

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I determine:

- a) to grant consent to the Staged Development Application referred to in Schedule 1, subject to the Concept Proposal conditions and Stage 1 Development Application conditions in Schedule 2;
- b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979* (NSW), any subsequent development under the Concept Proposal is only considered to be State Significant Development should the development meet the relevant criteria in Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (or any substituted SEPP).

These conditions are required to:

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

XXXXX

Sydney

2022

File: SF20/36333

SCHEDULE 1

Application Number:	SSD-10448
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning
Site:	Lots 54-58 DP 259135 788-882 Mamre Road, Kemps Creek NSW 2178
Development:	Aspect Industrial Estate including: <ul style="list-style-type: none">• a Concept Proposal for the staged development of an industrial estate comprising of 11 buildings with a total GFA of up to 247,990 square metres (m²) for industrial, warehousing and distribution centres, and café uses; and• Stage 1 development comprising site preparation works, vegetation clearing, realignment of the existing creek, construction of access roads and eastern half of Mamre Road/ Access Road 1 intersection works, construction, fitout and operation of one warehouse and one industrial building with ancillary offices, car parks, landscaping, signage and a café, construction and operation of services and utilities, and subdivision of the site into three lots.

TABLE OF CONTENTS

DEFINITIONS	4
PART A CONDITIONS FOR CONCEPT PROPOSAL	7
Terms of consent	7
Future Development Applications	7
Limits of Consent	7
Staging Plan	7
Traffic	8
Future infrastructure requirements	8
Noise Limits	8
Mamre Road Precinct Working Group	9
Evidence of consultation	9
Staging, Combining and Updating Strategies, Plans or Programs	9
PART B CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS	10
Traffic and Access	10
Future Freight Network	10
Stormwater Management	10
Development Contributions	11
Noise and Vibration	11
Visual Amenity	11
Bushfire Protection	12
Endeavour Energy	12
Sydney water	12
External Walls and Cladding	12
PART C STAGE 1 DEVELOPMENT GENERAL CONDITIONS	13
Obligation to Minimise Harm to the Environment	13
Terms of Consent	13
Limits of Consent	13
Notification of Commencement	13
Evidence of Consultation	14
Staging, Combining and Updating Strategies, Plans or Programs	14
Protection of Public Infrastructure	14
Demolition	14
Structural Adequacy	14
Subdivision	14
Compliance	15
Development Contributions	15
Operation of Plant and Equipment	15
External Walls and Cladding	15
Utilities and Services	16
Works as Executed Plans	16
Environmental Representative	16
Mamre Road Precinct Working Group	17
Applicability of Guidelines	17
PART D STAGE 1 DEVELOPMENT SPECIFIC ENVIRONMENTAL CONDITIONS	18
Traffic and Access	18
Soils, Water Quality and Hydrology	20
Visual Amenity	22
Noise	23
Air Quality	25
Aboriginal Heritage	26
Historic Heritage	26
Biodiversity	26
Hazards and Risk	27
Waste Management	27
PART E STAGE 1 DEVELOPMENT ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	28

Environmental Management.....	28
Construction Environmental Management Plan.....	28
Operational Environmental Management Plan	29
Revision of Strategies, Plans and Programs	29
Reporting and Auditing	29
Access to Information	30
APPENDIX 1 CONCEPT PROPOSAL	31
APPENDIX 2 STAGE 1 DA PLANS	33
APPENDIX 3 NOISE MONITORING LOCATIONS.....	38
APPENDIX 4 NOISE MITIGATION ELIGIBLE RECEIVERS LOCATIONS.....	39
APPENDIX 5 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES	40
APPENDIX 6 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	48

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DEFINITIONS

ADR	Amended Development Report titled 'SSD-10448 Aspect Industrial Estate Amended Development Report', prepared by Urbis and dated 5 May 2022
Applicant	Mirvac Projects Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
Calendar year	A period of 12 months commencing on 1 January
CAQMP	Construction Air Quality Management Plan
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in s 7 of the <i>Telecommunications Act 1997</i> (Cth)
CDWMP	Construction and Demolition Waste Management Plan
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under s 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CNMP	Construction Noise Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this consent
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent
Council	Penrith City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling, and disposal after the cessation of operations
Demolition	The deconstruction and removal of buildings, sheds, and other structures on the site
Department	Department of Planning and Environment
Development	The development described in Schedule 1, the EIS, Response to Submissions, and ADR, shown on the plans in Appendix 1, and as modified by the conditions of this consent (11 building etc)
Development layout	The Plans at Appendix 1 of this consent
DPE	Has the same meaning of the Department
Earthworks	Bulk earthworks, site levelling, import and compaction of fill materials, excavation for installation of drainage and services, to prepare the site for construction
E&H	Environment and Heritage Group, DPE
EIS	The Environmental Impact Statement titled Aspect Industrial Estate Environmental Impact Statement, prepared by Urbis, dated November 2020, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000 (NSW)
ER	Environmental Representative
Evening	The period from 6 pm to 10 pm
Fibre-ready facility	As defined in s 372W of the <i>Telecommunication Act 1997</i> (Cth)

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> (NSW), and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> (NSW), the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: 'material harm' is defined in this consent</i>
IWCM	Integrated Water Cycle Management
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	New South Wales Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
MRP	Mamre Road Precinct
MRP DCP	Mamre Road Precinct Development Control Plan (NSW Government, 2021)
Night	The period from 10 pm to 7 am on Monday to Saturday, an 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
NML	Noise Monitoring Locations
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	Natural Resources Access Regulator, DPE
OEMP	Operational Environmental Management Plan
Operation	The use of warehouse and industrial buildings for storage, distribution or manufacture of goods upon completion of construction as described in the EIS and ADR
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Precinct-Wide Stormwater Infrastructure	Refers to future regional stormwater infrastructure for the MRP to be operated by a stormwater management authority
Principal Certifier	The certifier appointed as the principal certifier for the building work under s 6.6(1) of the EP&A Act or for the subdivision work under s 6.12(1) of the EP&A Act
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements

Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled ' <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ' (DECCW)
Registered Surveyor	Means registered surveyor within the meaning of the term in the <i>Surveying and Spatial Information Act 2002</i> (NSW)
Response to Submissions (RtS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled Aspect Industrial Estate Response to Submissions SSD-10448, prepared by Urbis, dated 5 March 2021
Roads authority	As defined in dictionary of the <i>Roads Act 2003</i> (NSW)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office, or public recreational area
Site	The land defined in Appendix 1
Stage 1 development	Sitewide bulk earthworks, retaining walls, estate basin, riparian corridor realignment, construction of access roads and the Mamre Road / Access Road 1 intersection construction and operation of buildings 1 and 3, café, landscaping services and utilities installation and subdivision, as described in the EIS, Response to Submissions and ADR
Stage 1 Phase 1 Road Works	Involves construction and operation of a signalised intersection at Mamre Road, Access Road 1 between Mamre Road and Access Road 2, and Access Road 2 as identified in Figure 1 at Appendix 1
Stage 1 Phase 2 Road Works	Involves construction and operation of a roundabout at Access Roads 1 and 3 intersection, the remaining portion of Access Road 1 between Access Road 2 and the roundabout, and Access Road 3 to the south of the roundabout (excludes Access Road 3 - North)
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
WAD	Works Authorisation Deed
WSUD	Water Sensitive Urban Design

SCHEDULE 2

PART A CONDITIONS FOR CONCEPT PROPOSAL

TERMS OF CONSENT

- A1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions (RtS), and Amended Development Report (ADR);
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 4.
- A2. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A2(a).
- A3. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A1(c) or A1(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A1(c) or A1(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

FUTURE DEVELOPMENT APPLICATIONS

- A4. In accordance with section 4.22 of the EP&A Act, each subsequent stage of the Concept Proposal (excluding Stage 1 development) is to be subject to future development applications (DAs). Future DAs are to be consistent with the terms of this consent.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The Applicant must ensure any future development of the site is consistent with the *Mamre Road Precinct Development Control Plan 2021* (NSW Government, 2021) (MRP DCP).
- A7. The maximum GFA for future development on the site for the land uses described in **Table 1** must not exceed the limits described in that table.

