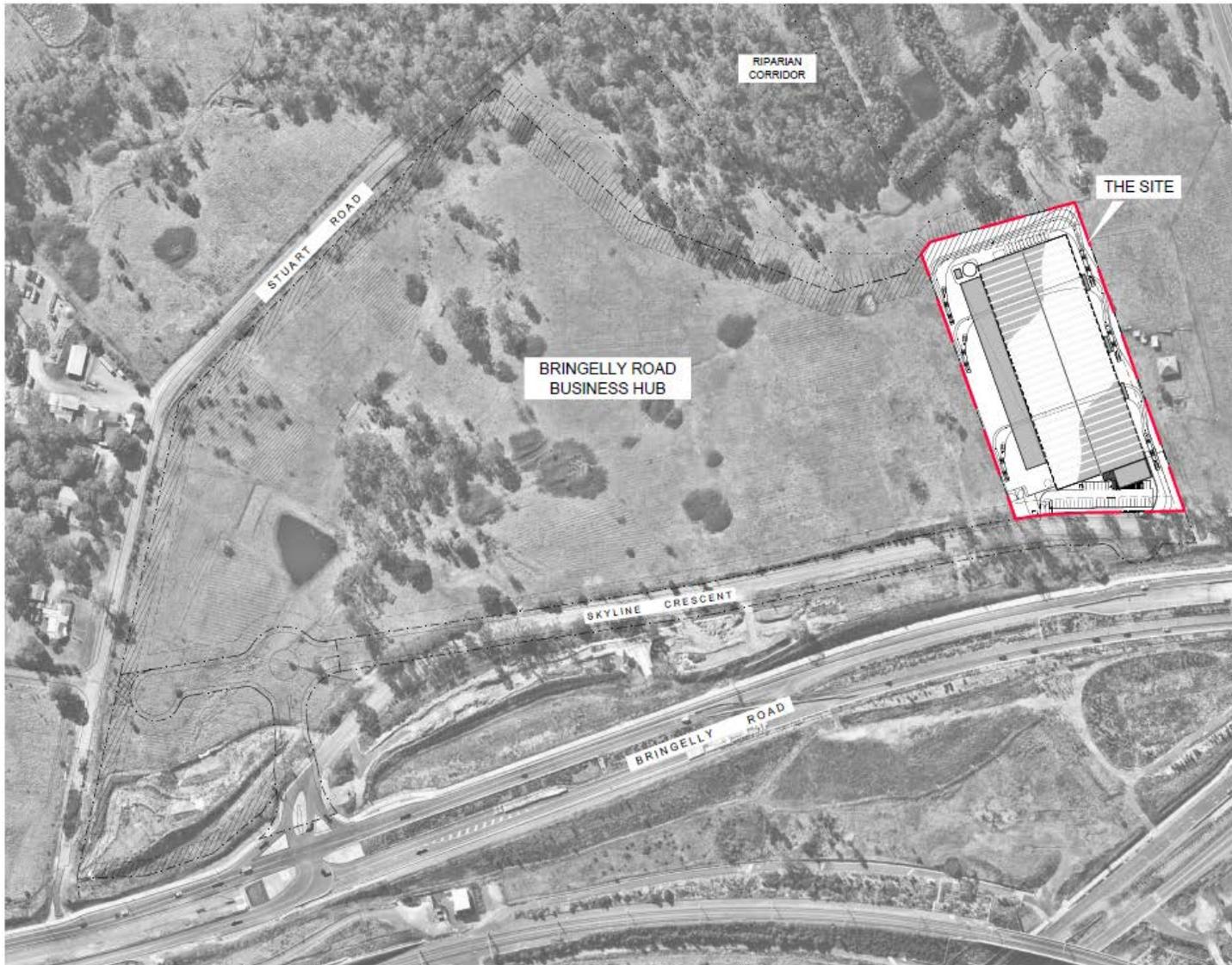
**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the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

### ACCESS TO INFORMATION

- C18. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- make the following information and documents (as they are obtained or approved) publicly available on its website:
    - the documents referred to in condition A2 of this consent;

