

# Modification of Development Consent

## Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie  
Director  
Industry Assessments

Sydney

2 March 2023

File: SF22/131694

### SCHEDULE 1

#### Development Consent

<b>Development Consent:</b>	SSD-10448 granted by the Director, Industry Assessments as delegate of the Minister for Planning on 24 May 2022
<b>For the following:</b>	<p>The Staged Development Application for the Aspect Industrial Estate comprised of:</p> <ul style="list-style-type: none"><li>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 (m<sup>2</sup>) for industrial, warehousing and distribution centres, and café uses; and</li><li>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, fit out, 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.</li></ul>

#### Modification 3

<b>Modification Application:</b>	SSD-10448-MOD-3
	<p>Modification to:</p> <ul style="list-style-type: none"><li>Concept Plan – amendment to the approved Concept Plan layout</li><li>Stage 1 Development – inclusion of construction of Access 4 as part of Stage 1 Development and minor amendments to other conditions.</li></ul>
<b>Applicant:</b>	Mirvac Projects Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	788-882 Mamre Road, Kemps Creek (Lot 54-58 DP 259135)

### SCHEDULE 2

The consent is modified as follows:

#### In Schedule 1

- Delete the Development description and replace it with the following:

The Staged Development Application for the Aspect Industrial Estate comprised of:

- a Concept Proposal for the staged development of an industrial estate comprising of 9 buildings with a total GFA of up to 247,646 square metres (m<sup>2</sup>) 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, fit out, and operation of one warehouse and one industrial building with ancillary offices, car parks, landscaping, signage, construction and operation of services and utilities, and subdivision of the site into three lots.

2. In the definitions, delete the definitions for Modification Assessments and replace with:

Modification Assessments

The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act:

- Section 4.55(1) Application to Amend SSD-10448, Aspect Industrial Estate, prepared by Urbis, dated 19 July 2022.
- Section 4.55(1A) Application to Amend SSD-10448, Aspect Industrial Estate, prepared by Urbis, dated June 2022.
- Section 4.55(1A) Application to Amend SSD-10448, Aspect Industrial Estate, prepared by Urbis, dated 21 September 2022.

### In Schedule 2: Part A Conditions for Concept Proposal

3. In Condition A7, delete Table 1 and insert instead new Table 1 as follows:

**Table 1** *Maximum GFA of the Concept Proposal*

Land Use	Maximum GFA (m <sup>2</sup> )
Warehouse and distribution centres and general industrial	237,813
Ancillary offices	9,708
Café	125
<b>Total</b>	<b>247,646</b>

4. In Condition A9A, replace Table 1A with a new Table 1A as follows:

**Table 1A** *Maximum Building Height of the Concept Proposal*

Land Use	Height (m)
Warehouse 1	<ul style="list-style-type: none"> <li>• 16.0 m (excluding rooftop plant)</li> <li>• 18.4 m (including rooftop plant)</li> </ul>
Warehouse 9	<ul style="list-style-type: none"> <li>• 14.6 m</li> </ul>
All other warehouses	<ul style="list-style-type: none"> <li>• 13.7 m</li> </ul>

5. Delete Condition A16 and replace with a new Condition A16 as follows:

A16. The Applicant must:

- ensure the cumulative noise emission of fixed external mechanical plant for each warehouse building do not exceed 90 dB(A) and do not exhibit tonal characteristic or strong low frequency content; and
- ensure the noise generated by the operation of the Development does not exceed the noise limits in Table 2.

**Table 2** *Operational Noise Limits for Concept Proposal dB(A)*

Location	Day LAeq(15 min)	Evening LAeq(15 min)	Night LAeq(15 min)
Residential receivers near Medinah Avenue (Luddenham), Mount Vernon Road (Mount Vernon) and Kerrs Road (Mount Vernon)	39	34	29
BAPS Temple - Outdoor Use Area (Except Car Parking Area)	36 (When in use)		

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

6. Insert new heading “Noise Performance Management” and new Condition A16A immediately after Condition A16 as follows:

**Noise Performance Management**

A16A. Prior to the commencement of operation of any part of the Development, the Applicant must prepare and submit an Operational Noise Management Plan to the satisfaction of the Planning Secretary. The Operational Noise Management Plan must:

- (a) describe the noise performance monitoring method established in accordance with the following guidelines and standards (as may be updated or replaced from time to time) to analyse compliance with the limits specified in condition A16:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
  - (iii) Section 7 of the Noise Policy for Industry (EPA, 2017);
- (b) identify the allowable noise contribution level of each warehouse at compliance locations identified in Table 2;
- (c) identify the nominated intermediate monitoring locations, reference noise levels at each intermediate location, and noise level relationship between each intermediate location and compliance locations identified in Table 2;
- (d) include:
  - (i) an outline of at-source and transmission path mitigation measures required to ensure compliance with the limits specified in condition A16;
  - (ii) a description of operational procedures to minimise noise, including load dock management practices and driver code of conduct;
  - (iii) a description of contingency measures (including the cessation of non-compliant noise generating activities during the night-time period) in the event mitigation measures and operational procedures are ineffective at reducing operational noise to comply with limits specified in condition A16;
- (e) be updated within three months of the approval of any modification of the Development Layout or determination of future DAs.

**In Part D Stage 1 Development Specific Environmental Conditions**

7. Insert new Condition D6A immediately after Condition D6, as follows:

D6A. Prior to issue of an Occupation Certificate for Building 9, the Applicant must construct and operate Access Road 4 to the satisfaction of relevant road authority.

8. Delete Condition D12 and replace with a new Condition D12 as follows:

D12. Prior to the Applicant entering into a Works Authorisation Deed (WAD) required by condition D13, or otherwise agreed by the Planning Secretary, 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 or remove an existing gated driveway on that property outside of the footprint of the Mamre Road/Access Road 1 intersection signals to the satisfaction of Council and the Planning Secretary;
- (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.

9. Insert new Condition D38A immediately after Condition D38, as follows:

D38A. The Applicant must ensure street trees on all Access Roads are planted at a spacing of 10 m or less.

10. Delete Condition D52 and replace with a new Condition D52 as follows:

D52. The Applicant must:

- (a) establish intermediate noise monitoring locations in accordance with the Operational Noise Management Plan (refer to condition A16A) prior to commencement of operation of the Stage 1 Development;

- In Appendix 1 – Concept Proposal**

- Table 6** *Schedule of Approved Plans – Concept Proposal*

Drawing No	Title	Issue	Date
<b>Architectural Plan prepared by SBA Architects</b>			
MP3-02	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – SSDA-MOD 3 Estate Master Plan	F	07/02/2023
<b>Landscape Plan prepared by Site Image Landscape Architects</b>			
003	Aspect Industrial Estate Kemps Creek Landscape Masterplan MOD 3	G	20/12/2022
<b>Tree Canopy Plan prepared by Site Image Landscape Architects</b>			
MOD3_SK001	Kemps Creek Lots 54-58 DP259135 Mamre Road Kemps Creek NSW Tree Canopy Plan	I	13/12/2022

- [illegible]

13. Replace Figure 1A with a new Figure 1A as follows:



14. Replace Figure 4 with a new Figure 4 as follows:



### In Appendix 3 – Noise Monitoring Locations

15. Replace Appendix 3 – Noise Monitoring Locations with Appendix 3 – Noise Sensitive Receivers' Location.
16. Replace Figure 6 with a new Figure 6 as follows:



