

# Development Consent

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

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

5 July 2024

File: SSD 58257960

*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-58257960
<b>Applicant:</b>	Mirvac Projects Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	<u>Aspect Industrial Estate</u> Lot 301 on DP 1305254 788 – 882 Mamre Road, Kemps Creek NSW 2178 <u>Elizabeth Enterprise Precinct</u> Lot 100 DP 1283398 and Lot 741 DP 810111 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek NSW 2555
<b>Development:</b>	Stage 3 of the Aspect Industrial Estate including:

- construction and operation of a warehouse and distribution facility (Warehouse 2) with loading docks, hardstand and ancillary office space
- minor on lot earthworks
- installation of services and utilities
- landscaping
- construction of light and heavy vehicle access driveways and parking
- inclusion of the Elizabeth Enterprise Precinct site for stormwater management purposes only.

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-58257960- MOD-1	7 May 2025	TL	Modification to Concept and Stage 1 stormwater management strategy

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## DEFINITIONS

<b>AIE</b>	Aspect Industrial Estate (SSD-10448 as modified) which includes a Concept Proposal for the staged development of an industrial estate including industrial, warehousing and distribution centres, 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>BCA</b>	Building Code of Australia
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 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 section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	Construction of buildings, hardstands, offices, roads, stormwater infrastructure and landscaping
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in Schedule 1, the EIS and RTS, including minor on-lot earthworks, construction, fit-out and operation of one warehouse building (warehouse 2), ancillary office space, hardstands, parking landscaping, utilities and stormwater infrastructure, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPHI</b>	Department of Planning, Housing and Infrastructure
<b>EEP</b>	Elizabeth Enterprise Precinct (Lot 100 DP 1283398 and Lot 741 DP 810111), 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek NSW 2555, as described in the Response to Submissions Report prepared by Urbis dated 15 March 2024 and SSD-10448 MOD 4
<b>EHG</b>	Environment and Heritage Group of the Department of Climate Change, Energy, the Environment and Water
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement – Warehouse 2 (SSD 58257960)</i> , prepared by Urbis dated November 2023, submitted with the application for consent for the development
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>Environmental Representative Protocol</b>	The document of the same title published by the Department
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre-ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>GFA</b>	Gross Floor Area
<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

*Environment Protection and Biodiversity Conservation Act 1999* (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 Note: "material harm" is defined in this consent
<b>IWCM</b>	Integrated Water Cycle Management
<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 Mamre Road and Access Road 1 approved as part of State Significant Development (SSD-10448) for the AIE (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>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>a) SSD-58257960-Mod-1: 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> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>MRP</b>	Mamre Road Precinct
<b>MRP DCP</b>	Mamre Road Precinct Development Control Plan 2021
<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 use of warehouse 2 for storage and distribution purposes 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 section 6.6(1) of the EP&A Act or for the subdivision work under section 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>
<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
<b>Regional Stormwater Scheme</b>	Regional stormwater infrastructure as shown on the MRP Stormwater Scheme Plan, May 2024 prepared by Sydney Water
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Relevant Roads Authority</b>	The authority responsible for ownership and maintenance of the applicable road (either Council or TfNSW)

<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 <i>Submissions Report SSDA-58257960 WH2 Aspect Industrial Estate</i> , prepared by Urbis and dated 15 March 2024 and Additional Information included in the document titled <i>Aspect Industrial Estate Stage 3 Development (SSD-58257960) – Response to Request for Additional Information Warehouse 2</i> prepared by Urbis and dated 28 May 2024
<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 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>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>Technical Guidance</b>	<i>Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets</i> (NSW Government, 2022)
<b>TfNSW</b>	Transport for New South Wales
<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
<b>WSUD</b>	Water Sensitive Urban Design
<b>Year</b>	A period of 12 consecutive months

## 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 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 and RTS;
  - (d) in accordance with the Modification Assessments;
  - (e) in accordance with the Development Layout in Appendix 1; and
  - (f) in accordance with the management and mitigation measures in Appendix 2.
- 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 development has physically commenced on the land to which the consent applies before that date.

##### Development Area

- A6. The maximum GFA for the development must not exceed the limits described in **Table 1**.

**Table 1** Maximum GFA for the Development

Land Use	Maximum GFA (m <sup>2</sup> )
Warehouse and distribution centres	22,595
Office	1,500
Dock Offices	200
<b>Total</b>	<b>24,295</b>

##### Access and Traffic

- A7. The Applicant must not operate the development until the Mamre Road / Access Road 1 intersection is completed to the satisfaction of the relevant roads authority, in accordance with Condition B6.
- A8. The largest vehicle permitted to access the site is a 30 metre Performance Based Standards (PBS) Level 2 Type B.
- A9. The Applicant must ensure all vehicles associated with construction and operation of the development do not use Bakers Lane, Aldington Road and Abbotts Road.

##### Stormwater Management

- A10. The site must 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).
- A11. Under this consent, the Elizabeth Enterprise Precinct (EEP) site must only be used for stormwater management purposes as required by Condition A10, and as shown on the cumulative stormwater offset plan, Drawing 18-596-

SKC178 / P4 prepared by AT&L, dated 29/04/24 (See Appendix G of Modification Report for SSD-58257960-Mod-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.*

- A12. 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 A10.

#### **NOTIFICATION OF COMMENCEMENT**

- A13. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction; and
  - (b) operation.
- A14. If the construction or operation of the 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**

- A15. 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**

- A16. 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).
- A17. 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.
- A18. 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.

#### **UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE**

##### **General Requirements**

- A19. Prior to the commencement of construction of the development, the Applicant must:
- (a) consult with the relevant owner and provider of services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or 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.
- A20. 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.



## Sydney Water

- A21. Prior to the commencement of construction of the development, the Applicant must obtain a Building Plan Approval from Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by the development.
- A22. Prior to 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*.

## Fibre-Ready Facilities

- A23. Prior to the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A24. Prior to the issue 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.

## STRUCTURAL ADEQUACY

- A25. 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.

## EXTERNAL WALLS AND CLADDING

- A26. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A27. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A28. 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.

## COMPLIANCE

- A29. 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

- A30. Prior to the issue of a Construction Certificate for the development (or at a time otherwise permitted by the contributions plan or otherwise agreed by Council), the Applicant must pay contributions to Council as required 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.

- A31. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022 (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 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, Housing and Infrastructure 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, Housing and Infrastructure 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

- A32. 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.

### WORK AS EXECUTED PLANS

- A33. Prior to the issue of the Occupation Certificate for the 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

- A34. The Applicant must engage an Environmental Representative (ER) to oversee construction of the 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, sediment control, noise and dust;
  - (j) attend the Mamre Road Precinct Working Group (see Condition A37) 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 Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading 'Environmental Representative Monthly Reports'. The **Environmental Representative Monthly Report** must be submitted within seven calendar days following the end of each month 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 A34 of this consent.

- A35. 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 A34 (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).
- A36. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition A34. 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**

- A37. Prior to the commencement of construction of the development and until all components of the development are constructed and operational, the Applicant must 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 A37 through utilising the Working Group established under Condition C34, Schedule 2 of SSD-10448.*

- A38. Three (3) months prior to completion of construction of all components of the development, the Applicant is eligible to exit the working group required under condition A37. 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**

- A39. 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.
- A40. 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 development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition 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 measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (d) detail proposed work zones, heavy vehicle routes, access and parking arrangements;
  - (e) detail the number of construction vehicle movements and demonstrate how the movements will be managed in the context of road changes in the vicinity of the site;
  - (f) include a Driver Code of Conduct to:
    - (i) minimise the impacts of construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) inform truck drivers of the site access arrangements, turning restrictions and use of specified routes;
    - (v) include a program to monitor the effectiveness of these measures; and
    - (vi) detail the compliance actions that would be implemented for any vehicles that deviate from approved routes and turning restrictions.
  - (g) include the location of any crane(s) and a crane movement plan;
  - (h) include a consultation strategy for liaising with and managing the cumulative impacts of other developments in the MRP including the Mamre Road and Elizabeth Drive Upgrade Projects;
  - (i) include a program to monitor the effectiveness of these measures; and
  - (j) 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 Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### **Construction Access**

- B3. For construction traffic associated with the development, the Applicant must:
- (a) not use the Mamre Road / Access Road 1 intersection for construction vehicles associated with the development, until the intersection is fully completed to the satisfaction of the relevant roads authority;
  - (b) use the temporary left-in/left-out access off Mamre Road (constructed in accordance with condition D13A of Schedule 2 of SSD-10448) for construction vehicles, until the Mamre Road / Access Road 1 intersection is fully operational;
  - (c) not use the temporary left-in/left-out access off Mamre Road for construction vehicles, once the Mamre Road / Access Road 1 intersection is operational.
- B4. Prior to the commencement of construction, the Applicant must install a 60 kilometre per hour (km/hr) road works speed limit on Mamre Road between Bakers Lane and Abbots Road for the duration of construction and 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.
- B5. The Applicant must monitor construction and 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.

#### **Operational Access**

- B6. The Applicant must not commence operation of the development until the Mamre Road / Access Road 1 intersection is completed to the satisfaction of the relevant roads authority.

- B7. Vehicle movements from the car park onto Access Road 1 must be restricted to left-in/left-out only. The movement restriction must be incorporated into the design of the car park access road, to the satisfaction of the relevant roads authority.

### **Parking**

- B8. The Applicant must provide sufficient parking facilities on site in accordance with the MRP DCP, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- B9. Bicycle parking and end-of-trip facilities must be provided with suitable pedestrian connections linking these facilities with the offices and warehouse buildings in accordance with relevant guidelines and standards and the MRP DCP.
- B10. A minimum of 5% of parking bays for each warehouse building must provide for electric vehicle charging, with a further 5% constructed as readily adaptable.

### **Operational Traffic Monitoring Program**

- B11. At the commencement of operation of the development and for a minimum period of 12 months of operation, the Applicant must establish an Operational Traffic Monitoring Program to verify light and heavy vehicle traffic numbers against the predictions in the 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 traffic counts on Mamre Road;
  - (c) verify the predicted traffic numbers and level of service against the actual impacts of the 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 development.
- Note:** *The Applicant may update an existing Operational Traffic Monitoring Program for the site to include the development to satisfy the requirements of the condition.*
- B12. The results of the Operational Traffic Monitoring Program must be reported to the Planning Secretary and TfNSW on a quarterly basis for a minimum period of 12 months of operation.

### **Operating Conditions**

- B13. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and *AS 2890.6.2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on site;
  - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### **Work Place Travel Plan**

- B14. Prior to the commencement of operation of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must:
- (a) be prepared in consultation with 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.

- B15. The Applicant must implement the most recent version of the Work Place Travel Plan for the duration of the development.

## **SOILS, WATER QUALITY AND HYDROLOGY**

### **Imported Soil**

- B16. 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**

- B17. Prior to the commencement of construction of the development, the Applicant must design and detail the erosion and sediment control measures for the site to ensure the construction phase IWCM controls of the MRP DCP are achieved. Detailed Erosion and Sediment Control Plans (ESCP) and drawings must:
- (a) be prepared by a CPESC specialist whose appointment has been approved by the Planning Secretary;
  - (b) comply with the detailed technical specifications in the Technical Guidance or its latest version and the 'Blue Book - Managing Urban Stormwater: Soils and Construction' (Landcom 2004);
  - (c) comply with section 4.4.2 of the MRP DCP;
  - (d) demonstrate the construction approach and timing to ensure the construction phase stormwater quality targets can be met;
  - (e) outline the current construction and erosion and sediment control occurring on the AIE site and the additional measures which will be adopted for the development;
  - (f) be independently reviewed and verified by the ER prior to submission to the Planning Secretary;
  - (g) be included in the CEMP required by Condition C2.
- B18. 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 to ensure the controls remain effective in achieving the construction phase stormwater quality targets in the Technical Guidance. Monthly audit reports must be reviewed and verified by the ER and submitted to the Planning Secretary within 7 days of completing the audit.

### **Discharge Limits**

- B19. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence.

### **Stormwater Management System**

- B20. Prior to the commencement of operation of the development, the Applicant must implement the Stormwater Management System described in ~~the RTS SSD-58257960-Mod-1~~. 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.
- B21. 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.
- B22. The Applicant must maintain the stormwater management system installed on the site under condition B20 for the duration of the development.

### **Water and Stormwater Management Plan**

- B23. Prior to the commencement of operation, the Applicant must update the Water and Stormwater Management Plan described in ~~the RTS SSD-58257960-Mod-1~~, for the development to the satisfaction of the Planning Secretary. The updated plan must:
- (a) ensure the catchments and stormwater treatment systems are consistent across figures, tables and the MUSIC model; and
  - (b) detail how the development will ultimately connect to the Regional Stormwater Scheme and how the interim measures will be decommissioned once the development is connected to the Regional Stormwater Scheme.

### **Flood Management**

- B24. Prior to the commencement of construction of the development, the Applicant must prepare a Flood Emergency Response Plan (FERP). The Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);

- (b) be prepared in consultation with the NSW State Emergency Services (SES);
- (c) address the provisions of the *Flood Risk Management Manual* (DPE, 2023) and *Support for emergency management planning* (DPE, 2023); and
- (d) include details of:
  - (i) the flood emergency responses for both construction and operation phases of the 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 protocols; and
  - (vii) awareness training for employees and contractors.

B25. The Applicant must implement the FERP for the duration of construction and operation of the development.

B26. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.

B27. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

## NOISE

### Hours of Work

B28. The Applicant must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the Planning Secretary.

**Table 2** Hours of Work

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

B29. Works outside of the hours identified in condition B28 may be undertaken in the following circumstances:

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

### Construction Noise Limits

B30. 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 Construction Noise and Vibration Management Plan approved under condition B31.

### Construction Noise and Vibration Management Plan

B31. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction of the Planning Secretary. The Plan 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) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) include strategies that have been developed with the community for managing high noise generating works; and
- (e) describe the community consultation undertaken to develop the strategies in condition B31(d).
- (f) include a complaints management system that would be implemented for the duration of the development.

B32. The Applicant must:

- (a) not commence construction of the development until the Construction Noise and Vibration Management Plan required by condition B31 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

### Operational Noise Limits

B33. The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits in Table 3.

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

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(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 3 for the location of residential sensitive receivers.

### Noise Verification Report

B34. Within three months of the commencement of construction of the development, the Applicant must prepare and submit a Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Noise Verification Report must:

- (a) be prepared by a suitably qualified and experienced noise consultant;
- (b) identify and justify the design noise emission scenario including a schedule of all noise generating sources on the site;
- (c) provide updated noise modelling to verify the performance of the development under all relevant meteorological conditions, including:
  - (i) an analysis of compliance with noise limits specified in condition B33;
  - (ii) an outline of at-source and transmission path mitigation measures required to ensure compliance with the limits specified in condition B33;
  - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level; and
- (d) include an operational noise monitoring program in accordance with Section 7 of the *Noise Policy for Industry*, 2017.

## VIBRATION

### Vibration Criteria

B35. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (2016-12) Vibration in Buildings – Part 3: Effects on Structures* (German Institute for Standardisation, 2016); and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

B36. Vibratory compactors must not be used closer than 30 metres from residential or commercial buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition B35.

B37. The limits in conditions B35 and B36 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C2 of this consent.

## VISUAL AMENITY

### Landscaping

B38. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the 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 plan must:

- (a) detail the species to be planted on site; and
- (b) describe the monitoring and maintenance measures for on-going management of the landscaping works.



B39. 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 B38 for the life of the development.