- (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) the Compliance Report of the development;
  - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1 DEVELOPMENT LAYOUT PLANS**



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| REVISIONS |            |
|-----------|------------|
| 1         | 13.11.2018 |
| 2         | 22.11.2018 |

**Charter Hall**

Scale: 1:1000

**ESR CIP**

PROJECT: STEELFORCE BRINGELLY ROAD BUSINESS HUB, NSW

DRAWING TITLE: MASTER PLAN

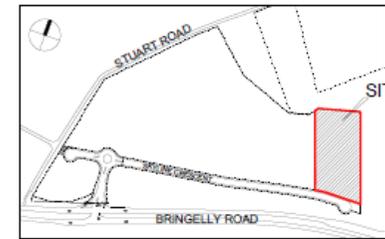
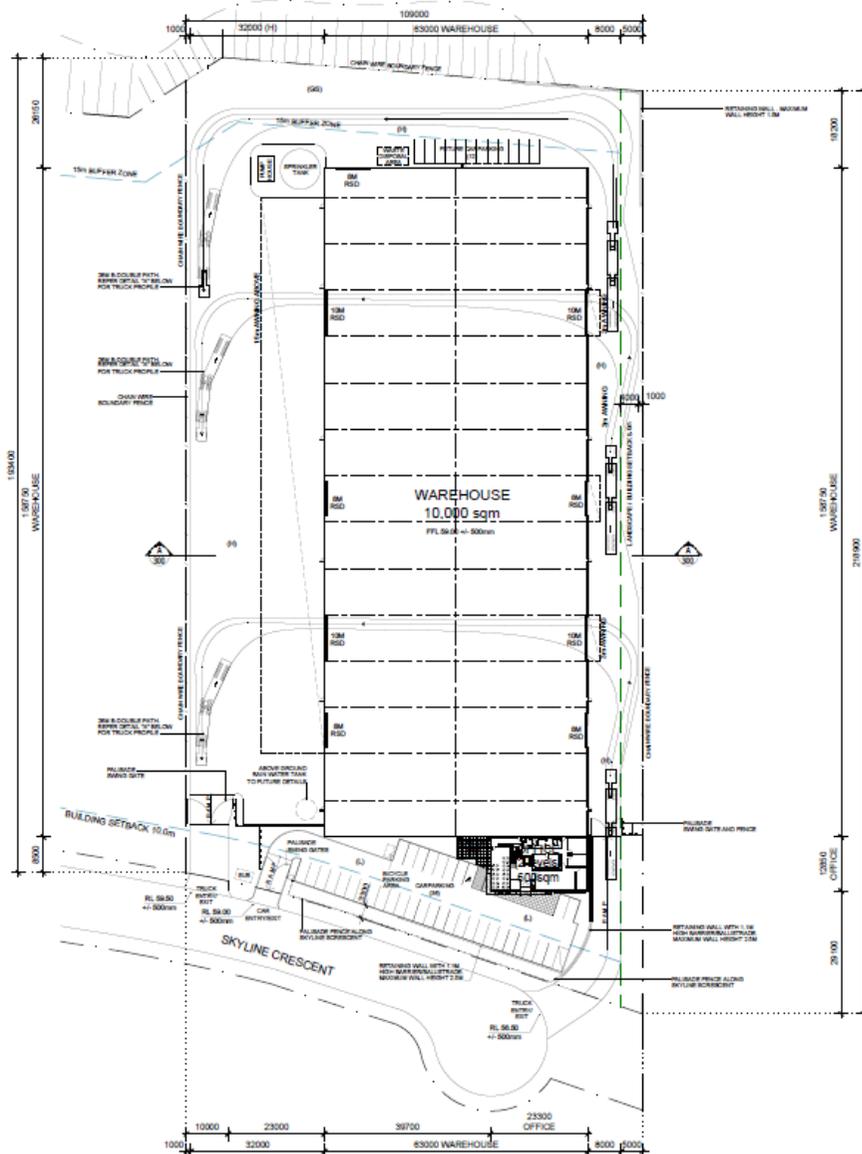
SCALE: 1:1000 @ A3