Table 1 *Maximum GFA of the Concept Proposal*

Land Use	Maximum GFA (m ²)
Warehouse and distribution centres and general industrial	236,510
Ancillary offices	11,480
Café	122
Total	248,112

- A8. A future road widening corridor along the western boundary must not be developed and must be maintained and preserved for the future Mamre Road widening works as shown in **Figure 1** in **Appendix 1**.
- A9. The largest vehicle permitted to access the site is a 30 m Performance Based Standards (PBS) Level 2 Type B.

STAGING PLAN

- A10. Prior to the commencement of construction of any stage of the Concept Proposal, the Applicant shall prepare a Staging Plan for the Development, to the satisfaction of the Planning Secretary. The plan shall:
- (a) be prepared in consultation with Council, utility and service providers and other relevant stakeholders;
 - (b) describe how the implementation of the Concept Proposal, would be staged to ensure it is carried out in an orderly and economic way and minimises construction impacts;

- (c) show the likely sequence of DAs that will be lodged to develop the Site, with the estimated timing for each Stage and identification of any overlapping construction and operational activities;
- (d) include concept design for the staged delivery of landscaping, focusing on early implementation of screen planting to minimise the visual impact of subsequent development stages; and
- (e) include conceptual design for the provision of services, utilities and infrastructure to the Site, including stormwater management infrastructure and any future road upgrades.

A11. The Applicant must:

- (a) not commence construction of any stage of the Development until the Staging Plan required by Condition A12 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Staging Plan approved by the Planning Secretary.

A12. The Planning Secretary may require the Applicant to address certain matters identified in the Staging Plan. The Applicant must comply with any such requirements of the Planning Secretary given as part of the Staging Plan approval.

Notes:

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

TRAFFIC

A13. The Applicant must monitor operational traffic for all developments in the concept proposal for a period of 12 months following commencement of operation of each development under the relevant stage. This must include, but not be limited to:

- (a) details of the number and frequency of truck numbers generated by the relevant stage of the Concept Proposal along with any approved developments under the concept proposal;
- (b) verification of the predicted traffic numbers and level of service against the relevant stage of the Concept Proposal, and analyse the potential cause of any significant discrepancies; and
- (c) consideration of the current capacity and efficiency of the existing road network including Mamre Road.

FUTURE INFRASTRUCTURE REQUIREMENTS

A14. The Applicant must prepare an Infrastructure Review to support each future stage of the Concept Proposal. The Infrastructure Review must demonstrate the surrounding road infrastructure can accommodate the relevant stage and other approved developments in the MRP. The Infrastructure Review must:

- (a) detail traffic volumes from all operating stages of the Concept Proposal;
- (b) include background traffic volumes from key roads within the MRP, including Mamre Road;
- (c) assess the operating performance of key intersections in the MRP, including Mamre Road and Access Road 1;
- (d) detail the current level of approved development within the MRP, including total approved GFA;
- (e) consider consistency with the latest approved Concept Proposal traffic volumes;
- (f) demonstrate the road network has sufficient capacity to accommodate the proposed stage of the Concept Proposal, and if the proposed stage would trigger the need for any road upgrades, including those identified in the traffic modelling for the MRP;
- (g) if road upgrades are required to support the proposed stage, identify the timing and mechanisms to contribute to the delivery of the required road upgrades.

A15. The outcomes of the Infrastructure Review must be used to inform the Staging Plan required by Condition A10.

NOISE LIMITS

A16. The Applicant must

- (a) ensure the Development at the site does not exceed the noise limits outlined in Table 2 when measured at the identified locations shown in Appendix 3; and
- (b) ensure the cumulative noise emission of fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristic or strong low frequency content.

Table 2 Operational Noise Limits for Development dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Amax}
NML 1	50	50	47	63
NML 2	62	62	60	79
NML 3	64	64	61	79
NML 4	65	65	62	82
NML 5	66	66	64	82

Note:

- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

MAMRE ROAD PRECINCT WORKING GROUP

- A17. For the duration of construction works for each development under the Concept Proposal, and until all components of the development under the Concept Proposal are operational, the Applicant must participate in the Mamre Road Precinct Working Group with relevant consent holders in the MRP to the satisfaction of the Planning Secretary (see Condition C34 in Schedule 2).

EVIDENCE OF CONSULTATION

- A18. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A19. With the approval of the Planning Secretary, the Applicant may:
- prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A20. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A21. If approved by the Planning Secretary, updated strategies, plans, or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, or program.

ADVISORY NOTES

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

PART B CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS

TRAFFIC AND ACCESS

Traffic Impact Assessment

- B1. Future DAs shall be accompanied by a traffic impact assessment (TIA). The TIA must:
- (a) assess the impacts on the safety and capacity of the surrounding road network and access points during construction and operation of the relevant stage in accordance with relevant TfNSW guidelines;
 - (b) include traffic monitoring data collected under Condition D3 and incorporate the relevant findings into this assessment;
 - (c) demonstrate internal roads and car parking complies with relevant Australian Standards and the car parking rates in Condition B2;
 - (d) demonstrate the Mamre Road/Access Road 1 intersection can accommodate operational traffic associated with the relevant stage;
 - (e) detail the scope and timing of any required road or intersection upgrades to service the relevant stage if the assessment under sub-clause (d) identifies that additional upgrades are required; and
 - (f) detail measures to promote non-car travel modes, including a Sustainable Travel Plan identifying pedestrian and cyclist facilities to service the relevant stage of the development.

Car Parking

- B2. Car parking must be provided in accordance with the RMS Guide to Traffic Generating Developments and at the following rates:
- warehouse and distribution centre: 1 space per 300 m²
 - office: 1 space per 40 m²
 - café: 1 space per 10 m².

Access

- B3. Future developments on the site must meet the following requirements:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of Australian Standards *AS 1428.1 Design for Access and Mobility - General Requirements for Access - New Building Work*, AS 2890.1, AS 2890.2 and AS 2890.6;
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant Austroads guidelines;
 - (c) vehicles must not queue on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all vehicles enter and exit the site in a forward direction;
 - (h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Bicycle Parking and End-of-Trip Facilities

- B4. Bicycle parking and end-of-trip facilities is to be provided with suitable pedestrian connections linking these facilities with the offices/ warehouses in accordance with relevant guidelines and standards.

FUTURE FREIGHT NETWORK

- B5. Future DAs must make appropriate provision for the freight network identified in the MRP DCP, including the alignment and width of the corridor and access to the network within the site, to the satisfaction of TfNSW.

STORMWATER MANAGEMENT

- B6. Future development on the site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the *Draft Technical Guidance for achieving Wianamatta South Creek*

Stormwater Management Targets (NSW Government, 2022). The Applicant must ensure sufficient land is reserved for stormwater management purposes, unless the Applicant provides evidence that an agreement is in place to demonstrate that the development is integrated into the regional stormwater system.

- B7. Future DAs must include an update to the Stormwater Management Strategy (SMS) required under Condition D29(e). The strategy must:
- (a) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems in consultation with the relevant stormwater management authority;
 - (b) consider the approved or as modified stormwater management system for preceding stages of the development, including compliance of this system with the IWCM controls of the MRP DCP (refer to Condition D29);
 - (c) demonstrate the relevant stage can comply with the IWCM controls of the MRP DCP;
 - (d) include an assessment of any impacts on salinity and sodic soils from the future development including any proposed WSUD infrastructure; and
 - (e) detail what infrastructure may be required to connect to a precinct-wide stormwater management system for the relevant stage.

DEVELOPMENT CONTRIBUTIONS

- B8. Prior to the issue of a Construction Certificate (or at a time otherwise permitted by the contributions plan or agreed by Council) for any future stage of the Development, the Applicant must pay contributions to Council as required in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022, or any other contributions plan as in force when the later consent takes effect.

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

- B9. *The Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022* requires special infrastructure contributions to be made for development on rezoned land within the Western Sydney Aerotropolis Special Infrastructure Contributions Area (within the meaning of that Determination). Accordingly, any special infrastructure contribution imposed by a condition of consent to a subsequent development application in relation to the site to which this consent applies is to be determined in accordance with that Determination, or any subsequent determination of the Minister under section 7.23 of the *Environmental Planning and Assessment Act 1979* (NSW), as in force when the later consent takes effect.

NOISE AND VIBRATION

- B10. Future DAs must be accompanied by a Noise and Vibration Impact Assessment. The assessment must:
- (a) identify the noise and vibration impacts during construction and operation;
 - (b) demonstrate compliance with the noise limits in Condition A16;
 - (c) provide an analysis of all external plant and equipment, including but not limited to, forklifts, air conditioners and refrigeration systems and on-site vehicle movements;
 - (d) incorporate noise mitigation measures, such as increased building setbacks, building insulation, noise barriers, layout of truck loading areas or source controls, to demonstrate the noise limits in Condition A16 can be achieved;
 - (e) recommend mitigation and management measures (excluding measures at receivers) to be implemented to minimise noise during construction and operation.

VISUAL AMENITY

Landscaping

- B11. Landscaping design for future developments must comply with the relevant requirements under the MRP DCP.
- B12. Future development must be accompanied by a Landscape Plan consistent with the key principles and plant species described in the Landscape Plans titled *Aspect Industrial Estate, Mamre Road, Kemps Creek Landscape Masterplan*, Dated October 2020.

Outdoor Lighting

- B13. Future development must ensure compliance with Australian Standards *AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting* and *AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting*.

Signage

- B14. Future development must include details of any external advertising signage and demonstrate compliance with the requirements of Condition and Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (or any substituted SEPP).

Glazing

- B15. The visible light reflectivity from building materials used in façades along Mamre Road and the internal road frontages must meet the minimum requirements of the MRP DCP.

BUSHFIRE PROTECTION

- B16. The Applicant shall ensure future DAs comply with:

- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
- (b) the construction standards and asset protection zone requirements recommended in the Bushfire Assessment for the Proposed Aspect Industrial Estate, prepared by Australian Bushfire Protection Planners Pty Limited, dated 6 October 2020; and
- (c) Australian Standard *AS2419.1-2005 Fire hydrant installations System design, installation, and commissioning*.

ENDEAVOUR ENERGY

- B17. The Applicant must obtain relevant approvals from Endeavour Energy, or relevant service provider, prior to the construction of any electricity utility works to service each stage of the development.

SYDNEY WATER

- B18. Before the commencement of operation of any future developments, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* (NSW).

EXTERNAL WALLS AND CLADDING

- B19. The external walls of all future buildings must comply with the relevant requirements of the BCA.
- B20. Future development involving the construction of external walls must ensure that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

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

PART C STAGE 1 DEVELOPMENT GENERAL CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- C1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the Stage 1 Development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- C2. The Stage 1 development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RtS, and ADR;
 - (d) in accordance with the Development Layout in Appendix 2; and
 - (e) in accordance with the management and mitigation measures in Appendix 4.
- C3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition C2(a).
- C4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition C2(c) or C2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition C2(c) or C2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- C5. This consent lapses five years after the date from which it operates unless the Stage 1 Development has physically commenced on the land to which the consent applies before that date.

Maximum GFA

- C6. The maximum GFA for the Stage 1 Development must not exceed the limits described in **Table 3**.

Table 3 Maximum GFA for the Stage 1 Development

Land Use	Maximum GFA (m ²)
Warehouse 1	
Warehouse and distribution centres and general industrial	34,970
Ancillary offices	1,630
Café	122
Subtotal	36,722
Warehouse 3	
Warehouse and distribution centres and general industrial	20,735
Ancillary offices	850
Subtotal	21,535
Total	58,257

NOTIFICATION OF COMMENCEMENT

- C7. The date of commencement of each of the following phases of the Stage 1 Development must be notified to the Department in writing, at least one month before that date:
- (a) construction; and

- (b) operation.

EVIDENCE OF CONSULTATION

- C8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- C9. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- C10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- C11. If approved by the Planning Secretary, updated strategies, plans, or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C12. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the Stage 1 Development to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and TfNSW.
- C13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- C14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- C15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the Building Code of Australia (BCA).

Note:

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

SUBDIVISION

- C16. Prior to the issuing of a Subdivision Certificate for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road,

internal roads, drainage, and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.

- C17. Prior to the issuing of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.
- C18. Prior to the issuing of a Subdivision Certificates for any stage of the development, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.

COMPLIANCE

- C19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

DEVELOPMENT CONTRIBUTIONS

- C20. Prior to the issue of a Construction Certificate (or at a time otherwise permitted by the contributions plan or otherwise agreed by Council) for any building in the Stage 1 Development, the Applicant must pay contributions to Council in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022.

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

- C21. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022 (2022 Determination) as in force when this development consent takes effect, for the first stage of development to which this consent applies.

A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the 2022 Determination) in relation to the first stage of development unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the first stage of development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

A special infrastructure contribution may also be required to be made for further development that consists of, or involves, development on rezoned land within the meaning of the 2022 Determination on the site to which this consent applies.

Any special infrastructure contribution imposed by a condition of consent to a subsequent development application is to be determined in accordance with the 2022 Determination, or any subsequent determination of the Minister under section 7.23 of the Environmental Planning and Assessment Act 1979, as in force when that later consent takes effect.

More information

A request for assessment by the Department of Planning and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>). Please refer enquiries to SICContributions@planning.nsw.gov.au.

OPERATION OF PLANT AND EQUIPMENT

- C22. All plant and equipment used on site, or to monitor the performance of the Stage 1 Development, must be:

- (a) maintained in a proper and efficient condition;
- (b) noise amelioration featured; and
- (c) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- C23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

- C24. Prior to the issue of:

- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
- (b) an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

- C25. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

- C26. Before the construction of any utility works associated with the Stage 1 Development, the Applicant must obtain relevant approvals from service providers.
- C27. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* (NSW).
- C28. Before the issue of a Subdivision or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- C29. Before the issue of the final Occupation Certificate the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- C30. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

ENVIRONMENTAL REPRESENTATIVE

- C31. The Applicant must engage an Environmental Representative (ER) to oversee construction of the Stage 1 Development. Unless otherwise agreed to by the Planning Secretary, construction of the Stage 1 development must not commence until an ER has been approved by the Planning Secretary and engaged by the Applicant. The approved ER must:
- (a) be a suitably qualified and experienced person who was not involved in the preparation of the EIS, RtS, ADR, and any additional information for the Stage 1 Development and is independent from the design and construction personnel for the Stage 1 Development;
 - (b) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the Stage 1 development;
 - (c) consider and inform the Planning Secretary on matters specified in the terms of this consent;
 - (d) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (e) review the CEMP required in Condition E2 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (f) regularly monitor the implementation of the CEMP to ensure implementation is being carried out in accordance with the document and the terms of this consent;
 - (g) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits;
 - (h) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 - (i) provide advice to the Applicant on the management and coordination of construction works on the site with adjoining sites in the Mamre Road Precinct in relation to construction traffic management, earthworks and sediment control and noise;
 - (j) attend the Mamre Road Precinct Working Group (see Condition C34) in a consultative role in relation to the environmental performance of the Stage 1 development; and
 - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Quarterly Report** providing the information set out in the Environmental

Representative Protocol under the heading 'Environmental Representative Quarterly Reports'. The **Environmental Representative Quarterly Report** must be submitted within seven calendar days following the end of each quarter for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.

- C32. The Applicant must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition C31 (including preparation of the ER monthly report), as well as:
- (a) the complaints register (to be provided on a daily basis); and
 - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).
- C33. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition E16. The Applicant must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
 - (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

MAMRE ROAD PRECINCT WORKING GROUP

- C34. Within three months of the commencement of construction of the Stage 1 Development and until all components of the Stage 1 development are constructed and operational, the Applicant must establish and participate in a working group with relevant consent holders in the MRP, to the satisfaction of the Planning Secretary. The purpose of the working group is to consult and coordinate construction works within the MRP to assist with managing and mitigating potential cumulative environmental impacts. The working group must:
- (a) comprise at least one representative of the Applicant, the Applicant's ER, and relevant consent holders in the MRP;
 - (b) meet periodically throughout the year to discuss, formulate and implement measures or strategies to improve monitoring, coordination of the approved industrial developments in the MRP;
 - (c) regularly inform Council, TfNSW, Sydney Water and the Planning Secretary of the outcomes of these meetings and actions to be undertaken by the working group;
 - (d) review the performance of approved industrial developments in the MRP and identify trends in the data with respect to cumulative construction traffic, erosion and sediment control, noise, stormwater management and waterway health objectives under the MRP DCP;
 - (e) review community concerns or complaints with respect to environmental management;
 - (f) identify interim traffic safety measures to manage construction traffic and how these measures will be coordinated, communicated, funded and monitored in the MRP; and
 - (g) provide the Planning Secretary with an update and strategies, if a review under subclause (d) and (e) identifies additional measures and processes are required to be implemented by the working group.
- C35. Three (3) months prior to completion of construction of all components of the Stage 1 development, the Applicant is eligible to exit the working group required under condition C34. The Applicant must:
- (a) consult with the Planning Secretary;
 - (b) provide confirmation that all components of the Stage 1 development are operational; and
 - (c) advise on the date of the proposed exit.

APPLICABILITY OF GUIDELINES

- C36. References in the conditions of this consent to any guideline, protocol, Australian Standard, or policy are to such guidelines, protocols, standards, or policies in the form they are in as at the date of this consent.
- C37. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

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

PART D STAGE 1 DEVELOPMENT SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- D1. Prior to the commencement of construction of the Stage 1 Development, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition E2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the traffic management and contingency measures that are to be implemented for the site, particularly during the construction works for the Mamre Road/Access Road 1 intersection, to ensure access to the site and road safety and network efficiency is maintained, including interim traffic safety controls and management measures;
 - (d) detail heavy vehicle routes, access, and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- D2. The Applicant must:
- (a) not commence construction until the CTMP required by condition D1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Operational Traffic Monitoring Program

- D3. Prior to commencement of operation of Building 1 or 3 and for a period of 12 months of operation, the Applicant must establish an Operational Traffic Monitoring Program to verify light and heavy vehicle traffic numbers against the predictions in the ADR. The Program must also monitor the effectiveness of the traffic management measures to the satisfaction of the Planning Secretary and include but not be limited to the following:
- (a) detail the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
 - (b) queue monitoring at the Mamre Road/Access Road 1 intersection and background travel counts on Mamre Road;
 - (c) verify the predicted traffic numbers and level of service against the actual impacts of the Stage 1 Development, and analyse the potential cause of any significant discrepancies;
 - (d) consider the current capacity and efficiency of the existing road network including Mamre Road; and
 - (e) include procedures for the reporting and monitoring of results to evaluate the traffic performance of the Stage 1 Development.

Internal Access Roads

- D4. Prior to the commencement of any construction works for Building 1 or 3 (excluding site-wide bulk earthworks) as described in the ADR, the Applicant must:
- (a) prepare a concept design of the Stage 1 Phase 2 road works in accordance with the design requirements in the MRP DCP and in consultation with the relevant roads authority, to the satisfaction of the Planning Secretary; and
 - (b) consult with the relevant roads authority concerning the processes for dedication of the lands for the internal Access Roads 1 and 3 (North and South) including the roundabout shown in Figure 1: in Appendix 1.
- D5. Within one month of registration of lot(s) for internal Access Roads 1 and 3 including the roundabout at the Land Registry Services, the Applicant must notify the Planning Secretary that the lands for the internal Access Roads 1 and 3 (North and South) has been dedicated.

- D6. Prior to issue of an Occupation Certificate for Building 1 or 3 (whichever is the first), the Applicant must construct and operate the Stage 1 Phase 1 road works shown in **Figure 4:** in **Appendix 2** to the satisfaction of relevant road authority.
- D7. Within six months of the approval of this consent or as otherwise agreed by the Planning Secretary, the Applicant must prepare and submit the following plans to facilitate the construction and delivery of Access Road 3 – North, in consultation with Council and landowner of 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135), and to the satisfaction of the Planning Secretary:
- (a) a Staging Plan for the riparian corridor realignment works and Access Road 3 – North construction, including:
 - i. details of the scope of works to be undertaken on the site and the adjoining site at 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) (see **Figure 4:**);
 - ii. details of how the further riparian corridor realignment and road construction works at the junction between the site and 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) will be coordinated and delivered;
 - iii. an arrangement on timing of the works; and
 - (b) a detailed design plan of Access Road 3 – North prepared in accordance with the design requirements under the MRP DCP.
- Note: The detailed design of Access Road 3 - North and any changes to the approved riparian corridor alignment may require modification(s) to SSD-10448 or separate DA(s).*
- D8. Prior to issue of an Occupation Certificate for any other buildings or warehouses in the Stage 1 Development, the Applicant must ensure the Stage 1 Phase 2 road works are constructed and operational.
- D9. The Applicant must ensure that the portion of Access Road 3 – North to be located on the site is constructed and operational in accordance with the design plans required under Condition D7.

Access Arrangements

- D10. Prior to the commencement of construction of any works (excluding bulk earthworks) for Buildings 1 or 3, the Applicant must submit design plans to the satisfaction of the relevant roads authority, which demonstrates the proposed accesses to the development are designed to accommodate the turning path of a 30 m PBS Level 2 vehicle.
- D11. Prior to the commencement of any construction works (excluding bulk earthworks) for Warehouse 1 as described in the EIS, the Applicant must prepare and submit design plans in consultation with TfNSW, FRNSW, and Council, and to the satisfaction of the Planning Secretary, demonstrating access to the development from Access Road 1 complies with relevant FRNSW and TfNSW access requirements.

