



**NGH**



# OPERATIONAL AUDIT

**Lindt & Sprüngli (Aust) Pty Ltd**

November 2020

Project Number: 20-731



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## 1. Introduction

NGH Pty LTD (NGH) were engaged by Lindt & Sprüngli to complete an Independent Environmental Audit. Lindt & Sprüngli is required to undertake an independent audit in accordance with the requirements of SSD 6620 Condition D6 which states:

*Within two years of the commencement of operations of the Development, and every three (3) years thereafter if requested by the Secretary, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development.*

The requirement for the independent audit is detailed in Schedule D Condition D6.

Lindt & Sprüngli has been operating at the site since October 2015. This is the second external audit at the site.

### 1.1. Audit Team

The audit was undertaken by Natascha Arens, Exemplar Global Certified Principal Environmental Auditor. Natascha has around 25 years' experience as an environmental professional and 20 years of auditing experience. Natascha was Approved as the Independent Environmental Auditor by the Department of Planning and Environment (Appendix B:)

### 1.2. Objectives

The objectives of the audit were to undertake an audit as required by SSD 6620 Schedule D condition 6 including:

- Assessment of compliance with the conditions of approval for SSD 6620
- Assessment of the environmental performance of the Development and assess whether it is complying with the relevant requirements in this consent (including site landscaping and any other plan or program required under this consent);
- Review the adequacy of any plans or programs required under this consent; and, if appropriate

### 1.3. Audit Scope

The audit covered the manufacturing and retail outlet of the Lindt & Sprüngli facility at Hollinsworth Road, Marsden Park. The objective of the audit was to measure compliance against the conditions of approval (CoA) for SSD 6620 and check the adequacy of implementation of the environmental management plans for the operation of the facility. The Toll facility located at the site was not audited.

Monitoring and environmental performance, along with compliance with reporting requirements, were evaluated against:

- Consolidated Conditions of approval for SSD 6620 including Mod 1 and 2 as determined 13/08/2015
- Summary of EIS mitigation measures
- Compliance against Lindt & Sprüngli management plans, policies and procedures

- Observations made during audit activities on site.

## **1.4. Audit Period**

The audit period for this audit was from the date of completion of the first audit 15 March 2018 to the date of the issue of the final audit report for this audit on 1<sup>st</sup> December 2020.

# **2. Audit Methodology**

## **2.1. Auditor Approval**

Natascha was Approved as the Independent Environmental Auditor by the Department of Planning and Environment (Appendix B:)

## **2.2. Scope Development**

The audit scope was developed during the preparation of the Audit program, subsequent review of documentation and modifications. This involved:

1. Reviewing the SSD
2. Reviewing the DPE Independent Audit – Post Approval requirements (June 2018)
3. Undertaking a desktop review of the approved Environmental Management Plan and sub plans
4. Preparing the Audit Table.

## **2.3. Audit Process**

The audit was undertaken from the 17 – 27 November 2020. A site audit, site inspection and document review was undertaken on the 17 November 2020. Present at the audit were:

- Natascha Arens (NGH independent auditor)
- Steve Wren (Lindt & Sprüngli Health Safety Environment & Security Manager)
- Mark Pett (Lindt & Sprüngli Facilities Co-ordinator)

A site visit of the Retail outlet, offices, carpark and stormwater management areas was undertaken during the site component of the audit on the 17 November 2020.

Ongoing desktop document review and offsite consultation with Lindt & Sprüngli representatives was undertaken during from the 18- 27 November 2020.

## **2.4. Document Inspection**

Documents were requested by the auditor and provided by Lindt & Sprüngli. Records were viewed electronically and in hard copy format. Records (photographs, notes, digital files) were made of the documents examined. Notes were made about the documents against and regarding the CoA requirements. An opinion was formed on the adequacy of the evidence in relation to the CoA and compliance. Documents viewed during the first audit included:

- New starter induction Oct 2017
- 06\_LIN Environmental Policy 2013

- Procedure 003 DG & HS – Dangerous Good and Hazardous Substances procedure (30/10/15)
- Procedure 0008 Traffic Management Plan Dec 2017
- Traffic Assessment. Colston Budd Hunt & Kafes Pty LTD dated July 2014
- Noise Impact Assessment completed by Acoustic Logic and dated 14 July 2014
- Odour Assessment completed by Pacific Environment Limited and dated 3 July 2014
- Preconstruction: report completed by 'Sustainable Development Consultants' dated 25 Feb 2015
- Civil Design Report prepared by FMG Engineering at Appendix E of the EIS
- Stormwater Management Plan and Appendices prepared by FMG Engineering dated 20 March 2015 and revised Drainage Plan C05(3) Revision 5 dated 13 July 2015
- Erosion and Sediment Control Plan completed by FMG Engineering dated 17 June 2014. Plan included in Revised Civil Design Report
- Appendix B of the revised Civil Design Report (Stormwater360 Product Detail). Completed by Stormwater360 and dated 7 October 2014
- Procedure 00013 Environmental Management Plan June 2017
- Letter Stormwater360 inspector dated 27/10/17
- Email and report from Stormwater360 inspector dated 16/2/18 relating to an inspection undertaken on 24/11/17
- Australian Packaging covenant review report for the 2016 reporting year
- Pre-qualification questionnaire (Procedure 0006).
- Preventative maintenance schedule for packaging, manufacturing and services
- Maintenance records for all air filtration, air conditioning and refrigeration services
- Flamesafe Fire equipment maintenance report
- JJ Richards and Sons transaction details for trade waste removal
- Waste tracking system (tracked by \$)
- Quarterly audit reports using the Environmental Inspection Checklist EMP004 June 17 to Sept 17 and June 17 to Jan 18
- SDS register & Hazardous substances Risk register
- Hot and Cold works permit register and work permit forms
- Building impairment notification
- Back flow prevention device inspection and maintenance reports
- Toolbox Talk 0421 – Noise Protection June 2017
- Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015
- Trade Waste Permit 38141.

Documents reviewed during this audit included:

- Sydney water Connection agreement Including Trade Waste Agreement Permit Number: 38141 (12 October 2020)
- Lindt & Sprüngli Environmental Management Plan (EMP) Rev 3 May 2020
- EMP quarterly inspection checklist, dated 12/8/20
- Prime Water Australia Back flow test results 31.1.20 and February 2020
- JJ Richards and Sons Trade waste pump out records 19/10/2020, 13/7/2020, 23/4/2020, 28/1/2020, 6/11/2019, 9/8/2019, 17/5/19, 15/02/19, and 7/11/19



- Paramount air conditioning services - Air Conditioning unit and filters – two monthly maintenance schedules
- Five yearly safety compliance certificate for lift dated 23/9/2020 and three monthly maintenance test schedule
- MHW (6 monthly calibration and PM testing) Viewed testing on 28/10/2020 PM test, 24/9 Calibration testing)
- Water Filter – six monthly replacement 1/8/2020
- Stormwater Quality Improvement Devices inspection record and photographic evidence sighted Ocean Protect 11/11/2020
- Stormwater pits before and after cleaning report dated 11/12/19
- Internal noise monitoring results at 19 locations reviewed from 2016 to the latest date 8/9/2020
- Toolbox talk 0405 sign on sheets dated 24/10/2019 and 20/8/2020
- SDS register stored on MYOSH
- SMT Waste Brokers, Waste report for March 2020 and October 2020
- Australian Packaging Covenant (APCO) report dated 06/08/2020
- email from DPIE dated 26/10/2020 – regarding Uploading documents to the major projects website
- Lindt & Sprüngli Global packaging Council July 2019, version 1.

## 2.5. Site Inspection

A site inspection was undertaken on the 17 November 2020. The site inspection found the grounds, office facilities and retail outlet were well maintained and operating in accordance with requirements. Photos of the site visit are provided below.



Figure 1: Stormwater Pit showing filter sock



Figure 2: Car park showing boom gate and directional arrows



Figure 3: Well maintained landscaping

## 2.6. Consultation

Email consultation was undertaken as part of the previous audit. As there is no further interaction with agencies other than utility providers, no further consultation was undertaken for this audit.

It is noted that Lindt & Sprüngli have had phone conversation with DPIE regarding the audit requirements. Subsequent email correspondence was received requesting a second operational audit be undertaken and close out of the first audit (refer appendix B).

DPIE contacted Lindt & Sprüngli seeking further clarification via email and a RFI letter on the 14 May 2021. The request for information required the following to be updated in the audit report:

- **Adequacy of management plans:** In accordance with Condition Schedule D, Condition D6 the IEA must assess the adequacy of plans or programs required under this consent. The audit report has not assessed the adequacy of the facilities management plans including Traffic Management Plan, Stormwater Management Plan, Drainage Plan, Waste Management Plan, Landscaping and Vegetation Management Plan, and Environmental Management Plan.
- **Trade Waste Permit:** In accordance with correspondence from the Department provided prior to the commencement of the audit (email dated 21 October 2020), the audit report was required to provide details of the Trade Waste Permit amendment approval by Sydney Water.



Accordingly, this report has been updated and the RFI is addressed in Section 3.5 (Adequacy of plans) and details of the updated Trade Waste Permit in Section 3.4.

## 2.7. Compliance Status Descriptors Used in this Report

The compliance descriptors used in this report are:

- Compliant** Requirement has been met
- Non-Compliant** Requirement has not been met
- Not Triggered** Requirement not relevant to the current stage of work

## 3. Audit Findings

### 3.1. Approval and Document List

This section details the findings of the audit report. It provides a brief summary of compliance and further detail where a non-compliance was found. For complete details of the findings of the audit, refer to the audit checklist contained in Appendix A.

