

# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

**Chris Ritchie**  
Director  
Industry Assessments

Sydney

2 March 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**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | SSD-46516461                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Applicant:</b>          | Mirvac Projects Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Consent Authority:</b>  | Minister for Planning                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Site:</b>               | <b>Aspect Industrial Estate</b><br>Lot 105 DP 1305965<br>826-882 Mamre Road, Kemps Creek NSW 2178<br><b>Elizabeth Enterprise Precinct</b><br>Lot 100 DP 1283398 and Lot 741 DP 810111<br>1669A and 1669-1723 Elizabeth Drive, Badgerys Creek NSW 2555                                                                                                                                                             |
| <b>Development:</b>        | Stage 2 of the Aspect Industrial Estate comprising: <ul style="list-style-type: none"><li>• construction and operation of Warehouse 9 of the Aspect Industrial Estate with a total gross floor area of 66,350 square metre (m2) with associated loading docks,</li><li>• hardstand, office, and car parking inclusion of the Elizabeth Enterprise Precinct site for stormwater management purposes only</li></ul> |

## SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider                           | Modification Description                                                                                            |
|--------------------|--------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------|
| SSD-46516461-MOD-2 | 15 July 2024       | Team Leader, Industry Assessments | Use of the temporary left-in/left-out construction access on Mamre Road by Warehouses 1 and 9 operational vehicles. |
| SSD-46516461-MOD-1 | 23 July 2024       | Team Leader, Industry Assessments | Amendments to the Stage 2 stormwater management strategy                                                            |
| SSD-46516461-MOD-3 | 7 May 2025         | Team Leader, Industry Assessments | Amendments to the Stage 2 stormwater management strategy                                                            |
| SSD-46516461-Mod-4 | 6 May 2026         | Team Leader, Industry Assessments | Modification to the interim stormwater management strategy                                                          |

## TABLE OF CONTENTS

|                                                                          |           |
|--------------------------------------------------------------------------|-----------|
| <b>DEFINITIONS .....</b>                                                 | <b>V</b>  |
| <b>PART A ADMINISTRATIVE CONDITIONS .....</b>                            | <b>1</b>  |
| Obligation to Minimise Harm to the Environment .....                     | 1         |
| Terms of Consent .....                                                   | 1         |
| Limits of Consent .....                                                  | 1         |
| Notification of Commencement .....                                       | 2         |
| Evidence of Consultation .....                                           | 2         |
| Staging, Combining and Updating Strategies, Plans or Programs .....      | 2         |
| Protection of Public Infrastructure .....                                | 2         |
| Structural Adequacy .....                                                | 3         |
| Compliance .....                                                         | 3         |
| Development Contributions .....                                          | 3         |
| Operation of Plant and Equipment .....                                   | 3         |
| External Walls and Cladding .....                                        | 3         |
| Utilities and Services .....                                             | 3         |
| Work as Executed Plans .....                                             | 4         |
| Environmental Representative .....                                       | 4         |
| Mamre Road Precinct Working Group .....                                  | 5         |
| Applicability of Guidelines .....                                        | 5         |
| <b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS .....</b>                    | <b>6</b>  |
| Traffic and Access .....                                                 | 6         |
| Soils, Water Quality and Hydrology .....                                 | 8         |
| Noise .....                                                              | 10        |
| Visual Amenity .....                                                     | 12        |
| Air Quality .....                                                        | 13        |
| Hazards and Risk .....                                                   | 14        |
| Waste Management .....                                                   | 14        |
| <b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>     | <b>16</b> |
| Environmental Management .....                                           | 16        |
| Construction Environmental Management Plan .....                         | 16        |
| Operational Environmental Management Plan .....                          | 17        |
| Revision of Strategies, Plans and Programs .....                         | 17        |
| Reporting and Auditing .....                                             | 17        |
| Access to Information .....                                              | 18        |
| <b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS .....</b>                         | <b>19</b> |
| <b>APPENDIX 2 NOISE SENSITIVE RECEIVERS .....</b>                        | <b>26</b> |
| <b>APPENDIX 3 NOISE MITIGATION ELIGIBLE RECEIVERS' LOCATIONS .....</b>   | <b>27</b> |
| <b>APPENDIX 4 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES .....</b>   | <b>28</b> |
| <b>APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS .....</b> | <b>33</b> |

## DEFINITIONS

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ADR</b>                                   | Amended Development Report titled 'Aspect Industrial Estate SSD 10448 MOD 3 and SSD 46516461', prepared by Urbis and dated 27 February 2023                                                                                                                                                                                                                                                                                   |
| <b>AIE</b>                                   | Aspect Industrial Estate (SSD-10448) which includes a Concept Proposal for the staged development of an industrial estate comprising of 11 buildings with a total GFA of up to 243,431 square metres (m <sup>2</sup> ) for industrial, warehousing and distribution centres, and café uses approved on 24 May 2022                                                                                                            |
| <b>Applicant</b>                             | Mirvac Projects Pty Ltd, or any person carrying out any development to which this consent applies                                                                                                                                                                                                                                                                                                                             |
| <b>Calendar year</b>                         | A period of 12 months commencing on 1 January                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>CAQMP</b>                                 | Construction Air Quality Management Plan                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Carrier</b>                               | Operator of a telecommunication network and/or associated infrastructure, as defined in s 7 of the <i>Telecommunications Act 1997</i> (Cth)                                                                                                                                                                                                                                                                                   |
| <b>Certifier</b>                             | A council or an accredited certifier (including principal certifiers) who is authorised under s 6.5 of the EP&A Act to issue Part 6 certificates                                                                                                                                                                                                                                                                              |
| <b>CEMP</b>                                  | Construction Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>CNMP</b>                                  | Construction Noise Management Plan                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Conditions of this consent</b>            | Conditions contained in Schedule 2 of this document                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Construction</b>                          | The carrying out of works for the purpose of the development, including bulk earthworks and erection of buildings and other infrastructure by this consent                                                                                                                                                                                                                                                                    |
| <b>Council</b>                               | Penrith City Council                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>CTMP</b>                                  | Construction Traffic Management Plan                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>CWMP</b>                                  | Construction Waste Management Plan                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Day</b>                                   | The period from 7 am to 6 pm on Mondays to Saturdays, and 8 am to 6 pm on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                         |
| <b>Department</b>                            | NSW Department of Planning and Environment and any successors                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Development layout</b>                    | The plans at Appendix 1 of this consent                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>DPE</b>                                   | Has the same meaning of Department                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Earthworks</b>                            | Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction                                                                                                                                                                                                                                                           |
| <b>EEP</b>                                   | <a href="#">Elizabeth Enterprise Precinct comprising 132 hectares of undeveloped land at Lot 100 DP 1283398 and Lot 741 DP 810111 (1669A and 1669-1723 Elizabeth Drive, Badgerys Creek NSW 2555) as described in the Modification Report titled 'AIE Warehouse 9 (SSD-46516461) MOD 1 Modification Report', prepared by Urbis Pty Ltd, dated March 2024 and shown in Figure 4 and Figure 4A in Appendix 1 of this consent</a> |
| <b>EHG</b>                                   | Environment and Heritage Group of the Department                                                                                                                                                                                                                                                                                                                                                                              |
| <b>EIS</b>                                   | The Environmental Impact Statement titled AIE Concept Plan and Stage 1 Modification (SSD-10448 Mod 3) and Stage 2 Development Application (SSD-46516461), prepared by Urbis dated 21 September 2022                                                                                                                                                                                                                           |
| <b>ENM</b>                                   | Excavated Natural Material                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Environment</b>                           | As defined in s 1.4 of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Environmental Representative Protocol</b> | The document of the same title published by the Department dated October 2018                                                                                                                                                                                                                                                                                                                                                 |
| <b>EP&amp;A Act</b>                          | <i>Environmental Planning and Assessment Act 1979</i> (NSW)                                                                                                                                                                                                                                                                                                                                                                   |
| <b>EP&amp;A Regulation</b>                   | <i>Environmental Planning and Assessment Regulation 2021</i> (NSW)                                                                                                                                                                                                                                                                                                                                                            |
| <b>Evening</b>                               | The period from 6 pm to 10 pm                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>FERP</b>                                  | Flood Emergency Response Plan                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Fibre-ready facility</b>                  | As defined in s 372W of the <i>Telecommunications Act 1997</i> (Cth)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Heritage</b>                              | Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Heritage item</b>                         | An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Incident</b>                              | An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance<br><i>Note: 'material harm' is defined in this consent</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Land</b>                                  | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Mamre Road/Access Road 1 Intersection</b> | The signalised intersection of Access Road 1 and Mamre Road approved as part of the Stage 1 development, shown in Appendix 1 of the development consent for SSD-10448 (as modified)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Material harm</b>                         | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the 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)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Minister</b>                              | NSW Minister for Planning (or delegate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Mitigation</b>                            | Activities associated with reducing the impacts of the development prior to or during those impacts occurring                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Modification Assessments</b>              | The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act: <ul style="list-style-type: none"> <li>1) AIE Concept Plan, Stage 1 and Stage 2 Modification SSD-10448 MOD 7 SSD-46516461 MOD 2, prepared by Urbis, dated May 2024.</li> <li>2) AIE Warehouse 9 (SSD-46516461) MOD 1 Modification Report, prepared by Urbis Pty Ltd, dated March 2024 and accompanying documents.</li> <li>3) SSD-46516461-Mod-3: Modification Report titled 'AIE Concept Plan, Stage 1, 2, 3 and 4 Modification SSD-10448 MOD 8 SSD-46516461 MOD 3 SSD-58257960 MOD 1 SSD-60513208 MOD 1 Modification Report', prepared by Urbis, dated December 2024, and all accompanying documents.</li> <li>4) SSD-46516461-Mod-4 'AIE Stormwater Management Modification Report' SSD-10448 Mod 11, SSD-46516461 Mod 4, SSD-58257960 Mod 3, SSD-60513208 Mod 3 prepared by Urbis dated December 2025.</li> </ul> |
| <b>NCC</b>                                   | National Construction Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Night</b>                                 | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Non-compliance</b>                        | An occurrence, set of circumstances or development that is a breach of this consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>OEMP</b>                                  | Operational Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Operation</b>                             | The carrying out of warehousing and distribution centre as described in the EIS and RtS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PA</b>                                    | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Principal Certifier</b>                   | The certifier appointed as the principal certifier for the building work under s 6.6(1) of the EP&A Act or for the subdivision work under s 6.12(1) of the EP&A Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Planning Secretary</b>                    | Secretary of the Department, or delegate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>POEO Act</b>                              | <i>Protection of the Environment Operations Act 1997</i> (NSW)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Reasonable</b>                            | Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Regional  
Stormwater  
Scheme**

Regional stormwater infrastructure as shown on the MRP Stormwater Scheme Plan, May 2024  
prepared by Sydney Water

|                                      |                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Response to Submissions (RtS)</b> | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled Submissions Report SSDA-10448 Mod 3 & SSD-46516461 WH 9 Aspect Industrial Estate, prepared by Urbis, dated 13 February 2023                                  |
| <b>Sensitive receivers</b>           | A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office, or public recreational area                                                                                                                                                                                                         |
| <b>Site</b>                          | The land defined in Schedule 1                                                                                                                                                                                                                                                                                                                    |
| <b>SSD-10448</b>                     | State Significant Development No. SSD-10448 approved by the Director, Industry Assessments as delegate of the Minister administering the EP&A Act on 24 May 2022 and all subsequent modifications                                                                                                                                                 |
| <b>Stage 1 Development</b>           | Sitewide bulk earthworks, retaining walls, estate basin, riparian corridor realignment, construction of access roads and the Mamre Road / Access Road 1 intersection, construction and operation of buildings 1 and 3, landscaping services and utilities installation and subdivision, as approved by SSD-10448 and subsequent modifications     |
| <b>Stage 2 Development</b>           | The development described in Schedule 1, the EIS and RtS, including the works and activities comprising the construction and operation of Warehouse 9 of the Aspect Industrial Estate with a total gross floor area of 66,350 square metres (m <sup>2</sup> ) with associated loading docks, hardstand, office, and car parking and Access Road 4 |
| <b>State Emergency Service</b>       | Has the same meaning as the definition of the term in section 3 of the <i>State Emergency Service Act 1989</i> (NSW)                                                                                                                                                                                                                              |
| <b>TfNSW</b>                         | Transport for New South Wales and any successors                                                                                                                                                                                                                                                                                                  |
| <b>VENM</b>                          | Virgin Excavated Natural Material                                                                                                                                                                                                                                                                                                                 |
| <b>Waste</b>                         | Has the same meaning as the definition of the term in the Dictionary to the POEO Act                                                                                                                                                                                                                                                              |

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The Stage 2 Development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions, ADR, and Concept Plan for SSD-10448 (as modified);
  - (d) in accordance with Modification Assessments;
  - (e) in accordance with the Development Layout in Appendix 1; and
  - (f) in accordance with the management and mitigation measures in Appendix 4.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(f), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

#### LIMITS OF CONSENT

##### Lapsing

- A5. This consent lapses five years after the date from which it operates unless the Stage 2 Development has physically commenced on the land to which the consent applies before that date.
- A6. The maximum GFA for the development must not exceed the limits described in **Table 1**.

**Table 1** Maximum GFA

| Land Use                           | Maximum GFA (m <sup>2</sup> ) |
|------------------------------------|-------------------------------|
| Warehouse and distribution centres | 64,742                        |
| Office                             | 1,365                         |
| Dock offices                       | 243                           |
| <b>Total</b>                       | <b>66,350</b>                 |

##### Stage 2 Development Operational Vehicles

- A6A. The Applicant must ensure no vehicles associated with the operation of the Stage 2 development access Bakers Lane, Aldington Road, and Abbots Road.

*Note: Any future use of Bakers Lane, Aldington Road, and Abbots Road may be considered by the Department as part of a separate future application should future road infrastructure upgrades become available.*

- A6B. Until the Mamre Road/Access Road 1 intersection is completed and commissioned, the Applicant must ensure the largest vehicles associated with Warehouse 9 operation are 26 m B-doubles.

##### Stormwater Management

- A6C. The site and the EEP must collectively achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).

A6D. Under this consent, the EEP site must ~~only~~ be used for stormwater management purposes as required by Condition A6C and as shown on Figure 4 in Appendix 1 until the Regional Stormwater Scheme becomes available for the AIE to connect into.

~~Note: Any future use of the EEP site other than for stormwater management purposes may be considered by the Department as part of a separate future modification and/or application should alternative stormwater management strategies become available.~~

~~A6E. This consent does not permit the use of the EEP site for any other development or use and must be preserved as undeveloped land for the purposes described in Condition A6C.~~

#### **NOTIFICATION OF COMMENCEMENT**

- A7. The date of commencement of each of the following phases of the Stage 2 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.
- A8. If the construction or operation of the Stage 2 Development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

#### **EVIDENCE OF CONSULTATION**

- A9. 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**

- A10. 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).
- A11. 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.
- A12. 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**

- A13. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary and TfNSW.
- A14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

### **STRUCTURAL ADEQUACY**

- A15. 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.

### **COMPLIANCE**

- A16. 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**

- A17. Prior to the issue of a Construction Certificate (or at a time otherwise permitted by the contributions plan or otherwise agreed by Council) for the Stage 2 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.

- A18. 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).

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 development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the 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.

*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](mailto:SIContributions@planning.nsw.gov.au).

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

- A19. All plant and equipment used on site, or to monitor the performance of the development, must be:

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

### **EXTERNAL WALLS AND CLADDING**

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

- A21. 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.

- A22. 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**

- A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

- A24. 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*.
- A25. Before the issuing of a Construction Certificate for any stage of the Stage 2 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.
- A26. 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.

#### WORK AS EXECUTED PLANS

- A27. Before the issuing of the Occupation Certificate for the Stage 2 Development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

#### ENVIRONMENTAL REPRESENTATIVE

- A28. The Applicant must engage an Environmental Representative (ER) to oversee construction of the Stage 2 Development. Unless otherwise agreed to by the Planning Secretary, construction of the 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 and Rts and any additional information for the development and is independent from the design and construction personnel for the development;
  - (b) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the 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 C2 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 A31) in a consultative role in relation to the environmental performance of the 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.

**Note:** Subject to the Planning Secretary's approval, the Applicant may elect to nominate the ER approved to oversee the Stage 1 Development (SSD-10448) for the purposes of satisfying Condition A28 of this consent.

- A29. 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 A28 (including preparation of the ER monthly report), as well as:
- (a) the complaints register (to be provided on a daily basis); and
  - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).
- A30. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition A28. 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**

- A31. Within three months of the commencement of construction of the Stage 2 Development and until all components of the Stage 2 Development are constructed and operational, the Applicant must establish and participate in a working group with relevant consent holders in the MRP, to the satisfaction of the Planning Secretary. The purpose of the working group is to consult and coordinate construction works within the MRP to assist with managing and mitigating potential cumulative environmental impacts. The working group must:
- (a) comprise at least one representative of the Applicant, the Applicant's ER, and relevant consent holders in the MRP;
  - (b) meet periodically throughout the year to discuss, formulate and implement measures or strategies to improve monitoring, coordination of the approved industrial developments in the MRP;
  - (c) regularly inform Council, TfNSW, Sydney Water and the Planning Secretary of the outcomes of these meetings and actions to be undertaken by the working group;
  - (d) review the performance of approved industrial developments in the MRP and identify trends in the data with respect to cumulative construction traffic, erosion and sediment control, noise, stormwater management and waterway health objectives under the MRP DCP;
  - (e) review community concerns or complaints with respect to environmental management;
  - (f) identify interim traffic safety measures to manage construction traffic and how these measures will be coordinated, communicated, funded and monitored in the MRP; and
  - (g) provide the Planning Secretary with an update and strategies, if a review under subclause (d) and (e) identifies additional measures and processes are required to be implemented by the working group.

**Note:** *Subject to the Planning Secretary's approval, the Applicant may satisfy Condition A31 through utilising the Working Group established for the Stage 1 Development under Condition C34, Schedule 2 of SSD-10448.*

- A32. Three (3) months prior to completion of construction of all components of the Stage 2 Development, the Applicant is eligible to exit the working group required under condition A31. The Applicant must:
- (a) consult with the Planning Secretary;
  - (b) provide confirmation that all components of the development are operational; and
  - (c) advise on the date of the proposed exit.

#### **APPLICABILITY OF GUIDELINES**

- A33. 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.
- A34. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction of the Stage 2 Development, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by condition C2 and must
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the proposed access arrangements for the proposal (including interim and long-term), and outline traffic management and contingency measures to be implemented for the site, to ensure access and road safety and network efficiency is maintained;
  - (d) detail heavy vehicle routes, access, and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes.
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the CTMP required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

**Note:** The Applicant may update an existing approved CTMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B1. Any updated CTMP must be to the satisfaction of the Planning Secretary.

#### Construction Access

- B3. Prior to the completion and commissioning of the Mamre Road/Access Road 1 intersection, construction vehicles associated with the Stage 2 Development must access the site through the temporary left in/left out access off Mamre Road constructed in accordance with condition D13A of Schedule 2 to SSD-10448.

#### Road Safety Audit

- B4. Within six months of the commencement of construction of the Stage 2 Development, the Applicant must undertake a road safety audit of Access Road 4 to demonstrate the layout, spacing, and position of all access points to Access Road 4 would minimise road safety risks, including consideration of cumulative impacts from all developments adjoining Access Road 4.

#### Parking

- B5. Prior to construction of the 61 future provisional parking spaces shown in Figure 1: in Appendix 1 of this development consent, the Applicant must submit a revised design plan for the car park to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared to ensure the carpark is fully separated from all heavy vehicle manoeuvring areas through kerbing and landscaping;
  - (b) be prepared in accordance with the relevant requirements of the MRP DCP and AS 2890.1:2004 *Parking facilities off-street car parking* (Standards Australia, 2004); and
  - (c) provide canopy shade trades at a ratio of one per ten parking spaces.
- B6. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### Operating Conditions

- B7. 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 Stage 2 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 are carried out on-site;
- (g) parking areas incorporate a minimum of 5% dedicated electric vehicle charging bays;
- (h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

B7A. Prior to the Mamre Road/Access Road 1 intersection being completed and commissioned, the Applicant must ensure only vehicles associated with Warehouses 1 and 9 operations are permitted to use the temporary left-in/left-out construction access on Mamre Road shown in Figure 5 in Appendix 1 as described in Modification 2 in addition to vehicles relating to construction activities.

B7B. The Applicant must monitor operational traffic volumes using the temporary left-in/left-out access off Mamre Road (constructed in accordance with condition D13A of Schedule 2 of SSD-10448) for the period that the temporary construction access is being used. Traffic volumes must be reported to TfNSW and the Planning Secretary on a monthly basis.

B7C. Within three months of the approval of Modification 2, the Applicant must install a 60 kilometre per hour (km/hr) road works speed limit on Mamre Road between Bakers Lane and Abbots Road to the satisfaction of TfNSW. The road works speed limit must remain in operation 24 hours a day, seven days a week, unless otherwise instructed by TfNSW.

#### Operational Traffic Monitoring Program

- B8. Prior to commencement of operation of the Stage 2 Development and for a period of 12 months of operation, the Applicant must establish an Operational Traffic Monitoring Program. The program must verify light and heavy vehicle traffic numbers, against the predictions in the EIS. The Program must also monitor the effectiveness of the traffic management measures to the satisfaction of the Planning Secretary and include but not be limited to the following:
- (a) detail the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
  - (b) queue monitoring at the Mamre Road/Access Road 1 intersection and background travel counts on Mamre Road;
  - (c) verify the predicted traffic numbers and level of service against the actual impacts of the Stage 2 Development, and analyse the potential cause of any significant discrepancies;
  - (d) consider the current capacity and efficiency of the existing road network including Mamre Road; and
  - (e) include procedures for the reporting and monitoring of results to evaluate the traffic performance of the Stage 2 Development.

**Note:** The Applicant may update an existing Operational Traffic Monitoring Program for the site to include the Stage 2 Development to satisfy the requirements of the condition.

#### Workplace Travel Plan

- B9. Prior to the commencement of operation of the Stage 2 Development, the Applicant must prepare a Workplace Travel Plan. The Workplace Travel Plan must:
- (a) be prepared in consultation with TfNSW and Council;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B10. The Applicant must implement the most recent version of the Workplace Travel Plan approved by the Planning Secretary for the duration of the development.

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

B11. The Applicant must:

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

### Erosion and Sediment Control

B12. Prior to the commencement of construction of the Stage 2 Development, the Applicant must design and detail the erosion and sediment control measures for the site to ensure the construction phase IWCN 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 water sensitive urban design (WSUD) principles set out in the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets* (NSW Government, 2022);
- (c) demonstrate the construction approach and timing to ensure the construction phase stormwater quality targets can be met;
- (d) outline the current construction and erosion and sediment control occurring on the AIE site and additional measures which will be adopted for the Stage 2 Development; and
- (e) be included in the CEMP required by Condition C2.

B13. 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 the CPESC and kept on record for the duration of the construction and an additional 12 months following completion of construction works.

### Discharge Limits

B14. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

### Stormwater Management System

~~B15. Prior to the commencement of operation of the Stage 2 Development, the Applicant must update and implement the stormwater management system described in Figure 4: in Appendix 1 of this development consent to the satisfaction of the Planning Secretary.~~

~~B16. The design and subsequent construction and establishment of the WSUD systems must be supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems.~~

B15. Prior to the commencement of operation of the Stage 2 Development, the Applicant must implement the Stormwater Management System described in SSD-46516461-Mod-3. The design and subsequent construction and establishment of the WSUD systems must be supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems.

B16. All stormwater infrastructure, including bio-retention basins, shall remain under the ownership, control and care of the registered proprietor of the lots. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.

### Stormwater Management Plan

B17. Within six months of the commencement of construction of the Stage 2 Development, the Applicant must prepare a Stormwater Management Plan (SMP) for the site to the satisfaction of the Planning Secretary. The SMP must:

- (a) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with EHG, Sydney Water, and Council;
- (c) describe the baseline soil, surface water and groundwater conditions at the site;
- (d) demonstrate how operational phase stormwater targets as set out in the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets* (Technical Guidance) (NSW Government, 2022) will be achieved;

- (e) be supported by MUSIC modelling which addresses the requirements of EHG's letter dated 24 February 2023 to ensure stormwater targets are achieved;
- (f) a catchment plan, table and bioretention system which addresses the requirements of EHG's letter dated 24 February 2023;
- (g) adopts a bioretention system which addresses the requirements of EHG's letter dated 24 February 2023;
- (h) include updated evaporative ponds which meet the requirements in EHG's letter dated 24 February 2023;
- (i) describe how 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;
- (j) detail a monitoring program to demonstrate the Stage 2 Development stormwater management system required by condition is being implemented including:
  - (i) construction phase
    - rainfall (6-minute timestep or similar)
    - relationship between turbidity and total suspended solids
    - turbidity within sediment basin(s) and at discharge from whole construction site (6 minute or similar)
    - PH within sediment basin(s) and at discharge from whole construction site
  - (ii) operational phase
    - rainfall (6 min timestep or similar)
    - flows exiting the whole development site (6-minute timestep or similar)
    - irrigate pump/flow rates;
- (k) detail a stormwater management strategy and designs of each WSUD system, including:
  - ~~(i) details of how the Stage 2 Development stormwater management system can potentially connect to precinct-wide stormwater infrastructure, if required~~  
 detail how the Stage 2 Development will ultimately connect to the Regional Stormwater Scheme and how the interim measures, including the rainwater tanks, will be decommissioned once the development is connected to the Regional Stormwater Scheme;
  - (ii) engineering drawings completed and certified by a chartered professional engineer with experience in modelling, design, and supervision of WSUD systems that detail the WSUD measures;
  - (iii) landscape drawings that include planting and hardscape details of the WSUD systems;
- (l) include a protocol for investigation of any non-compliances of the Technical Guidance described in condition (d) and contingency measures that would be implemented should issues arise;
- (m) 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);
- (n) include a Maintenance Plan for WSUD measures; and
- (o) detail triggers for a review of the plan, including, but not limited to a review of the plan within 6 months of the precinct-wide stormwater infrastructure being available for the site to connect to.

**Note:** The EHG letter dated 24 February 2023 is available on the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>).

**B18. The Applicant must:**

- (a) not commence the operation of the Stage 2 Development until the SMP required by condition B17 is approved by the Planning Secretary;
- (b) implement the most recent version of the SMP approved by the Planning Secretary for the duration of the development; and
- (c) ensure all WSUD systems are constructed under the supervision of a suitably qualified chartered professional engineer with experience in modelling, design, and supervision of WSUD systems.

