

Development Consent

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

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

- a) to grant consent to the Staged Development Application referred to in Schedule 1, subject to the Concept Proposal conditions and Stage 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);
- c) Any subsequent development under the Concept Proposal may not be considered Exempt Development or Complying Development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

These conditions are required to:

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

Chris Ritchie
Director
Industry Assessments

Sydney

5 May 2023

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:	SSD-10479
Applicant:	Fife Kemps Creek Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	<p>106 – 228 Aldington Road, Kemps Creek Lot 200 DP 1285691 and the following lots for road works:</p> <p>Lots 8, 9, 10, 15, 16, 17 and 18 DP 253503, Lots 24, 25, 26, 27 and 28 DP 255560, Lots 33 and 37 DP 258949, Lot 134, 135 and 136 DP 258949, Lot 90 DP 1289463, Lots 141 and 142 DP 1033686, Lot 113 and 115 DP 1296469 and Lot 10 DP 1296455, Mamre Road / Abbotts Road intersection, Abbotts Road and Aldington Road</p>
Development:	<p>200 Aldington Road Industrial Estate including:</p> <ul style="list-style-type: none">• a Concept Proposal for staged development of an industrial estate comprising 16 buildings and associated offices with a maximum of 340,540 square metres (m²) of gross floor area for industrial, warehouse and distribution uses and interim and ultimate road works• a Stage 1 development comprising clearing and bulk earthworks across the estate, interim and ultimate road works intersection works and road upgrades, construction of internal roads, utilities and stormwater infrastructure, construction, fit-out and operation of one warehouse building and subdivision of the site into 13 lots

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10479-Mod-1	14 August 2024	Team Leader	Modification to: <ul style="list-style-type: none">• amend the concept development and subdivision layout• amend Stage 1 civil works including earthworks and stormwater infrastructure design and removal of temporary access road.
SSD-10479-Mod-3	27 February 2025	Director	Modification to: <ul style="list-style-type: none">• construct road works including Mamre Road and Abbots Road intersection works, widening of Abbots Road and widening of Aldington Road
SSD-10479-Mod-2	26 March 2025	Director	Modification to: <ul style="list-style-type: none">• the concept development and subdivision layout• Stage 1 civil works including earthworks, stormwater infrastructure design and temporary turning head location.

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DEFINITIONS

ADR	Amended Development Report titled <i>200 Aldington Road Industrial Estate (SSD 10479) Amended Development Report</i> prepared by Ethos Urban dated 10 August 2022
Additional Information	Additional information provided by the Applicant titled: <i>Response to request for additional information</i> , prepared by Ethos Urban and dated 24 October 2022; <i>Response to request for additional information</i> , prepared by Ethos Urban and dated 1 February 2023; <i>Response to request for additional information</i> , prepared by Ethos Urban and dated 3 February 2023; <i>Response to request for additional information</i> , prepared by Ethos Urban and dated 6 March 2023.
Applicant	Fife Kemps Creek Pty Ltd, or any person carrying out any development to which this consent applies
BAPS Temple	The place of public worship development located at 230-242 Aldington Road, Kemps Creek
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Concept Proposal	Concept layout of 13 buildings for warehousing, distribution and industrial uses, hardstands, ancillary offices, internal roads, carparking, landscaping and water management infrastructure, and interim and ultimate road works , as described in the EIS, RTS and ADR and shown in Appendix 1
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	Construction of buildings, hardstands, offices, roads, stormwater infrastructure and landscaping
Council	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
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the EIS, RTS, ADR and Additional Information, including the Concept Proposal for 13 buildings for warehousing, distribution and industrial uses and the Stage 1 development for earthworks, construction of roads, services and stormwater infrastructure and construction and operation of 1 warehouse building, as shown on the plans in Appendix 1 and as modified by the conditions of this consent The development described in Schedule 1, the EIS, RTS, ADR and Additional Information, including the Concept Proposal, Stage 1 development and interim and ultimate road works, as shown on the plans in Appendix 1 and as modified by the conditions of this consent
Development layout	The plans in Appendix 1 and Appendix 2 of this consent
DPE	Department of Planning and Environment
Earthworks	Bulk earthworks, clearing, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EHG	Environment and Heritage Group, DPE (formerly Biodiversity and Conservation Division and Environment, Energy and Science Group)
EIS	The Environmental Impact Statement titled <i>State Significant Development 10479, 200 Aldington Road Industrial Estate</i> , prepared by Ethos Urban dated 11 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
Environmental Representative Protocol	The document of the same title published by the Department.
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6 pm to 10 pm
Fibre-ready facility	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
GFA	Gross Floor Area
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
IWCM	Integrated Water Cycle Management
Interim Road Works	The upgrade of: <ul style="list-style-type: none"> • Mamre Road / Abbotts Road Intersection Works, including installation of interim traffic signals, as described in the 2000- series civil works package and shown on the plans in Appendix 6 • Abbotts Road Widening Works as described in the 3000- series civil works package and shown on the plans in Appendix 6 • Aldington Road Widening Works including intersection 3 and intersection 4, as described in the 3000-series civil works package Phase 1 and 2 and shown in Appendix 6
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The documents assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification application(s) made under the EP&A Act: <ul style="list-style-type: none"> a) '200 Aldington Road Industrial Estate (SSD-10479) Section 4.55(1A) Modification Application Modification Report', prepared by Ethos Urban, dated 8 September 2023 and Responses to Requests for Additional Information prepared by Ethos Urban dated 11 September 2023, 31 January 2024, 23 February 2024 and 24 May 2024 b) Section 4.55(1A) MOD 3 - Modification Report '200 Aldington Road Industrial Estate (SSD-10479) Section 4.55(1A) Modification Application Report' prepared by Ethos Urban dated 17 June 2024 and Response to Request for Additional Information (RTS) prepared by Ethos Urban dated 10 September 2024 and 6 December 2024

- c) **'200 Aldington Road Industrial Estate (SSD-10479) Section 4.55(2) Modification Application Report', prepared by Ethos Urban, dated 13 February 2024 and 'Amendment Report 200 Aldington Road Industrial Estate Modification 2' prepared by Ethos Urban, dated 2 September 2024.**

MRP	Mamre Road Precinct
MRP DCP	Mamre Road Precinct Development Control Plan 2021
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
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, RTS and ADR
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Regional Authority	Stormwater Sydney Water Corporation
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)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions (RTS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>State Significant Development 10479, 200 Aldington Road Industrial Estate</i> , prepared by Ethos Urban and dated 23 March 2021 (version 1), September 2021 (version 2) and May 2022 (version 3)
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Stage 1 development	Demolition, dam infilling, earthworks across the site, construction of infrastructure and utilities, roadworks, retaining walls, subdivision into 15 lots and construction, fit out and operation of warehouse 5, as described in the EIS, RTS and ADR and in Appendix 2
Stormwater Scheme	Regional stormwater infrastructure as shown on the MRP Stormwater Scheme Plan, December 2022 prepared by Sydney Water
TfNSW	Transport for New South Wales
Trunk Drainage	Stormwater assets, typically open natural trunk drainage channels, wetlands and storage ponds, as shown on Sydney Water's Mamre Road Precinct Stormwater Scheme Plan, December 2022

Ultimate Road Works	The further widening of Abbotts Road and Aldington Road as described in the 1000-series civil works package Phase 1 and 2 and shown in Appendix 7, but excluding the lots identified in Condition F2
VENM	Virgin Excavated Natural Material
WAD	Works Authorisation Deed, a contract between TfNSW and the Applicant to undertake roadworks on the State road network
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WSUD	Water Sensitive Urban Design
Year	A period of 12 consecutive months

FOR INFORMATION

SCHEDULE 2
PART A CONDITIONS FOR CONCEPT PROPOSAL

TERMS OF CONSENT

- A1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) **in accordance with the EIS, RTS, ADR, Additional Information and Modification Assessments;**
 - (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 any Stage of the development has physically commenced on the land to which the consent applies before that date.
- A6. The Applicant must ensure any future development on the site is consistent with the most recent version of the *Mamre Road Precinct Development Control Plan* (MRP DCP) that applies at the time of that application.
- A7. The maximum GFA for development on the site must not exceed the limits in Table 1.

Table 1 Maximum GFA of the Concept Proposal

Land Use	Maximum GFA (m ²)
Warehouses, distribution centres and general industrial	323,530
Ancillary offices	17,010
Total	340,540

- A8. The location of internal driveways servicing each development lot shown on Figure 1 in Appendix 1 (with the exception of the Stage 1 development) are not approved. The location and design of all internal driveways must be in accordance with the requirements of Condition B7.

STAGING PLAN

- A9. 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.

A10. The Applicant must:

- (a) not commence construction of any stage of the Development until the Staging Plan required by Condition A9 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Staging Plan approved by the Planning Secretary.

A11. 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.

MAMRE ROAD PRECINCT WORKING GROUP

A12. For the duration of construction works for each stage of development under the Concept Proposal, and until all components of the development 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 C37).

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 movements 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 Aldington Road.

FUTURE INFRASTRUCTURE REQUIREMENTS

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

- (a) be prepared in consultation with TfNSW
- (b) detail traffic volumes from all operating stages of the Concept Proposal;
- (c) include background traffic volumes from key roads within the MRP, including Mamre Road, Aldington Road and Abbots Road;
- (d) assess the operating performance of key intersections in the MRP, including Aldington Road and Abbots Road and Mamre Road and Abbots Road;
- (e) detail the current level of approved development within the MRP, including total approved GFA;
- (f) consider consistency with the latest approved Concept Proposal traffic volumes;
- (g) 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; and
- (h) 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 A9.

NOISE

A16. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in **Table 2**.

Table 2 Noise Limits (dB(A))

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)
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Residential receivers near Medinah Avenue (Luddenham), Mount Vernon Road (Mount Vernon) and Kerrs Road (Mount Vernon)	40	35	30
BAPS Temple - Outdoor Use Area (Except Car Parking Area) outdoor areas of worship or congregation (excluding car parking areas and internal roads)	33 43 (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 Figure 5 in Appendix 3 for the location of residential sensitive receivers.

A16A. The Applicant must implement reasonable and feasible measures (in accordance with Fact Sheet F of the Noise Policy for Industry (EPA 2017)) to minimise noise generated by operation of the development on Sunday afternoons and evenings (1pm – 8pm). These measures should aim, so far as is reasonably practicable, to achieve a noise level of 35 dBA L_{Aeq} (15 minute) at the BAPS temple site outdoor areas of worship or congregation (excluding car parking areas and internal roads) during this period.

A17. The Applicant must ensure that noise generated by any activity on the site does not exceed a sound power level of L_{Amax} ~~115~~ **118** dB(A) or result in annoying noise characteristics as determined in accordance with the Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018).

A18. 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 loading dock management practices and driver code of conduct;
 - (iii) a description of contingency measures ~~(including specific measures to manage 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) **include a Trigger Action Response Plan (TARP) for the noise limits and goal in Conditions A16 and A16A that includes:**
 - (i) **details of on-site noise monitoring instrumentation to function as a real-time monitoring feedback tool for the TARP;**
 - (ii) **the applicable on-site noise trigger levels at the real-time monitoring locations to ensure noise is minimised in accordance with condition A16A;**
 - (iii) **details of warning systems for when on-site noise trigger levels are exceeded and operational responses to be carried out by the Applicant or tenants to minimise and mitigate events exceeding the on-site noise trigger levels;**
 - (iv) **a system for recording all exceedances of the on-site noise trigger levels and the responses taken to minimise those exceedances; and**
- (f) be updated within three months of the approval of any modification of the Development Layout or determination of future DAs.

BUSHFIRE PROTECTION

A19. The Applicant must ensure the Development complies with:

- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
- (b) **the construction standards and asset protection zone requirements recommended in the *Bushfire Protection Assessment for the Modification 2 (as amended) to SSD 10479*, prepared by Australian Bushfire Protection Planners Pty Limited, dated 28 June 2024; and**
- (c) Australian Standard *AS2419.1-2005 Fire hydrant installations System design, installation, and commissioning*.

TRANSGRID EASEMENT

A20. The Applicant must:

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

EVIDENCE OF CONSULTATION

A21. 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

A22. 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).

A23. 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.

A24. 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 consents.

PART B CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS

DEVELOPMENT CONTRIBUTIONS

- B1. Prior to the issue of a Subdivision Certificate or Construction Certificate (as required by the contributions plan or agreed by Council) for any future stage of the Development, the Applicant must pay contributions to Council as required in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022, or any other contributions plan as in force when the subsequent consent is issued.

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

- B2. *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.

TRAFFIC, ACCESS AND PARKING

Traffic Impact Assessment

- B3. 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 TfNSW guidelines;
 - (b) include traffic monitoring data collected under Condition A13 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 the MRP DCP;
 - (d) demonstrate the Mamre Road and Abbots Road intersection and intersections along Aldington Road and Abbots Road can accommodate operational traffic associated with the relevant stage and traffic associated with other approved developments in the MRP;
 - (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.

Parking

- B4. Car parking in future DAs must be provided in accordance with the MRP DCP.
- B5. Future DAs shall incorporate a minimum of 5% of parking bays for each warehouse are provided for electric vehicle charging, with a further 5% constructed as readily adaptable.