CREATE DATE: 13.11.2018 PLOT DATE: 06.12.2018

LAST SAVED BY: JAKEMORRIS

2-349-277062-DA - 001 B

Figure 1: Master Plan

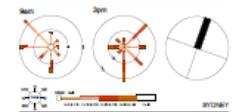


LOCATION PLAN

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| REVISIONS |            |
|-----------|------------|
| 1         | 14.10.2018 |
| 2         | 21.11.2018 |
| 3         | 21.11.2018 |
| 4         | 03.12.2018 |
| 5         | 03.12.2018 |

| DEVELOPMENT SUMMARY     |            |
|-------------------------|------------|
| SITE AREA               | 22,345 sqm |
| WAREHOUSE               | 10,000 sqm |
| OFFICE @ LEVEL 01       | 2,330 sqm  |
| TOTAL BUILDING AREA     | 12,330 sqm |
| EFFICIENCY              | 47.44 %    |
| AWNING (2m)             | 96 sqm     |
| AWNING (1.5m)           | 1,362 sqm  |
| CARPARKING PROVIDED     | 35 spaces  |
| FUTURE CARPARKING       | 12 spaces  |
| HEAVY DUTY PAVEMENT (H) | 8,478 sqm  |
| LIGHT DUTY PAVEMENT (L) | 1,251 sqm  |
| GRASS SEEDED AREA (G)   | 888 sqm    |

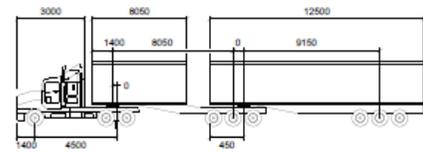


PROJECT  
**STEELFORCE**  
 BRINGELLY ROAD  
 BUSINESS HUB,  
 NSW

DRAWING TITLE  
**SITE PLAN**



SCALE: 1:1000 @A1  
 DATE: 13.11.2018  
 LAST SAVED BY: JAW/2018  
 PLOT DATE: 08.12.2018  
 2-348-277062-DA-002



**B-DOUBLE 26M**

|               |        |                    |        |
|---------------|--------|--------------------|--------|
| Tractor Width | : 2500 | Lock to Lock Time  | : 6.0  |
| Trailer Width | : 2500 | Steering Angle     | : 23.4 |
| Tractor Track | : 2500 | Articulating Angle | : 70.0 |
| Trailer Track | : 2500 |                    |        |