### 3.2. Summary of NON-COMPLIANCE

The following non-compliances were identified. A summary is provided in Table 3 and further details are include in Section 3.2 below.

Table 1: Summary of non-compliance

Condition	Finding														
Schedule C – environmental performance conditions															
<p><b>#14 Noise Limits</b></p> <p>The Applicant shall ensure that the noise generated by the operations of the facility does not exceed the limits in Table 1.</p> <p>Table1: Noise impact assessment criteria dB(A)</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Receiver</th> <th>Day (7am to 6pm)</th> <th>Evening (6pm to 10pm)</th> <th colspan="2">Night (10pm to 7am)</th> </tr> <tr> <th>Leq(15min)</th> <th>Leq(15min)</th> <th>Leq(15min)</th> <th>Leq(15min)</th> </tr> </thead> <tbody> <tr> <td>Receivers 1, 2, 3 and 4</td> <td>43</td> <td>40</td> <td>37</td> <td>58</td> </tr> </tbody> </table>	Receiver	Day (7am to 6pm)	Evening (6pm to 10pm)	Night (10pm to 7am)		Leq(15min)	Leq(15min)	Leq(15min)	Leq(15min)	Receivers 1, 2, 3 and 4	43	40	37	58	<p>There is no mechanism in place to check that the operation of the facility complies with the noise criteria for operations in Table 1 of the EIS.</p>
Receiver		Day (7am to 6pm)	Evening (6pm to 10pm)	Night (10pm to 7am)											
	Leq(15min)	Leq(15min)	Leq(15min)	Leq(15min)											
Receivers 1, 2, 3 and 4	43	40	37	58											
Schedule D - environmental management and reporting															
<p><b>#5 Regular Reporting</b></p> <p>The Applicant shall provide regular reporting on the environmental performance of the development on its website,</p>	<p>Regular reporting has not occurred to date for operation.</p> <p>Lindt &amp; Sprüngli have registered to upload documents to the major project planning portal</p>														

<p>in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.</p>	
<p><b># 6 Independent Environmental Audit</b></p> <p>Within two years of the commencement of operations of the Development, and every three (3) years thereafter if requested by the Secretary, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development.</p>	<p>The first operational audit of the project was not undertaken within two years of operation</p>

### 3.3. Project Approval

#### Schedule B- Administrative conditions

The Project is compliant with the administrative conditions set out on Schedule B of consent in that:

- The proponent is implementing measures to ensure that the operations prevent/minimise harm to the environment
- The proponent has carried out activities in accordance with the Project Approval
- The proponent has generally complied with the site management plans. Plans have been implemented
- There is no evidence of instances of damage to public infrastructure
- The total building areas does not exceed the consent
- Employees and contractors are made aware of their obligations relating to environmental performance
- Plant and equipment is being maintained.

#### Schedule C – Environmental performance conditions

##### Traffic and Access

- A traffic management plan has been prepared and is implemented
- Bicycle parking is available onsite as
- Consultation with Blacktown council was undertaken for the previous audit. An email dated 21 February 2018 from Council’s Manager Development Services noted that an inspection of parking and operating conditions was undertaken, and that council had no issues
- Parking on site was compliant with the of 341 on-site car parking spaces (including 7 disabled spaces)
- The parking area is shown in Figure 2 above.
- Soil and Water Management
- All stormwater is managed through the Stormwater360 unit
- Raingardens are present in traffic islands and landscaped areas
- The rain water harvesting tank has been installed as shown in Figure 3

- The management of the Stormwater360 system was reviewed as part of the audit. It was noted that a new contract for maintenance of this system is underway. Stormwater 360 have had a name change and are now Ocean Protect . Stormwater Quality Improvement Devices were inspected by Ocean Protect on 11/11/2020 and a copy of the inspection note was sighted at the audit. At the time of writing this report Ocean Protect had not released their report which will detail new maintenance requirements to be incorporated to the new contract.

## **Noise Management**

- There is no mechanism in place to check that the operation of the facility complies with the noise criteria for operations. ***This has been raised as a non-compliance against Schedule C COA 14 and recommendations are provided below***
- Internal noise checks are undertaken to ensure WHS noise requirements are being met
- There have been no complaints in relation to noise
- The operating conditions are below that permitted in the approval. Manufacturing in the approval is permitted 24 hrs/day, seven days per week. Manufacturing hours were found to be from: 6am – 4pm and Packing hours: 6am – 2am (extended hours)
- The showroom /factory outlet is open from 9am – 6.30 pm daily. The approval allows 9am – 7pm.

## **Air Quality (Odour)**

Outcome of Odour Assessment (3 July 2014) was that there was a low risk of odour emissions on site. The site inspection undertaken during the audit noted no odour outside the premises despite the manufacturing area being operational at the time of the audit.

## **Dangerous Goods**

Main sources of chemicals on site are cleaning products. There is an SDS register on site and Class 2 and 3 chemicals kept in appropriate storage.

12 monthly toolbox talks on dangerous goods are occurring. Toolbox talk 0405 deals with dangerous goods, this was undertaken over progressively over the a month; and the audit sighted sign on sheets the 24/10/2019 and 20/8/2020.

## **Greenhouse Gas**

All lighting on site 'energy efficient'. Air conditioning on site has an energy efficient 'heat recovery' system. E.g. heat produced on site is re-used.

The building won environmental award (Quanstruct) during pre-construction for energy efficiency and consumption.

380 KW system has been installed (~900 panels). The site uses all the power it generates during the day.

## **Waste**

A waste plan has been prepared and Lindt are very proactive at recycling waste. All offices areas have recycling bins and waste separation. Printer Cartridges and batteries are also recycled. The manufacturing areas separates waste into general (including waste chocolate) paper, cardboard and clear plastics. Some of the external cardboard boxes are reused and otherwise, clear plastic, cardboard and paper is all recycled.

The 2020 Australian Packaging Covenant (APCO) Annual Report, Lindt and Sprüngli (Australia) Pty Ltd has achieved Level 5 (Beyond Best Practice) for the core criteria. All seven core criteria were answered and six out of six recommended criteria were answered. In addition, Lindt and Sprüngli (Australia) Pty Ltd has either achieved or put in place ten out of ten relevant packaging sustainability targets, and is publicly reporting progress against nine of these targets.

The Sustainability in Packaging handbook by the Lindt & Sprüngli Global Packaging Council July 2019, version 1, includes a vision statement including targets of 100% recyclable or reusable material, and increase the plastic free packaging materials ie reduce packaging waste in production to 0%.

The audit found that Lindt & Sprüngli are very committed to reducing waste and managing resource use.

## **Landscape Management and rehabilitation**

Maintenance of garden beds is undertaken by GW Landscapes. Maintenance occurs fortnightly as noted in the Maintenance schedule. Evidence was provided at the audit that this is being completed fortnightly.

Automatic sprinklers water the garden (early mornings and evening) with the water sourced from rainwater harvesting tank.

Figure 3 above shows evidence that the landscaping is being maintained.

## **Schedule D - Environmental Management and reporting**

The audit noted two non-compliance in Schedule D as summarised in Section 3 above. These include:

- The first audit was not undertaken within two years of operation
- Regular reporting for the site is not being made publicly available.

### 3.4. Previous Audits

The findings of the previous audit and the current status of non compliances are detailed in the table below

Reference	Recommendation	Status
Environmental Policy	The environmental policy is dated 2013 and therefore has not been updated since the operation of the facility at Marsden Park. This policy should be updated regularly.	The policy is still dated 2013, however it was noted at the audit that this policy is global and there is a corporate initiative to align the policy with Global reporting standards (GRI).
Noise	It is recommended that Lindt check that it is complying with the operational noise limits provided in the EIS.  A review of the Noise Policy for industry (EPA 2017) should be undertaken to check compliance requirements. Section 6 of the policy relates specifically to existing industrial premises.	This has not been undertaken and has been raised again as a non-compliance.
Waste	It is recommended that a waste register is used to track waste type and a record is made of all recyclable materials by weight. Targets can then be set to reduce waste.	Closed SMT reporting includes waste tracking
Trade Waste Permit	It is recommended that the grease trap is emptied when it is at or below capacity of 5000L.	Closed The trade waste agreement (Permit Number: 38141) allows for a capacity of 5300L. The updated permit was issued for the facility on the 12 October 2020 by Sydney Water. The capacity was the only change to the Trade Waste Agreement.



### 3.5. Environmental Management Plans

Lindt & Sprüngli operate under a Health Safety and environmental Standard for environmental management Doc No. 13 Version 2 Last updated June 2020, this is the overarching standard for environmental management. Underneath the standard sits the Environmental Management Plan (EMP May 2020). The EMP includes management of environmental aspects including:

- Waste
- Soil and Water (Stormwater)
- Noise and Vibration
- Vegetation and Landscaping
- Fire
- Heritage
- Packaging and recycling
- Emergency and Incident response – including spills

The EMP is implemented through a quarterly inspection and waste procedures.

In relation to the management plans required under:

- Schedule D – COA #3 – Traffic Management plan
- Schedule C COA 22 and 23 – Waste management
- Schedule C 26 – Vegetation and Landscape management
- Schedule C COA # 6 and Schedule D COA #2 Stormwater management

The requirements of these plans were predominantly completed during construction.

Aspects of the plans that are still relevant include:

- **Traffic Management** – There is a boom gate separating the public car park from the loading bay. Wayfinding signage is also provided showing direction of flow around the car park and pedestrian access.
- **Vegetation and Landscape Management** - Maintenance of garden beds is undertaken fortnightly by GW Landscapes. Maintenance activities include, rubbish removal, weeding, pruning, mulching and replacement planting of dead or dying stock. Water of landscaped areas is automatic with water sourced from the rainwater harvesting tank.
- **Stormwater Management** - The Construction Environmental Management Plan and approval for the project required rainwater harvesting tanks to be installed. The audit noted that all these tanks have been installed including rainwater harvesting tanks (3 x 23,000L tanks) draining the eastern side of the warehouse roof, for re-use in toilet flushing and irrigation; additionally Lindt has installed 1 x 150,000L tank on eastern side of site. Raingardens in traffic Islands and landscaped areas further assist in stormwater treatment. To comply with the requirement for Gross Pollutant Traps (GPTS) enviropods or similar, Lindt & Sprüngli implemented a system called Stormwater360 a tertiary filtration system. This company has subsequently been purchased and rebranded as “Ocean Protect Stormwater”. This system is maintained annually by the provider.
- **Waste Management** - Waste tracking for compliance is managed through a quarterly inspection. Waste is separated into, batteries, Clear plastics, general waste, cardboard collected and Co-mingled. The site has a series of sustainability targets as included in the Sustainability in packaging handbook by the Lindt & Sprüngli Global packaging Council July

2019, version 1. It includes a vision statement including targets of 100% recyclable or reusable material, and increase the plastic free packaging materials ie reduce packaging waste in production to 0%. Additionally Lindt & Sprüngli subscribe to the Australian packaging Covenant (APCO).

### **3.6. Environmental Management System**

LINDT operate an AS/NZS ISO 14001:2015

### **3.7. Complaints**

There have been no complaints relating to this facility.

### **3.8. Incidents**

No environmental incidents have occurred to date.

### **3.9. Continual Improvement Opportunities**

No continual improvement opportunities were identified during the current audit.

### **3.10. Key Strengths**

The auditor notes the commitment to the reduction of waste and resource use as a key strength of the organisation.

## 4. Recommendations

### 4.1. Recommended Actions

Recommended actions for each non-compliance identified during this audit are documented in Table 4-1.

COA#	Recommendation
	Schedule C – environmental performance conditions
#14 <i>Noise Limits</i>	Noise monitoring is required to check that the operation of the facility complies with the noise criteria for operations in Table 1 of the EIS
	Schedule D- environmental management and reporting
# 5 <i>Regular Reporting</i>	Undertake regular reporting and make publicly available (via the major project portal or site website) in line with the condition.
# 6 <i>Independent Environmental Audit</i>	Operational audits should be included in a schedule so they are not missed.

## Appendix A: Audit Table

The compliance status for each requirement or commitment has been assessed in accordance with the criteria in Table 2 (DPE 2018).

**Table A-1 - Compliance status descriptors**

Status	Description
Compliant (C)	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant (NC)	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered (NT)	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

## APPENDIX A –TABLE A-1 CONDITIONS OF CONSENT

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
<b>SCHEDULE B- ADMINISTRATIVE CONDITONS</b>				
1	<p><b>Obligation to Minimise Harm to the Environment;</b> In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the Development.</p>	<p>Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015.</p> <p>Health Safety and environmental Standard for environmental management Doc No. 13 Version 2 Last updated June 2020</p> <p>Environmental Management Plan Rev 3 Updated May 2020</p>	C	<p>The proponent has completed all practical measures to minimise harm to the environment. The occupation certificate checked that all relevant standard has been achieved including compliance with the relevant conditions of consent.</p> <p>Lindt &amp; Sprüngli operate under a Health Safety and environmental Standard for environmental management Doc No. 13 Version 2 Last updated June 2020, this is the overarching standard for environmental management.</p> <p>Underneath the standard sits the EMP. The EMP outlines how environmental aspects will be managed on site including:</p> <ul style="list-style-type: none"> <li>• Waste</li> <li>• Soil and Water (Stormwater)</li> <li>• Noise and Vibration</li> <li>• Vegetation and Landscaping</li> <li>• Fire</li> <li>• Heritage</li> <li>• Packaging and recycling</li> <li>• Emergency and Incident response – including spills</li> </ul>



<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
				The EMP is implemented through a quarterly inspection and waste procedures. It was noted that the quarterly report for waste did not achieve a 100% score, despite all measures being implemented. The audit found that a component of the waste inspection checklist was not being completed properly. During the audit the HSE manager noted that checklist training would be undertaken and a review of the waste management procedure instigated.
2	<p><b>Terms of Consent;</b></p> <p>The Applicant shall carry out the Development generally in accordance with the:</p> <ul style="list-style-type: none"> <li>(a) State Significant Development Application SSD 6620;</li> <li>(b) Environmental Impact Statement prepared by PJEP Environmental Planning dated 20 August 2014;</li> <li>(c) Response to Submissions Letter Report prepared by PJEP Environmental Planning dated 17 October 2014;</li> <li>(d) The conditions of this consent.</li> </ul>	<p>The proponent has carried out activities in accordance with the Project Approval.</p> <ul style="list-style-type: none"> <li>(a) SSD 6620 Application provided and signed 26 November 2014. Conditions are included in this table.</li> <li>(b) EIS (Part A and B) obtained from Major Projects website. Dated and signed 30 July 2014. Mitigation measures of EIS included in 'Appendix 2- Summary of Mitigation Measures' within this table.</li> <li>(c) Response to Submissions Letter obtained from Major Projects website. Dated 17 October 2014.</li> <li>(d) As above in (a).</li> </ul>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
3	<p><b>Terms of Consent;</b></p> <p>If there is any inconsistency between the above documents referred to above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.</p>	No inconsistencies found.	C	
4	<p><b>Terms of Consent;</b></p> <p>The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:</p> <ul style="list-style-type: none"> <li>(a) Any reports, plans, or correspondence that are submitted in accordance with this consent; and</li> <li>(b) The implementation of any actions or measures contained in these reports, plans or correspondence.</li> </ul>		NT	Aside from the request from the Department to undertake the second operational audit there have been no requirement/s of the Secretary arising from the Department's assessment of any document.
5	<p><b>Limits of Consent;</b></p> <p>This consent shall lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.</p>	The development has been completed and is now operational.	C	
6	<p><b>Limits of Consent;</b></p> <p>This consent is limited to the construction and operation of the facility as described in the EIS and RTS only.</p>	<p>Site inspection</p> <p>Document review</p>	C	There have been no works outside the scope of the EIS/RTS

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
7	<p><b>Limits of Consent;</b></p> <p>The Applicant must ensure that the total building area does not exceed:</p> <p>(a) 25,365m<sup>2</sup> of warehouse manufacturing area; and (b) 3,835m<sup>2</sup> of ancillary office and showroom/factory outlet area.</p>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	C	
8	<p><b>Staged submission of Plans or Programs;</b></p> <p>With the approval of the Secretary, the Applicant may:</p> <p>(a) Submit any strategy, plan or program required by this consent on a progressive basis; and/or (b) Combine any strategy, plan or program required by this consent.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.</li> <li>• There must be a clear relationship between the strategy, plan or program that are to be combined.</li> </ul>	None noted .	NT	
9	<p><b>Dispute resolution;</b></p> <p>In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the</p>	No disputes recorded.	NT	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.			
10	<p><b>Statutory Requirements;</b></p> <p>The Applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.</p>	<p>Trade Waste Agreement Permit Number: 38141</p> <p>19/10/2020</p> <p>13/7/2020</p> <p>23/4/2020</p> <p>28/1/2020/</p> <p>6/11/2019</p> <p>9/8/2019</p> <p>17/5/19</p> <p>15/02/19</p> <p>7/11/19</p> <p>JJ Richards and Sons undertake the pump out</p> <p>Sydney Water Letter dated 12 October 2020 re Trade Waste Agreement</p>	C	<p>The permit requires</p> <p>1.Backflow Containment Device must be installed and maintained at the water meter outlet/property boundary in line with Sydney Water's Backflow Policy.</p> <p>2.Backflow individual U zone protection is required on any tap located within 5m of the trade waste.</p> <p>One of the Backflow prevention devices is for Fire and one is for water.</p> <p>Back flow prevention device inspection and maintenance reports were reviewed as part of the audit and are being checked regularly in accordance with the maintenance schedule. This is managed via a system called MEX. There are 7 small backflow prevention devices, but only 2 are required under the permit. There is an annual inspection of all these devices undertaken by a certified plumber. The last inspection was undertaken on the 31.1.2020, Maintenance report sighted, issued by Prime Water Australia.</p> <p>The backflow device for Fire was tested on the 31.1.2020, a foreign body and therefore there was a requirement to retest. The retest was</p>

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Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
				<p>undertaken on February also by Prime Water Australia.</p> <p>The trade waste is pumped out every three months.</p> <p>It was noted during the last audit that the trade waste agreement allowed only for a capacity of 5000L An updated trade waste agreement (Permit Number: 38141) allows for a capacity of 5300L</p>
11	<p><b>Structural Adequacy;</b></p> <p>The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the 8CA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• Under Part 4A of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li> <li>• Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the Development.</li> </ul>	<p>Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.</p>	C	
12	<p><b>Utilities;</b></p>	<p>N/A – relating to construction.</p>	NT	



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Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.			
13	<p><b>Utilities;</b></p> <p>Prior to occupation of the Development, the Applicant shall obtain a compliance certificate for water and sewerage infrastructure servicing of the site under Section 73 of the <i>Sydney Water Act 1994</i> from Sydney Water Corporation.</p>	A copy of the Sydney water compliance certificate for water and sewerage infrastructure servicing of the site under Section 73 of the <i>Sydney Water Act 1994</i> was provided and is dated 26 June 2015 Case No. 138271.	C	
14	<p><b>Protection of Public Infrastructure;</b></p> <p>Prior to the commencement of construction, the Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and</li> <li>(b) Submit a copy of this report to the Secretary and Council.</li> </ul>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	NT	Completed prior to construction
15	<p><b>Protection of Public Infrastructure;</b></p> <p>The Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Development; and</li> <li>(b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.</li> </ul>		NT	Relates to construction

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Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
16	<p><b>Compliance;</b></p> <p>The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.</p>	<p>Global Environmental Policy for Lindt &amp; Sprüngli sighted, dated 2013. The policy states that that it will be updated regularly.</p> <p>The employee induction includes:</p> <ul style="list-style-type: none"> <li>• Waste and recycling</li> <li>• HSE Policy</li> <li>• Emergency response</li> <li>• Incident report through MYOSH</li> <li>• HSE Intranet – all staff have access to the intranet which includes the environmental management plan and environmental policy, HSE procedures, HSE Standards, Monthly report and Workers Compensations</li> <li>• Site security. Staff access</li> <li>• Carpark including landscaping protection</li> <li>• Notice boards</li> <li>• PPE and First Aid</li> </ul> <p>Contractors have pre-qualification checks, managed by the HSE manager, and all approved contractors uploaded to MYOSH or MEX for asset management staff.</p>	C	<p>Note – It was noted during the last audit that the policy states that it will be updated regularly. The policy is still dated 2013, however this is managed through the Lindt &amp; Sprüngli Group in Switzerland, who have noted that the policy is under review and will be aligned with the GRI Standards, an international platform for Global Standards.</p>

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
17	<p><b>Compliance;</b></p> <p>The Applicant shall be responsible for any environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.</p>	<p>Staff induction (dated 1 October 2020).</p> <p>PowerPoint and online induction</p>	C	<p>There is a mandatory Induction for all staff. Separate inductions are required for visitors/ Office workers and staff/visitors entering the manufacturing area. The induction includes:</p> <ul style="list-style-type: none"> <li>• Consultation</li> <li>• Waste</li> <li>• Emergency response</li> <li>• Parking and traffic</li> <li>• Duty of care agreement.</li> </ul>
18	<p><b>Operation of Plant and Equipment;</b></p> <p>The Applicant shall ensure that all plant and equipment used for the Development is:</p> <p>(a) Maintained in a proper and efficient condition; and (b) Operated in a proper and efficient manner.</p>	<p>Preventative maintenance schedule for all equipment is managed through MEX.</p> <p>Service agreements are held with providers (e.g. refrigeration, air con).</p> <p>Service reports in MEX generate a preventative maintenance schedule and an inspection checklist stored online on MEX, inspected items include:</p> <ul style="list-style-type: none"> <li>• Air Conditioning unit and filters – two monthly schedule sighted dated maintenance docket from Paramount air conditioning services for 1/6/2020)</li> <li>• Compressors</li> <li>• Fire Systems (refer CoA 10 above)</li> <li>• Freezer – monthly schedule tri tech refrigeration. The audited</li> </ul>	C	<p>Maintenance is occurring in accordance with the requirements of the system.</p>

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
		<p>noted monthly checks including on the 30/10/2020, 25/9/2020, 04/9/2020, 31/7/2020)</p> <ul style="list-style-type: none"> <li>• Grease Trap (refer CoA 10 above)</li> <li>• Lift (five yearly safety compliance 23/9/2020) as well as a three monthly preventative maintenance test</li> <li>• MHW (6 monthly calibration and PM testing) Viewed testing on 28/10/2020 PM test, 24/9 Calibration testing)</li> <li>• RPZ Valves and backflow valves (refer COA 10 above)</li> <li>• Water Filter – six monthly replacement 1/8/2020</li> </ul>		
<b>SCHEDULE C – ENVIRONMENTAL PERFORMANCE CONDITIONS</b>				
1	<p><b>TRAFFIC AND ACCESS</b></p> <p><b><i>Operating Conditions;</i></b></p> <p>The Applicant shall ensure that:</p> <p>(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 relevant standards and the latest versions of AS 2890.1, AS 2890.2 and AS/NZS 2890.6;</p>	<ul style="list-style-type: none"> <li>• Traffic Assessment obtained on Major Projects website. Completed by Colston Budd Hunt &amp; Kafes Pty LTD dated July 2014.</li> <li>• Traffic Management Plan (procedure 0008) provided and dated 1 Dec 2017.</li> </ul> <p>Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.</p>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
<b>Condition</b>	<b>Ministers Condition of Consent</b>	<b>Evidence</b>	<b>C/NC</b>	<b>Audit finding/ recommendation</b>
	<ul style="list-style-type: none"> <li>(b) The swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTRROADS;</li> <li>(c) The Development does not result in any vehicles queuing on the public road network;</li> <li>(d) Heavy vehicles associated with the Development do not park or stand on local roads or footpaths in the vicinity of the site;</li> <li>(e) All vehicles are wholly contained on site before being required to stop;</li> <li>(f) All vehicles enter and exit the site in a forward direction;</li> <li>(g) All loading and unloading of materials is carried out on site; and</li> <li>(h) The proposed loading areas and turning areas in the car park are kept clear of any obstacles, including parked vehicles, at all times.</li> </ul>	<p>Consultation with council was undertaken for the previous audit. An email dated 21 February 2018 from Council's Manager Development Services noted that an inspection of parking and operating conditions was undertaken, and that council had no issues.</p> <p>Staff induction (dated 1 October 2020). Traffic management slide of the induction outlines access and where to park, traffic flow speed limits etc.</p> <p>The site visit noted that there is signage around visitor car park and direction of traffic flow. The access to loading area is operated with a boom gate and has restricted access.</p>		
2	<p><b>TRAFFIC AND ACCESS</b></p> <p><b>Access;</b></p> <p>The right turn movement from Hollinsworth Road into the facility is permitted until such time as Council determines that it should be closed, consistent with the performance and design requirements of the overall development of the Marsden Park Industrial Precinct road network.</p> <p>If there is a dispute regarding this matter, the Applicant may refer the matter to the Secretary for resolution in accordance with Condition B9.</p>	<p>The audited site inspection noted that the right turn from Hollinsworth Road is currently available.</p>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
3	<p><b>TRAFFIC AND ACCESS</b></p> <p><b><i>Parking and Amenities;</i></b></p> <p>The Applicant shall, in consultation with Council and to the satisfaction of the Secretary, provide:</p> <ul style="list-style-type: none"> <li>(a) A minimum of 341 on-site car parking spaces (including 7 disabled spaces) for use during operation of the Development;</li> <li>(b) Bicycle parking; and</li> <li>(c) Amenity and change room facilities for cyclists.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Aerial imagery and site visit shows abundant car parking (including &gt;7 disabled spaces.</li> <li>(b) Bicycle parking on site.</li> <li>(c) Bathrooms including showers on site.</li> </ul> <p>Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.</p> <p>Consultation with Blacktown council was undertaken for the previous audit. An email dated 21 February 2018 from Council's Manager Development Services noted that an inspection of parking and operating conditions was undertaken, and that council had no issues. .</p>	C	
4	<p><b>SOIL AND WATER</b></p> <p><b><i>Erosion and Sediment Control;</i></b></p> <p>During construction works, the Applicant shall implement and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest</p>	N/A – relating to construction.	NT	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	version of the <i>Managing Urban Stormwater: Soils and Construction Guideline</i> .			
5	<p><b>SOIL AND WATER</b></p> <p><b><i>Pollution of Waters;</i></b></p> <p>The Applicant shall comply with Section 120 of the POEO Act, except as may be expressly permitted by a licence under the POEO Act.</p>	There is no EPL relating to this site. All stormwater is managed through the Stormwater360 unit and there is no discharge to waters.	C	
6	<p><b>SOIL AND WATER</b></p> <p><b><i>Rainwater Harvesting;</i></b></p> <p>The Applicant shall ensure that the rainwater reuse/harvesting system for the Development is designed, constructed and operated in accordance with the Civil Design Report prepared by FMG Engineering at Appendix E of the EIS as amended by Stormwater Management Plan and Appendices prepared by FMG Engineering dated 20 March 2015 and revised Drainage Plan C05(3) Revision 5 dated 13 July 2015.</p>	<p>The FMG report required</p> <ul style="list-style-type: none"> <li>• rainwater harvesting tanks (3 x 23,000L tanks) draining the eastern side of the warehouse roof, for re-use in toilet flushing and irrigation; <ul style="list-style-type: none"> <li>○ Lindt has installed 1 x 150,000L tank on eastern side of site</li> </ul> </li> <li>• rain gardens in traffic islands and landscaped areas to assist in stormwater quality treatment; <ul style="list-style-type: none"> <li>○ these were observed on site and noted in site plans</li> </ul> </li> <li>• gross pollutant traps (GPTs, Enviropods or equivalent) to remove gross pollutants; <ul style="list-style-type: none"> <li>○ No GPTs, however the Stormwater360</li> </ul> </li> </ul>	C	Stormwater Quality Improvement Devices inspection record and photographic evidence sighted from Ocean Protect 11/11/2020 – waiting on report at the time of the audit). Following receipt of the report, it is likely that the cartridges will need to be removed and replaced. Silt will be pumped out and removed. A before and after cleaning report was sighted at the audit dated the 11/12/19. The ocean protect report that is currently underway will recommend a maintenance schedule moving forward and a contract will likely be let with this company to manage maintenance of the stormwater pits and filtration system.