Bicycle Parking and End-of-Trip Facilities

- B6. Bicycle parking and end-of-trip facilities must be provided with suitable pedestrian connections linking these facilities with the offices and warehouse buildings in accordance with relevant guidelines and standards.

Access

- B7. Future DAs must:
- (a) demonstrate the layout, spacing and position of all access points to the estate road network would:
 - (i) minimise road safety risks, including consideration of minimising potential conflicts with other driveways within the Concept Proposal;
 - (ii) include adequate sight distances for all turning movements;
 - (iii) accommodate the turning path of the largest vehicles accessing the site to minimise the risk of conflict with other vehicles on the estate road network; and
 - (iv) minimise congestion and queueing on the estate road network.
 - (b) detail measures to minimise road safety risks and congestion such as:
 - (i) consolidation of access points to reduce the number of driveways in close proximity to each other;
 - (ii) line marking, warning signage and parking restrictions;
 - (iii) restricted turning movements, such as left-in left-out restrictions; and
 - (iv) installation of traffic controls.

- B8. 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) all vehicles must be wholly contained on site and enter and exit the site in a forward direction.

Street Trees

- B9. Any road construction proposed under future development on the site must incorporate passively irrigated street trees in the road design to the satisfaction of the relevant road authority. The design must:
- (a) prepared in consultation with Council and the Regional Stormwater Authority; and
 - (b) demonstrate compliance with the Sydney Water *Stormwater Scheme Infrastructure Design Guideline* (version as applies at the time of that development application) and MRP DCP.

B9A. All street tree species planted must be consistent with Council's Street Tree Masterplan (as applies at the time), unless otherwise agreed with Council.

STORMWATER MANAGEMENT

- B10. Future development on the site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP and the waterway health objectives and targets in the *Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (Technical Guidance) (NSW Government, 2022).
- B11. The Applicant must ensure sufficient land is reserved on site for stormwater management purposes (such as irrigation areas, evaporation ponds and/or undeveloped land), unless the Applicant provides evidence to the satisfaction of the Planning Secretary that an agreement is in place to demonstrate that the development is integrated into the MRP Stormwater Scheme.
- B12. Future DAs must include an update to the Stormwater Management Plan required under Condition D31. The strategy must:
- (a) be prepared in consultation with the Environment & Heritage Group, Sydney Water and Council;
 - (b) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems;
 - (c) consider the approved or as modified stormwater management system (including trunk drainage infrastructure) for preceding stages of the development, including compliance of this system with the IWCM controls of the MRP DCP (refer to Condition D27);
 - (d) demonstrate the relevant stage can comply with the IWCM controls of the MRP DCP and the Technical Guidance, including updated MUSIC modelling that includes the relevant stage and other approved and constructed stages of the Concept Plan
 - (e) include an assessment of any impacts on salinity and sodic soils from the future development including any proposed WSUD infrastructure;
 - (f) detail any infrastructure required to connect the relevant stage to the MRP Regional Stormwater Scheme and how interim infrastructure (including rainwater tanks) will be decommissioned following connection to the Regional Stormwater Scheme.

TRUNK DRAINAGE

- B13. Future development on the site must incorporate trunk drainage infrastructure as shown on the Mamre Road Stormwater Scheme Plan and be designed in accordance with Sydney Water's *Stormwater Infrastructure Technical Guidelines (draft) 2022*, or its latest version, unless otherwise agreed with the Regional Stormwater Authority.
- B14. Drainage designs for future development must, unless otherwise agreed with the Regional Stormwater Authority:
- (a) divert all treatable flows from new development to the respective wetlands without any developed areas bypassing wetland treatment;
 - (b) not result in the design catchment area to any discharge point to a wetland basin or leaving the site being changed by +/-10%;
 - (c) not exclude or preclude future external sites from contributing the required catchments to their designated wetlands;

- (d) ensure that development drains under gravity (positive drainage) to the Extended Detention Depth (EDD) levels of their respective wetland basins as provided in **Table 3**, allowing for GPTs at the downstream end of the diversion route;
- (e) ensure that diversion rates of treatable flow to each respective wetland is being achieved as described in **Table 3**; and
- (f) include developed-state catchment plans and detailed drainage calculations in accordance with Condition D29(f).

Table 3 EDD levels for identified wetlands

Catchment area	Wetland	EDD level (mAHD)	Treatable Flow Rate (m3/s)
21.14	28	63.48	1.5
9.56	29	64.21	0.58
20.98	30	64.61	4.72

NOISE AND VIBRATION

B15. 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) demonstrate compliance with the requirements of Condition A17;
- (d) 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;
- (e) 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;
- (f) analyse the need for noise barriers to meet relevant noise limits at residential receivers within the MRP, if they are occupied residences at the time of the application; and
- (g) recommend mitigation and management measures (excluding measures at receivers) to be implemented to minimise noise during construction and operation.

VISUAL AMENITY

Landscaping

- B16. Landscaping design for future developments must comply with the relevant requirements under the MRP DCP and ensure that compliance with the canopy cover and permeability requirements of the MRP DCP are maintained across the entire Concept Proposal site.
- B17. Future development must be accompanied by a Landscape Plan consistent with the key principles and plant species described in the Landscape Plans titled 200 Aldington Road Industrial Estate, Proposed Landscape Work, prepared by Site Design + Studios, dated June 2022.
- B18. Future development must include an assessment of the condition of landscaping completed as part of earlier stages of the development and detail any additional landscaping or rehabilitation works required to ensure the canopy cover requirements of the MRP DCP are met.

Outdoor Lighting

- B19. 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

- B20. Future development must include a signage strategy detailing any external advertising or business identification signage and demonstrate compliance with the MRP DCP and Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (or any substituted SEPP).

Glazing

- B21. The visible light reflectivity from building materials used in façades along Aldington Road and the internal road frontages must meet the minimum requirements of the MRP DCP.

Building Materials

- B22. The Applicant must ensure the finished facades and roofs of the warehouses and office buildings use neutral, recessive colours, non-reflective materials and are designed to present an attractive façade to residential areas and to minimise glare.

AIR QUALITY

- B23. Future DAs must be accompanied by an Air Quality and Odour Impact Assessment. The assessment must:
- (a) be prepared in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA 2016) and *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006);
 - (b) identify the air quality and odour impacts during construction and operation, including potential impacts on sensitive receivers;
 - (c) assess any potential cumulative impacts from concurrent construction and operational activities on the site; and
 - (d) recommend mitigation, management and monitoring measures to be implemented to minimise air quality and odour impacts during construction and operation.

HAZARDS AND RISK

- B24. Future DAs must be accompanied by a Preliminary Risk Screening. The risk screening must:
- (a) be prepared in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 and Hazardous and Offensive Development Application Guidelines – Applying SEPP 33, Department of Planning, 2011;
 - (b) clearly indicate the class, quantity and location of all dangerous goods and hazardous materials associated with the development.
- B25. If the Preliminary Risk Screening required by Condition B24 indicates that the development is 'potentially hazardous', a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (Department of Planning, 2011) and Multi-Level Risk Assessment (Department of Planning, 2011).

BUSHFIRE PROTECTION

- B26. 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 Protection Assessment for the Modification 2 (as amended) to SSD 10479*, prepared by Australian Bushfire Protection Planners Pty Limited, dated 28 June 2024; and**
 - (c) Australian Standard AS2419.1-2005 *Fire hydrant installations System design, installation, and commissioning*.

ENDEAVOUR ENERGY

- B27. 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

- B28. Future developments must include a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* (NSW).

EXTERNAL WALLS AND CLADDING

- B29. The external walls of all future buildings must comply with the relevant requirements of the BCA.
- B30. 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.

CONSTRUCTION MANAGEMENT

- B31. Future DAs must be accompanied by a Construction Environmental Management Plan (CEMP). The CEMP must:

- (a) be prepared by a suitably qualified and experienced environmental consultant, or the Environmental Representative appointed for the Stage 1 development;
- (b) be prepared in consultation with relevant Government agencies, infrastructure and utility providers, including but not limited to, TransGrid, Endeavour Energy, Sydney Water and TfNSW, where relevant;
- (c) detail the construction activities to be carried out in the relevant stage;
- (d) include detailed procedures for managing the environmental impacts of construction, including stormwater, erosion and sediment controls, dust, noise and traffic management; and
- (e) detail the roles and responsibilities for environmental management on the site.

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 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, ADR, Additional Information and Modification Assessments.**
 - (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 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 in Table 4.

Table 4 Maximum GFA for the Stage 1 Development

Land Use – Warehouse 5	Maximum GFA (m ²)
Warehouses and distribution centres	47,800
Ancillary offices	2,500
Total	50,300

NOTIFICATION OF COMMENCEMENT

- C7. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction; and
 - (b) operation.

EVIDENCE OF CONSULTATION

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

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

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

PROTECTION OF PUBLIC INFRASTRUCTURE

- C12. Before the commencement of construction of the development, 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 Council
- C13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the Stage 1 development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Stage 1 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 NCC.

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

CIVIL PLANS

- C16. Engineering plans are to be prepared in accordance with the development consent and Penrith City Council's *Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works* and Austroads Guidelines.

SUBDIVISION

- C17. Prior to the issuing of a Subdivision Certificates for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage, street trees, and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.
- C18. Prior to the issuing of a Subdivision Certificates 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.
- C19. Prior to the issuing of a Subdivision Certificates for any stage of the development:

- (a) 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; and
- (b) a certificate from the Regional Stormwater Authority must be submitted to the Certifier certifying that satisfactory stormwater servicing arrangements for the site have been established.

C20. Prior to issue of a Subdivision Certificate that proposes the dedication of any internal estate road as a public road:

- (a) a final inspection of the estate road is to be undertaken by the relevant Roads Authority. All compliance documentation for road and drainage construction of the estate road must be submitted to the relevant Roads Authority in accordance with the relevant Roads Authorities specifications and requirements.
- (b) a Maintenance Bond is to be lodged with Penrith City Council for all road and drainage works that are to be dedicated to the relevant Roads Authority. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.
- (c) where installation of any regulatory/advisory signage and line marking are proposed, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee
- (d) an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site. The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Note: Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process and applicable fees.

C20A. Land to be dedicated to Council for the purposes of a collector road, in accordance with the works schedule of the Mamre Road Precinct Development Contributions Plan 2022, is to be dedicated to Council free of charge.

COMPLIANCE

C21. 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

C22. Prior to the issue of a Subdivision Certificate or Construction Certificate (as required by the contributions plan or otherwise agreed by Council) for the Stage 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.

C23. 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 SIContributions@planning.nsw.gov.au.

OPERATION OF PLANT AND EQUIPMENT

C24. 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; and
- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- C25. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- C26. Prior to the issuing of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- C27. 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

- C28. Before the construction of any utility works associated with the Stage 1 development, the Applicant must obtain relevant approvals from service providers.
- C29. 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*.
- C30. Before the issuing of a Subdivision Works or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- C31. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

TRANSGRID EASEMENT

- C32. The Applicant must:
- (a) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission towers, lines and easements on the site, 24 hours a day, 7 days a week;
 - (b) comply with the requirements of TransGrid for any works in the TransGrid easement on the site including complying with TransGrid Easement Guidelines, TransGrid Fencing Guidelines and NSW Workcover's *Code of Practice – Work Near Overhead Powerlines, 2006*; and
 - (c) advise TransGrid of any proposed amendments or modified encroachment into the easement.

WORK AS EXECUTED PLANS

- C33. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the street trees, stormwater drainage (including operation and maintenance management plans) and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

ENVIRONMENTAL REPRESENTATIVE

- C34. 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 C37) 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.
- C35. 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 C34, as well as:
- (a) the complaints register (to be updated within 24 hours of receipt of any complaint); 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).
- C36. 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

- C37. 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, or join and participate in an existing 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.
- C38. 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 C37. 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

- C39. 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.
- C40. 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 development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition E2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction for both on-site and external road upgrade and construction works to:
 - (i) ensure access to the site and road safety and network efficiency is maintained,
 - (ii) manage cumulative construction traffic from other concurrent construction works within the Mamre Road Precinct, and
 - (iii) address necessary interim traffic safety controls and management measures, including consideration of any traffic control measures required to manage traffic entering Mamre Road in the period before Mamre Road/Abbotts Road intersection construction is complete;
 - (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, including entering and exiting Mamre Road via Abbotts Road and not Bakers Lane;
 - (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 Construction Traffic Management Plan required by condition D1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Operational Traffic Monitoring Program

- D3. At the commencement of operation of the Stage 1 Building and for a minimum 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/Abbotts Road intersection and background travel counts on Mamre Road and Aldington 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 Aldington Road; and
 - (e) include procedures for the reporting and monitoring of results to evaluate the traffic performance of the Stage 1 Development.