**Note:** The Applicant may update an existing and approved SMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B17. Any updated SMP must be to the satisfaction of the Planning Secretary.

## Flood Management

B19. Prior to the commencement of construction of the Stage 2 Development, the Applicant must prepare a Flood Emergency Response Plan (FERP) to the satisfaction of the Planning Secretary. The FERP must form part of the CEMP required by condition C2 and the OEMP required by condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s) in consultation with EHG and State Emergency Service;
- (b) include details of:
  - (i) the flood emergency responses for both construction and operation phases of the Stage 2 Development;
  - (ii) measures to eliminate or reduce downstream flood impact on properties to the west of Mamre Road for all flooding events;
  - (iii) predicted flood levels;
  - (iv) flood warning time and flood notification;
  - (v) assembly points and evacuation routes;
  - (vi) evacuation and refuge protocol; and
  - (vii) awareness training for employees and contractors.

B20. The Applicant must:

- (a) not commence construction until the FERP required by condition is approved by the Planning Secretary; and
- (b) implement the most recent version of the FERP approved by the Planning Secretary for the duration of the Stage 2 development.

## NOISE

### Hours of Work

B21. The Applicant must comply with the hours detailed in **Table 2**.

**Table 2** Hours of Work

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

B22. Works outside of the hours identified in condition B21 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

B23. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 4.

### Construction Noise Management Plan

B24. Prior to commencement of construction of the Stage 2 Development, the Applicant must prepare a Construction Noise Management Plan (CNMP) for the development to the satisfaction of the Planning Secretary. The CNMP must form part of a CEMP in accordance with condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert(s);
- (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;

- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works; and
- (f) describe the community consultation undertaken to develop the strategies in condition B24(e).
- (g) include a complaints management system that would be implemented for the duration of the development.

B25. The Applicant must:

- (a) not commence construction of the Stage 2 Development until the CNMP required by condition B24 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CNMP approved by the Planning Secretary for the duration of construction.

**Note:** The Applicant may update an existing and approved CNMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B20. Any updated CNMP must be to the satisfaction of the Planning Secretary.

### Operational Noise Limits

B26. The Applicant must ensure that noise generated by operation of the Stage 2 Development does not exceed the noise limits in Table 3.

**Table 3** Noise Limits (dB(A))

| Location                                                                                                              | Day<br>L <sub>Aeq</sub> (15 minute) | Evening<br>L <sub>Aeq</sub> (15 minute) | Night<br>L <sub>Aeq</sub> (15 minute) |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------|---------------------------------------|
| Residential receivers near Medinah Avenue (Luddenham), Mount Vernon Road (Mount Vernon) and Kerrs Road (Mount Vernon) | 39                                  | 34                                      | 29                                    |
| BAPS Temple - Outdoor Use Area (Except Car Parking Area)                                                              | 36 (When in use)                    |                                         |                                       |

**Note** Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of sensitive receivers.

B27. The Applicant must ensure that noise generated by:

- (a) the on-site disposal of unwanted appliances and general waste in skip bin(s) does not exceed a sound power level of L<sub>Aeq</sub>(15min) 91 dB(A);
- (b) all fixed external mechanical plant for the Stage 2 Development does not exceed a cumulative sound power level of L<sub>Aeq</sub>(15min) 90 dB(A); and
- (c) any activity on the site does not exceed a sound power level of L<sub>AMax</sub> 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).

### Noise Verification

B28. Prior to the commencement of construction of the Stage 2 Development, the Applicant must prepare and submit a Design Noise Verification Report for the development to the satisfaction of 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, stationary equipment specification and verifiable data of dynamic noise emission activities (such as on-site disposal of unwanted appliances in skip bin(s));
- (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 predicted noise levels identified in the report titled *Aspect Industrial Estate MOD 3 Revised Operational Noise Level Predictions*, prepared by SLR, dated 20 February 2023;
  - (e) develop an Operational Noise Monitoring Plan in accordance with Section 7 of the Noise Policy for Industry to verify the operational performance of the development, including details of the nominated intermediate monitoring locations, reference noise levels at each intermediate location, and noise level relationship between each intermediate location and sensitive receivers identified in condition B26;
  - (f) include:
    - (i) an analysis of compliance with noise limits specified in conditions B26 and B27;
    - (ii) an outline of at-source and transmission path mitigation measures required to ensure compliance with the limits specified in conditions B26 and B27;
    - (iii) a description of contingency measures (including the cessation of non-compliant 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 B26 and B27.
- B29. Within three months of the commencement of operation of the Stage 2 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); and
    - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
    - (iii) the Operational Noise Monitoring Plan established under conditions B28(e);
  - (c) include:
    - (i) an analysis of compliance with noise limits specified in conditions B26 and B27;
    - (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 (including the cessation of non-compliant noise generating activities during the night-time period) in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B26 and B27 at all times.

### Noise Agreement

- B30. Prior to the commencement of operation of the Stage 2 Development, the Applicant must offer to enter into noise agreement(s) with the noise mitigation eligible receivers shown in Figure 7: in Appendix 3.
- Note:** *The Applicant may update existing noise agreements for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B30. Any updated agreements must be to the satisfaction of the Planning Secretary.*
- B31. Prior to the commencement of operation of the Stage 2 development, the Applicant must submit copies of the noise agreement(s) required under Condition B26 to the Planning Secretary.
- B32. The noise agreement required under Condition must be in force until the existing residential use ceases on the land subject to the agreement or a development application for general industrial or other employment uses applies to the land, whichever is the sooner.

### VISUAL AMENITY

#### Landscaping

- B33. Prior to the commencement of operation of the Stage 2 Development, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with Condition C5. The LMP must:
- (a) be consistent with the Aspect Industrial Estate – Lot 9 Mamre Road, Kemps Creek Landscape Package, prepared by Site Image Landscape Architects, dated 23/02/2023, Issue J;
  - (b) detail the species to be planted on-site;
  - (c) demonstrate the species are suitable in relation to wildlife management in proximity to the future Western Sydney Airport;

- (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (e) be consistent with the Applicant's Management and Mitigation Measures detailed at Appendix 4.

B34. 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 B33 for the life of the development.

**Note:** The Applicant may update an existing approved LMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B33. Any updated LMP must be to the satisfaction of the Planning Secretary.

### Lighting

B35. The Applicant must ensure the lighting associated with the Stage 2 Development:

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

### Signage and Fencing

B36. Prior to the commencement of construction of the Stage 2 Development, the Applicant must prepare a Final Signage Strategy to the satisfaction of the Planning Secretary. The Strategy must comply with requirements set out in section 4.2.8 of the MRP DCP.

B37. All signage must be erected in accordance with the approved Final Signage Strategy required by Condition B36.

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

### AIR QUALITY

#### Dust Minimisation

B38. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this development consent.

B39. During construction of the Stage 2 Development, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### Construction Air Quality Management Plan

B40. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) for the Stage 2 Development to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by Condition C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail and rank all emissions from all sources during construction of the development, including particulate emissions;
- (c) describe a program that is capable of evaluating the performance of the construction and determining compliance with key performance indicators;
- (d) identify the control measures that that will be implemented for each emission source; and
- (e) nominate the following for each of the proposed controls:
  - (i) key performance indicator;
  - (ii) monitoring method;
  - (iii) location, frequency, and duration of monitoring;
  - (iv) record keeping;

- (v) complaints register;
- (vi) response procedures; and
- (vii) compliance monitoring.

B41. The Applicant must:

- (a) not commence construction until the CAQMP required by condition B40 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CAQMP approved by the Planning Secretary for the duration of the development.

**Note:** *The Applicant may update an existing and approved CAQMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B40. Any updated CAQMP must be to the satisfaction of the Planning Secretary.*

#### Odour Management

B42. The Applicant must ensure the Stage 2 Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

#### HAZARDS AND RISK

##### Dangerous Goods

B43. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

##### Bunding

B44. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

#### WASTE MANAGEMENT

##### Construction Waste Management

B45. Prior to the commencement of construction of the Stage 2 Development, the Applicant must prepare a Construction Waste Management Plan (CWMP) for the Stage 2 Development to the satisfaction of the Planning Secretary. The CWMP must form part of a CEMP in accordance with condition C2 and must:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling, and disposal locations; and
- (b) be implemented for the duration of construction works.

B46. The Applicant must:

- (a) not commence construction until the CWMP is approved by the Planning Secretary.
- (b) implement the most recent version of the CWMP approved by the Planning Secretary.

**Note:** *The Applicant may update an existing and approved CWMP for the site to include Stage 2 Development works and activities to satisfy the requirements of Condition B45. Any updated CWMP must be to the satisfaction of the Planning Secretary.*

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

B47. The Applicant must:

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

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

##### Waste Management Plan

B48. The Applicant must implement the Waste Management Plan (WMP) prepared by MRA Consulting Group, dated 28 July 2022 in the EIS for the duration of operation of the Stage 2 Development.

##### Waste Storage and Processing

B49. 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.



## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (h) a protocol for periodic review of the plan.

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

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. Prior to the commencement of construction of the Stage 2 Development, The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the Stage 2 Development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition B1);
  - (b) Erosion and Sediment Control Plan (see condition B12);
  - (c) Flood Emergency Response Plan (see condition B19);
  - (d) Construction Noise Management Plan (see condition B24);
  - (e) Construction Air Quality Management Plan (see condition B40);
  - (f) Construction Waste Management Plan (see condition B45); and
  - (g) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

## OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. Prior to the commencement of operation of the Stage 2 Development, the Applicant must prepare an Operational Environmental Management Plan (OEMP) for the Stage 2 Development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 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) Workplace Travel Plan (see condition B9);
    - (ii) Operational Traffic Monitoring Program (see condition B8);
    - (iii) Stormwater Management Plan (see condition B17);
    - (iv) Flood Emergency Response Plan (see condition B19);
    - (v) Operational Noise Monitoring Plan (see condition B28B28);
    - (vi) Landscape Management Plan (see condition B33B33); and
    - (vii) Waste Management Plan (see condition B48).
- C7. 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

- C8. Within three months of:
- (a) the submission of a Compliance Report under condition C14;
  - (b) the submission of an incident report under condition C10;
  - (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 A2(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.
- C9. 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 C8, 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

- C10. 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 5.

### Non-Compliance Notification

- C11. 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.
- C12. 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.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C14. Within three months after the commencement of construction of the Stage 2 Development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), 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 over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C15. 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

- C16. 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

- C17. At least 48 hours before the commencement of construction of the Stage 2 Development until the completion of all works under this consent, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) the proposed staging plans for the development if the construction or operation of the development is to be staged;
    - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vii) a summary of the current stage and progress of the development;
    - (viii) contact details to enquire about the development or to make a complaint;
    - (ix) a complaints register, updated monthly;
    - (x) the Compliance Report of the development;
    - (xi) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

*Table 4 Schedule of Approved Plans*

| Drawing No                                           | Title                                                                                                       | Issue | Date       |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------|------------|
| <b>Architectural Plan prepared by SBA Architects</b> |                                                                                                             |       |            |
| DA910                                                | Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 9 Site & Warehouse Floor Plan | Q     | 23/02/2022 |
| DA911                                                | Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 9 Roof Plan                   | F     | 01/02/2023 |
| DA912                                                | Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Signage Plan                      | C     | 05/11/2022 |

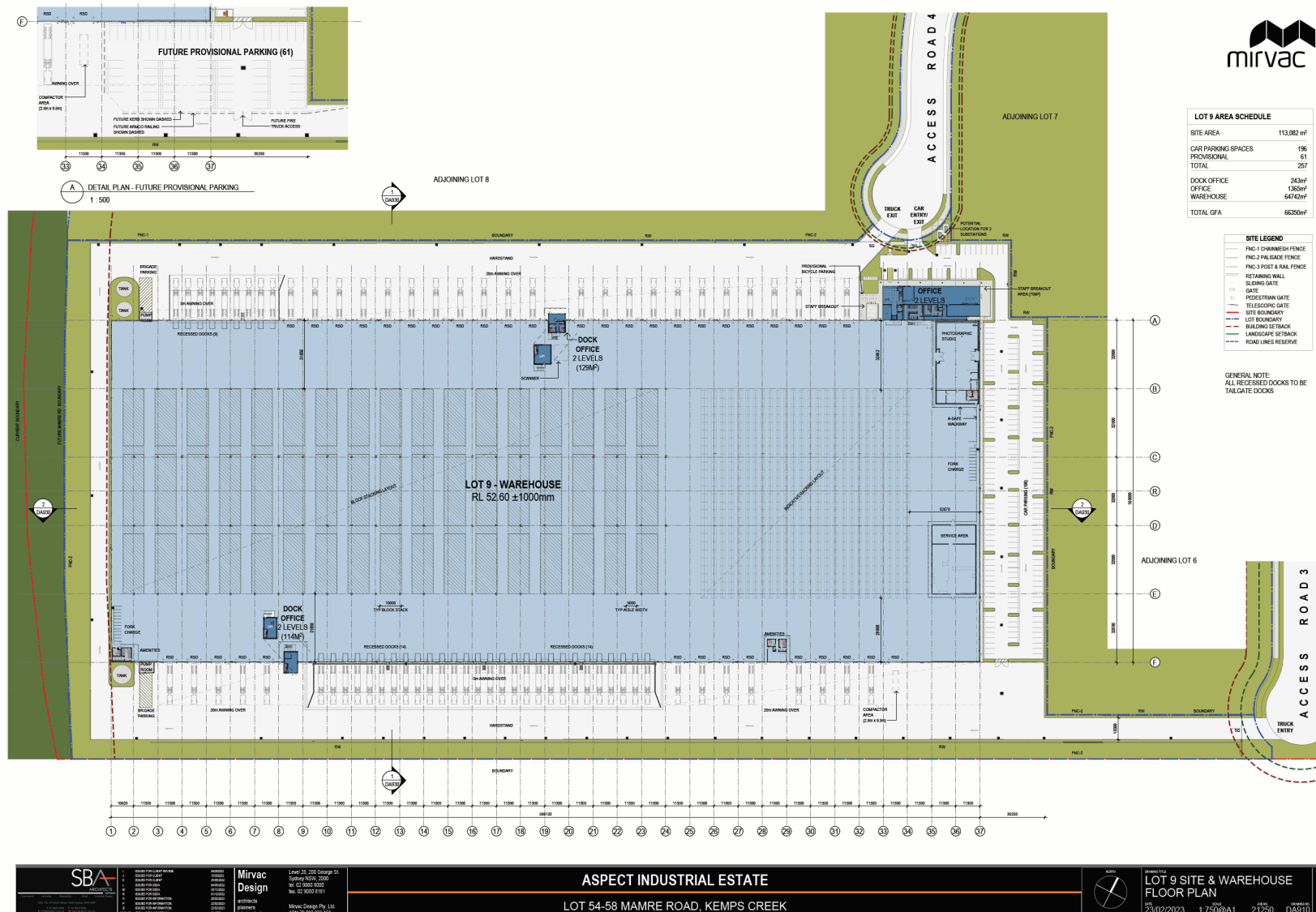


Figure 1: Site Plan



OVERALL DEVELOPMENT DATA

|                                    |                        |
|------------------------------------|------------------------|
| Total Site Area                    | 558,323 m <sup>2</sup> |
| Mamre Rd Reserve Area              | 14,054 m <sup>2</sup>  |
| Rov. Boundary Site Area            | 544,319 m <sup>2</sup> |
| Access Roads Area                  | 39,876 m <sup>2</sup>  |
| Future Roads Area                  | 3,970 m <sup>2</sup>   |
| Creek Riparian Area                | 29,718 m <sup>2</sup>  |
| Retained Riparian Area             | 4,042 m <sup>2</sup>   |
| Basin Lot Area                     | 18,157 m <sup>2</sup>  |
| Total Developable Area             | 448,956 m <sup>2</sup> |
| Total Office Area (incl. dock off) | 1,834 m <sup>2</sup>   |
| Total Warehouse Area               | 64,978 m <sup>2</sup>  |
| Total Building Area                | 66,812 m <sup>2</sup>  |

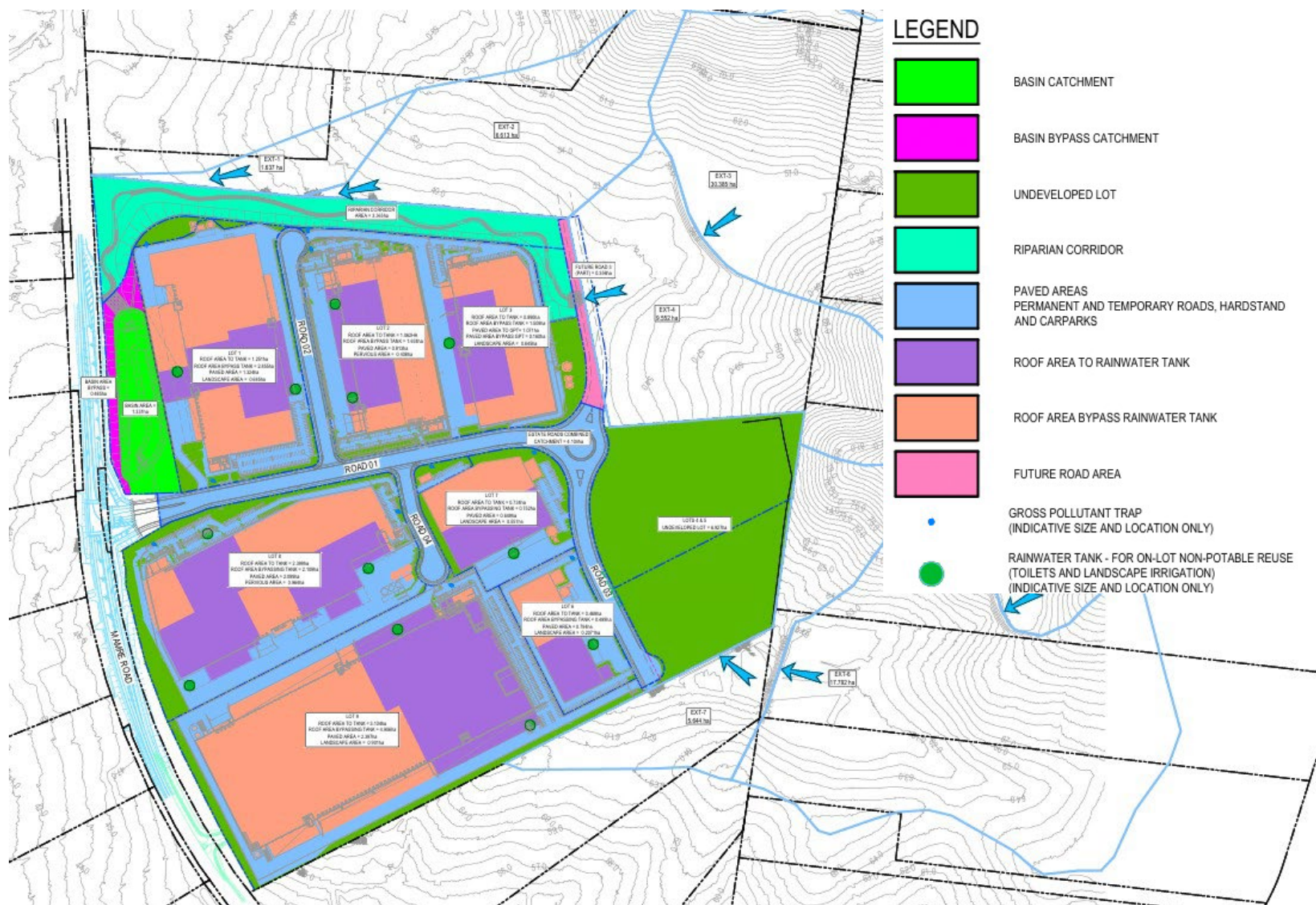
WAREHOUSE 9

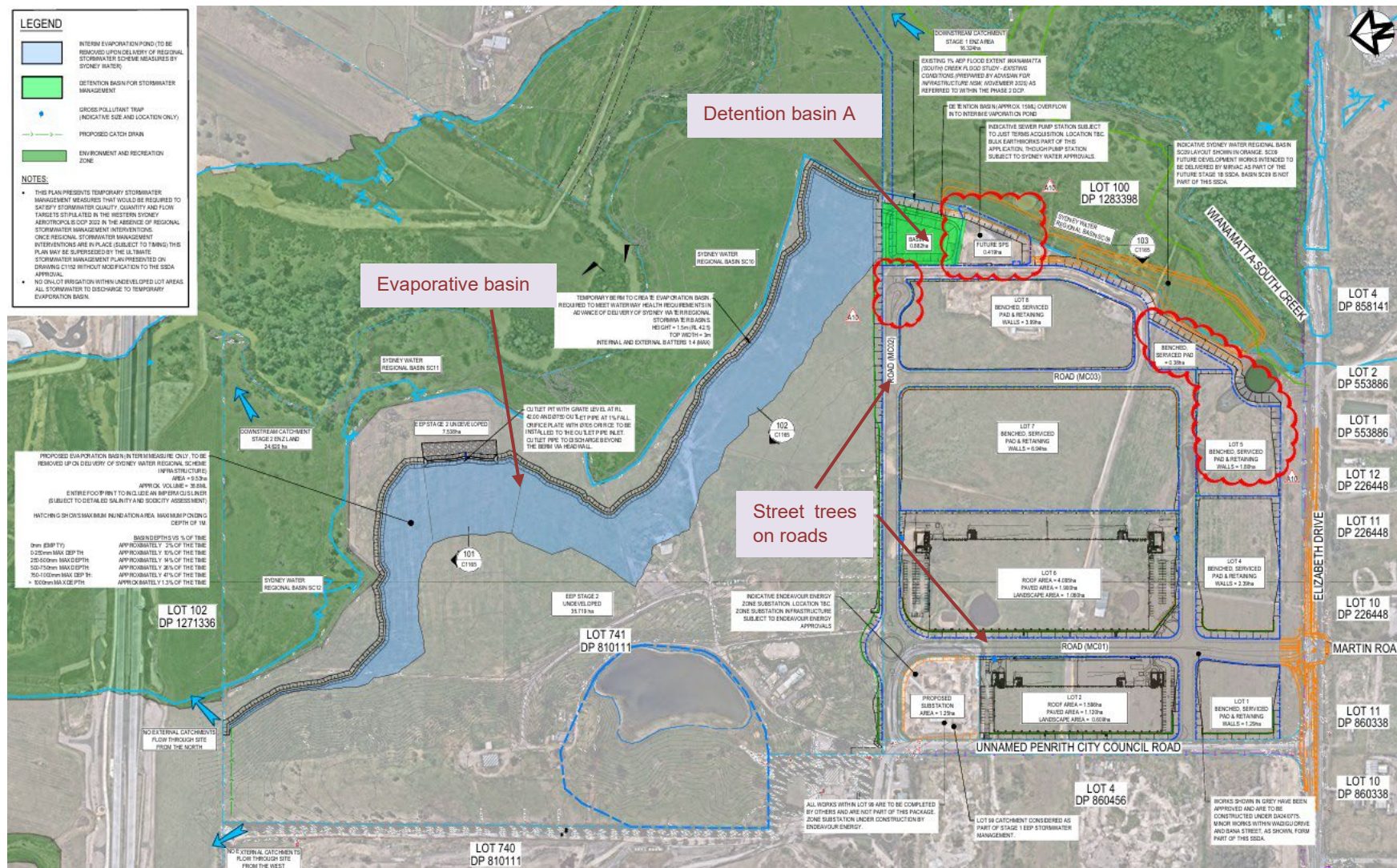
|                  |                        |
|------------------|------------------------|
| Site Area        | 113,082 m <sup>2</sup> |
| Office           | 1,365 m <sup>2</sup>   |
| Warehouse        | 64,742 m <sup>2</sup>  |
| Dock Office      | 243 m <sup>2</sup>     |
| Total GFA        | 66,350 m <sup>2</sup>  |
| Carpark Provided | 257                    |