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
		<p style="text-align: center;">system manages all stormwater and removes any Gross pollutants</p> <ul style="list-style-type: none"> <li>• tertiary filtration system (formerly Stormwater360 now Ocean Protect Stormwater Tank or equivalent) located downstream of the GPTs to further improve stormwater quality before off-site discharge;</li> <li>• stormwater pits, pipes and drains to direct stormwater, prior to discharge to the estate stormwater system in the north-west corner of the site.</li> </ul>		
7	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p> <p>Construction activities associated with the Development shall be undertaken during the following standard construction hours:</p> <p style="margin-left: 40px;">(a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and (b) 8:00am to 1:00pm Saturdays; and (c) At no time on Sundays or public holidays.</p>	N/A – relating to construction.	NT	
8	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p>	N/A – relating to construction.	NT	



<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<p>Construction works outside of the standard construction hours identified in condition C7 may be undertaken in the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) Construction works that generate noise that is:               <ul style="list-style-type: none"> <li>(i) No more than 5 dB(A) above rating background level at any residence in accordance with the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009); and</li> <li>(ii) No more than the noise management levels specified in Table 3 of the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009) at other sensitive receivers; or</li> </ul> </li> <li>(b) For the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;</li> <li>(c) Where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;</li> <li>(d) Works approved by the Secretary; or</li> <li>(e) Works as approved through the out-of-hours work protocol outlined in the CEMP.</li> </ul>			
9	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p> <p>Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:</p>	N/A – relating to construction.	NT	

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Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<p>(a) Between the hours of 8:00 am to 5:00 pm Monday to Friday</p> <p>(b) Between the hours of 8:00 am to 1:00 pm Saturday; and</p> <p>(c) In continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.</p> <p>For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.</p>			
10	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p> <p>The Development shall be constructed with the aim of achieving the following construction vibration goals:</p> <p>(a) For structural damage, the vibration limits set out in the German Standard <i>DIN 4150-3: Structural Vibration - effects of vibration on structures</i>; and</p> <p>(b) For human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).</p>	N/A – relating to construction.	NT	
11	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p>	N/A – relating to construction.	NT	

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Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	Wherever practical, piling activities shall be undertaken using quieter alternative methods than impact or percussion piling, such as bored piles or vibrated piles.			
12	<p><b>NOISE</b></p> <p><b><i>Construction Noise and Vibration;</i></b></p> <p>Where feasible and reasonable, operation noise mitigation measures shall be implemented at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.</p>	N/A – relating to construction.	NT	
13	<p><b>NOISE</b></p> <p><b><i>Construction Noise Limits</i></b></p> <p>The development shall be constructed with the aim of achieving the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009) and summarised in Table 1. All reasonable and feasible noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the commitments within the EIS.</p>	N/A – relating to /construction.	NT	

## Lindt & Sprüngli (Aust) Pty Ltd – November 2020

Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation										
14	<p><b>NOISE</b></p> <p><b>Noise Limits</b></p> <p>The Applicant shall ensure that the noise generated by the operations of the facility does not exceed the limits in Table 1.</p> <p>Table 1: Noise impact assessment criteria dB(A)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Receiver</th> <th style="text-align: center;">Day (7am to 6pm) <small>(Leq(7:00-19:00))</small></th> <th style="text-align: center;">Evening (6pm to 10pm) <small>(Leq(18:00-22:00))</small></th> <th colspan="2" style="text-align: center;">Night (10pm to 7am) <small>(Leq(22:00-06:00))</small></th> </tr> </thead> <tbody> <tr> <td>Receivers 1, 2, 3 and 4</td> <td style="text-align: center;">43</td> <td style="text-align: center;">40</td> <td style="text-align: center;">37</td> <td style="text-align: center;">50</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>To identify the exact residential receiver location, refer to Appendix F of the EIS and Appendix 3 of Development Consent document; and</li> <li>Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.</li> </ul>	Receiver	Day (7am to 6pm) <small>(Leq(7:00-19:00))</small>	Evening (6pm to 10pm) <small>(Leq(18:00-22:00))</small>	Night (10pm to 7am) <small>(Leq(22:00-06:00))</small>		Receivers 1, 2, 3 and 4	43	40	37	50	<ul style="list-style-type: none"> <li>Noise Impact Assessment completed by Acoustic Logic and dated 14 July 2014.</li> <li>Noise and Vibration Control outlined in Section 10 of EMP.</li> <li>Noise mitigation measures included 'Appendix 2- Summary of Mitigation Measures' within this table.</li> </ul> <p>There is no mechanism in place to check that the operation of the facility complies with the noise criteria for operations in Table 1 of the EIS.</p> <p>It was recommended in the previous audit that monitoring occur to check compliance with Table 1 of the EIS. This was not undertaken as there was extensive construction works occurring adjacent to the site (ALDI)</p> <p>A preventative maintenance schedule is in place to ensure that all equipment used in manufacturing is operating efficiently and in accordance with manufacturers recommendations. Evidence of this is documented in Schedule B COA 18 above.</p>	NC	It is recommended operational noise is monitored for compliance with the limits set in the EIS.
Receiver	Day (7am to 6pm) <small>(Leq(7:00-19:00))</small>	Evening (6pm to 10pm) <small>(Leq(18:00-22:00))</small>	Night (10pm to 7am) <small>(Leq(22:00-06:00))</small>											
Receivers 1, 2, 3 and 4	43	40	37	50										
15	<p><b>NOISE</b></p> <p><b>Operating Conditions</b></p>	<p>Do not operate 24hours a day. Seasonal operating hours.</p> <p>Manufacturing hours: 6am – 4pm</p>	C											

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	The warehousing and manufacturing component of the Development shall operate 24 hours a day/7 days a week.	Packing hours: 6am – 2am (extended hours)		
16	<p><b>NOISE</b></p> <p><b><i>Operating Conditions</i></b></p> <p>The Applicant shall operate the showroom/factory outlet between the hours of 9:00am to 7:00pm daily.</p>	Hours of operation: 9am – 6:30pm.	C	
17	<p><b>NOISE</b></p> <p><b><i>Noise Management</i></b></p> <p>The Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the Development (including low frequency noise and traffic noise);</li> <li>(b) Minimise the noise impacts of the Development during adverse meteorological conditions when noise criteria do not apply;</li> <li>(c) Maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and</li> <li>(d) Regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.</li> </ul>	<p>Internal noise is monitored at 19 locations to test compliance with under 85dB as required by the Work Health safety requirements (under 85dB ear muffs are not required). Testing was reviewed from 2016 to the latest date 8/92020. The first test in 2016, showed that most areas had some exceedances and therefore PPE is required. The latest test – and improvements to equipment ie installation of noise suppression pads shows that only four locations are showing exceedances above 85dBA, nonetheless PPE is still required in the whole factory floor. The engineering team is working towards reducing noise below 85dBA across the factory floor.</p> <p>Preventative maintenance is undertaken to ensure equipment is</p>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
		operating at manufacturers specifications for noise. The equipment maintenance schedule was reviewed as part of this audit and is being complied with.		
18	<p><b>AIR QUALITY</b></p> <p>The Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Implement best management practice, including all reasonable and feasible mitigation measures to prevent and minimise dust and odour emissions from operation of the Development; and</li> <li>(b) Minimise any visible off-site air pollution that occurs as a result of this Development.</li> </ul>	<ul style="list-style-type: none"> <li>• Odour Assessment completed by Pacific Environment Limited and dated 3 July 2014.</li> <li>(a) Mitigation measures outlined below in 'Appendix 2-Summary of Mitigation Measures' within this table. 'Good Practice Odour Mitigation' is addressed in Section 4 of odour assessment.</li> <li>(b) No dust or visible pollution is generated as a result of operation</li> </ul>	C	
19	<p><b>AIR QUALITY</b></p> <p><b>Odour</b></p> <p>The Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Ensure the Development does not cause of permit the emission of any offensive odour (as defined by the POEO Act);</li> <li>(b) Design ventilation of the facility, including exit velocity of potentially odorous streams and stack height in accordance with: <ul style="list-style-type: none"> <li>a. Australian Standard AS 1668.2 – 1991: The use of mechanical ventilation and air conditioning in buildings. Part 2 Mechanical ventilation for acceptable indoor air quality;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Outcome of Odour Assessment (3 July 2014) was that there was a low risk of odour emissions on site. The site inspection undertaken during the audit noted no odour outside the premises despite the manufacturing area being operational at the time of the audit.</li> <li>(b) N/A relating to construction</li> <li>(c) N/A relating to construction</li> </ul>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<ul style="list-style-type: none"> <li>b. NSW DEC (2006) “Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW”. November 2006;</li> <li>c. NSW DECCW Local Government Air Quality Toolkit: Air Quality Guidance Note for Food Outlets; and</li> <li>(c) Design ventilation to enable the release of any potentially odorous emissions as free vertical discharges through stacks, with a rain cap in place that does not restrict vertical discharge.</li> </ul>			
20	<p><b>DANGEROUS GOODS</b></p> <p>Dangerous Goods, as defined by the <i>Australian Dangerous Goods Code</i>, shall be stored and handled strictly in accordance with all relevant Australian Standards.</p>	<p>Main sources of chemicals on site are cleaning products. Machinery is electric. SDS register stored on MYOSH and a risk assessment has been undertaken to classify. The audit reviewed random chemicals including EC4 Glass cleaner, the SDS was current with expiry dated 16/2/2023 and Sanitiser 02, MSDS expiry 9/3/2023. Class 2 and 3 chemicals kept in appropriate storage.</p> <p>The audit viewed the training register. Toolbox talk 0405 deals with dangerous goods, this was undertaken over progressively over the a month; sighted sign on sheets the 24/10/2019 and 20/8/2020.</p> <p>No spills recorded on site.</p>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
21	<p><b>GREENHOUSE GAS</b></p> <p>The Applicant shall implement all reasonable and feasible measures to minimise:</p> <p style="margin-left: 40px;">(a) Energy use on site; and (b) Greenhouse gas emissions produced on-site.</p>	<p>Preconstruction: report completed by ‘Sustainable Development Consultants’ dated 25 Feb 2015 outlining sources of energy consumption on site.</p>	C	<p>All lighting on site ‘energy efficient’. Air conditioning on site has an energy efficient ‘heat recovery’ system. E.g. heat produced on site is re-used.</p> <p>Building won environmental award (Quanstruct) during pre-construction for energy efficiency and consumption.</p> <p>Since the previous audit a 380 KW system has been installed (~900 panels). The site uses all the power it generates during the day.</p>
22	<p><b>WASTE</b></p> <p><b>Classification</b></p> <p>The Applicant shall ensure that any waste generated on the site is classified in accordance with the EPA’s <i>Waste Classification Guidelines</i> (DECCW, 2009) or any superseding document and disposed of to a facility that may lawfully accept the waste.</p>	<ul style="list-style-type: none"> <li>• Waste Management Plan is on Major Projects website. Completed by Veolia Environmental Services and dated 26 June 2014.</li> <li>• Construction and Demolition waste disposed of with Benedict Industries (EPA Licence No 12794).</li> <li>• Operational Waste Management Plan included in Environmental Management Plan.</li> <li>• Section 8.0 of EMP outlines Waste Management dated May 2020.</li> </ul> <p>Australian packaging Covenant (APCO) report dated 06/08/2020</p>	C	<p>Waste collected on site is separated into appropriate recycling materials as per the EMP.</p> <p>SMT Waste Brokers collect and report on waste and recycling.</p> <p>Waste is separated into, batteries, Clear plastics, general waste, cardboard collected and Co-mingled. Waste report for March 2020 was sighted and shows that separated waste is removed from the site. Waste tracking for compliance is managed through a quarterly inspection latest report conducted on 12/8/2020.</p> <p>SMT reporting shows that 75% of material produced on site goes to recycling for October 2020.</p>