External Road Upgrades

- ~~D4. Prior to the commencement of operation of the development, the Applicant must complete the construction of the upgrades to Abbotts Road and Aldington Road to the satisfaction of Council. Approval must be obtained for the works under section 138 of the Roads Act 1993.~~
- ~~D5. Prior to the commencement of construction works for the Mamre Road/Abbotts Road intersection works and signalised intersections on Aldington Road, the Applicant must enter into a Works Authorisation Deed with TfNSW. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.~~

~~D6. Prior to the commencement of construction of signalised intersection road works, the proposed Traffic Control Signal/s at the intersection of Mamre Road/Abbotts Road, Aldington Road/Abbotts Road, and along Aldington Road must be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.~~

~~The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of signalised intersection road works. Please send all documentation to development.sydney@transport.nsw.gov.au.~~

~~D7. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works referred to in Condition D6. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.~~

~~D8. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the work referred to in Condition D6 and as required by the various public utility authorities and/or their agents. Should any public utility adjustment/relocation works be required adjacent to a classified road, plans are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.~~

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

~~D9. Any realignment of site boundaries to facilitate the works referred to in Condition D6, inclusive but not limited to drainage, footpaths and batters resulting from the proposed road and construction works, must be dedicated as public road at no cost to the relevant roads authority unless specified otherwise in a planning agreement.~~

~~D10. 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 activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jcf>.~~

~~D11. Prior to the commencement of operation of the Stage 1 building, the upgrade works to the Mamre Road and Abbotts Road intersection, and upgrades to Abbotts Road and Aldington Road (including signalised intersections), must be completed to the satisfaction of the relevant roads authority for each component of the works.~~

Internal Access Roads

D12. Prior to the commencement of operation of the Stage 1 building, the Applicant must construct and operate all the Stage 1 road works shown in Figure 3 in Appendix 2 to the satisfaction of relevant road authority.

~~D13. Prior to the commencement of operation of the Stage 1 building, the temporary access road to Aldington Road shown in Figure 3 in Appendix 2 must be de-commissioned and evidence provided to satisfaction of the Planning Secretary.~~

Street Trees

D14. Prior to the commencement of any stage of road construction, detailed design plans showing the provision of passively irrigated street trees within the relevant stage of works must be submitted to the satisfaction of the relevant road authority. The plans must be:

- (a) prepared in consultation with Council and the Regional Stormwater Authority; and
- (b) demonstrate compliance with the Sydney Water *Stormwater Scheme Infrastructure Design Guideline* (draft) and MRP DCP.

D14A. All street tree species planted must be consistent with Council's Street Tree Masterplan (as applies at the time), unless otherwise agreed with Council

Parking

D15. The Applicant must provide sufficient parking facilities on-site in accordance with the MP DCP, 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.

D16. Prior to the issue of the occupation certificate for the Stage 1 building, the development must include bicycle parking and end of trip facilities in accordance with Australian Standard AS1742.9:2018 *Manual of Uniform Traffic Control Devices - Bicycle Facilities*, and *Cycling Aspects of Austroads Guides*. Any bicycle parking and storage facilities must be secure, convenient, well lit, physically and visually accessible and within close proximity to the main in accordance with Austroads guidelines.

D17. A minimum of 5% of parking bays for the Stage 1 building must provide for electric vehicle charging, with a further 5% constructed as readily adaptable.

Operating Conditions

D18. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004), AS 2890.2:2018 *Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles 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
- (i) all vehicles accessing and departing the site from/to Mamre Road must travel via Abbotts Road and not Bakers Lane, until the completion of the ultimate upgrade of Aldington Road and delivery of the Southern Link Road or otherwise agreed in writing by the Secretary, Council and TfNSW;
- (j) Use of 30m PBS Level on local roads will require approval from the National Heavy Vehicle Regulator (NHVR) and Council's Asset Section.

Workplace Travel Plan

- D19. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Workplace Travel Plan and submit a copy the Planning Secretary. The Workplace Travel Plan must:
- (a) be prepared in consultation with TfNSW;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- D20. 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

- D21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) where possible, source fill material from within the MRP;
 - (c) keep accurate records of the volume and type of fill to be used; and
 - (d) make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

- D22. Prior to the commencement of earthworks for the development, 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 *Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (NSW Government, 2022);
 - (c) include:
 - (i) each major phase of earthworks and construction including catchment plans and calculations and sizing for all major drainage and sediment controls for each phase;
 - (ii) the type of sediment basin, details of all functional components and calculations demonstrating compliance with the DCP;
 - (d) demonstrate the timing and sequencing of earthworks will be managed to ensure the construction phase stormwater quality targets can be met;
 - (e) detail the timing, methods and performance requirements for stabilisation of disturbed areas;

- (f) detail measures to manage external catchment flows and dispersive soils;
- (g) details of how the proposed erosion controls outlined in the plan will be monitored to ensure management remains effective;
- (h) detail measures to protect passively irrigated street trees during construction works, if these are installed before construction is completed; and
- (i) be included in the CEMP required by Condition E2.

D23. The Applicant must:

- (a) not commence earthworks until the Erosion and Sediment Control Plan required by condition D22 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Erosion and Sediment Control Plan approved by the Planning Secretary for the duration of earthworks and construction.

D24. The Environmental Representative, appointed in accordance with condition C34, shall make a written statement to the Planning Secretary confirming the erosion and sediment controls are operational, prior to the commencement of bulk earthworks and other construction activities required for Stage 1. The Environmental Representative must also verify that disturbed areas have been adequately stabilised at the completion of earthworks.

D25. 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

D26. The Stage 1 development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System Design

D27. Within two months of the date of this consent, the Applicant must design the stormwater management system for Stage 1 to the satisfaction of the Planning Secretary. The stormwater management system design must:

- (a) be prepared in consultation with the Environment & Heritage Group, Sydney Water and Council;
- (b) be prepared and certified 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;
- (c) be consistent with the plan shown on **Figure 4 in Appendix 2**;
- (d) include all private, council and trunk drainage infrastructure within the Stage 1 site boundary including connections to adjacent landholdings or stages of work;
- (e) detail how:
 - (i) the requirements and objectives of the IWCM controls of the DCP will be achieved;
 - (ii) the waterway health objectives and targets set out in the Technical Guidance will be achieved;
 - (iii) levels are resolved to demonstrate the system functions across the whole development area, including ability to tie into critical levels and locations in Lot D, as specified in Condition B14;
 - (iv) the Stage 1 development will ultimately connect to the MRP Stormwater Scheme, and how interim measures to meet the waterway health objectives and targets will be decommissioned when the development is connected to the regional scheme (including rainwater tanks on servicing Lot F);
 - (v) on-site stormwater detention design is free-draining and directs flows to trunk drainage, in accordance with **Table 3**;
 - (vi) all stormwater management devices will contain an impermeable liner and all naturalised trunk drainage (or other open drainage) is either lined with an impermeable liner, or ameliorated (i.e., gypsum), and compacted to a suitable depth and topsoiled (AS44119) to limit infiltration to soils;
- (f) be designed to ensure the proposed WSUD infrastructure would not be impacted by salinity and sodic soils;
- (g) demonstrate maintenance access driveways to water storage or bio-retention basins are designed in accordance with Council's specifications
- (h) demonstrate that sufficient land is reserved on site for stormwater management purposes (such as irrigation areas and undeveloped areas), to ensure the development meets the controls in the DCP and the waterway health targets in the Technical Guidance, unless an alternative stormwater management strategy has been approved by the Planning Secretary;
- (i) include landscape drawings that include planting and hardscape details of the WSUD systems; and
- (j) include certification (and appropriate designed checklists) of the civil and landscape drawings by suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems that the design drawings comply with the Technical Guide requirements and the stormwater targets are achieved; and

- (k) 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).

D28. The Applicant must:

- (a) not commence earthworks until the design required by Condition D27 is approved by the Planning Secretary;
- (b) ensure construction of the stormwater management system is supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems; and
- (c) implement the stormwater management system approved by the Planning Secretary prior to the commencement of operation of the first warehouse building.

Trunk Drainage Design

D29. Within two months of the date of this consent, the Applicant must design the trunk drainage infrastructure on the site, to the satisfaction of the Planning Secretary. The trunk drainage infrastructure must:

- (a) be designed in consultation with the Regional Stormwater Authority;
- (b) be integrated into the Stormwater Management System Design required under Condition D27;
- (c) be consistent with the plan shown at **Figure 4** in **Appendix 1** and Sydney Water's *Stormwater Scheme Infrastructure Design Guidelines (draft) 2022*, or its latest version, unless otherwise agreed with the Regional Stormwater Authority;
- (d) be designed in accordance with the requirements of Condition B14;
- (e) be designed so that the naturalised trunk drainage channel is used to carry all overland flows greater than the 5% AEP piped drainage capacity where the catchment area upstream of the commencement of the trunk drainage exceeds 15 ha or where overland flows are unsafe to pedestrians and vehicles, whichever occurs first;
- (f) be modelled with demonstration of flow modelling using either XP-Rafts (Laurenson's Method) or DRAINS (ILSAX or Laurenson's Methods) with full catchment diagrams – discretised to accurately show development catchments and external catchments. Input data sets shall be fully described and can be provided in spreadsheet form;
- (g) include adequate access for management and maintenance by the Regional Stormwater Authority, in accordance with the *Stormwater Scheme Infrastructure Design Guideline (draft) 2022*, including provision of an easement as required under Condition D33;
- (h) include appropriate connections from the trunk drainage channel on site to the existing downstream flow paths, until such time as the trunk drainage infrastructure downstream of the site is constructed;
- (i) ensure any upstream piped infrastructure that connects into the trunk drainage channel on the site is designed to accommodate the trunk drainage channel design requirements; and
- (j) include landscape drawings with planting details.

D30. The Applicant must:

- (a) not commence earthworks until the design required by Condition D29 is approved by the Planning Secretary;
- (b) ensure construction of the trunk drainage infrastructure is supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems; and
- (c) implement the trunk drainage infrastructure approved by the Planning Secretary prior to the commencement of operation of the first warehouse building.

Stormwater Management Plan

D31. Within four months of the date of this consent, 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) comply with the requirements of the Technical Guidance;
- (c) be prepared in consultation with the Environment & Heritage Group, Sydney Water, Council and the Department;
- (d) describe the baseline soil, surface water and groundwater conditions at the site;
- (e) define how the development will comply with the stormwater targets, including connection to the regional scheme;
- (f) include MUSIC modelling for each stage of the development in accordance with the Technical Guidance;
- (g) provide catchments plans, tables and all stormwater management details as per the Technical Guidance;

- (h) ensure;
 - (i) proprietary devices are located on private land and only include sediment and nutrient removal if certified under SQIDEP;
 - (ii) external catchments are drained to trunk drainage;
 - (iii) ensure all catchment areas are accounted for in the MUSIC modelling and post processing tool and there are no inconsistencies;
 - (iv) the strategy and stormwater elements are consistent with the design drawings required by Condition D27 (including the detailed drawings in appendices to the report);
- (i) include a protocol for investigation of any non-compliances of the stormwater management system with the IWCM controls in the MRP DCP the waterway health objectives and targets in the Technical Guidance;
- (j) detail the contingency measures that would be implemented should issues arise;
- (k) include a Maintenance Plan for the WSUD measures; and
- (l) detail triggers for a review of the plan, including, but not limited to a review of the plan within 6 months of the Stormwater Scheme being available for the site to connect to.

D32. The Applicant must:

- (a) not commence operation of the Stage 1 development until the Stormwater Management Plan required by Condition D31 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Stormwater Management Plan approved by the Planning Secretary for the duration of the development.

Easements and Maintenance

D33. Prior to the issue of a Compliance Certificate under Section 73 of the *Sydney Water Act, 1994*, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Regional Stormwater Authority (Sydney Water) as the prescribed authority, which can only be revoked, varied or modified with the consent of the Regional Stormwater Authority and which provides for appropriate access to all trunk drainage land for maintenance at no cost to the Regional Stormwater Authority must be registered on the title of the land.

D34. 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 to Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Note: This does not include any passively irrigated street trees that may be transferred to the relevant roads authority. This also does not include trunk drainage infrastructure for which maintenance and operation may be transferred to the Regional Stormwater Authority.

D35. All stormwater infrastructure, including bio-retention basins, shall remain under the ownership, control and care of the registered proprietor of the lots until which time they are decommissioned to connect to the Regional Scheme. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.

Note: This does not include any passively irrigated street trees that may be transferred to the relevant roads authority. This also does not include trunk drainage infrastructure for which maintenance and operation may be transferred to the Regional Stormwater Authority.

D36. Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the permanent stormwater management systems (including on-site detention and water sensitive urban design), shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments – Appendix F.

Dam Decommissioning Strategy

D37. Prior to commencement of construction of the Stage 1 Development, the Applicant must prepare a Dam Decommissioning Strategy to the satisfaction of the Planning Secretary. The Dam Decommissioning Strategy must form part of the CEMP required by condition E2. The Applicant must implement the most recent version of the Dam Decommissioning Strategy for the duration of construction.

Salinity Management

D38. 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

- D39. The Applicant must implement the landscaping along the southern site boundary as shown on the Landscape Plan in Appendix 2, within six months of commencing bulk earthworks to the south of estate road 01 in the southern earthworks area as shown on the earthworks staging plan in **Figure 2** in **Appendix 1**.
- D40. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:
- (a) detail the species to be planted on-site that:
 - (i) are consistent with the plant list in Appendix C of the MRP DCP; and
 - (ii) are suitable in relation to wildlife management in proximity to the future Western Sydney Airport;
 - (b) demonstrate that the minimum tree canopy targets are achieved in accordance with the MRP DCP; and
 - (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works, including the southern boundary landscaping.
- D41. 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 D40 for the life of the development.
- D42. Prior to the issue of an Occupation Certificate for the Stage 1 development, the Applicant must provide the Certifier with written evidence in the form of plans and a report prepared by the project landscape architect confirming that trees identified in the approved document package as contributing to the site's canopy target have been installed and that the trees are capable of reaching maturity in their locations. Where the canopy cover target (in accordance with the MRP DCP) is identified as not being achievable through those trees planted, the report is to detail what measures have been undertaken to address the tree canopy shortfall and a rectification plan is to be provided.

Lighting

- D43. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- D44. Prior to the commencement of construction of the Stage 1 warehouse building, the Applicant must submit a Signage Strategy to the satisfaction of the Planning Secretary. The Signage Strategy must demonstrate that proposed signage is consistent with Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* and the MRP DCP, including limiting illumination of signage or measures to control lighting impacts from illuminated signs.
- D45. All signage must be erected in accordance with the approved Signage Strategy required by Condition B44.

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

- D46. The Applicant must install palisade fencing in power-coated, charcoal colour along the southern site boundary as shown on the plan in Appendix 2, at no cost to the adjoining landowner.

RETAINING WALLS

- D47. All structures (foot, batter, tie backs/in and drainage) associated with retaining walls must be within private property and not within the public road reserve and not within any zone of influence.

NOISE

Hours of Work

- D48. The Applicant must comply with the hours detailed in **Table 5**, unless otherwise agreed in writing by the Planning Secretary.

Table 5 Hours of Work

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

- D49. Works outside of the hours identified in condition D48 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

- D50. The Stage 1 development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the CNVMP required by condition D51.

Construction Noise and Vibration Management Plan

- D51. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the Stage 1 development to the satisfaction of the Planning Secretary. The CNVMP 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) 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);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works; and
 - (e) describe the community consultation undertaken to develop the strategies in condition D51(d).
 - (f) include a complaints management system that would be implemented for the duration of the development.
- D52. The Applicant must:
- (a) not commence construction of the Stage 1 development until the CNVMP required by condition D51 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

- D53. The Applicant must:
- (a) establish intermediate noise monitoring locations in accordance with the Operational Noise Management Plan (refer to condition A18) prior to commencement of operation of the Stage 1 Development;
 - (b) ensure the cumulative noise emission of fixed external mechanical plant for the Stage 1 warehouse building do not exceed ~~80~~ 90 dB(A) and do not exhibit tonal characteristics or strong low frequency content; and
 - (c) ensure the noise generated by operation of the Stage 1 Development does not exceed the noise limits in condition A16.

Noise Verification

- D54. Within three months of the commencement of earthworks for the development, the Applicant must prepare and submit a Design Noise Verification Report for the Stage 1 development to the satisfaction of the Planning Secretary. The Applicant must not commence construction of any warehouse buildings until the Design Noise Verification Report is approved by the Planning Secretary. The Design Noise Verification Report must:
- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant whose appointment has been endorsed by the Planning Secretary;
 - (b) identify and justify the design noise emission scenario, including the adopted engineering safety factor, schedule of all noise generating sources on the site (including but not limited to, all vehicle types, mechanical plant and waste areas), stationary equipment specification and verifiable data of dynamic noise emission activities;

- (c) demonstrate the noise propagation modelling is capable of accurately predicting noise levels under noise enhancing meteorological conditions to surrounding receivers in Mount Vernon and Luddenham;
 - (d) provide updated noise modelling to verify the predicted performance of the development and the predicted noise levels identified in the report titled *200 Aldington Road Industrial Estate, Noise and Vibration Impact Assessment*, prepared by White Noise Acoustics, dated 26 August 2022;
 - (e) have regard to the Operational Noise Management Plan prepared in accordance with condition A18;
 - (f) include:
 - (i) an analysis of compliance with noise limits specified in conditions A16, A17 and D53(b);
 - (ii) an outline of at-source and transmission path mitigation measures required to ensure compliance with the limits specified in conditions A16, A17 and D53(b);
 - (iii) a description of contingency measures (including specific measures to manage noise generating activities during the night time period) in the event management actions are not effective at reducing noise levels to comply with limits specified in conditions A16, A17 and D53(b).
- D55. Should the Design Noise Verification Report identify that the noise limits in Conditions A16 cannot be achieved through the mitigation measures and contingency measures required to be considered under Condition D54, the Applicant must:
- (a) offer to enter into noise agreement(s) with eligible receivers outside of the Mamre Road Precinct where noise limits are predicted to be exceeded
 - (b) provide written evidence to the Planning Secretary that an agreement is in place with these receivers.
- D56. If a Noise Agreement is in place with specific receiver(s) to exceed the noise limits in Condition A16, the noise limits in Table 2 do not apply to that receiver(s).
- D57. Within three months of the commencement of operation of the development, the Applicant must prepare and submit an Operational Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Operational Noise Verification Report must:
- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant whose appointment has been endorsed by the Planning Secretary;
 - (b) demonstrate that noise verification has been carried out in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
 - (iii) the Operational Noise Management Plan established under condition A18 and D54(e);
 - (c) include:
 - (i) an analysis of compliance with noise limits specified in conditions A16, A17 and D53(b);
 - (ii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
 - (iii) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in conditions A16, A17 and D53(b) at all times.

Road Traffic Noise

- D58. Prior to the commencement of construction of the Stage 1 development, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

VIBRATION

Vibration Criteria

- D59. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (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).
- D60. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D59.
- D61. The limits in conditions D59 and D60 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition E2 of this consent.

AIR QUALITY

Dust Minimisation

D62. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D63. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the Stage 1 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

D64. Prior to the commencement of construction of the Stage 1 development, 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) be prepared in consultation with owners of nearby residential properties (including those still occupied for residential use in the MRP), include evidence of this consultation, details of any issues raised and how the plan has responded to any issues raised during consultation;
- (c) detail and rank all emissions from all sources during construction of the development, including particulate emissions;
- (d) describe a program that is capable of evaluating the performance of the construction and determining compliance with key criteria, including installation of dust deposition gauges at neighbouring existing residences (where agreed with the landowner) or on the site boundary;
- (e) identify the control measures that will be implemented for each emission source; and
- (f) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
- (g) outline procedures that will be implemented in relation to:
 - (i) record keeping;
 - (ii) reporting to the Environmental Representative;
 - (iii) complaints register;
 - (iv) response procedures; and
 - (v) compliance monitoring.
- (h) detail contingency measures to be implemented to reduce any exceedances of relevant performance indicators or criteria and include a timetable for implementation.

D65. The Applicant must:

- (a) not commence construction until the CAQMP required by condition D64 is approved by the Planning Secretary;
- (b) implement the most recent version of the CAQMP approved by the Planning Secretary for the duration of construction; and
- (c) offer to enter into an agreement with a neighbouring landowner, that may involve at-property treatment, if a complaint is received from that landowner and a non-compliance is confirmed by dust monitoring. Evidence of any agreement must be provided to the Planning Secretary.

Odour Management

D66. 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

Aboriginal Cultural Heritage Management Plan (ACHMP)

D67. Before the commencement of any earthworks or construction works for the development, the Applicant must prepare an ACHMP to protect and manage potential archaeological deposits in the north eastern part of the site (Area 3). The plan must form part of the CEMP required by condition E2 and must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
- (b) be submitted to the satisfaction of the Planning Secretary prior to earthworks or construction of any part of the development;
- (c) describe the measures to protect Area 3 in the north eastern part of the site from development impacts and in perpetuity;
- (d) detail an archaeological salvage methodology developed in consultation with the RAPs and in accordance with the *Aboriginal Cultural Heritage Assessment Report* prepared by Biosis dated 20 September May 2021, for any parts of Area 3 where impacts cannot be avoided; and
- (e) detail long term care arrangements developed in consultation with the RAPs for any salvaged artefacts.

D68. The Applicant must:

- (a) not commence earthworks or construction until the ACHMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the development.

Archaeological Salvage

D69. Prior to the commencement of any earthworks or construction works that may impact on the high density intact archaeological deposits in Area 3, as detailed in the *Aboriginal Cultural Heritage Assessment Report* prepared by Biosis dated 20 September 2021, the Applicant must undertake archaeological salvage in accordance with the ACHMP required by Condition D67.

Site Induction

D70. Prior to the commencement of earthworks, the Applicant must prepare and implement Aboriginal cultural heritage induction training for all staff and contractors. The training must outline the obligations of staff and contractors under the *National Parks and Wildlife Act, 1974* and the conditions of this consent. The Applicant must ensure any new staff or contractors receive the induction training prior to commencing works on the site.

Unexpected Finds Protocol

D71. 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.

D72. 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*.

HISTORIC HERITAGE

Unexpected Finds Protocol

D73. If any archaeological relics are uncovered during earthworks or construction, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

BIODIVERSITY

D74. Prior to, and during, construction works the Applicant must implement the mitigation measures recommended in Table 27 of the Biodiversity Development Assessment Report prepared by Eco Logical Australia Pty Ltd, dated 22 June 2022.

D75. Prior to the demolition of structures and commencement of earthworks, the Applicant must prepare a Fauna Management Plan (FMP) for the Stage 1 development, in accordance with the recommendations of the Biodiversity Development Assessment Report prepared by Eco Logical Australia Pty Ltd, dated 22 June 2022. The FMP must form part of the CEMP in accordance with condition E2 and detail procedures for fauna surveys prior to demolition, clearing and dam dewatering works and detail fauna relocation procedures.

D76. Prior to the commencement of construction a Wildlife Management Plan must be prepared and be submitted to the Planning Secretary. The Plan must specify monitoring activities to assess the attractant nature of the development and provide trigger based management actions to mitigate emerging risks to operations of the Western Sydney Airport.

D77. The Wildlife Management Plan must form part of the CEMP required by Condition E2 and the Applicant must implement the Wildlife Management Plan for the duration of construction and operation.

Protection of Retained Vegetation

D78. The Applicant must protect retained vegetation on site with fencing to avoid impacts during construction and operation of the development.

Vegetation Management Plan – Riparian Corridor

- D79. Prior to the commencement of any clearing or construction works, the Applicant must prepare a Vegetation Management Plan (VMP) in accordance with the Riparian Assessment prepared by Eco Logical Australia (ref. 20SYD-16452, dated 22 June 2022) and in accordance with the requirements of NSW Natural Resources Assessment Regulator and the Department of Planning and Environment, to the satisfaction of the Planning Secretary. The VMP must form part of the CEMP in accordance with condition E2 and detail procedures for the rehabilitation and conservation of native vegetation and habitat and maintenance of the VMP area.
- D80. Within six (6) months of the commencement of operation, the Applicant must complete the revegetation of the riparian corridor in accordance with the VMP prepared in accordance with Condition D79. 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.

CONTAMINATION AND REMEDIATION

Detailed Site Investigation

D81. Prior to the commencement of earthworks, the Applicant must undertake further soil sampling in areas of the site that were inaccessible during the Detailed Site Investigation prepared by ADE Consulting Group dated February 2022. The sampling must define the nature and extent of any contamination, with reference to the relevant criteria in the *National Environment Protection Measure - Assessment of Site Contamination* (National Environment Protection Council, 2013). Any areas identified as contaminated must be managed in accordance with the Unexpected Finds Procedure required by Condition D83.

Asbestos

- D82. The Applicant must ensure that any asbestos encountered during the remediation and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) *SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace* September 2016;
 - (c) *SafeWork NSW Code of Practice – How to Safely Remove Asbestos* September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

Unexpected Finds Procedure

D83. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition E2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

HAZARDS AND RISK

Dangerous Goods

D84. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

D85. 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).

BUSHFIRE PROTECTION

- D86. The Applicant shall ensure the Stage 1 development complies with:
- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
 - (b) **the construction standards and asset protection zone requirements recommended in the *Bushfire Protection Assessment for the Modification 2 (as amended) to SSD 10479*, prepared by Australian Bushfire Protection Planners Pty Limited, dated 28 June 2024; and**
 - (c) Australian Standard AS2419.1-2005 *Fire hydrant installations System design, installation, and commissioning*.

WASTE MANAGEMENT

Waste Management Plan

- D87. Prior to the commencement of construction of the Stage 1 development, the Applicant must update the Waste Management Plan included in the EIS for the development. The Plan must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the Stage 1 development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014); and
 - (c) detail the materials to be reused or recycled, either on or off site.
- D88. The Applicant must implement the Waste Management Plan for the duration of construction and operation.

Waste Storage and Processing

- D89. Prior to the commencement of construction of the Stage 1 development, the Applicant must obtain agreement from Council for the design of the waste storage area for the Stage 1 development.
- D90. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Statutory Requirements

- D91. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a waste management facility or premises lawfully permitted to accept the waste.

Pests, Vermin and Priority Weed Management

- D92. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, priority weed has the same definition of the term in the Biosecurity Act 2015.

PART E STAGE 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 Stage 1 development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Stage 1 development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- E2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the Stage 1 development in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.
- E3. As part of the CEMP required under condition E2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition D1);
 - (b) Erosion and Sediment Control Plan (see condition D22);
 - (c) Dam Decommissioning Strategy (see condition D37);
 - (d) Salinity Management Plan (see condition D38);
 - (e) Construction Noise and Vibration Management Plan (see condition D51);
 - (f) Construction Air Quality Management Plan (see condition D64);
 - (g) Aboriginal Cultural Heritage Management Plan (see condition D67);
 - (h) Fauna Management Plan (see condition D75)
 - (i) Wildlife Management Plan (see Condition D76)
 - (j) Vegetation Management Plan (see condition D79)
 - (k) Unexpected Finds Procedure (see condition D83); and
 - (l) Community Consultation and Complaints Handling.
- E4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- E5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition E1 and to the satisfaction of the Planning Secretary.

- E6. As part of the OEMP required under condition E5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:
 - (i) Operational Noise Management Plan (see condition A18)
 - (ii) Operational Traffic Monitoring Program (see condition D3)
 - (iii) Workplace Travel Plan (see condition D19)
 - (iv) Stormwater Management Plan (see condition D31)
 - (v) Landscape Management Plan (see condition D40);
 - (vi) Wildlife management Plan (see condition D76)
 - (vii) Waste Management Plan (see condition D87).
- E7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- E8. Within three months of:
- (a) the submission of a Compliance Report under condition E14;
 - (b) the submission of an incident report under condition E10;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A1(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.
- E9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition E8, or such other timing as agreed by the Planning Secretary.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- E10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4

Non-Compliance Notification

- E11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- E12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- E13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

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

Monitoring and Environmental Audits

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

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

ACCESS TO INFORMATION

- E17. At least 48 hours before the commencement of construction of the Stage 1 development and for the life of the development, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A1 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

PART F ROAD WORKS

ADMINISTRATIVE CONDITIONS

Terms of Consent

- F1. The Interim Road Works and Ultimate Road Works 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 Modification Report and RTS for SSD-10479-Mod-3; and
 - (d) in accordance with the plans in Appendix 6 and Appendix 7.

Limits of Consent

- F2. In relation to the Ultimate Road Works, consent is not granted to the 'Future AARU Extension' shown in green on the 1000 series civil works package on the following lots:
- (a) Lot 2 DP 250002;
 - (b) Lot 11 DP 1296455; and
 - (c) Lot 38 DP 708347.
- F3. The Applicant must comply with the requirements of TfNSW and Council for all construction vehicle movements, as detailed in Construction Traffic Management Plans approved as part of the Works Authorisation Deed (WAD) and Section 138 *Roads Act 1993* approval processes.

Notification of Commencement

- F4. The date of commencement of each of the following phases of the Interim Road Works must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction of each phase of the Interim Road Works;
 - (b) operation of the interim traffic signals at the Mamre Road / Abbots Road intersection; and
 - (c) operation of traffic signals at each intersection on Abbots Road and Aldington Road.

Timing

- F5. The Interim Road Works must be constructed, to the satisfaction of the relevant roads authorities, as follows:
- (a) the first stage of the Aldington Road Widening Works, including intersection 3 works, prior to operation of the first warehouse on the Site, as shown on Figure 6 in Appendix 6;
 - (b) the second stage of the Aldington Road Widening Works, including intersection 4 as shown in the 3000-series civil works package, prior to the operation of any further warehouses on the Site, as shown on Figure 6 in Appendix 6;
 - (c) Abbots Road Widening Works, prior to operation of the first warehouse on the Site, as shown in red shading on Figure 6 in Appendix 6; and
 - (d) Mamre Road and Abbots Road Intersection Works, including operation of interim traffic signals, as described in the 2000 series civil works package and shown in orange shading on Figure 6 in Appendix 6, prior to operation of the first warehouse on the Site.
- F6. For the avoidance of doubt, the Applicant must not operate the first warehouse on the Site until the Interim Road Works described in Conditions F5(a), F5(c) and F5(d) are completed to the satisfaction of the relevant roads authorities.
- F7. The Applicant must not:
- (a) undertake exempt or complying development on the Site shown in Figure 1 in Appendix 1; and
 - (b) commence operation of any further warehouses on the Site, until the Interim Road Works stages described in conditions F5(a), (b), (c) and (d) are completed to the satisfaction of the Planning Secretary.
- F8. All Interim Road Works must be completed, to the satisfaction of the relevant roads authorities, prior to any other buildings on the Site receiving Occupation Certificate(s).

Aldington Road Widening Works

- F9. The Applicant must enter into a Planning Agreement with Council in accordance with the Letter of Offer dated 21 August 2024 in relation to carrying out and completing the Aldington Road Widening Works and dedication of the land on which they are located, within 6 months of the date of determination of SSD-10479 MOD 3.

- F10. The Applicant must lodge an application under section 138 of the *Roads Act 1993* to Council to undertake the Aldington Road Widening Works within 3 months of the date of determination of SSD-10479 MOD 3.
- F11. The Applicant must design and construct the Aldington Road Widening Works, including landscaping, in accordance with the requirements of Council and any approval issued under section 138 of the *Roads Act 1993*. Any requirement for road closures must be detailed in the section 138 application and be approved by Council.
- F12. The Applicant must obtain a Subdivision Works Certificate for the Aldington Road Widening Works prior to the commencement of construction, in accordance with the requirements of Council.

Intersection 3 and 4 Works

- F13. The design of the intersection 3 and 4 works must be in accordance with Austroads Guides. The certified copies of the civil design plans must be submitted to TfNSW for review and approval prior to the release of the Construction Certificate and commencement of the intersection 3 and 4 works respectively.
- F14. The Applicant must be responsible for all public utility adjustment/relocation works necessitated by the intersection 3 and 4 works, and as required by the various public utility authorities and/or their agents.
- F15. The Applicant is required to enter into a WAD(s) for the intersection 3 and 4 works, and the WAD(s) must be executed prior to TfNSW assessment of the detailed civil design plans. A plan checking fee and lodgement of a performance bond are required from the Applicant prior to the release of the approved road design plans by TfNSW.
- F16. The Applicant must ensure all traffic accessing the Site uses Aldington Road and Abbots Road to connect to Mamre Road, until the connection of Aldington Road to Mamre Road via the Southern Link Road is available.

Abbots Road Widening Works

- F17. The Applicant must design and construct the Abbots Road Widening Works in accordance with the requirements of Council and any approval issued under section 138 of the *Roads Act 1993*, unless the Abbots Road Widening Works are constructed in accordance with SSD-9138102-MOD 5.

Mamre Road / Abbots Road Intersection Works - Works Authorisation Deed

- F18. The Applicant must enter into a WAD with TfNSW for the Mamre Road/Abbots Road Intersection Works, including the installation of the interim signalised intersection of Abbots Road and Aldington Road. TfNSW fees for administration, plan checking, civil works inspections and project management must be paid by the Applicant prior to the commencement of works.
- F19. Prior to the commencement of construction of the interim traffic control signals, the proposed Traffic Control Signal/s (TCS) at the intersection of Mamre Road/Abbots Road and Aldington Road/Abbots Road must be designed to meet TfNSW requirements and have approval under section 87(4) of the *Roads Act 1993*. The TCS plans must be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.
- F20. The submitted design must be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.transport.nsw.gov.au). The certified copies of the TCS design and civil design plans must be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of construction of the traffic control signals. Please send all documentation to development.sydney@transport.nsw.gov.au.
- F21. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works referred to in Condition F18. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- F22. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the work referred to in Condition F18 and as required by the various public utility authorities and/or their agents. Should any public utility adjustment/relocation works be required adjacent to a classified road, plans are to be submitted to TfNSW for concurrence under section 138 of the *Roads Act, 1993*, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- F23. A plan checking fee may be payable and a performance bond may be required before TfNSW approval is issued.
- F24. 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 activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- F25. The Applicant is required to satisfy conditions F18 to F24 for the Mamre Road / Abbots Road Intersection Works, unless otherwise agreed in writing by TfNSW.

Ultimate Road Works

- F26. The Applicant may construct all or part of the Ultimate Road Works if all of the land required for the Ultimate Road Works has been acquired by or dedicated to Council and approval under section 138 of the *Roads Act 1993* has been issued for all or part of the works.

- F27. The Applicant must obtain prior written agreement from Council, before commencing the Ultimate Road Works before all of the land required for the Ultimate Road Works has been acquired by or dedicated to Council.
- F28. If the Applicant constructs all or part of the Ultimate Road Works described in the 1000 series civil works package, the Applicant must comply with the requirements of Conditions F30 to F47 for the scope of the Ultimate Road Works, and all references to Interim Road Works in those conditions must be read as Ultimate Road Works.
- F29. If the Applicant is to construct the Ultimate Road Works in accordance with condition F26, the Applicant must enter into a WAD(s) with TfNSW for any signalised intersection works, prior to the commencement of construction.

Road Maintenance

- F30. During the construction of the Interim Road Works, the Applicant is responsible for the upkeep and repair of the operational road pavement within the existing road reserve, of:
- (a) Abbots Road for its full length, where the Applicant is undertaking the Abbots Road Widening Works; and
 - (b) Aldington Road from the intersection with Abbots Road to the northern extent of the Interim Road Works.
- F31. Weekly pavement inspections must be undertaken by the Applicant to ensure the road pavements are safe for all vehicles. Any identified potholes or pavement failures must be reported to Council immediately together with the proposed rectification method and timing for repair.
- F32. All repair works required in accordance with Conditions F30 and F31 must be undertaken to the satisfaction of Council, and be at no cost to Council. If Council is required to undertake any repairs to the road works to ensure a safe operating environment for all road users, the cost of such will be paid by the Applicant.

COMMUNITY CONSULTATION PLAN

- F33. The Applicant must prepare a Community Consultation Plan for the Interim Road Works to the satisfaction of the Planning Secretary. The Plan must:
- (a) be approved by the Planning Secretary prior to the commencement of the Interim Road Works;
 - (b) be implemented for the duration of the Interim Road Works;
 - (c) assign a central contact person to keep the community regularly informed throughout the works;
 - (d) detail the mechanisms for regularly consulting with the nearest sensitive receivers and wider residential communities, to keep them informed about:
 - (i) upcoming works, duration and any night-time or out of hours works;
 - (ii) changes to property access and details of traffic disruptions;
 - (iii) schedule for high noise generating works and vibration intensive activities, including details of the specific mitigation measures that would be implemented in accordance with the construction noise and vibration management plan approved under Condition F36;
 - (iv) procedures to minimise dust impacts including details of the controls that would be implemented in accordance with the air quality management plan approved under Condition F36;
 - (v) relocation of services including utilities and drainage; and
 - (vi) details of environmental monitoring results;
 - (e) include contact details for key project personnel, relevant regulatory authorities and key community stakeholders;
 - (f) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) website, email, toll-free telephone number and postal address for receiving complaints;
 - (ii) advertising the contact details for complaints prior to and during the works through on-site signage;
 - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - (iv) procedures to resolve any disputes that may arise during the course of the Interim Road Works.
- F34. The Applicant must:
- (a) not commence construction of the Interim Road Works until the Community Consultation Plan is approved by the Planning Secretary; and
 - (b) implement the approved Community Consultation Plan for the duration of the Interim Road Works.
- F35. The Applicant must provide details of the consultation undertaken in accordance with the Community Consultation Plan, to the Planning Secretary on a monthly basis including:
- (a) the outcomes of consultation, matters resolved and unresolved; and
 - (b) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Note: The Community Consultation Plan may be prepared for the Aldington Road widening works component only, where the remainder of the Interim Road Works are covered by a Community Consultation Plan approved in accordance with SSD-9138102 MOD 5.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

F36. Prior to the commencement of any part of the Interim Road Works, the Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary. The CEMP must include the following:

- (a) be prepared in consultation with Council;
- (b) a **traffic management plan** prepared in consultation with TfNSW and Council, detailing:
 - (i) current cumulative construction traffic data;
 - (ii) the measures to ensure road safety and network efficiency during the Interim Road Works;
 - (iii) a Driver Code of Conduct;
 - (iv) a program to monitor the effectiveness of the road safety and network efficiency measures and adherence to specified routes;
 - (v) procedures for notifying residents and local schools of any disruptions to routes;
- (c) a **noise and vibration management plan** prepared in accordance with the *Construction Noise and Vibration Guideline*, TfNSW 2023 and *Interim Construction Noise Guideline*, DECC 2009, describing measures developed in consultation with affected residents to manage high noise and vibration intensive works, and include an out of hours work protocol. Measures may include notifications, respite periods, scheduling of noisy works, temporary barriers, quieter plant or alternative construction methods, verification monitoring and/or provision of alternative accommodation;
- (d) an **air quality management plan** prepared in accordance with the *Good Practice Guide for the Assessment and Management of Air Pollution from Road Transport Projects*, CASANZ 2023, detailing the location and duration of dust controls, details of monitoring and triggers for implementation of additional dust controls if required;
- (e) an **erosion and sediment control plan** prepared in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book* (Landcom, 2004) and detail the measures to ensure the construction phase water quality targets in the *Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (Technical Guidance) (NSW Government, 2022) are met;
- (f) mitigation measures recommended in the Biodiversity Development Assessment Report for the Mamre and Abbots Road Intersection prepared by Fraser Ecological and dated 3 June 2024 and the Biodiversity Development Assessment Report for the Aldington and Abbots Road Upgrade prepared by Fraser Ecological and dated 14 June 2024;
- (g) a **cultural heritage management plan** including a procedure for the collection of one isolated surface artefact and an unexpected finds protocol, prepared in consultation with Registered Aboriginal Parties;
- (h) an **unexpected finds procedure** and **asbestos management plan** to manage any unexpected contamination encountered during the works, including details of testing and off-site disposal in accordance with the POEO Act and associated regulations; and
- (i) a **contingency plan** detailing measures to deal with unexpected issues arising during the works, such as excessive dust, noise, traffic, water quality impacts and unfavourable weather conditions.