Mamre Road/Access Road 1 intersection works

- D12. Prior to the Applicant entering into a Works Authorisation Deed (WAD) required by condition D13 the Applicant must:
- (a) obtain landowners consent and enter into an agreement with the owner(s) of 833B Mamre Road, Kemps Creek (Lot 28, DP258414) to relocate an existing gated driveway close to the northern boundary of that property;
 - (b) provide a copy of the landowner's consent and signed agreement described under condition D12(a) to TfNSW and the Planning Secretary; and
 - (c) remove and relocate the driveway in accordance with the agreement.
- D13. The Applicant must enter into a Works Authorisation Deed for the intersection works with TfNSW. The WAD must be executed prior to the submission of the detailed design required by condition D12 to TfNSW for approval.
- D14. Prior to the issue of a construction certificate for the Mamre Road/Access Road 1 intersection (the intersection) construction, the Applicant must finalise and submit the detailed design of the intersection works, including an endorsed Traffic Signal Plan (TSP) to TfNSW for approval. The TSP must:
- (a) demonstrate the proposed traffic control light at the intersection is designed in accordance with Austroads Guide to Road Design, RMS Signal Design Manual, and Australian Codes of Practice; and
 - (b) be approved and endorsed by a suitably qualified practitioner.
- D15. The Applicant must obtain a Road Occupancy Licence (ROL) from TfNSW Transport Management Centre for any works that may impact on traffic flows on Mamre Road during construction.

Redundant Driveways on Mamre Road

- D16. The Applicant must remove redundant driveways on Mamre Road within the site's boundaries and replace with kerb and gutter to match existing in accordance with TfNSW requirements. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works within Mamre Road.

Structural integrity of road infrastructure

- D17. Prior to commencement of any works on Mamre Road, the Applicant must prepare and submit detailed design plans and hydraulic calculations of any changes to the stormwater drainage system to TfNSW for approval.
- D18. At least six weeks prior to commencement of bulk earthworks within Mamre Road, the Applicant must submit design drawings and documents relating to the excavation of the site and support structures in accordance with TfNSW Technical Direction GTD2012/001.
- D19. Should the Applicant propose to excavate below the level of the base of the footings of the adjoining roads and driveways, at least seven days prior to commencement of excavation, the Applicant must provide notice of the intention to excavate below the base of the footings to owner(s) of that roads and driveways. The notice must include complete details of the proposed excavation including but not limited to the extent and duration of works.

Parking

- D20. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- D21. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Workplace Travel Plan

- D22. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Workplace Travel Plan and submit a copy to the Planning Secretary. The Workplace Travel Plan must form part of the OEMP required by condition E5 and must:
- (a) be prepared in consultation with TfNSW and Council;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- D23. The Applicant must implement the most recent version of the Workplace Travel Plan for the duration of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- D24. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

- D25. Prior to the commencement of any construction or other surface disturbance, the Applicant must design and detail the erosion and sediment control measures for the site to ensure the construction phase IWCM controls in the MRP DCP are achieved. Detailed Erosion and Sediment Control Plans (ESCP) and drawings must:
- (a) be prepared by a Chartered Professional Erosion and Sediment Control (CPESC) specialist;
 - (b) be prepared in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book* (Landcom, 2004) and with the WSUD design principles set out in the *Draft Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets* (NSW Government, 2022);
 - (c) demonstrate the construction approach and timing to ensure the construction phase stormwater quality targets can be met; and
 - (d) be included in the CEMP required by condition E2.
- D26. The Applicant must ensure delivery and operation of all construction phase erosion and sediment controls on the site is supervised and certified by a CPESC. Monthly audits are to be completed by CPESC and kept on record for the duration of the construction and an additional 12 months following completion of construction works. Discharge Limits

Discharge Limits

- D27. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- D28. Prior to the commencement of operation of the development, the Applicant must implement the Stormwater Management System described in the ADR and as shown in Figure 2 in Appendix 2. The design and subsequent construction and establishment of the WSUD systems must be supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems.
- D29. All stormwater infrastructure, including bio-retention basins, shall remain under the ownership, control, and care of the registered proprietor of the lots. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.

Stormwater Management Plan

- D30. Within three (3) months prior to the commencement of operation of either Building 1 or 3 of the Stage 1 Development, the Applicant must prepare a Stormwater Management Plan (SMP) to the satisfaction of the Planning Secretary. The SMP must:
- (a) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the Environment and Heritage, Sydney Water, DPE, and Council;
 - (c) describe the baseline soil, surface water and groundwater conditions at the site;
 - (d) detail a monitoring program to monitor:
 - (i) surface water flows and quality;
 - (ii) surface water storage and use;
 - (iii) sediment basin operation;
 - (iv) the performance of the Stage 1 stormwater management system to demonstrate compliance with the IWCM controls in the MRP DCP;
 - (e) detail a stormwater management strategy and designs of each WSUD system, including:
 - (i) description of how the requirements and objectives of the IWCM controls of the DCP will be achieved, including provisions for how stormwater will be managed and monitored;
 - (ii) details of how the Stage 1 Development will be designed and developed so it can potentially connect to precinct-wide stormwater infrastructure, if required
 - (iii) engineering drawings completed and certified by a chartered professional engineer with experience in modelling, design, and supervision of WSUD systems that detail the WSUD measures;
 - (iv) landscape drawings that include planting and hardscape details of the WSUD systems;
 - (f) include a protocol for investigation of any non-compliances of the IWCM controls in the MRP DCP controls described in condition D35(d) and contingency measures that would be implemented should issues arise;

- (g) include evidence that the design and mix of WSUD infrastructure has considered ongoing operation and maintenance, including a detailed lifecycle cost assessment (including capital, operation/maintenance, and renewal costs over 30 years); and
- (h) include a Maintenance Plan for WSUD measures.

D31. The Applicant must:

- (a) not commence the operation of the development until the SMP required by condition is approved by the Planning Secretary;
- (b) implement the most recent version of the SMP approved by the Planning Secretary for the duration of the development; and
- (c) ensure all WSUD systems are constructed under the supervision of a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems.

Easements and Maintenance

D32. Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the:

- (a) stormwater management system (including on-site detention and water sensitive urban design)
- (b) trunk drainage

shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F, available on Council's Website.

D33. The stormwater management system must continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Dam Decommissioning Strategy

D34. Prior to commencement of construction of the Stage 1 Development, the Applicant must implement the Dam Decommissioning Strategy included in the EIS. The Applicant must implement the most recent version of the Dam Decommissioning Strategy for the duration of construction.

Groundwater Management Plan

D35. Prior to commencement construction of the Stage 1 Development, the Applicant must implement the Groundwater Management Plan included in the EIS. The Applicant must implement the most recent revision of the Groundwater Management Plan for the duration of the development.

Salinity Management

D36. The Applicant must prepare a Salinity Management Plan, which must form part of the CEMP in accordance with Condition E2, that addresses all aspects of the Stage 1 development. The Applicant must implement the most recent revision of the Salinity Management Plan for the duration of construction.

VISUAL AMENITY

Landscaping

D37. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with condition E5. The plan must:

- (a) detail the species to be planted on-site;
- (b) demonstrate the species are suitable in relation to wildlife management in proximity to the future Western Sydney Airport;
- (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (d) be consistent with the Applicant's Management and Mitigation Measures detailed at Appendix 4.

D38. The Applicant must:

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

Lighting

D39. The Applicant must ensure the lighting associated with the development:

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

Signage and Fencing

D40. All signage and fencing must be erected in accordance with the development plans included in the ADR.

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

NOISE

Hours of Work

D41. The Applicant must comply with the hours detailed in **Table 4**, unless otherwise agreed in writing by the Planning Secretary.