<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
				For the 2020 APCO Annual Report, Lindt and Sprungli (Australia) Pty Ltd has achieved Level 5 (Beyond Best Practice) for the core criteria. All seven core criteria were answered and six out of six recommended criteria were answered. In addition, Lindt and Sprungli (Australia) Pty Ltd has either achieved or put in place ten out of ten relevant packaging sustainability targets, and is publicly reporting progress against nine of these targets
23	<p><b>WASTE</b></p> <p><b>Waste Management</b></p> <p>For the life of the Development, the Applicant shall:</p> <ul style="list-style-type: none"> <li>(a) Monitor the amount of waste generated by the Development;</li> <li>(b) Investigate ways to minimise waste generated by the Development; and</li> <li>(c) Implement reasonable and feasible measures to minimise waste generated by the Development.</li> </ul>	<p>Monthly reports are provided by SMT and record and report on the volume of the waste of each receptacle.</p> <ul style="list-style-type: none"> <li>• SMT Waste Brokers, Waste report for March 2020 and October 2020</li> </ul> <p>Lindt &amp; Sprüngli Global packaging Council July 2019, version 1</p>	C	<p>Since the previous audit battery recycling has been introduced.</p> <p>The site has a series of sustainability targets as included in the Sustainability in packaging handbook by the Lindt &amp; Sprüngli Global packaging Council July 2019, version 1. It includes a vision statement including targets of 100% recyclable or reusable material, and increase the plastic free packaging materials ie reduce packaging waste in production to 0%.</p> <p>For EG easter products no longer have Plastic Blisters these are now use paper. Easter 2021 will have no plastic packaging at all.</p> <p>There is a report that looks at plastic use consumption over time and the sustainability targets are aiming to reduce these significantly. Currently paper packing is around 75%, this will be tracked over time. The</p>

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
				accumulated global data will be publicly available in 2020.
24	<p><b>VISUAL AMENITY AND LANDSCAPING</b></p> <p><b>Lighting</b></p> <p>The Applicant shall ensure that the lighting associated with the Development:</p> <ul style="list-style-type: none"> <li>(a) Complies with the latest version of AS 4282(INT) – <i>Control of Obtrusive Effects of Outdoor Lighting</i>; and</li> <li>(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.</li> </ul>	<p>a) During preconstruction a report was prepared by ‘Sustainable Development Consultants’ (25 Feb 2015) outlining sources of energy consumption on site. Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.</p>	C	
25	<p><b>VISUAL AMENITY AND LANDSCAPING</b></p> <p><b>Signage</b></p> <p>The Applicant shall not erect any signage or advertising structure, or any sign or advertisement listed as exempt Development, without prior consultation with Council and obtaining written approval of the Secretary.</p>	<p>No other advertising on building.</p>	C	
26	<p><b>VISUAL AMENITY AND LANDSCAPING</b></p> <p><b>Landscaping and Vegetation Management</b></p>	<p>A review of the landscaping plans in the EIS found that planting was in accordance with the plans.</p> <p>Plans were submitted to the secretary prior to this audit period.</p>	C	<p>Maintenance of garden beds is undertaken by GW Landscapes. Maintenance occurs fortnightly as noted in the Maintenance schedule, Evidence was provided at the audit that this is being completed fortnightly. This is also managed through MEX, fortnightly</p>

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
<b>Condition</b>	<b>Ministers Condition of Consent</b>	<b>Evidence</b>	<b>C/NC</b>	<b>Audit finding/ recommendation</b>
	<p>The Applicant shall prepare and implement a <b>Landscaping and Vegetation Management Plan</b> for the Development to the satisfaction of the Secretary. The plan shall:</p> <ul style="list-style-type: none"> <li>(a) Be prepared in consultation with Council and submitted to the Secretary prior to the implementation of landscaping;</li> <li>(b) Detail any landscaping treatments at the site, with particular attention to minimising the visibility of the site from residences and public vantage points and minimising bushfire risk;</li> <li>(c) Ensure that the Development is undertaken generally in accordance with the Landscape Plans contained in the EIS;</li> <li>(d) Ensure landscaping with native species that require minimal water;</li> <li>(e) Demonstrate that planting will be undertaken in accordance with the Growth Centres DCP landscaping principles and in accordance with the relevant Australian Standards; and</li> <li>(f) Describe the on-going measures (e.g. weed control and regular pruning) that would be implemented to maintain landscaping and vegetation on the site for the life of the Development.</li> </ul>	GW Landscapes fortnightly records for the year of 2020		<p>records for the year of 2020. Fortnightly reporting provides photos of works done and reports on weed spraying, litter pick of the site, pruning and weeding and mowing.</p> <p>Automatic sprinklers of garden (early mornings and evening). Water sourced from rainwater harvesting tank.</p>
<b>SCHEDULE D - ENVIRONMENTAL MANAGEMENT AND REPORTING</b>				
1	<p><b>ENVIRONMENTAL MANAGEMENT</b></p> <p><b>Construction Environmental Management Plan</b></p> <p>The Applicant shall prepare and implement a <b>Construction Environmental Management Plan</b> for the Development to the satisfaction of the Secretary. The Plan must:</p>	N/A – relating to construction.	NA	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<ul style="list-style-type: none"> <li>(a) Be prepared by a suitably qualified and experienced person;</li> <li>(b) Be approved by the Secretary prior to the commencement of construction;</li> <li>(c) Identify the statutory approvals that apply to the Development;</li> <li>(d) Consolidate all relevant management plans and monitoring programs required in the conditions of this consent and committed to in the EIS;</li> <li>(e) Outline all environmental management practices and procedures to be followed during construction works associated with the Development;</li> <li>(f) Describe all activities to be undertaken on the site during construction of the Development, including a clear indication of construction stages;</li> <li>(g) Detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;</li> <li>(h) Describe of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the Development; and</li> <li>(i) Include arrangements for community consultation and complaints handling procedures during construction.</li> </ul>			
2	<p><b>ENVIRONMENTAL MANAGEMENT</b></p> <p><b><i>Construction Environmental Management Plan</i></b></p> <p>The Applicant shall prepare and implement a <b>Stormwater Management Plan</b> prior to the construction of stormwater infrastructure to manage surface and groundwater impacts during construction and operation of the proposed</p>	The Stormwater360 system manages all stormwater onsite. Refer to CoA 6 above for details regarding this system.	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
<b>Condition</b>	<b>Ministers Condition of Consent</b>	<b>Evidence</b>	<b>C/NC</b>	<b>Audit finding/ recommendation</b>
	<p>Development. The Plan shall be developed in consultation with Council and NoW and include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) Details of stormwater infrastructure at the proposed site, including proposed flows and overflow contingencies;</li> <li>(b) Details of how stormwater will be managed to ensure that any discharge off-site meets the stormwater quality (pollution retention) criteria outlined in the Blacktown City Council <i>Growth Centres Development Control Plan 2010</i>;</li> <li>(c) Details of construction activities and their locations, which have the potential to impact on storage facilities, stormwater flows, and potential interactions with groundwater;</li> <li>(d) Surface water assessment criteria consistent with Australian and New Zealand Environment Conservation Council (ANZECC) guidelines;</li> <li>(e) Management measures to be used to minimise surface and groundwater impacts, salinity control measures and the consideration of flood events;</li> <li>(f) A description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often monitoring would be undertaken, the locations where monitoring would take place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified; and</li> <li>(g) Mechanisms for the monitoring, review and amendment of this Plan.</li> </ul>			