**DESIGN VEHICLE PROFILE**  
 NTS

Figure 2: Site Plan

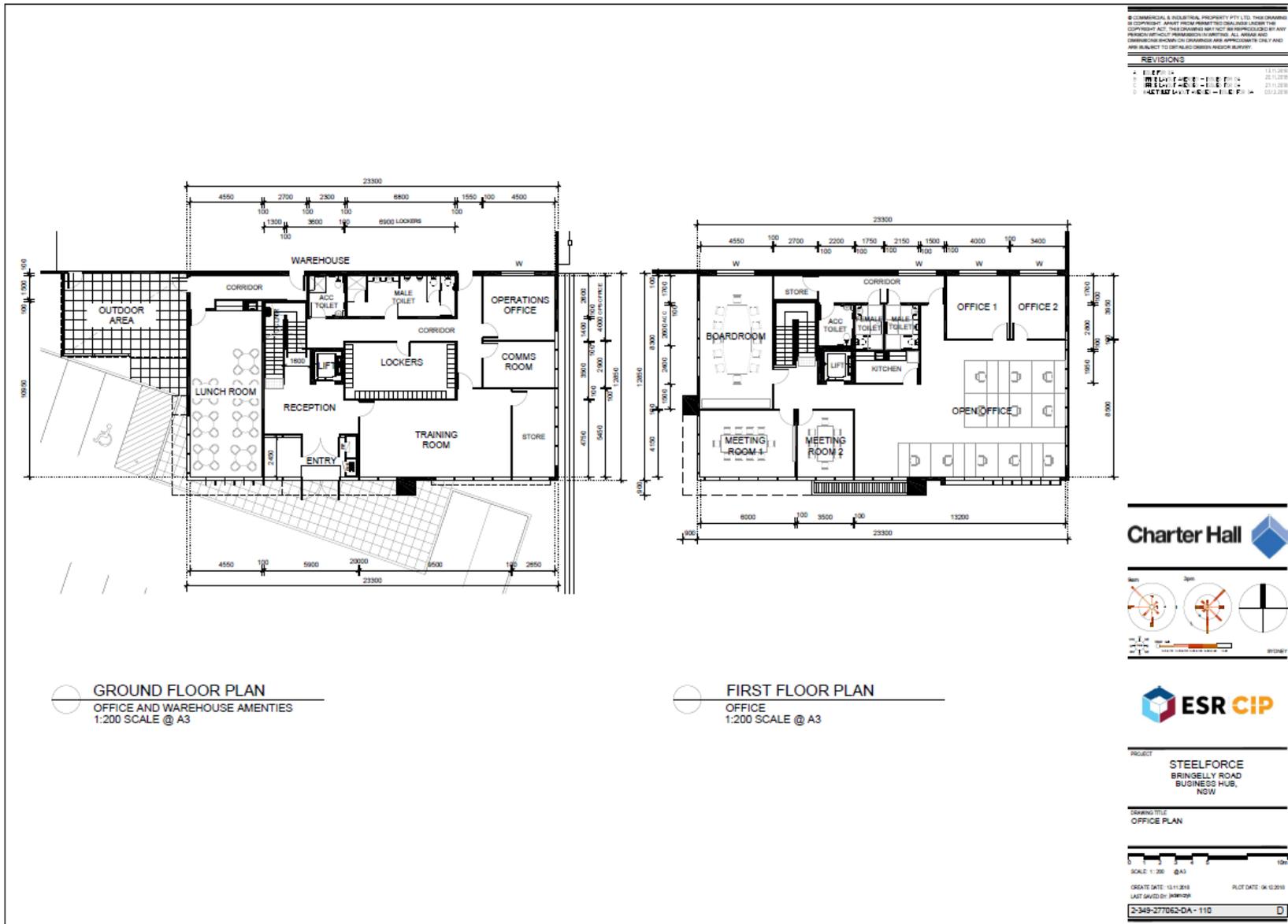


Figure 3: Office Plan

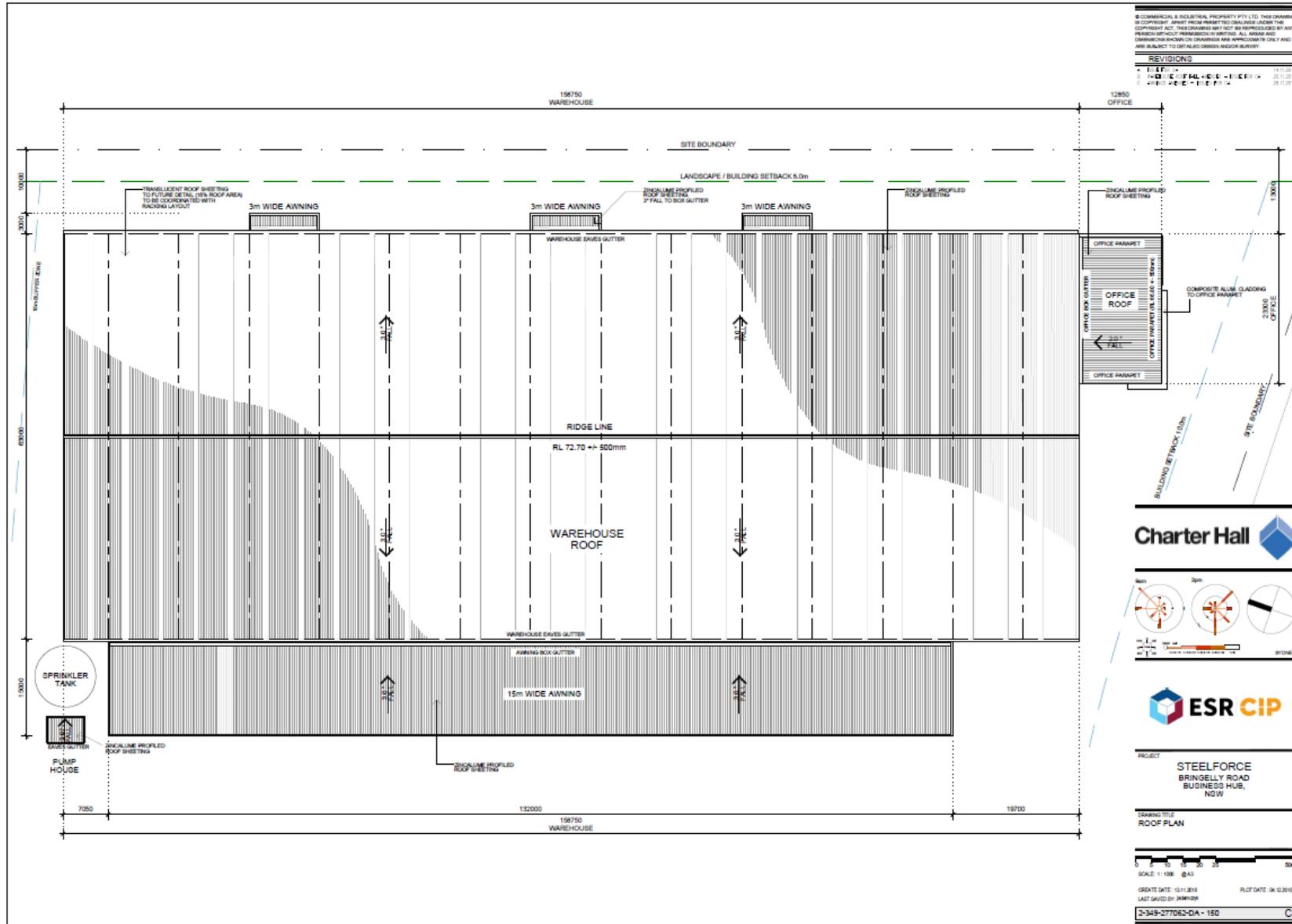


Figure 4: Roof Plan

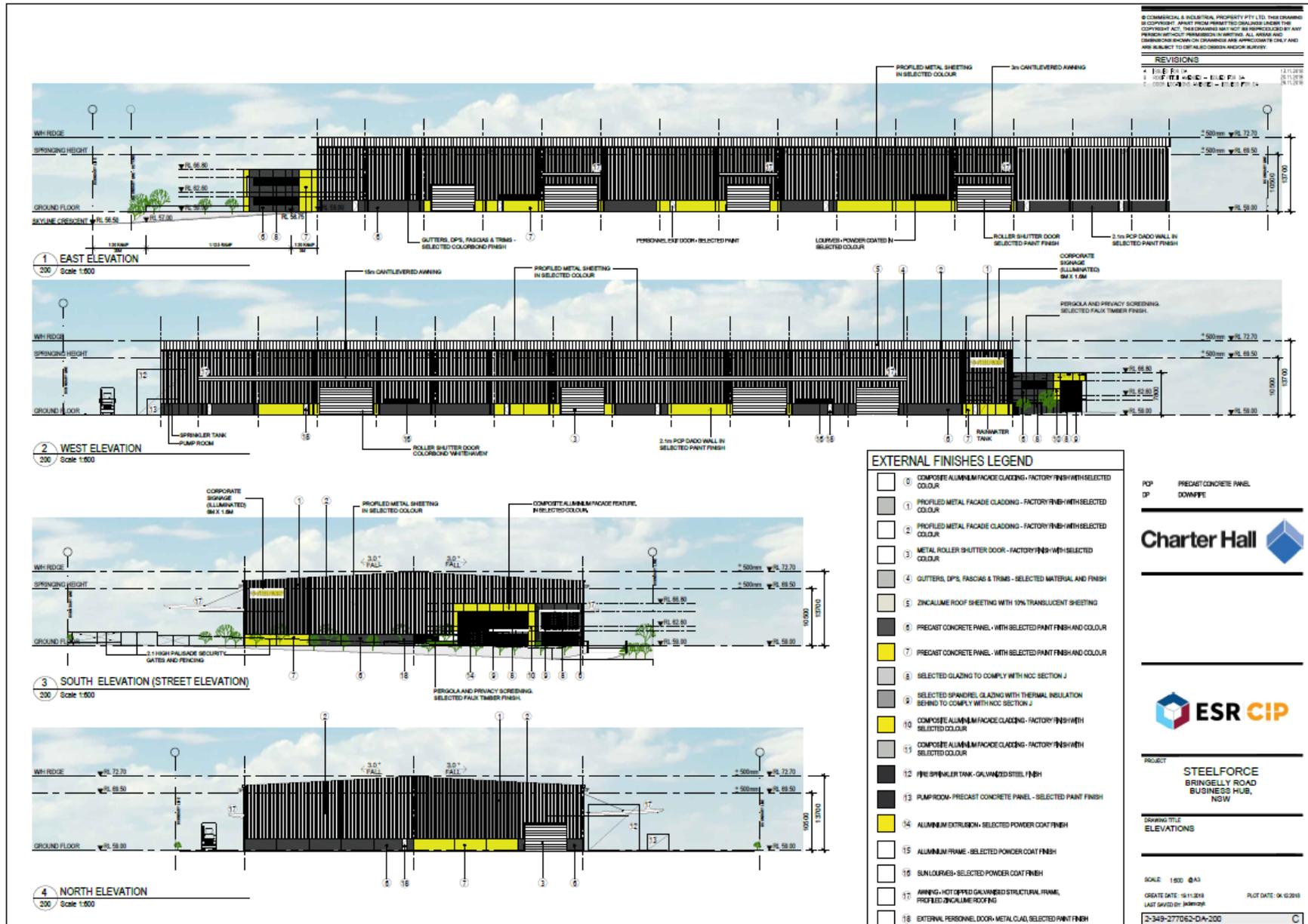


Figure 5: Elevations

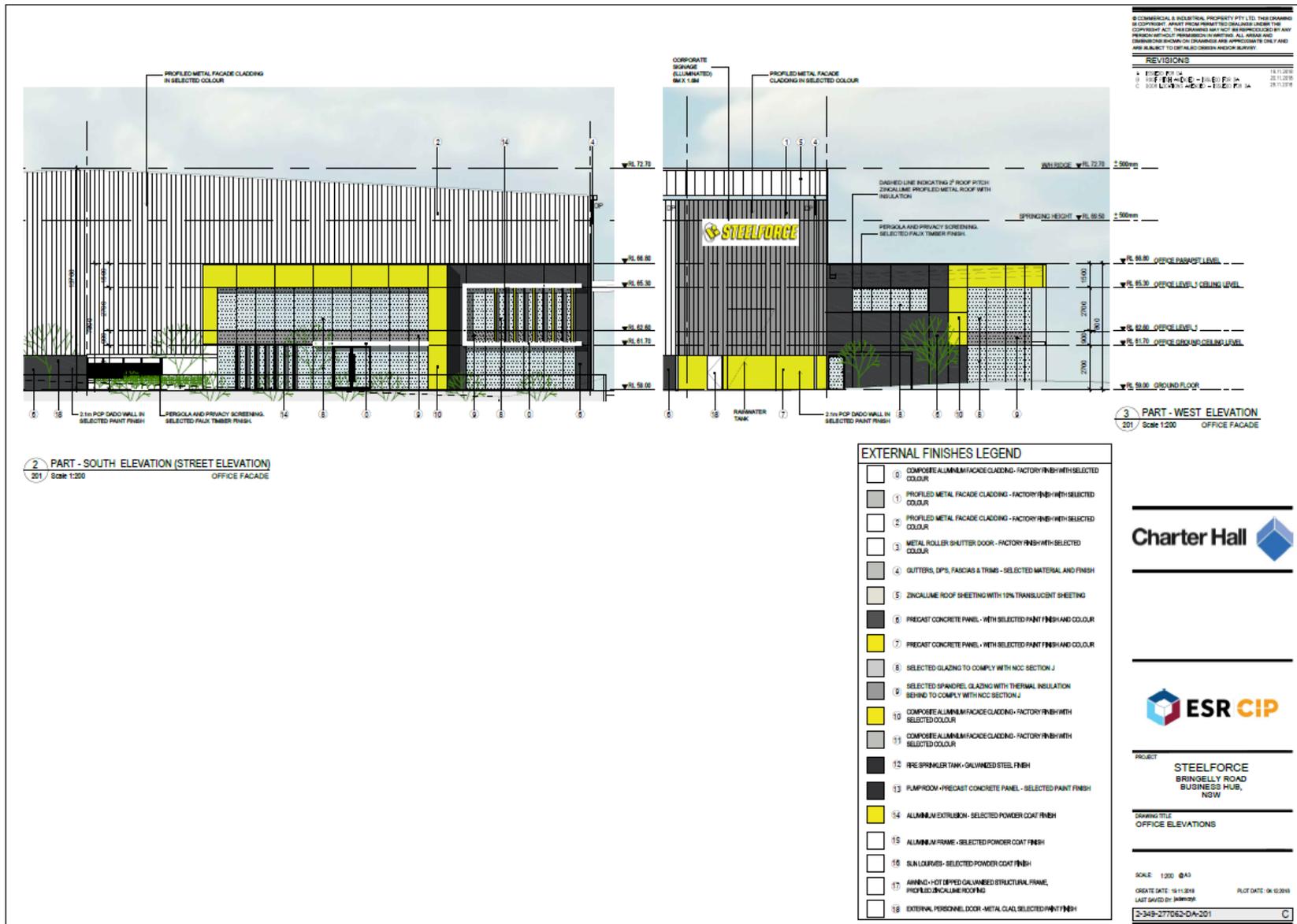


Figure 6: Office Elevations



APPENDIX 2 NEARBY SENSITIVE RECEIVERS

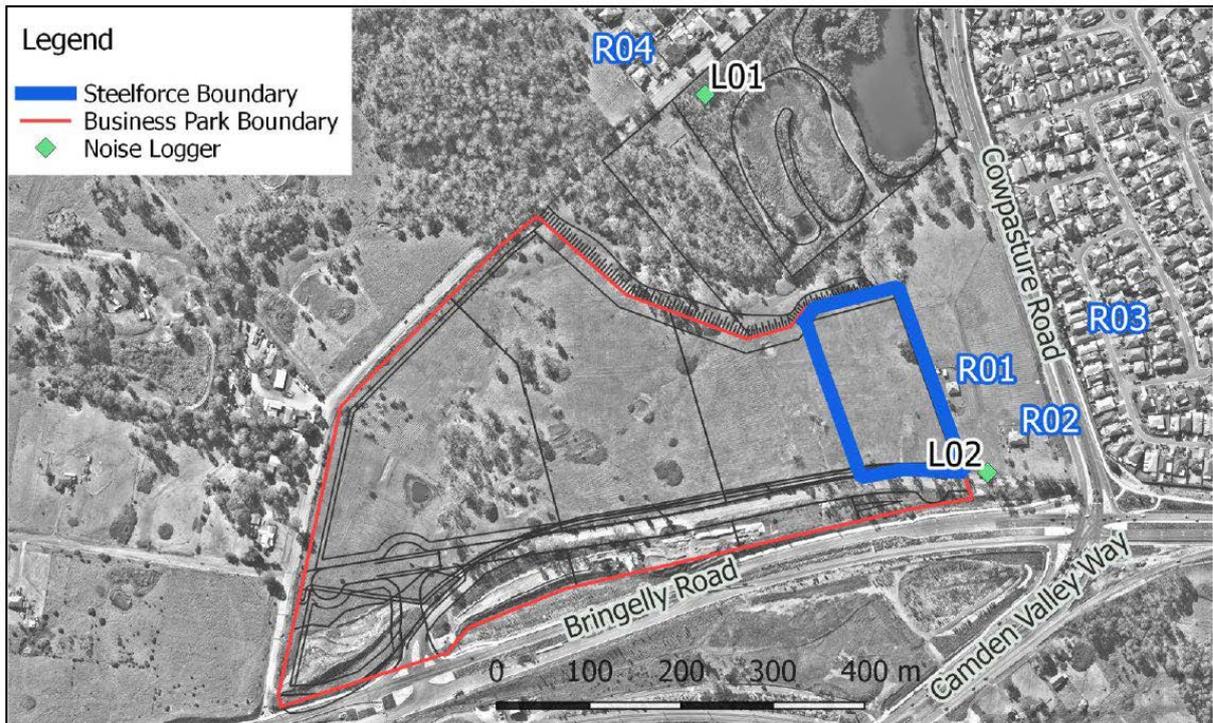


Figure 8: Nearby Sensitive Receivers

## APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

### Mitigation Measures

#### Traffic and Parking

- A Green Travel Plan incorporating a Transport Access Guide will be prepared and submitted as part of the Construction Certificate documentation.

#### Hazard and Risk

- The design includes fire walls to ensure adequate separation of storage locations as required by AS 1940-2017.