Table 4 Hours of Work

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

D42. Works outside of the hours identified in condition may be undertaken in the following circumstances:

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

Construction Noise Limits

D43. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 4.

Construction Noise Management Plan

D44. The Applicant must prepare a Construction Noise Management Plan (CNMP) for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition E2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary;
- (b) be approved by the Planning Secretary prior to the commencement of construction of each phase of the development;
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (d) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers, particularly for noise mitigation eligible receivers shown in **Figure 7: in Appendix 5**, including but not limited to the following:
 - (i) details of a real-time noise monitoring system to identify occurrence of highly noise affected levels as defined in the *Interim Construction Noise Guideline*; and
 - (ii) describe procedures for implementing respite periods and temporary relocation following identification of highly noise affected levels.
- (e) include a complaints management system that would be implemented for the duration of the development.

D45. The Applicant must:

- (a) not commence construction of any relevant stage until the CNMP required by condition D44 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CNMP approved by the Planning Secretary for the duration of construction.

Noise Agreement

- D46. Prior to the commencement of operation of the Stage 1 development an, the Applicant must enter into an agreement with the noise mitigation eligible receivers shown in Figure 6, Appendix 4.
- D47. Prior to the commencement of operation of the Stage 1 development, the Applicant must submit copies of the noise agreements required under Condition D46 to the Planning Secretary.
- D48. The noise agreement required under Condition D46 must be in force until the existing residential use ceases on the land subject to the agreement or a development application for general industrial or other employment uses applies to the land, whichever is the sooner.

Vibration Criteria

- D49. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the criteria set in the latest version of *DIN 4150-3:2016-12 Vibration in Buildings – Part 3: Effects on Structures* (German Institute for Standardisation, 2016); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D50. The Applicant must offer and, if the offer is accepted, implement monitoring of vibration levels during construction at 884-902 Mamre Road (Lot 53 DP259135), to the satisfaction of the Planning Secretary. Any vibration monitoring must be undertaken during the entirety of the construction period. If the criteria in Condition D48 are exceeded, management and mitigation measures must be developed and implemented to address any exceedances.

Dilapidation Reporting

- D51. Prior to commencement of construction, the Applicant must offer and prepare (if the offer is accepted) a pre-construction dilapidation report at 884-902 Mamre Road (Lot 53 DP259135). The report must be submitted to the Planning Secretary and the relevant property owner(s) prior to construction works commencing on the site.

Operational Noise Limits

- D52. The Applicant must:
- (a) establish five (5) noise monitoring locations at the site's boundaries as shown in **Appendix 3** prior to commencement of operation of the Stage 1 Development; and
 - (b) undertake noise monitoring at the five locations to confirm that noise generated by the operation of the Stage 1 Development does not exceed the noise limits in **Table 5**.
 - (c) ensure the cumulative noise emission of fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristic or strong low frequency content.

Table 5 Stage 1 Development Operational Noise Limits dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Amax}
NML 1	36	36	34	44
NML 2	49	49	46	58
NML 3	48	48	46	58
NML 4	46	46	44	56
NML 5	65	65	61	82

Note:

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

Noise Verification Report

- D53. Within three months of the commencement of operation of the Stage 1 Development, the Applicant must submit a noise verification report to the satisfaction of the Planning Secretary. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:
- (a) an analysis of compliance with noise limits specified in condition D49;
 - (b) an outline of mitigation and management measures to reduce any exceedances of the limits specified in condition D49 (excluding measures to be implemented at the receivers); and
 - (c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

AIR QUALITY

Dust Minimisation

- D54. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D55. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Construction Air Quality Management Plan

- D56. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by condition E2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) detail and rank all emissions from all sources during construction of the development, including particulate emissions;
 - (c) describe a program that is capable of evaluating the performance of the construction and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source; and
 - (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency, and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring.
- D57. The Applicant must:
- (a) not commence construction until the CAQMP required by condition D53 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CAQMP approved by the Planning Secretary for the duration of the development.

Odour Management

- D58. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

ABORIGINAL HERITAGE

Statutory Requirements

- D59. Prior to the commencement of construction of Stage 1 development, the Applicant must register identified Aboriginal items or objects on the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) Aboriginal Sites Register.

Archaeological Salvage

- D60. Prior to the commencement of construction of Stage 1, the Applicant must engage a suitably qualified and experienced expert to undertake an archaeological salvage excavation of the MAM AS 1901. The Applicant must undertake the salvage excavation in accordance with the requirements of Heritage NSW, and must:
- (a) implement the methodology for the reburial of all salvaged Aboriginal objects within the site detailed in the Reburial Methodology, prepared by artefact, dated 26 February 2021; and
 - (b) provide the Registered Aboriginal Parties (RAPs) an opportunity to collect Aboriginal objects across the site.
- D61. The Applicant must prepare an archaeological report of the salvage excavation undertaken in accordance with Condition . An interim report of the salvage excavation must be provided to the satisfaction of the Planning Secretary within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work.

Unexpected Finds Protocol

- D62. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.
- D63. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974* (NSW).

HISTORIC HERITAGE

Unexpected Finds Protocol

- D64. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW and details included in the salvage excavation report required under Condition D60(b).

BIODIVERSITY

- D65. Prior to any clearing or construction works the Applicant must purchase and retire 1 ecosystem credit to offset the removal of *Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion* and 3 species credits to offset the removal of *Myotis macropus* at the site. The ecosystem and species credits must be retired in accordance with the requirements of the E&H Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016* (NSW).
- D66. The requirement to retire ecosystem and species credits (see Condition) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem and species credits, as calculated by the E&H Group's Biodiversity Offsets Payment Calculator.
- D67. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see Condition); or
 - (b) a payment has been made to the Biodiversity Conservation Fund (see Condition),
- prior to undertaking any clearing of native vegetation and *Myotis macropus* habitat.
- D68. Prior to commencement of dam dewatering and construction of the Stage 1 Development, the Applicant must implement the Flora and Fauna Management Plan included in the RtS. The Applicant must implement the most recent revision of the Flora and Fauna Management Plan for the duration of construction works.

Vegetation Management Plan – Riparian Corridor

- D69. Within six (6) months of the commencement of operation, the Applicant must complete the revegetation of the realigned riparian corridor in accordance with the Vegetation Management Plan (VMP) included in the RTS and ensure that the realigned riparian corridor provides for a full hierarchy of appropriate ground cover, shrubs and trees. The Applicant must implement the most recent version of the VMP for a maintenance period of up to five years following the completion of the establishment phase of the VMP.

HAZARDS AND RISK

Dangerous Goods

- D70. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- D71. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- D72. The Applicant must:

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

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015 (NSW).

Waste Storage and Processing

- D73. Prior to the commencement of construction of Building 1 and 2, the Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse.
- D74. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Waste Management Plan

- D75. The Applicant must implement the Waste Management Plan (WMP) prepared by MRA Consulting Group, dated 30 September 2020 in the EIS for the duration and construction and operation of Stage 1 of the development.

Statutory Requirements

- D76. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

Unexpected Finds

- D77. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition E2 and must ensure any material identified as contaminated and is required to be removed from the site must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal.