Figure 2: Stages 1 and 2 Developments Phasing Plan







**Figure 4A:** Stormwater Management Plan EEP Site

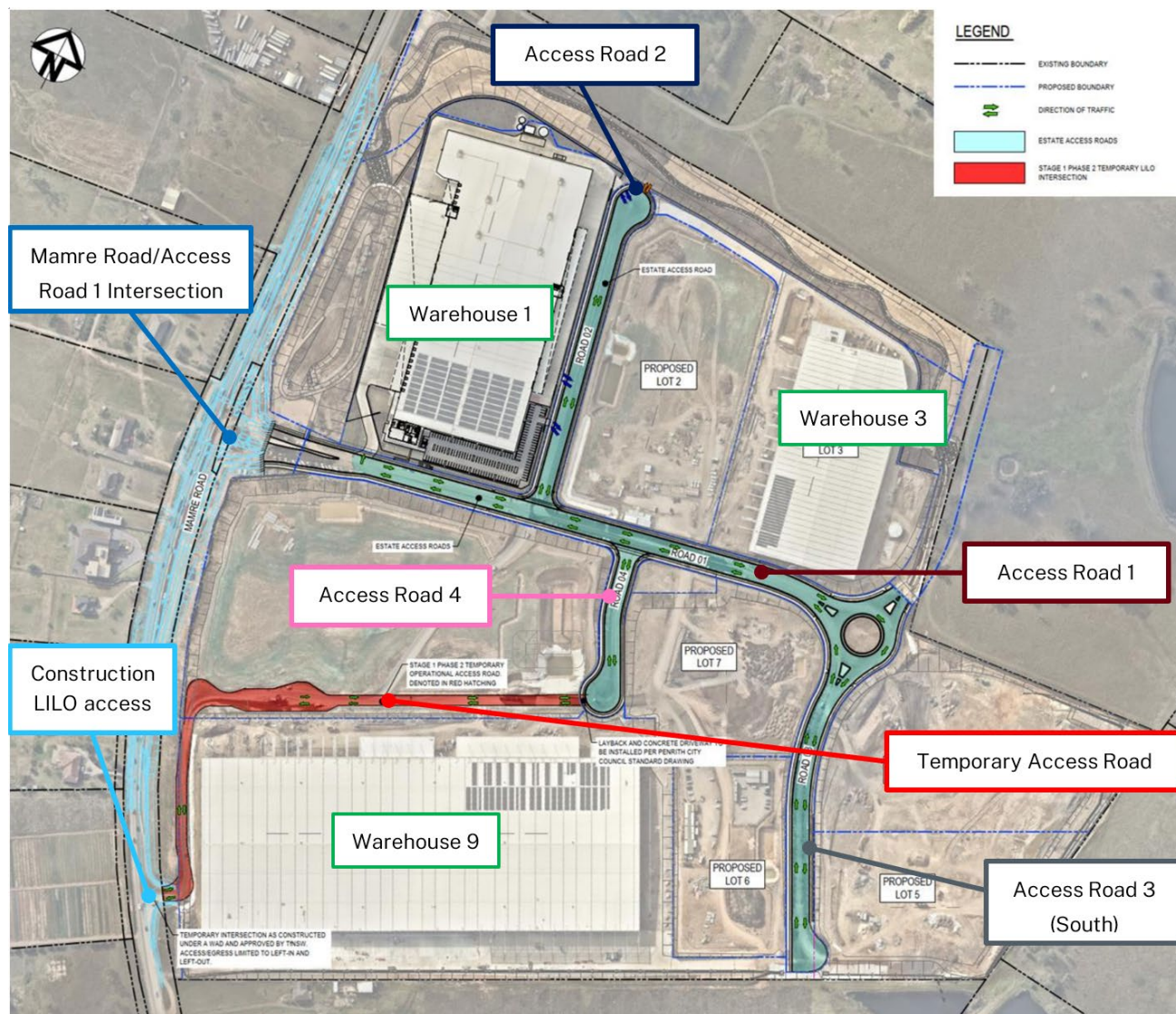
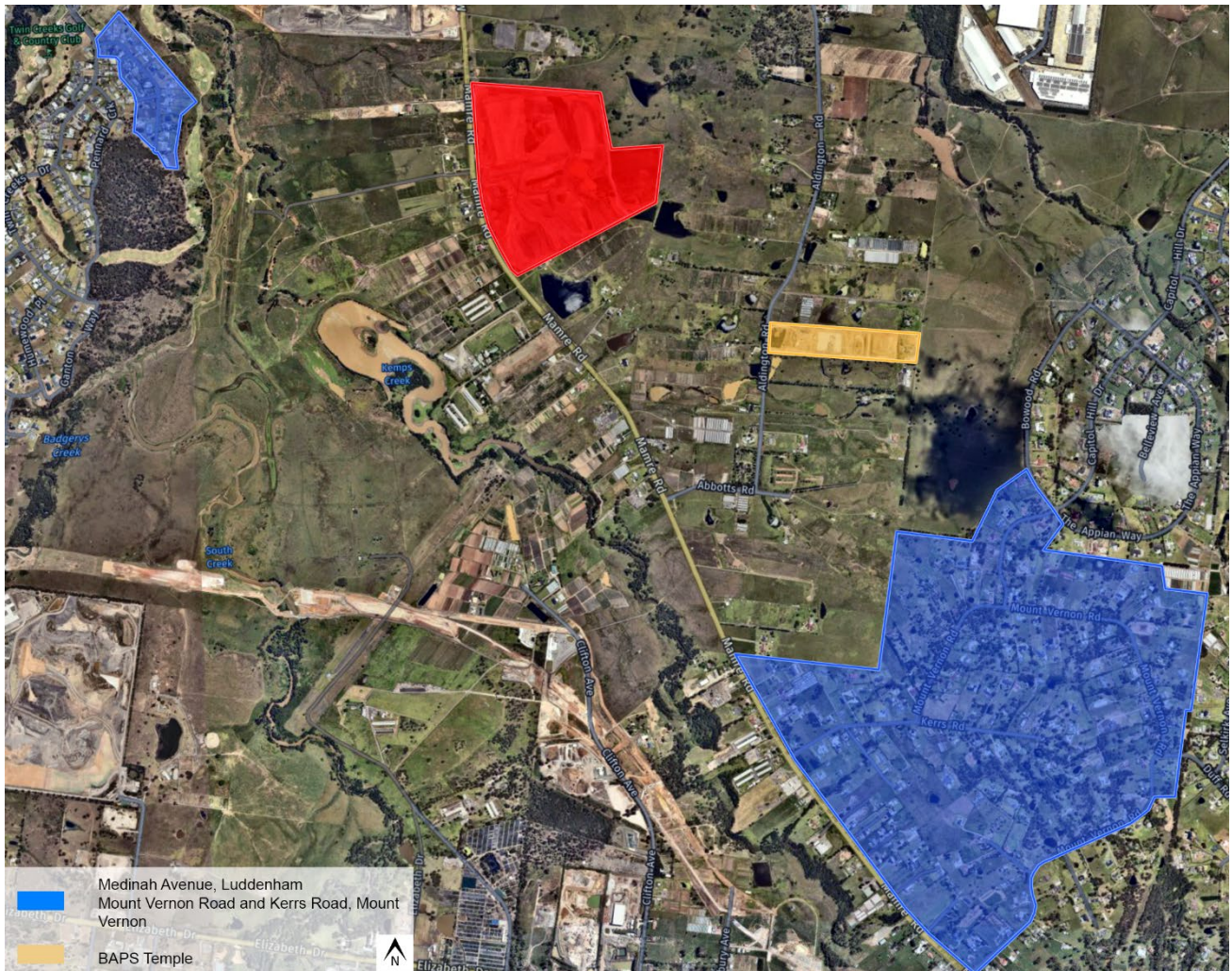


Figure 5: Construction Left-in/Left-out Access, Temporary Access Road, and AIE Access Roads

APPENDIX 2 NOISE SENSITIVE RECEIVERS



**Figure 6:** Noise sensitive receivers' locations

APPENDIX 3 NOISE MITIGATION ELIGIBLE RECEIVERS' LOCATIONS



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

APPENDIX 4 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

| Issue    | Potential Impacts                                                                                                                                                                                                                                                                                            | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Type of Measure (Pe/Pr/Ma) |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Acoustic | <p>Acoustic impacts to nearby sensitive receivers resulting from the updated vehicle parking locations, travel paths and operations.</p> <p>The proposal will result in a minor exceedance to the NML5 night-time criteria, the acoustic impacts remain within the acceptable limits identified in NPfI.</p> | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Potential feasible and reasonable mitigation measures have been considered during the various design phases of the proposal, including several that were considered through the original Concept Approval and others that have been (or can be) conditioned as part of an approval. These measures include are typical noise management measures, consistent with the established measures under SSD-10448:</p> <ul style="list-style-type: none"> <li>▪ Optimising site layout to minimise noise emissions from the site.</li> <li>▪ Use broadband and/or ambient sensing alarms on trucks and forklifts where they are required to reverse during the night-time.</li> <li>▪ 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.</li> <li>▪ Production of an operational noise management plan.</li> <li>▪ Noise monitoring of the post construction operational period.</li> </ul> <p>Other operational opportunities could involve:</p> <ul style="list-style-type: none"> <li>▪ Reducing peak 15-minute heavy vehicle movements across</li> </ul> | Pe                         |

| Issue | Potential Impacts | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Type of Measure (Pe/Pr/Ma) |
|-------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|       |                   | <p>the development by staggering delivery/pickup times.</p> <ul style="list-style-type: none"> <li>▪ Reducing peak 15-minute light vehicle movements across the development by staggering shift change times for employees.</li> <li>▪ Minimising the concurrent use of forklift and other mobile plant outside the warehouses (i.e. in hardstand area) and/or limiting their use to the less sensitive daytime and evening periods.</li> <li>▪ The use of quieter mobile plant options, such as electric forklifts instead of gas-powered forklifts.</li> <li>▪ Locating fixed mechanical plant away from the most-affected sensitive receivers, such as ground-level locations instead of rooftop locations, and/or shielded behind the warehouse/office structures.</li> <li>▪ Best management practice – such as switching vehicles and plant off when not in use, no yelling/swearing/loud music onsite, education of staff and drivers regarding noise impacts, regular maintenance of plant and equipment to minimise noise emissions, use of silent or non-tonal reverse alarms instead of tonal alarms, minimising use of reverse alarms by providing forward manoeuvring where practicable.</li> </ul> <p>Indicative noise barrier locations have been identified as a possible mitigation measure and several noise barriers have been modelled in the western area of the site to help minimise noise levels to the west and south of the development. The barriers</p> |                            |

| Issue                  | Potential Impacts                                                                                                                                                                                                                                                                        | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Type of Measure (Pe/Pr/Ma) |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|                        |                                                                                                                                                                                                                                                                                          | <p>have been modelled along the western edge of the Lot 1, parts of the northern and western edges of Lot 8, and parts of the western and southern edges of Lot 9. The barriers were modelled with a height of 2 m. Increasing the barrier height up to 5 m did not have significant additional acoustic benefit compared to 2m.</p> <p>The barrier locations would be confirmed as designs are finalised during detailed design.</p> <p><b>SSD-10448 MOD3</b></p> <p>The recommended acoustic mitigation measures as part of MOD 3 are consistent with those established under approved concept development (SSD-10448).</p> <p>Ensure development does not exceed appropriate noise limits with consideration of the NPfl requirements and the update site layout.</p> <p>Continued restriction of strong, low frequency content for the warehouse plants' tonal characteristics.</p> |                            |
| Water and Energy Usage | <p>Proposed warehouse may result in impacts to the water and energy usage of the development.</p> <p>The Warehouse 9 development and MOD 3 development is to be delivered in accordance with the ESD principles committed to as part of SSD-10448. No additional adverse impacts are</p> | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>The development will establish the appropriate ecologically sustainable design elements to mitigate any adverse impacts to water and energy usage. Such elements include rainwater harvesting, natural ventilation, efficient HVAC performance etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Ma                         |