#### Waste Management

- Proposed water harvesting methods be employed to address water management, as recommended within Civil Report accompanying this application.

#### Noise Impact

- Vehicle engines should be switched off during loading and unloading within the dock.
- Construction works should be undertaken in accordance with the acoustic and vibration control measures outlined within the Acoustic Logic Report accompanying the application.

#### Bushfire

- The following ember protection measures are to be included within the design and construction of the buildings:
  - Weepholes, vents and openable portions of windows be screened against the entry of embers with steel mesh with maximum aperture of 2 mm;
  - Weather strips to external doors or similar measure to prevent the entry of embers through gaps greater than 3 mm;
  - Nylon brush seals around roller doors or similar measure to prevent the entry of embers through gaps greater than 3 mm; and
  - Landscaping to be managed to Inner Protection Area standards as per Section 3.2 of the Bushfire Protection Assessment report (Appendix K).

#### Construction Management

- A detailed Construction Environmental Management Plan has been submitted under Appendix O and all applicable sub-documents will be developed for Construction Certificate and implemented for all construction works. Activities include:
- Conduct vibration and noise measurements/monitoring at potentially worst affected receivers during periods when the impact from construction is greatest, when activities may have the potential to impact surrounding receivers.
- A reporting system be implemented with information including:
- A register of complaints received/communication with the local community
- Where noise/vibration complaints require noise/vibration monitoring, results from monitoring.
- Any noise exceedances occurring including, the actions taken and results of follow up monitoring.
- A report detailing complaints received and actions taken shall be presented.
- All monitoring and reporting shall be conducted in conjunction with the conditions of consent.
- The person(s) responsible for complaint handling and contact details for receiving of complaints shall be established on Site prior to construction works commencing, with contact details displayed at the Site for the public.
- If a noise complaint is received the complaint should be recorded on a Noise Complaint Form.
- Communication with the adjoining properties and neighbouring workers shall be undertaken on an on-going basis, in advance of activities that may be considered as potentially affecting amenity

#### Air Quality

- Standard construction dust mitigation methods be implemented where practical to avoid dust generation.

#### Operational Management

- A detailed Operational Management Plan, Emergency Procedure and all applicable sub-documents will be developed for Occupation Certificate and adhered to by Steelforce.

## APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.

### INCIDENT REPORT REQUIREMENTS

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