PART E STAGE 1 DEVELOPMENT ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- E1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- E2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.
- E3. As part of the CEMP required under condition E2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition D1);
 - (b) Erosion and Sediment Control Plan (see condition D25);
 - (c) Salinity Management Plan (see condition D33);
 - (d) Construction Noise Management Plan (see condition D44);
 - (e) Construction Air Quality Management Plan (see condition);
 - (f) Vegetation Management Plan (see Condition);
 - (g) Contamination Unexpected finds procedure (see Condition);
 - (h) Waste Management Plan (see condition); and
 - (i) Community Consultation and Complaints Handling.
- E4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- E5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.
- E6. As part of the OEMP required under condition E5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:
 - (i) Operational Traffic Monitoring Program (see condition D3);
 - (ii) Workplace Travel Plan (see condition D22);
 - (iii) Landscape Management Plan (see condition);
 - (iv) Stormwater Management Plan (see condition D29);
 - (v) Vegetation Management Plan (see Condition); and
 - (vi) Waste Management Plan (see condition).
- E7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- E8. Within three months of:
- (a) the submission of a Compliance Report under condition E14;
 - (b) the submission of an incident report under condition E10;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition C2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- E9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- E10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 6.

Non-Compliance Notification

- E11. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

- E12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- E13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- E14. Within three months after the commencement of construction of the Stage 1 Development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary) for the duration of construction works, the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- E15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- E16. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

ACCESS TO INFORMATION

- E17. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition C2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the development;
 - (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 CONCEPT PROPOSAL

Table 6 Schedule of Approved Plans – Concept Proposal

Drawing No	Title	Issue	Date
Architectural Plan prepared by SBA Architects			
MP 02	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – SSDA Estate Masterplan	AL	28/04/2022
Landscape Plan prepared by Site Image Landscape Architects			
MP002	Aspect Industrial Estate Kemps Creek Landscape SSDA Masterplan	H	23/02/2022

DRAFT

OVERALL DEVELOPMENT DATA	
Total Site Area	568,213 m ²
Mamre Rd Reserve Area	14,004 m ²
Rev. Boundary Site Area	544,209 m ²
Access Roads Area	46,485 m ²
Future Roads Area	3,415 m ²
Creek Riparian Area	29,617 m ²
Related Riparian Area	4,004 m ²
Basin Lot Area	17,300 m ²
Total Developable Area	443,408 m ²
Total Office Area (incl. all)	11,480 m ²
Total Warehouse Area	236,510 m ²
Cafe	122 m ²
Total Building Area	248,112 m ²
Restriction on User Area	4,613 m ²

WAREHOUSE 1	
Site Area	58,130 m ²
Offices	1430 m ²
Warehouse	34,910 m ²
Dock Office	200 m ²
Cafe	122 m ²
Total GFA	36,722 m ²
Carpark Provided	230

WAREHOUSE 2	
Site Area	41,500 m ²
Offices	1,500 m ²
Warehouse	34,415 m ²
Dock Office	200 m ²
Total GFA	26,175 m ²
Carpark Provided	143

WAREHOUSE 3	
Site Area	41,961 m ²
Offices	700 m ²
Warehouse	20,735 m ²
Dock Office	100 m ²
Total GFA	21,535 m ²
Carpark Provided	125

WAREHOUSE 4	
Site Area	41,109 m ²
Offices	750 m ²
Warehouse	18,035 m ²
Dock Office	100 m ²
Total GFA	18,885 m ²
Carpark Provided	93

WAREHOUSE 5	
Site Area	28,225 m ²
Offices	680 m ²
Warehouse	12,050 m ²
Dock Office	100 m ²
Total GFA	12,830 m ²
Carpark Provided	80

WAREHOUSE 6	
Site Area	37,425 m ²
Offices	750 m ²
Warehouse	22,400 m ²
Dock Office	100 m ²
Total GFA	23,340 m ²
Carpark Provided	106

WAREHOUSE 7	
Site Area	37,636 m ²
Offices	750 m ²
Warehouse	21,450 m ²
Dock Office	100 m ²
Total GFA	22,300 m ²
Carpark Provided	100

WAREHOUSE 8	
Site Area	49,610 m ²
Offices	1,300 m ²
Warehouse	27,180 m ²
Dock Office	200 m ²
Total GFA	28,680 m ²
Carpark Provided	164

WAREHOUSE 9	
Site Area	35,168 m ²
Offices	750 m ²
Warehouse	17,365 m ²
Dock Office	100 m ²
Total GFA	18,205 m ²
Carpark Provided	85

WAREHOUSE 10	
Site Area	33,866 m ²
Offices	750 m ²
Warehouse	17,400 m ²
Dock Office	100 m ²
Total GFA	18,300 m ²
Carpark Provided	87

WAREHOUSE 11	
Site Area	36,815 m ²
Offices	750 m ²
Warehouse	20,340 m ²
Dock Office	100 m ²
Total GFA	21,190 m ²
Carpark Provided	90

*Areas are measured to future Mamre Rd boundary in red
 **All areas subject to survey

SBA
ARCHITECTS

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APPENDIX 2 STAGE 1 DA PLANS

Table 7 Schedule of Approved Plans – Stage 1 DA Plans

Drawing No	Title	Issue	Date
Architectural Plan prepared by SBA Architects			
DA100	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Overall Site Plan	I	02/05/2022
DA101	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Signage Plan	C	21/02/2022
DA110	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 1 Site & Warehouse Floor Plan	F	21/02/2022
DA310	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 3 Site & Warehouse Floor Plan	G	28/04/2022
DA311	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 3 Roof Plan	C	21/02/2022



Figure 2: Stage 1 Plan

Landscape Concept Masterplan Stage 1



SITE IMAGE
Landscape Architects

Aspect Industrial Estate Kemp's Creek | Landscape Masterplan



Drawing Number
Issue
Date

MP001
G
03.03.2021

Figure 3: Stage 1 Landscape Plan



Figure 4: Stage 1 Development Road Works Phasing Plan



APPENDIX 3 NOISE MONITORING LOCATIONS



Figure 6: Noise Monitoring Locations Plan

APPENDIX 4 NOISE MITIGATION ELIGIBLE RECEIVERS LOCATIONS



Figure 7: Noise mitigation eligible receivers to the west of Mamre Road

APPENDIX 5 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	SSD DA Component	Mitigation and Management
Construction Management		
General Construction Management	Stage 1 Development	<ul style="list-style-type: none"> ▪ A CEMP to be prepared for the AIE Stage 1 Development capturing standard and specific management and mitigation measures as described in the SSD DA, EIS and supporting technical documents.
Operational Management		
General Operational Management	Concept Masterplan Stage 1 Development	<ul style="list-style-type: none"> ▪ An OEMP to be prepared for the AIE capturing standard and specific operational management and mitigation measures as described in the SSD DA, EIS and supporting technical documents.
Transport		
Construction Traffic	Stage 1 Development	<ul style="list-style-type: none"> ▪ Preparation of a CTMP to form part of the CEMP addressing issues such as: <ul style="list-style-type: none"> – Track haul routes, delivery schedules and curfews; – Protocols for the management of construction traffic moving onto and off the site.
Urban Design and Visual		
Site Layout and Design	Concept Masterplan	<ul style="list-style-type: none"> ▪ Future development of the AIE to proceed in accordance with the approved Concept Proposal and DCP.
Development Controls	Concept Masterplan	<ul style="list-style-type: none"> ▪ Design and development controls to be established for

Issue	SSD DA Component	Mitigation and Management
		the AIE in the form of a DCP to guide future development on the site.
Visual Impact	Concept Masterplan Stage 1 Development	<ul style="list-style-type: none"> Design and development controls to be established for the AIE in the form of a DCP to guide future development on the site. Landscaping of key interfaces including western boundary to minimise visual impact.
Soils and Water		
Water Usage	Stage 1 Development	<ul style="list-style-type: none"> Rainwater tanks to be provided for each development site with size determined in accordance with the Penrith City Council DCP requirements. Irrigation and toilet flushing for development to be plumbed to rainwater tanks. Consideration to be given to other possible rainwater reuse opportunities such as truck washing. Measures and considerations for the minimisation of water use during construction and operation to be incorporated into CEMP and OEMP as relevant.
Soils	Stage 1 Development	<ul style="list-style-type: none"> Mitigation measures inherent to the civil design of the proposal. Sediment and erosion control measures are proposed as detailed in Appendix F and Appendix G.
Salinity	Stage 1 Development	<ul style="list-style-type: none"> A Salinity Management Plan to be prepared for the proposed development.

Issue	SSD DA Component	Mitigation and Management
Contamination	Stage 1 Development	<ul style="list-style-type: none"> Management measures described in the Salinity Management Plan to be adopted in the CEMP and OEMP as relevant.
Earthworks	Stage 1 Development	<ul style="list-style-type: none"> Identified areas of potential contamination to be subject to further investigation prior to the development of affected land. Adoption of unexpected finds procedure for hazardous and contaminated materials management and removal during demolition and excavation.
Mineral Resources	Concept Masterplan	<ul style="list-style-type: none"> Civil design achieves appropriate site levels with minimal impact on hydrology. Import of fill to be managed in accordance with CEMP. Erosion and sediment control measures included in SSD DA package (Appendix F and Appendix G).
Surface Water	Stage 1 Development	<ul style="list-style-type: none"> No mitigation required. Proposed development does not impact existing mining leases in the area. Stormwater issues addressed through design measures incorporated into proposed development. Stormwater management system designed to meet the requirements of Penrith City Council's Engineering Works and WSUD guidelines, and relevant NOW guidelines. Detailed on-lot stormwater for future stages of the AIE to be

Issue	SSD DA Component	Mitigation and Management
Groundwater	Stage 1 Development	<p>designed and assessed under future applications.</p> <ul style="list-style-type: none"> Methods and management of any required dam dewatering required, as outlined in Appendix W, during construction works to be detailed in the CEMP.
Flooding	Stage 1 Development	<ul style="list-style-type: none"> OSD designed to ensure that development does not increase stormwater peak flows in downstream areas for events up to and including 1:100 year ARI. OSD designed to mitigate post-development flows to pre-development flows for peak ARI events. Finished floor levels to have a minimum 500mm freeboard to 100 year overland flows.
Water Quality	Stage 1 Development	<ul style="list-style-type: none"> Erosion and sediment controls as detailed in Appendix F and Appendix G to be implemented through CEMP. Stormwater to be treated to compliant levels prior to discharge. Gross Pollutant Trap (GPT) to be installed within each development site on the final downstream stormwater pit prior to discharge. WSUD measures adopted to achieve target reductions for the AIE: <ul style="list-style-type: none"> 85% Total Suspended Solids 60% Total Phosphorus 45% Total Nitrogen 90% Gross Pollutants

Issue	SSD DA Component	Mitigation and Management
Infrastructure		
Capacity and Upgrades	Concept Masterplan	<ul style="list-style-type: none"> Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Section 2.5.6 of the EIS.
Delivery and Staging	Concept Masterplan Stage 1 Development	<ul style="list-style-type: none"> Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Sections 2.4.7 and 2.5.6. Staging of development of the AIE would be aligned with infrastructure and services delivery.
Other Environmental Issues		
Flora and Fauna	Concept Masterplan Stage 1 Development	<ul style="list-style-type: none"> Implementation of the Biodiversity Offset Strategy for the site. Preparation of a Biodiversity Management Plan for the site to inform the CEMP and OEMP as relevant to manage potential impacts to biodiversity during construction and operation. Restoration of retained areas of vegetation including riparian corridors and the Biodiversity Offset Area; Native grassland restoration to other areas of the site including road batters and outside batters of bio-retention basins; and Ongoing maintenance and management of these areas in accordance with the provisions of the Biodiversity Offset Strategy.

Issue	SSD DA Component	Mitigation and Management
Waterways and Riparian Lands	Concept Masterplan Stage 1 Development	<ul style="list-style-type: none"> ▪ Realignment of creek to occur in accordance with design and management measures described in Appendix P including: <ul style="list-style-type: none"> – Revegetation to use appropriate native aquatic macrophyte and River-flat Eucalypt-forest species within the riparian area. – Ongoing management of riparian lands on the site to be in accordance with the Vegetation Management Plan (Appendix P).
Construction Noise	Stage 1 Development	<ul style="list-style-type: none"> ▪ Construction hours to be limited to 7:00am – 6:00pm Monday to Friday and 8:00am – 1:00pm Saturdays. ▪ Where construction noise levels are predicted to be above the NMLs, all feasible and reasonable work practices are investigated to minimise noise emissions. ▪ If construction noise levels are still predicted to exceed the NMLs, potential noise impacts would be managed via site specific construction noise management plans. ▪ Construction works should be conducted during standard construction hours, with OOHW minimised as far as reasonable and feasible. ▪ Locations for vibration intensive equipment should be reviewed during the preparation of the site specific Construction Noise and Vibration Management Plans (CNVMP) for construction works adjacent to sensitive receivers.

Issue	SSD DA Component	Mitigation and Management
Operational Noise	Stage 1 Development	<ul style="list-style-type: none"> Further noise management measures to be incorporated into the CEMP as appropriate.
Air Quality and Odour – Construction	Stage 1 Development	<ul style="list-style-type: none"> CEMP to include standard air quality control measures, contingency plans and response procedure and suitable reporting and performance monitoring procedures. CEMP to include standard odour mitigation measures for construction including keeping excavation surfaces moist, covering excavation faces and/or stockpiles, use of soil vapour extraction systems and regular monitoring of discharges as appropriate.
Air Quality and Odour – Operational	Stage 1 Development	<ul style="list-style-type: none"> Further assessment of potential air quality impacts to be undertaken in respect of any specific operations proposed within the AIE with an atypical air emissions profile. Specific operations proposed within the AIE with the potential for generation of odour would be subject to further assessment.
Indigenous Heritage	Stage 1 Development	<ul style="list-style-type: none"> Archaeological salvage excavation and monitoring to be undertaken in the presence of relevant Aboriginal stakeholders prior to ground disturbance and

Issue	SSD DA Component	Mitigation and Management
		<p>excavation work in identified areas.</p> <ul style="list-style-type: none"> ▪ Result of detailed archaeological excavation and any suitable salvaged materials to be managed in accordance with the NPW Act and direction from relevant Aboriginal stakeholders. ▪ Implementation of Unexpected Finds Protocol.
Non-Indigenous Heritage	Stage 1 Development	<ul style="list-style-type: none"> ▪ Constructions works to cease should artefacts be uncovered during ground disturbance and DPC-Heritage notified. ▪ Implementation of Unexpected Finds Protocol.
Greenhouse Gas and Energy Efficiency	Stage 1 Development	<ul style="list-style-type: none"> ▪ Future stages of development within the AIE would be subject to assessment in relation to energy efficiency and greenhouse gas emissions.
Waste Management – Construction	Stage 1 Development	<ul style="list-style-type: none"> ▪ Detailed construction waste minimisation and management measures to be included in the CEMP as described in Appendix Y.
Waste Management – Operations	Stage 1 Development	<ul style="list-style-type: none"> ▪ Detailed construction waste minimisation and management measures to be included in the OEMP as described in Appendix Y.

APPENDIX 6 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition E10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

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