## Lindt & Sprüngli (Aust) Pty Ltd – November 2020

Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
3	<p><b>ENVIRONMENTAL MANAGEMENT</b></p> <p><b><i>Traffic Management Plan</i></b></p> <p>Prior to commencement of construction, the Applicant shall prepare and implement a <b>Traffic Management Plan</b> (TMP) for the Development in consultation with Council, to the satisfaction of the Secretary. The Plan shall at minimum:</p> <ul style="list-style-type: none"> <li>(a) Be prepared by a suitably qualified and experienced expert;</li> <li>(b) Detail the number and frequency of truck movements, size of trucks, vehicle routes and hours of construction and operation;</li> <li>(c) Provide the estimated duration and staging of construction works;</li> <li>(d) Detail the access and parking arrangements for construction and operational vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network;</li> <li>(e) Include detail of proposed truck parking to ensure this is managed in an orderly manner; and</li> <li>(f) Include a Driver Code of Conduct that details traffic management measures to be implemented during construction and operation to: <ul style="list-style-type: none"> <li>a. Minimise impacts of the Development on the local and regional road network;</li> <li>b. Minimise conflicts with other road users; and</li> <li>c. Ensure truck drivers use specified routes and minimise traffic noise during night time hours.</li> </ul> </li> </ul>	<p>Traffic Management Plan (procedure 0008) for operation was provided at the audit and dated 1 Dec 2019.</p>	C	<p>A traffic management plan was implemented throughout construction.</p> <p>Consultation with council was undertaken as part of the previous audit. Council noted that the site has been inspected and that council had no issues relating to operational traffic/parking.</p>
4	<p><b>ENVIRONMENTAL REPORTING</b></p> <p><b><i>Incident Reporting;</i></b></p>	<p>No environmental incidents recorded.</p>	C	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Department and other relevant agencies of the exceedance/incident. Within seven days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.			
5	<p><b>ENVIRONMENTAL REPORTING</b></p> <p><b><i>Regular Reporting;</i></b></p> <p>The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.</p>	Email from DPIE dated 26/10/2020	NC	<p>Regular reporting has not occurred to date for operation.</p> <p>Lindt&amp;Srpungli have registered to upload documents to the major project planning portal</p>
6	<p><b>ENVIRONMENTAL REPORTING</b></p> <p><b><i>Independent Environmental Audit;</i></b></p> <p>Within two years of the commencement of operations of the Development, and every three (3) years thereafter if requested by the Secretary, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:</p> <p>(a) Be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p>	<p>Approval for this Independent Environmental Audit was received in an email dated 10/10/ 2017. The audit was undertaken and completed in March 2018.</p> <p>Operational audit prepared by NGH in March 2018 was submitted to DPIE on the 19<sup>th</sup> March 2018 (email evidence).</p>	NC	<p>The first operational audit of the project was not undertaken within two years of operation.</p> <p>The second audit was undertaken less than three years from the first audit.</p> <p>The audit noted that the compliance unit of DPIE contacted Lindt&amp; Sprüngli noting that the first operational audit had not been received.</p> <p>Email consultation was undertaken as part of the previous audit. As there is no further interaction with agencies other that utility</p>

## Lindt & Sprüngli (Aust) Pty Ltd – November 2020

Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<p>(b) Include consultation with the relevant agencies;</p> <p>(c) Assess the environmental performance of the Development and assess whether it is complying with the relevant requirements in this consent (including site landscaping and any other plan or program required under this consent);</p> <p>(d) Review the adequacy of any plans or programs required under this consent; and, if appropriate;</p> <p>(e) Recommend measures or actions to improve the environmental performance of the Development, and/or any plan or program required under this consent.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> <li>• <i>This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i></li> </ul>	<p>Lindt &amp; Sprüngli Environmental Management Plan (EMP) Rev 3 May 2020</p>		<p>providers, no further consultation was undertaken for this audit.</p> <p>It is noted that Lindt &amp; Sprüngli have had phone conversation with DPIE regarding the audit requirements. Subsequent email correspondence was received requesting a second operational audit be undertaken and close out of the first audit (refer appendix B).</p> <p>The environmental performance of management plans has been assessed as being adequate for the current stage of works. It is noted that the majority of plans relate to the construction stage however the implementation of relevant components of plans are discussed in:</p> <p>Schedule D – COA #3 – Traffic Management plan</p> <p>Schedule C COA 22 and 23 – Waste management</p> <p>Schedule C 26 – Vegetation and Landscape management</p> <p>Schedule C COA # 6 and Schedule D COA #2 Stormwater management</p> <p>Schedule B1: Lindt &amp; Sprüngli Environmental Management Plan (EMP) Rev 3 May 2020</p>



## Lindt & Sprüngli (Aust) Pty Ltd – November 2020

Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
7	<p><b>ENVIRONMENTAL REPORTING</b></p> <p><b><i>Independent Environmental Audit;</i></b></p> <p>Within 6 weeks of completing any Independent Environmental Audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p>	Email documentation to DPIE regarding Audit in March 2018	C	<p>This audit report was provided to Lindt within two weeks of completion of the site audit and off site document review.</p> <p>The audit noted that the operational audit prepared by NGH in March 2018 was submitted to DPIE on the 19<sup>th</sup> March 2018 (email evidence).</p> <p>The second audit was completed on the including site visit and all reporting was completed on the 1st December 2020.</p>
<b>APPENDIX 2- SUMMARY OF MITIGATION MEASURES</b>				
1	<p><b>MITIGATION MEASURE</b></p> <p><b><i>Design and Visual;</i></b></p> <p>The facility would be developed generally in accordance with the architectural and landscape plans for the Lindt Facility.</p>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	C	Completed at occupation
2	<p><b>MITIGATION MEASURE</b></p> <p><b><i>Design and Visual;</i></b></p> <p>All external lighting would be installed in accordance with AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting.</p>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	C	Completed at occupation

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
3	<p><b>MITIGATION MEASURE</b></p> <p><b><i>Design and Visual;</i></b></p> <p>A signage strategy would be prepared for the development, in consultation with Council, and to the satisfaction of the Department, prior to installation of any signage.</p>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	C	Completed at occupation
4	<p><b>MITIGATION MEASURE</b></p> <p><b><i>Soil and Water;</i></b></p> <p>The facility would be developed generally in accordance with the Erosion and Sediment Control Plan for the facility, and OEH's <i>Managing Urban Stormwater – Soils and Construction</i>.</p>	Erosion and Sediment Control Plan completed by FMG Engineering dated 17 June 2014. Plan included in Revised Civil Design Report.	C	Completed at occupation
5	<p><b>MITIGATION MEASURE</b></p> <p><b><i>Soil and Water;</i></b></p> <p>The facility would be developed generally in accordance with the salinity management measures in the Salinity Assessment for Sydney Business Park (GHD, October 2011), applicable Australian Standards including AS2159, AS2870, AS3600 and AS3700, and OEH's <i>Building in a Saline Environment guideline</i>.</p>	Final Occupation Certification (Vic Lilli and Partners) dated 7 Dec 2015. Sighted.	C	Completed at occupation

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
6	<p><b>MITIGATION MEASURE</b></p> <p><b>Soil and Water;</b></p> <p>The facility would be developed in accordance with the stormwater management plan for the facility.</p>	<ul style="list-style-type: none"> <li>• Appendix B of the revised Civil Design Report includes Stormwater360 Product Details on site. Completed by Stormwater360 and dated 7 October 2014.</li> <li>• Appendix C of revised Civil Design Report includes Music Model (stormwater modelling) and catchment plan of site (undated).</li> <li>• The Stormwater 360 system is implemented and maintained to manage operational stormwater on site.</li> </ul>	C	Completed at occupation
7	<p><b>MITIGATION MEASURE</b></p> <p><b>Noise and Air Quality;</b></p> <p>Construction and operation of the Lindt Facility would be managed in accordance with the relevant noise criteria under the:</p> <ul style="list-style-type: none"> <li>• <i>Industrial Noise Policy (INP);</i></li> <li>• <i>Interim Construction Noise Guideline; and</i></li> <li>• <i>Road Noise Policy.</i></li> </ul>	<p>No noise or air quality complaints have been received since the site has been operational. Please also refer to the findings of Schedule C CoA 14 relating to operational noise.</p> <p>No noise monitoring undertaken as outlined in the Non compliance raised against Schedule C CoA 14. The department has recently released an updated Noise Policy for Industry. Section 6 of the Policy outlines the requirements for existing industrial facilities.</p>	NC	<p>This Non-Compliance is linked to the NC in Schedule C CoA 14. A review of the Noise Policy for industry should be undertaken to check compliance requirements. Section 6 of the policy relates specifically to existing industrial premises.</p> <p>This was raised as an NC in the previous audit and has yet to be actioned.</p>
8	<p><b>MITIGATION MEASURE</b></p> <p><b>Noise and Air Quality;</b></p>	Construction measure	NT	

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	Construction activities would be undertaken generally within the hours stipulated in the EPA's <i>Interim Construction Noise Guideline</i> .			
9	<p><b>MITIGATION MEASURE</b></p> <p><b>Noise and Air Quality;</b></p> <p>Dust emissions during construction works would be managed in accordance with standard best practice techniques, including:</p> <ul style="list-style-type: none"> <li>• Minimising the area of disturbance as far as practicable;</li> <li>• Minimising drop heights for materials being worked on the site;</li> <li>• Keeping exposed surfaces moist at all times;</li> <li>• Rehabilitating/revegetating disturbed surfaces as soon as practicable; and</li> <li>• Ensuring that trucks are covered and do not track sediment onto public roads.</li> </ul>	Construction measure	NT	
10	<p><b>MITIGATION MEASURE</b></p> <p><b>Noise and Air Quality;</b></p> <p>The facility would be developed in accordance with the recommendations of the Odour Assessment for the facility and applicable guidelines, including:</p> <ul style="list-style-type: none"> <li>• Australian Standard AS 1668.2 – 1991: <i>The use of mechanical ventilation and air conditioning in buildings;</i></li> </ul>	Outcome of Odour Assessment (3 July 2014) was that there was a low risk of odour emissions on site.	C	The site inspection undertaken during the audit noted no odour outside the premises despite the manufacturing area being operational at the time of the audit.