| Issue       | Potential Impacts                                                                                                                                                                                                                                                                        | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Type of Measure (Pe/Pr/Ma) |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|             | anticipated.                                                                                                                                                                                                                                                                             | <p><b>SSD-10448 MOD3</b></p> <p>No additional mitigation measures are required beyond those established under SSD-10448 approval. Consistent with original approval, the modified proposal will maintain the appropriate ecologically sustainable design elements to mitigate any adverse impacts to water and energy usage. Such elements include rainwater harvesting, natural ventilation, efficient HVAC performance etc.</p>                                                                                        |                            |
| Air Quality | <p>Dust, air quality and odour impacts generated by the SSD-14408 MOD 3 and Warehouse 9 construction.</p> <p>The development construction and operations will see negligible change from the approved estate concept approval with consideration of the nearest sensitive receivers.</p> | <p><b>Warehouse 9 Development - SSD-46516461 and SSD-10448 MOD3</b></p> <p>The Warehouse 9 development mitigation measures will be consistent with the measures established under the approved, estate wide concept approval (SSD-10448). No additional mitigation measures are required for the AIE as to be modified by MOD 3 beyond those established under SSD-10448 approval.</p> <p>The proposal will be supported by:</p> <ul style="list-style-type: none"> <li>standard air quality control measures</li> </ul> | Pe                         |

| Issue                    | Potential Impacts                                                                                                                                                                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Type of Measure (Pe/Pr/Ma) |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|                          |                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>standard dust minimisation measures</li> <li>standard odour mitigation measures for construction</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                            |
| Visual Impact Assessment | <p>Visual impacts onto the nearby residential receivers and viewpoints.</p> <p>The proposed warehouse 9 construction will not result in any change in visual impact ratings from the established, estate wide concept proposal.</p> | <p><b>Warehouse 9 Development - SSD-46516461 and SSD-10448 MOD3</b></p> <p>The Warehouse 9 development mitigation measures will be consistent with the measures established under the approved, estate wide concept approval (SSD-10448). No additional mitigation measures are required for the AIE as to be modified by MOD 3 beyond those established under SSD-10448 approval.</p> <p>The proposal will be supported by the appropriate landscape screening in accordance with the updated landscape plans.</p>                                                                                         | Ma                         |
| Stormwater and Drainage  | Potential impacts to water quantity and quality due to the SSD-10448 MOD 3 and Warehouse 9 construction.                                                                                                                            | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Provision of estate detention basin including 'filterra' proprietary bio-retention system and warehouse 1 &amp; 3 rainwater tanks and Gross Pollutant Traps (GPTs) as approved under the initial SSD-10448 and MOD2. These will comply with the Technical Guidance for achieving Wianamatta-South Creek stormwater management targets.</p> <p>These interim waterway health measures would be provided prior to issuance of occupancy certificate, unless otherwise agreed with DPE, noting the development may be integrated into the regional</p> | Pr                         |

| Issue                          | Potential Impacts                                                                                                                                                                                                                                                                                                                                                                                      | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Type of Measure (Pe/Pr/Ma) |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|                                |                                                                                                                                                                                                                                                                                                                                                                                                        | <p>stormwater system as required in Condition B6.</p> <p>It is considered that the above amended approach to stormwater management and waterway health is acceptable to DPE and EHG and will meet the appropriate technical guidance on this matter.</p> <p><b>SSD-10448 MOD3</b></p> <p>No additional mitigation measures are required beyond those established under SSD-10448 approval. Consistent with original approval, the proposal includes the appropriate water management measures (e.g. WSUD systems, stormwater management systems, erosion and sediment controls)</p> |                            |
| Traffic, Transport and Parking | <p>An assessment of the modified (SSD-10448) MOD 3) GFA, parking, access arrangements and traffic impacts.</p> <p>Impacts to the surrounding traffic levels as well as to the swept path and access arrangements across the site.</p> <p>The Warehouse 9 operations will see a reduced level of parking demand compared to the rates identified in the concept proposal (to be modified by MOD 3).</p> | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>A Sustainable Travel Framework has been prepared to encourage the use of alternative transport and the reduce the reliance of vehicles.</p> <p><b>SSD-10448 MOD3</b></p> <p>No mitigation measures are required beyond those established under the approved, estate wide concept approval (SSD-10448).</p> <p>No mitigation measures are required for the intended access arrangements.</p>                                                                                                                                 | Pr                         |

| Issue    | Potential Impacts                                                                            | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Type of Measure (Pe/Pr/Ma) |
|----------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Salinity | Impact of the warehouse 9 development on the existing salinity processes and salinity damage | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Management measures to be established during the construction phases including the following:</p> <p><b>Earthworks:</b> vegetation cover maintenance, surface grading, erosion control and sediment control measures</p> <p><b>Soil importation:</b> high quality material is to be imported onto the site. No highly saline or contaminated soils are to be imported.</p> <p><b>Gardens and Landscaped Areas:</b> specific plant species are to be used in accordance with the soil salinity. Water logging is also to be minimised through the appropriate plant species and landscaping design.</p> <p><b>Roads, Footpaths and Hardstand Areas:</b> these surfaces are to be graded to prevent ponding and infiltration. Minimisation of infiltration should be achieved across the road, footpath and hardstand connections, services are to be below hardstand surfaces where possible, and a damp-proof course or membrane can be provided below slabs.</p> <p><b>Surface Water, Stormwater and Drainage:</b> the temporary water retaining structures and drainage infrastructure should reduce disturbance of natural drainage patterns, minimize infiltration and water logging.</p> <p><b>Durability of Concrete Structures and Steel Structures in Contact</b></p> | Ma                         |

| Issue         | Potential Impacts                                                                                                                                                                                                                           | Mitigation Measures                                                                                                                                                                                                                                                                                            | Type of Measure (Pe/Pr/Ma) |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|               |                                                                                                                                                                                                                                             | with the Ground: both concrete and steel structures are to be designed in accordance with the relevant Australian Standards.                                                                                                                                                                                   |                            |
| Flood Impacts | The site is affected by 100-year overland flows. Potential impacts to flood flows and runoff into the existing water management infrastructure.                                                                                             | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Mitigation measures established under the approved Stage 1 and Concept Approval (SSD-10448) will manage the potential flooding impacts generated by the Warehouse 9 job. No additional management measures are required for the Warehouse 9 scheme</p> | Pr                         |
| Groundwater   | Health and environmental impacts generated by the existing groundwater during groundwater dewatering and construction works.                                                                                                                | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Conduct works in accordance with the established Groundwater Management Plan including management measures, groundwater quality guidelines and the appropriate treatment or reuse.</p>                                                                 | Ma                         |
| Contamination | Health and environmental impacts generated by contaminants, dam sediments, water pollution, groundwater with moderate EC and ACM. These potential impacts are to be mitigated and addressed during the proposed construction works.         | <p><b>Warehouse 9 Development - SSD-46516461</b></p> <p>Remediation and validation works and procedures to be undertaken in accordance with the remediation action plan established for the site.</p>                                                                                                          | Pr                         |
| Bushfire      | The modification has been assessed and deemed to comply with the requirements of Planning for Bushfire Protection 2019 and is considered generally consistent with the previous bushfire report, prepared by Australian Bushfire Protection | <p><b>SSD-10448 MOD3</b></p> <ul style="list-style-type: none"> <li>At the commencement of building works and in perpetuity, an Asset Protection Zone shall be established and maintained as per Figure 7. The APZ shall be established and maintained as</li> </ul>                                           | Pr                         |

| Issue | Potential Impacts                        | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Type of Measure (Pe/Pr/Ma) |
|-------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|       | Planners Pty Ltd, dated 17 October 2019. | <p>an inner protection area as outlined within Planning for Bushfire Protection 2019 and the NSW RFS document 'Standards for Asset Protection Zones'.</p> <ul style="list-style-type: none"> <li>▪ Fire hydrants are provided in accordance with Building Code of Australia E1.3, AS2419.1:2005.</li> <li>▪ Buildings are constructed in accordance Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas (AS 3959-2018) to the extent identified in Figure 8.</li> <li>▪ Landscaping to the site is required to comply with the Aspect Industrial Estate, Mamre Rd, Kemps Creek Landscape Masterplan MOD3, prepared by Site Image, dated June 2022.</li> </ul> |                            |

## **APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

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