F37. The Applicant must:

- (a) not commence construction of the Interim Road Works until the CEMP is approved by the Planning Secretary; and
- (b) carry out the construction of the Interim Road Works in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

Note: The Construction Environmental Management Plan may be prepared for the Aldington Road Widening Works component only, where the remainder of the Interim Road Works are covered by a Construction Environmental Management Plan approved in accordance with SSD-9138102-Mod-5.

INDEPENDENT AUDIT

F38. Within six months of the commencement of construction of the Interim Road Works, and every six months thereafter, until completion of the works, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the works. The audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department, 2020)
- (b) be led and conducted by a suitably qualified, experienced and independent expert, including a specialist traffic person, whose appointment has been endorsed by the Planning Secretary;

- (c) assess the environmental performance of the Interim Road Works;
- (d) assesses whether the works are complying with the conditions of this consent;
- (e) recommends measures or actions to improve the environmental performance of the works; and
- (f) be submitted to the satisfaction of the Planning Secretary within six weeks of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

F39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition F38 of this consent;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Note: *The scope of the Independent Audit may be limited to the Aldington Road widening works, where the remainder of the Interim Road Works have been subject to an independent audit under SSD-9138102-Mod-5.*

NOISE

F40. The Interim Road Works must be undertaken during the following hours:

- (a) 7 am to 6 pm Monday to Friday;
- (b) 8 am to 1 pm Saturday; and
- (c) at no time on Sundays or public holidays.

F41. Works outside of the hours identified in condition F40 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.

F42. Notwithstanding Conditions F40 and Condition F41, the following works may be undertaken out of hours, in accordance with the Out of Hours Works Protocol approved under Condition F36(c):

- (a) installation of drainage infrastructure;
- (b) asphaltting; and
- (c) other works required to be completed at night for safety reasons, as detailed in an approved construction traffic management plan.

VIBRATION

Condition Surveys

F43. Prior to the commencement of the Interim Road Works, the Applicant must:

- (a) undertake building condition surveys for properties located within 25 metres of the works; and
- (b) prepare a dilapidation survey of the heritage post adjacent to Mamre Road.

F44. The Applicant must repair, or pay the full costs associated with repairing property that is damaged by carrying out the Interim Road Works.

Vibration Criteria

F45. Vibration caused by the Interim Road Works at any residence or structure outside the site must be limited to:

- (a) for structural damage, 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).

F46. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition F45.

F47. The limits in Conditions F45 and F46 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved under condition F36 of this consent.

FOR INFORMATION

APPENDIX 1 CONCEPT PROPOSAL

Table 6 Schedule of Approved Plans – Concept Proposal

Drawing No.	Title	Issue	Date
Architectural Drawings prepared by SBA Architects			
MP04	SSDA Mod 2 Estate Master Plan as Amended	H	20.08.2024
MP06	SSDA MOD 2 Land Use Allocation Plan	F	20.08.2024
MP08	SSDA MOD 2 Subdivision Plan	D	25.06.2024
Landscape plans prepared by Group GSA			
L-5001	Zoning Tree Plan	E	26.07.2024
L-7000	Landscape Tree Canopy Cover Diagram	H	26.07.2024
Interim and Ultimate Road Works			
21-843-C3000 to 21-843-C3902	Aldington and Abbots Road Upgrade (AARU) 3000-series civil works package Phase 1 and 2	P3	19/12/2023
RDP4-2940, RDP4-2950-2958, 2961, 2971-2974, 2981-2984, 21-843-SKC394-397	MR536 Mamre Road and Abbots Road Kemps Creek 2000 Series – Proposed Signalised Intersection Civil Works Package Part 4 Works	P1	26/11/2024
24-1179-C1000 to 24-1179-C1902	Aldington and Abbots Road Upgrade (AARU) 1000-series civil works package Phase 1 & 2	P1	22/03/2024

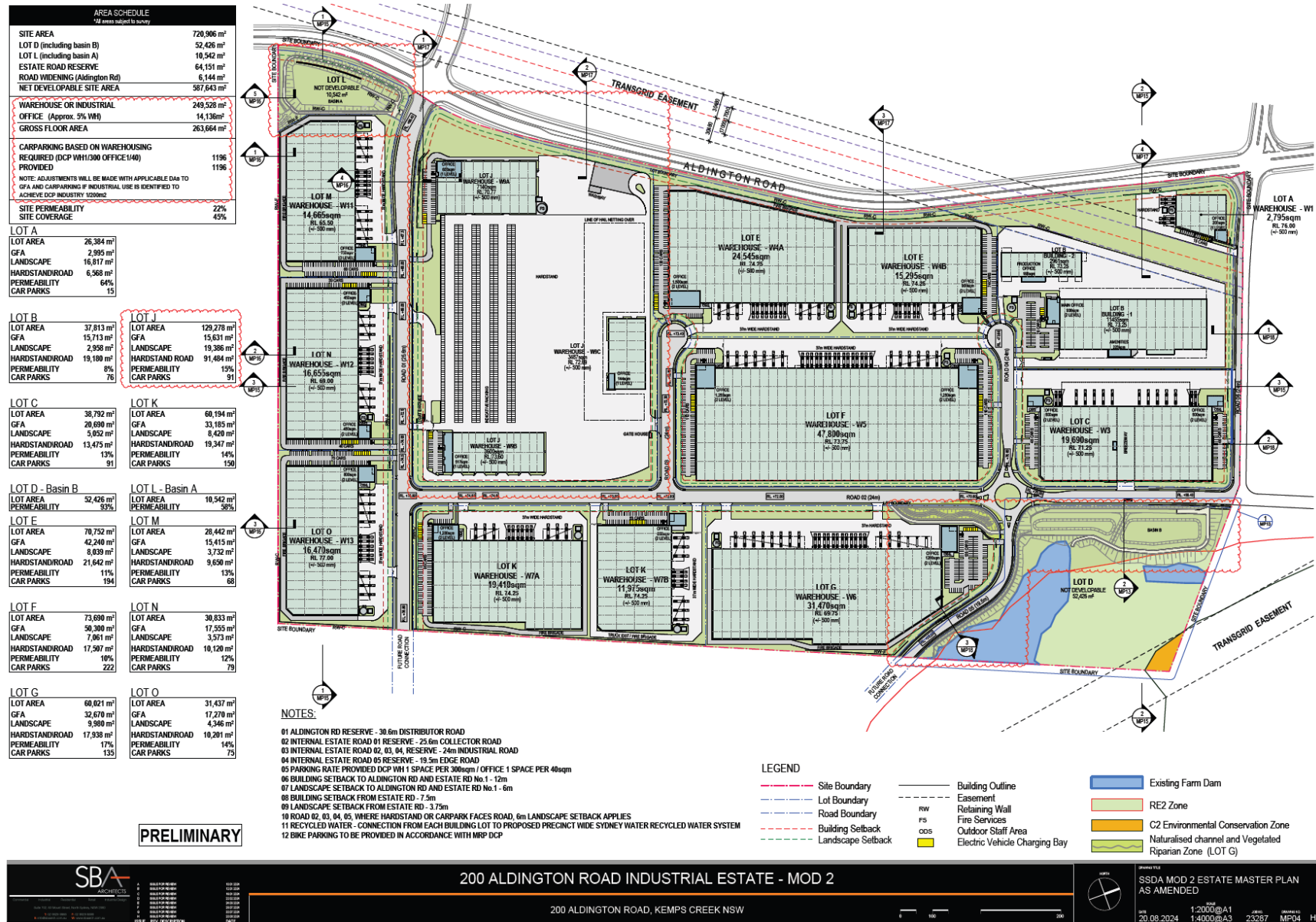


Figure 1: Site Plan



Figure 2: Earthworks Staging Plan

APPENDIX 2 STAGE 1 DEVELOPMENT PLANS

Table 7 Schedule of Approved Plans – Stage 1 DA

Drawing No.	Title	Issue	Date
Architectural Plan prepared by SBA Architects			
MP05	SSD 10479 MOD 2 Stage 1 Plan as Amended	H	28.01.2025
DA110	WH5 Site & Floor Plan	N	26.06.2023
DA130	WH5 - Building Elevations Sheet 1	G	26.06.2023
DA131	WH5 - Building Elevations Sheet 2	G	26.06.2023
MP11	SSDA MOD 2 Fencing Management Plan	G	28.08.2024
Landscape plans prepared by Group GSA			
L-1000	Landscape Staging Plan	A	28.06.2024
Civil Drawings prepared by AT&L			
19-609-SKC228	Stormwater Management and Catchment Plan MOD 2 Stage 1 & 2	P5	24.07.2024
Interim and Ultimate Road Works			
21-843-C3000 to 21-843-C3902	Aldington and Abbots Road Upgrade (AARU) 3000-series civil works package Phase 1 and 2	P3	19/12/2023
RDP4-2940, RDP4-2950-2958, 2961, 2971-2974, 2981-2984, 21-843-SKC394-397	MR536 Mamre Road and Abbots Road Kemps Creek 2000 Series – Proposed Signalised Intersection Civil Works Package Part 4 Works	P1	26/11/2024
24-1179-C1000 to 24-1179-C1902	Aldington and Abbots Road Upgrade (AARU) 1000-series civil works package Phase 1 & 2	P1	22/03/2024

AREA SCHEDULE	
*All areas subject to survey	
SITE AREA	720,906 m ²
LOT D (including basin B)	52,426 m ²
LOT L (including basin A)	10,542 m ²
ESTATE ROAD RESERVE	64,151 m ²
ROAD WIDENING (Aldington Rd)	6,144 m ²
NET DEVELOPABLE SITE AREA	587,643 m ²

STAGE 1 WORKS	
EXTENT OF WORKS INCLUDED ON STAGE 1:	
• ESTATE ROADS 01, 02, 03, 04, AND 05	
• BASINS ON LOT D & LOT L	
• BULK EARTHWORKS PLUS RETAINING WALLS (REFER TO CIVIL ENGINEERING PLANS)	
• BUILDING V5 ON LOT F	

LOT F	
LOT AREA	73,690 m ²
GFA	50,300 m ²
LANDSCAPE	7,961 m ²
HARDSTAND/ROAD	17,507 m ²
PERMEABILITY	10%
CAR PARKS	222

LEGEND	
	Proposed Site Boundary
	Proposed Lot Boundary
	Bulk Earthworks/ Temporary Sediment Erosion Basin/ Landscaping/ Batter Stabilisation/ Public Domain
	Stage 1 Infrastructure Works
	Stage 1 on Site Works
	RW-C Retaining Wall - Cut
	RW-A Retaining Wall - Future Interlotment Walls During stage 1, batters will be constructed
	RW-F Retaining Wall - Fill
	RE2 Zone

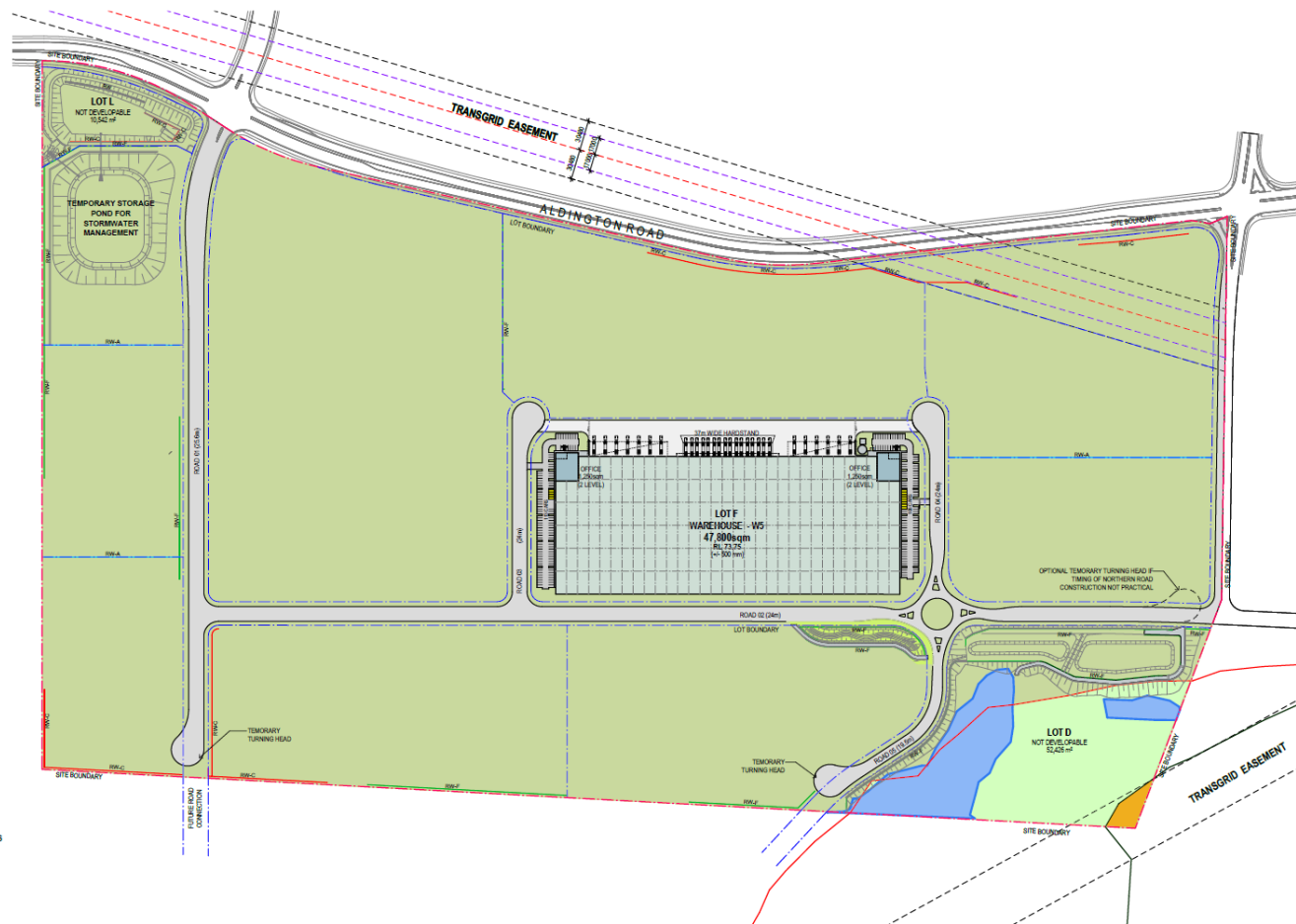
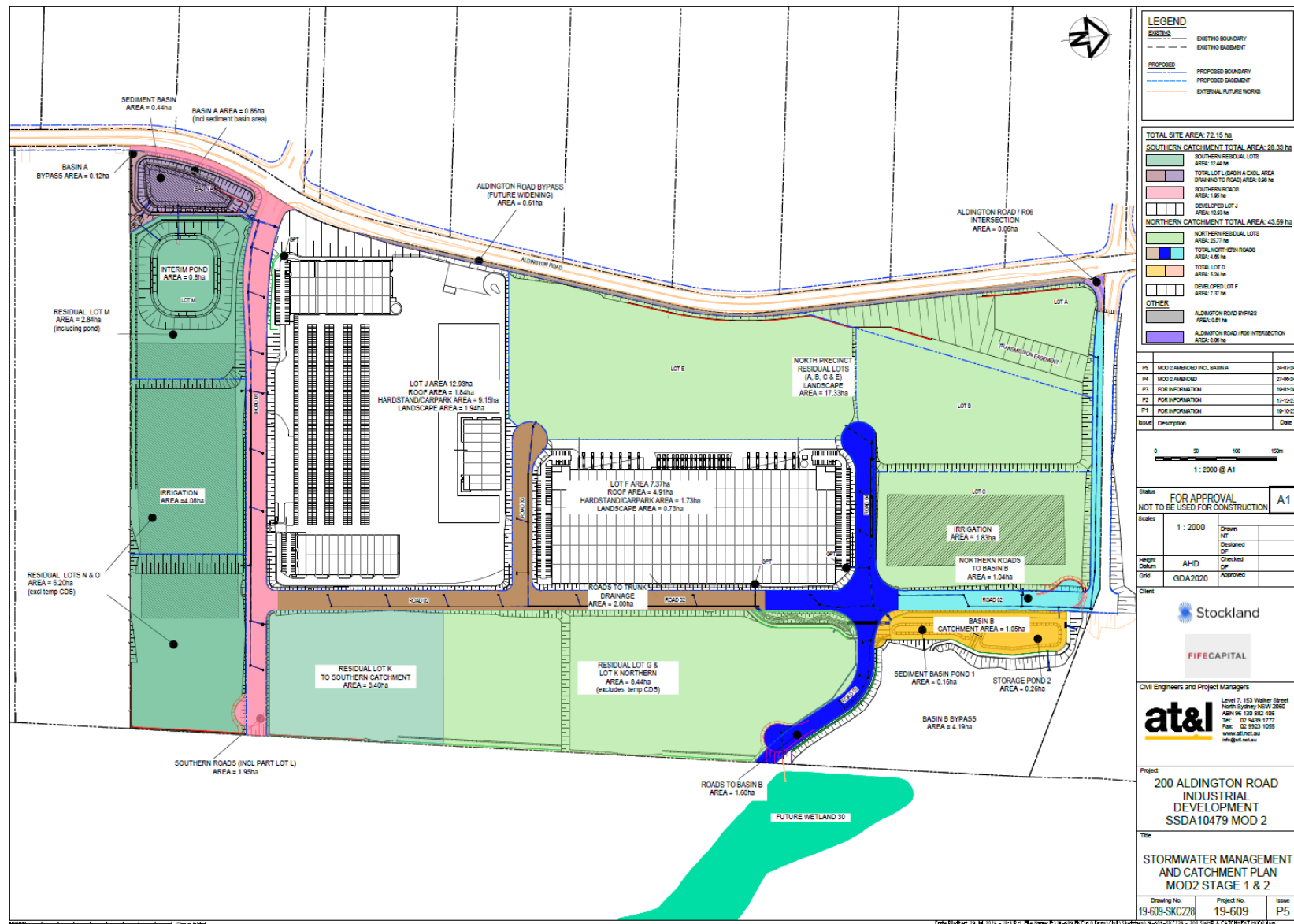


Figure 3: Stage 1 – Internal Roads, Intersections, Basins and Lot F



APPENDIX 3 NOISE SENSITIVE RECEIVERS

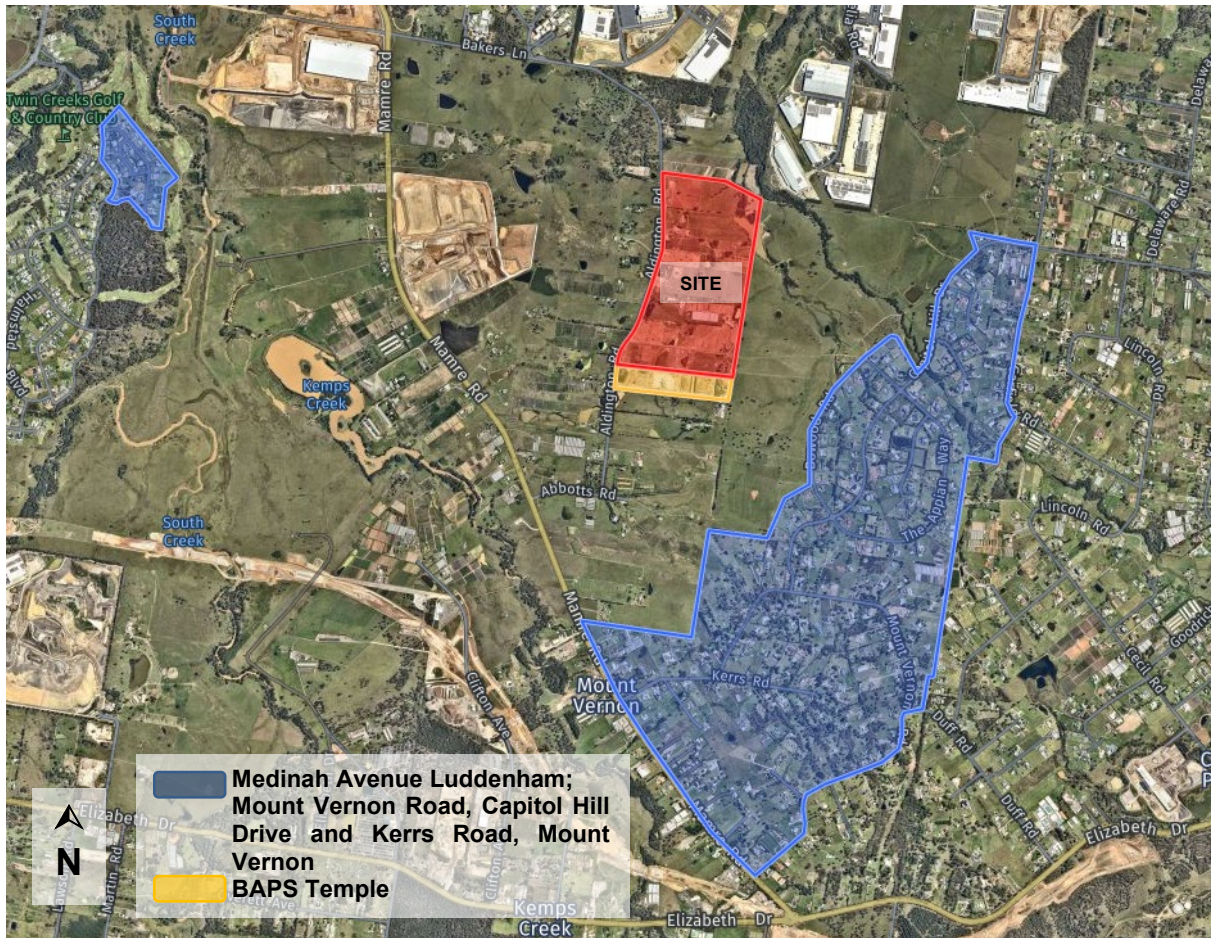


Figure 5: Noise Sensitive Receivers

Mitigation Measures

Construction Hours

Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- Monday to Friday: 7am to 6pm;
- Saturday: 8am to 1pm; and
- No work on Sundays or public holidays.

Construction Impacts

A Construction Environmental Management Plan (CEMP) will be prepared by the appointed contractor prior to the commencement of works. The CEMP will establish site management principles.

Transport and Accessibility

Operational traffic will be managed in accordance with the recommendations of the Transport Management and Accessibility Plan prepared by Ason Group and dated 23 January 2023 and the Transport Statement prepared by Ason Group dated 3 July 2024.

Construction traffic will be managed in accordance with a Construction Traffic Management Plan which will be prepared prior to works commencing on site.

Waste

Waste disposal and management will be in accordance with the recommendations of the Waste Management Plan (WMP) prepared by Land & Groundwater Consulting and dated 15 December 2023.

Stormwater

The proposal will be in accordance with the recommendations of the Stormwater Management Report prepared by AT&L and dated 12 November 2024.

Noise and Vibration

The proposal will be in accordance with the *SSD-10479 Modification 2 as amended, Noise Impact Assessment and SSDA for Lot J (SSD-61212208)* prepared by SLR and dated 26 November 2024. Specifically, the proposed development will be undertaken in accordance with the following recommendations:

Construction:

- All plant and equipment are to be maintained such that they are in good working order;
- A register of complaints is to be recorded in the event of complaints being received, including location, time of complaint, nature of the complaint and actions resulting from the complaint;
- If required a noise level measurement of the offending plant item generating complaints is to be conducted and noise mitigations undertaken to reduce noise levels to within Noise Management levels in the event magnitude of noise levels is found to be above suitable levels;
- The use of high noise generating equipment including hydraulic hammers, rock cutters or the like should not be undertaken prior to 8am Monday to Friday or 8.30am Saturdays; and
- The loading of trucks should be conducted such that there is not a requirement to stack trucks on the roadways adjacent to the residential receivers.

Operation:

- Any grates or metal drainage points will be securely fixed to prevent movements as vehicles pass over;
- All external surfaces being used for vehicles and forklifts will have brush finishes;
- Any expansion joints will include flush finishes including cover plates where vehicles pass over; and
- A site contact will be provided to residents to manage complaints.
- Mechanical plant located at ground, where possible.
- Mechanical plant on warehouse roofs of Lot M, N and O relocated to northern side.
- Mechanical plant on warehouse roof of Lot A relocated to eastern side.
- Parapet around roof mounted mechanical plant on Lots A, M, N and O.
- Optimised site layout to minimise noise emissions from the site.
- Use broadband and/or ambient sensing alarms on trucks and forklifts where they are required to reverse during the nighttime.

- Appropriate design of site layout to minimise the need for trucks to stop or brake outside of loading docks with line of sight to residential receivers.
- Production of an Operational Noise Management Plan.
- Localised noise barrier on Lot F (Stage 1).
- Localised noise barrier on Lot B.
- Awnings above hardstands.
- Enter into a Noise Agreement with eligible receivers (outside of the Mamre Road Precinct) where noise limits are predicted to be exceeded those in Condition D55.
- Design Noise Verification Report.
- Noise monitoring

Historical Heritage

The proposed works must be undertaken in accordance with the recommendations of the Historical Heritage Assessment prepared by Biosis and dated 20 September 2021 and the Aboriginal and Historical Heritage Letter of Advice for 200 Aldington Road (Lot K), Kemps Creek, NSW prepared by Biosis and dated 20 December 2023.

Specifically, the proposed works will proceed in line with the following heritage recommendations:

- Works can proceed in the study area with caution as it has been assessed as possessing low archaeological potential. Should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 2 should be implemented.
- Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

Aboriginal and Archaeological Heritage

Aboriginal and archaeological heritage will be managed in accordance with the Aboriginal Cultural Heritage Assessment and Archaeological Heritage Assessment prepared by Biosis and dated 17 May 2021 the Aboriginal and Historical Heritage Letter of Advice for 200 Aldington Road (Lot K), Kemps Creek, NSW prepared by Biosis and dated 20 December 2023, and as follows:

- Recommendation 1: Areas identified as having moderate archaeological potential
 - Areas identified as having moderate archaeological potential should be avoided wherever possible (Figure 5). If impact to these areas cannot be avoided subsurface investigations (test excavations) will be required prior to the commencement of impacts.
 - Test investigation works will identify the nature and extent of the subsurface archaeological resource and allow appropriate mitigation and management measures to be developed for the project.
- Recommendation 2: Areas identified as having low archaeological potential
 - No further investigations are required for areas assessed as having low archaeological potential. This recommendation is conditional upon Recommendations 3 and 4.
- Recommendation 3: Discovery of unanticipated Aboriginal objects
 - All Aboriginal objects and Places are protected under the National Parks and Wildlife Act 1974 (NPW Act). It is an offence to disturb an Aboriginal object or site or object without a consent permit issued by Heritage NSW, Department of Premier and Cabinet (formerly Office of Environment and Heritage) (Heritage NSW) or DPIE. Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.
- Recommendation 4: Discovery of Aboriginal Ancestral Remains
 - Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:
 1. Immediately cease all work at that location and not further move or disturb the remains;
 2. Notify the NSW Police and Heritage NSW's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location;
 3. Not recommence work at that location unless authorised in writing by Heritage NSW.

Bushfire

The proposed development will incorporate bushfire protection measures in accordance with the Bushfire Protection Assessment prepared by ABPP, dated 23 September 2021, and the Bushfire Protection Assessment for modification 2 prepared by ABPP, dated 28 June 2024. Specifically, the proposed development will be designed and constructed in accordance with the following recommendations:

- Provision of defensible space (asset protection zones) in the eastern and southern portions through the provision and maintenance of the Detention Pond and surrounding vegetation which exceeds the minimum 22m required to satisfy A1.12.5 of Planning for Bushfire Protection 2019;
- Provision of bushfire construction standards to meet the requirements of A.S. 3959 – 2018 – ‘Construction of Buildings in Bushfire Prone Areas’ to inform the detailed design and development of the remaining warehouses;
- Appropriate access standards for firefighting operations will be provided from Aldington Road and the internal access roads will be constructed to provide heavy rigid access to each of the warehouses, including perimeter access to all lots; and
- Appropriate water supplies for firefighting operations through a reticulated water supply and fire hydrants.

Air Quality

During the construction and operational phases, the proposed development will operate in accordance with the recommendations provided in Wilkson Murray’s Air Quality Impact Assessment dated September 2021 and the 200 Aldington Road, Kemps Creek Modification 2 – Air Quality Statement prepared by RWDI dated 19 December 2023 and as follows:

- Develop and implement a stakeholder communications plan that includes community engagement before work commences on site;
- Development and implement a Dust Management Plan;
- Record all dust and air quality complaints and identify causes, take appropriate measures to reduce emissions in a timely manner;
- Make a complaints log available to the relevant authorities;
- Record any exceptional incidents that cause dust / air emissions and take relevant actions to resolve the situation;
- Hold regular liaison meetings with any other high risk construction sites within 500m of the site boundary to ensure plans are coordinated;
- Undertake daily on-site and off-site inspections to monitor dust and record inspection results;
- Plan the site layout so that machines and dust generating activities are located away from receptors;
- Avoid site runoff of water or mud;
- Remove material that have a potential to produce dust from the site as soon as possible;
- Cover seed or fence stockpiles to prevent wind erosion;
- Ensure no idling of vehicles;
- Impose and signpost maximum speed limits;
- Ensure an adequate water supply on site for effective dust matter suppression;
- Implement appropriate haulage measures including inspections; and
- Ensure truck maintenance is up to date.

Contamination

The proposed development will be undertaken in accordance with the the Stage 1 Detailed Site Investigation Report prepared by ADE Consulting Group and dated 11 February 2022 and any subsequent revisions made following additional testing of inaccessible sampling points (data gaps), and as follows:

- Further investigation are required to confirm the contamination status of surface soils in the market gardens within Lots 31 and 32. Market gardens in Lots 20-23 and 30 are considered suitable for the proposed use from a contamination perspective;
- Further investigation are required to confirm the contamination status of surface soils in the vicinity of the current and former structures. A hazardous materials assessment should be completed for current structures prior to demolitions, with structure footprints investigations following demolition;
- Further investigations are required to confirm the contamination status of surface soils in chemical and fuel storage areas within Lots 31 and 32 and at areas identified within the Supplementary Contamination Investigation. Other identified chemical and fuel storage areas are considered suitable for the proposed development;
- Further investigation are required to confirm the contamination status of fill material within Lots 31 and 32 and at various other locations identified in the Preliminary Site Investigations;
- Remediation of soil at the base of power poles is required at Lots 20-23 and 30. Further investigation are required to confirm the contamination status of soil at the base of power poles within Lots 31 and 32;
- Buried asbestos pipes (if present) may become apparent during remediation and would normally require remediation under an unexpected finds protocol;
- Removal of surface refuse would be required as part of initial site development works; and
- Removal of septic tanks adjacent to houses within the site is recommended following decommissioning of the tanks.

Geotechnical

The proposed development will be undertaken in accordance with the Geotechnical and Groundwater Summary prepared by Douglas Partner and dated 18 September 2020 and the subsequent Salinity, Aggressivity, and Sodicty Assessment by ADE Consulting Group dated 23 March 2022, and as follows:

- A Construction and Environmental Management Plan (CEMP) should be prepared prior to works commencing;
- Sediment and erosion controls should be designed in accordance with Management Urban Stormwater – Soils and Construction (Landcom, 2004);
- Geotechnically unsuitable material may be reused in non-structural areas of the site or disposed from the site in accordance with the NSW EPA Waste Classification Guidelines;
- Truck movements associated with filling should be considered as part of the traffic management planning and the CEMP;
- A Fill Management Protocol (FMP) should be prepared to control the quality of fill imported to the site, including the provision for the import of suitable waste material as defined by the NSW EPA;
- Areas of environmental concern as identified in Douglas Partners Contamination Status Summary report should be investigated prior to works commencing;
- A salinity investigation and Salinity Management Plan should be prepared to delineate saline areas and provide appropriate recommendations during the development process; and
- Management of sodic soils is required to prevent any adverse impacts occurring when exposed.

Water and Biodiversity

The proposed development will be undertaken in accordance with the Riparian Assessment prepared by Ecological and dated 25 September 2020. Specifically, the following measures will be implemented:

- A Construction Environmental Management Plan (CEMP) should be prepared prior to the commencement of any construction works. The CEMP should include an Erosion and Sediment Control Plan, prepared in accordance with The Blue Book – Managing Urban Stormwater: Soils and Construction (Landcom, 2004);
- During the detailed design phase, where any construction footprint encroaches onto areas of the riparian corridor, higher disturbance activities such as noisy machinery, flood lights, generators and compounds, should be located as far from the riparian buffer as possible;
- A Vegetation Management Plan (VMP) should be prepared prior to construction commencing and should encompass methods of establish and maintenance of the vegetation management area. The VMP should also include specifications on high density planting that may be required to provide bank stabilisation following construction of the batters around the basin;
- All aquatic fauna should be protected during construction activities including decommissioning of the farm dams. The aquatic ecologist is to notify NSW Fisheries of the activity 48 hours prior to fish relocation (unless an agreement is in place), including locations of dewatered and relocation sites.
- A dewatering schedule should allow time for fish rescue, especially during the final 0.3 m water depth (to be advised by Aquatic Ecologist). Fauna should be captured in one day, so pumps need to be of adequate size and placed in an area free from mud and debris (e.g. inside excavator bucket or screened sump pit); and
- Native fish healthy enough for relocation are to be contained and transported in an aerated tub/bucket/tank to an appropriate dam/lake/waterhole/creek. It is recommended that native species are relocated to a nearby dam or creek line with landholder's permission.

Environmentally Sustainable Development

ESD principles and measures set out in the ESD Statement prepared by Cundall will be incorporated into the detailed design of the development where possible.

Wildlife

Prior to the commencement of construction relating to stormwater ponds, an operational management plan is to be prepared to monitor and report on wildlife attraction and deem if a risk could be created towards the Western Sydney International Airport.

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:
 - (c) identify the development and application number;
 - (d) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (e) identify how the incident was detected;
 - (f) identify when the applicant became aware of the incident;
 - (g) identify any actual or potential non-compliance with conditions of consent;
 - (h) describe what immediate steps were taken in relation to the incident;
 - (i) identify further action(s) that will be taken in relation to the incident; and
 - (j) identify a project contact for further communication regarding the incident.

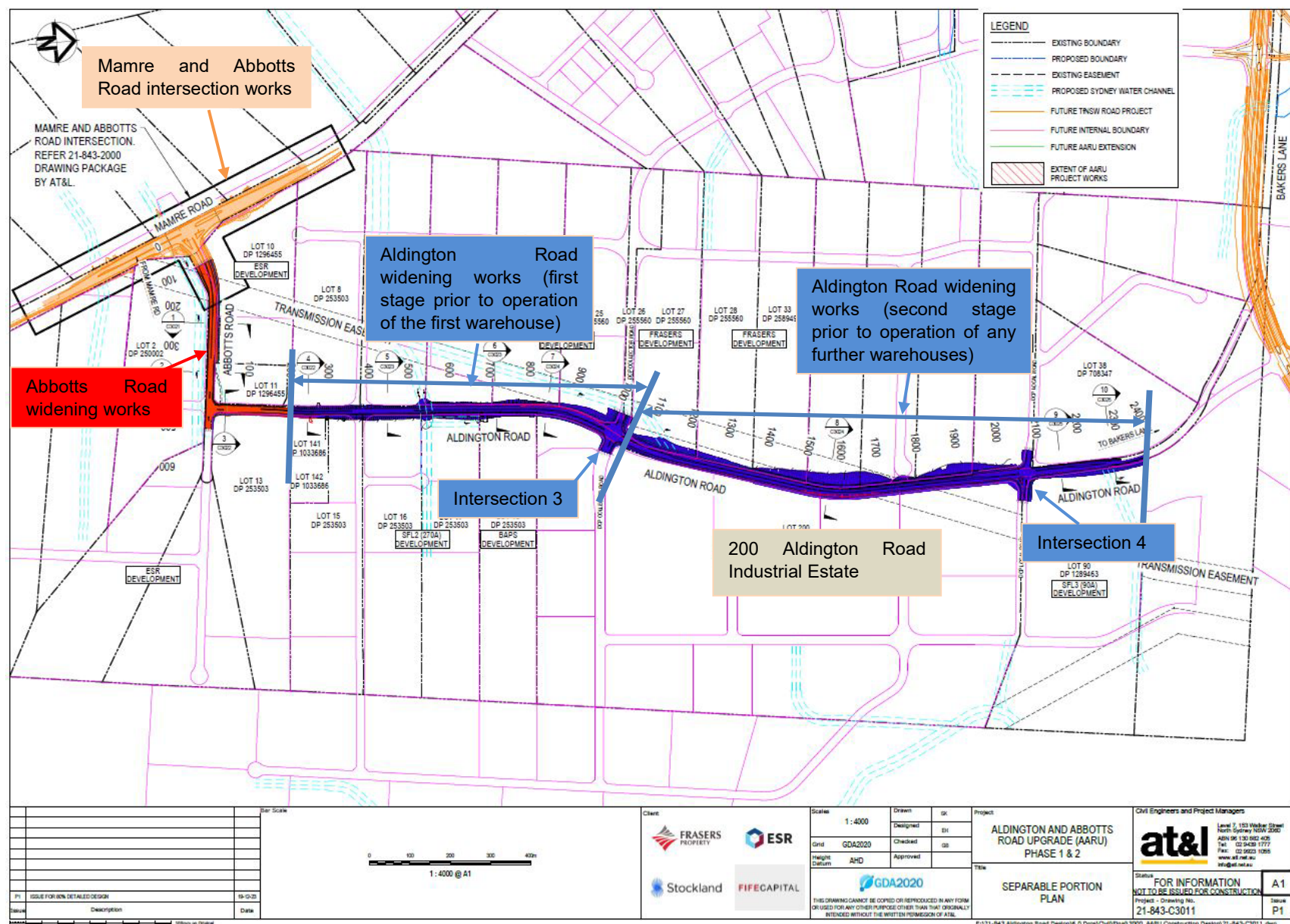
INCIDENT REPORT REQUIREMENTS

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;
 - (a) outcomes of an incident investigation, including identification of the cause of the incident;
 - (b) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (c) details of any communication with other stakeholders regarding the incident.

APPENDIX 6 INTERIM ROAD WORKS PLANS

Table 8 *Schedule of Interim Road Works Plans*

Drawing No.	Title	Issue	Date
Civil Engineering Drawings			
21-843-C3000 to 21-843-C3902	Aldington and Abbots Road Upgrade (AARU) 3000-series civil works package Phase 1 and 2	P3	19/12/2023
RDP4-2940, RDP4-2950-2958, 2961, 2971-2974, 2981-2984, 21-843-SKC394-397	MR536 Mamre Road and Abbots Road Kemps Creek 2000 Series – Proposed Signalised Intersection Civil Works Package Part 4 Works	P1	26/11/2024



APPENDIX 7 ULTIMATE ROAD WORKS PLANS

Table 9 Schedule of Ultimate Road Works Plans

Drawing No.	Title	Issue	Date
Civil Engineering Drawings			
24-1179-C1000 to 24-1179-C1902	Aldington and Abbotts Road Upgrade (AARU) 1000-series civil works package Phase 1 & 2	P1	22/03/2024

FOR INFORMATION