<b>Lindt &amp; Sprüngli (Aust) Pty Ltd – November 2020</b>				
Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
	<ul style="list-style-type: none"> <li>• EPA's (2006) <i>Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW</i>; and</li> <li>• EPA's <i>Local Government Air Quality Toolkit: Air Quality Guidance Note for Food Outlets</i>.</li> </ul>			
11	<p><b>MITIGATION MEASURE</b></p> <p><b>Greenhouse Gas and Resource Use;</b></p> <p>The facility would be developed in accordance with the energy and water resource use efficiency measures outlined in this EIS.</p>	<p>EIS states:</p> <ul style="list-style-type: none"> <li>• Use of low energy and automated LED lighting;</li> <li>• Use of solar hot water systems;</li> <li>• Use of energy efficient plant, equipment and appliances; and</li> <li>• Use of energy efficient cooling systems, and fast acting and well sealed doors, for the temperature-controlled warehouse.</li> </ul>	C	<p>The audit found that</p> <ul style="list-style-type: none"> <li>• All lighting on site 'energy efficient'. Air conditioning on site has an energy efficient 'heat recovery' system. E.g. heat produced on site is re-used.</li> <li>• Preconstruction: reported completed by 'Sustainable Development Consultants' dated 25 Feb 2015 outlining sources of energy consumption on site.</li> </ul> <p>Building won environmental award (Quanstruct) during pre-construction for energy efficiency and consumption.</p> <p>A 380 KW solar system has been installed which generates all power for the factory and outlet during the day</p>
12	<p><b>MITIGATION MEASURE</b></p> <p><b>Traffic;</b></p> <p>Site access, parking and internal circulation arrangements for the facility would be developed in accordance with relevant Australian Standards (including AS2890.1 and AS2890.2).</p>	<p>Consultation with Council was undertaken as part of the previous audit. Council noted that the site has been inspected and that council had no issues relating to operational traffic/parking.</p>	C	

## Lindt & Sprüngli (Aust) Pty Ltd – November 2020

Condition	Ministers Condition of Consent	Evidence	C/NC	Audit finding/ recommendation
13	<p><b>MITIGATION MEASURE</b></p> <p><b>Wastes and Hazards;</b></p> <p>The facility would be developed and managed generally in accordance with the Waste Management Plans for the facility.</p>	<p>SMT Waste Brokers, Waste report for March 2020 and October 2020</p> <p>EMP002 and QA Procedure 0110 Waste Management.</p>	C	<p>The waste management procedure requires a waste management plan detailing all waste generated, the type of waste collected, amounts, date/time, by whom, and the disposal location by the services has been developed and listed in EMP002 and QA Procedure 0110 Waste Management.</p> <p>SMP Waste brokers report on waste collected, amounts, date/time, by whom, and the disposal location</p>
14	<p><b>MITIGATION MEASURE</b></p> <p><b>Wastes and Hazards;</b></p> <p>All dangerous goods and hazardous substances storage and handling on site would be undertaken in accordance with the Dangerous Goods Code and AS 1940-2004: <i>The storage and handling of flammable and combustible liquids.</i></p>	<p>Main sources of chemicals on site are cleaning products. Machinery is electric. SDS register on site and Class 2 and 3 chemicals kept in appropriate storage.</p>	C	

## **Appendix B: DPIE Auditor Agreement Letter and correspondence**

**From:** Planning [REDACTED]  
**Sent:** Wednesday, 21 October 2020 10:31 AM  
**To:** [REDACTED]  
**Subject:** RE: 160910 RE: Lindt - SSD 6620 - Independent Environmental Audit

CAUTION: This message was sent from outside of Lindt. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe. Please report all suspicious emails to "[Notification.ntt@lindt.com](mailto:Notification.ntt@lindt.com)"

Hi [REDACTED],

Thank you for the advice.

In reference to point 1, no further approval is necessary if the selected auditor is the same auditor that was previously approved by the Department. It is requested that on completion, a copy of the Independent Environmental Audit for the subject site be submitted to the Department via the Major Project website: <https://www.planningportal.nsw.gov.au/major-projects/services/lodge-post-approval-documents-0>.

In reference to point 2, please provide a copy of the documentation stating the date of the approval by Sydney Water for the increased limit of 5300L, as this detail is not clear in the attachment provided. It is suggested that this detail also be included in the Audit Report.

For further enquiries, please contact me on the below details.

Kind regards,

**Maria Divis**

**Senior Compliance Officer**

NSW Department of Planning, Industry & Environment

T 02 8275 1156 | M 0436 675 078 | E [maria.divis@planning.nsw.gov.au](mailto:maria.divis@planning.nsw.gov.au)

4 Parramatta Square, 12 Darcy Street, PARRAMATTA NSW

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)

Please direct all submissions to: <https://www.planningportal.nsw.gov.au/major-projects/services>



*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

**From:** [REDACTED]  
**Sent:** Tuesday, 20 October 2020 8:24 AM  
**To:** [REDACTED]  
**Subject:** RE: 160910 RE: Lindt - SSD 6620 - Independent Environmental Audit

Hi [REDACTED]

Please see update on below actions



- I have contacted our last approved environmental auditor and requested a quotation for a follow up audit. Do I need approval again as it's the same auditor that was approved last time? **This Environmental Audit is booked in for Tuesday 17<sup>th</sup> November 2020. I will upload the audit report and actions once received from the approved auditor.**
- Our engineering department are waiting for a reply from Sydney Water in regards to increasing our waste trap permit. Will advise once we hear back from Sydney Water. **Sydney Water have now updated the Grease Trap capacity permit from 5000ltr to 5300ltr. See attached.**

Best Wishes,

**Steve Wren**

Health Safety Environment & Security Manager

Lindt & Sprüngli Australia | 16 Hollinsworth Rd | Marsden Park NSW 2765 | Australia

**Mobile: +61 412 733 380 | Desk Phone: +612 9854 2546**

**Email:**

Visit our website - [www.lindt.com.au](http://www.lindt.com.au)



**From:** [REDACTED]

**Sent:** Wednesday, 14 October 2020 6:28 AM

**To:** [REDACTED] >

**Subject:** RE: Lindt - SSD 6620 - Independent Environmental Audit

Hi Maria

Please find attached the information as requested.

- I can confirm that we have a new Australian web site going live at the end of October 2020. I have managed to have a link added so that our reports and actions can be uploaded when needed.
- I have contacted our last approved environmental auditor and requested a quotation for a follow up audit. Do I need approval again as it's the same auditor that was approved last time?
- Our engineering department are waiting for a reply from Sydney Water in regards to increasing our waste trap permit. Will advise once we hear back from Sydney Water.

Please feel free to call me if further evidence is required

**Best Wishes**

**Steve Wren**

Health Safety Environment & Security Manager

Lindt & Sprüngli Australia | 16 Hollinsworth Rd | Marsden Park NSW 2765 | Australia

Mobile: +61 412 733 380 | Desk Phone: +612 9854 2546

Visit our website – [www.lindt.com.au](http://www.lindt.com.au)

**From:** [REDACTED]

**Sent:** Thursday, 1 October 2020 10:57 AM

**To:** [REDACTED] **Subject:** RE: Lindt - SSD 6620 - Independent Environmental Audit

[REDACTED]

Thank you for providing me with a copy of the Independent Environmental Audit report (**IEA**) for SSD 6620 (**Consent**), as well as evidence of submission of the IEA to the Department of Planning, Industry and Environment (**Department**).

The Department notes the following:

1. the requirements of Condition D5 of the Consent have not been satisfied. Please provide an update on compliance with Condition D5 by no later than **COB Wednesday 14 October 2020**.

# Appendix C: **Declaration**

Project Name	Lindt & Sprüngli Warehousing facility	
Consent No.	SSD-6620	
Description of Project	Construction and operation of a warehouse and distribution facility with ancillary office and showroom/factory outlet.	
Project Address	16 Hollinsworth Rd   Marsden Park NSW 2765   Australia;	
Proponent	Lindt & Sprüngli	
Construction contractor	Qanstruct (Aust) Pty Ltd	
Title of Audit	Independent Audit	
Date	Site audit 17 November 2020	
<p>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</p> <ul style="list-style-type: none"> <li>the audit has been undertaken in accordance with relevant condition(s) of consent and the <i>Independent Audit Post Approval Requirements (Department 2018)</i>;</li> <li>the findings of the audit are reported truthfully, accurately and completely;</li> <li>I have exercised due diligence and professional judgement in conducting the audit;</li> <li>I have acted professionally, objectively and in an unbiased manner;</li> <li>I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;</li> <li>I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;</li> <li>neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and</li> <li>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</li> </ul> <p>Notes:</p> <p>a) Under section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and</p> <p>b) The <i>Crimes Act 1900</i> contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)</p>		
Name of Auditor	Natascha Arens	
Signature	1/12/2020	
Qualification	B App Science, MBEM, Certified Environmental Auditor.	
Email Address	<a href="mailto:natascha.a@nghconsulting.com.au">natascha.a@nghconsulting.com.au</a>	
Company	NGH Pty Ltd	
Company Address	18/21 Mary Street, Surry Hills NSW 2010	