### Lighting

B40. The Applicant must ensure the lighting associated with the development:

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

### Signage and Fencing

B41. Prior to the commencement of operation of the development, the Applicant must prepare a Final Signage Strategy to the satisfaction of the Planning Secretary. The strategy must be consistent with Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* and section 4.2.8 of the MRP DCP, including limiting illumination of signage and measures to control lighting impacts from illuminated signage.

B42. All signage and fencing must be erected in accordance with the approved Final Signage Strategy required by Condition B41.

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

### SUSTAINABLE BUILDINGS

B43. Prior to the commencement of construction of the development, the Applicant must submit to the satisfaction of the Planning Secretary, an Agreement to Rate for energy and water that has been duly signed by the National Australian Built Environment Rating System (NABERS).

### BUSHFIRE PROTECTION

B44. The Applicant shall ensure the development complies with:

- (a) the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019);
- (b) the construction standards and asset protection zone requirements recommended in the *Bushfire Hazard Assessment for SSD – 58257960 (Warehouse 2) Aspect Industrial Estate* prepared by Blackash Bushfire Consulting and dated 22 June 2023; and
- (c) Australian Standard AS2419.1-2005 *Fire hydrant installations System design, installation, and commissioning*.

### FIRE SAFETY

B45. Prior to operation of the development, the Applicant must demonstrate the development complies with the recommendations detailed in the *Fire Safety Strategy WH2 Lots 1-5 DP 1285305 Mamre, Road, Kemps Creek*, prepared by Core Engineering Group and dated 22 June 2023, including but not limited to the conditions for perimeter fire access, to the satisfaction of the Planning Secretary

B46. Prior to the issue of any Subdivision Certificate for Warehouse 2 and Warehouse 3 in the AIE, the Applicant must register a Restriction-on-use, or Section 88b instrument under the *Conveyancing Act, 1919* for the western hardstand of Warehouse 3 in the AIE. This requirement is to be listed on the fire safety schedule for both Warehouse 2 and Warehouse 3 and shall ensure no storage occurs for a minimum width of 6 metres for the full extent along the western hardstand to facilitate the forward movement of brigade appliances.

### AIR QUALITY

#### Dust Minimisation

B47. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B48. During construction of the 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

B49. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) for the development, to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by condition C2. The CAQMP must:

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

B50. The Applicant must:

- (a) not commence construction until the CAQMP required by condition B49 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 the development to satisfy the requirements of Condition B49. Any updated CAQMP must be to the satisfaction of the Planning Secretary.*

## Odour Management

B51. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

## HAZARDS AND RISK

### Dangerous Goods

B52. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B53. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

- (a) all relevant Australian Standards; and
- (b) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.

B54. In the event of an inconsistency between the requirements of conditions B53(a) and B53(b), the most stringent requirement must prevail to the extent of the inconsistency.

## Bunding

B55. 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

### Statutory Requirements

B56. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a waste management facility or premises lawfully permitted to accept the waste.

### Waste Storage

B57. Prior to the commencement of construction of the development, the Applicant must obtain agreement from Council for the design of the waste storage area for the development.

B58. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

## **Waste Management Plan**

B59. Prior to the commencement of operation of the development, the Applicant must update the Waste Management Plan included in the EIS for the development. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition C5. The Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014); and
- (c) detail the materials to be reused or recycled, either on or off site.

B60. The Applicant must implement the most recent version of the Waste Management Plan for the duration of operation.

## **Pests, Vermin and Priority Weed Management**

B61. The Applicant must:

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

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

## PART 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. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the 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 B17);
  - (c) Construction Noise and Vibration Management Plan (see condition B31);
  - (d) Construction Air Quality Management Plan (see condition B49); and
  - (e) 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. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the 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) Operational Traffic Monitoring (see condition B11);
  - (ii) Landscape Management (see condition B38); and
  - (iii) Waste Management (see condition B59).

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 3**.

### 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 six months after the commencement of construction of the 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 development and for the life of the development, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in condition 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) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs, including the Environmental Representatives Monthly Reports;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) the Compliance Report of the development;
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

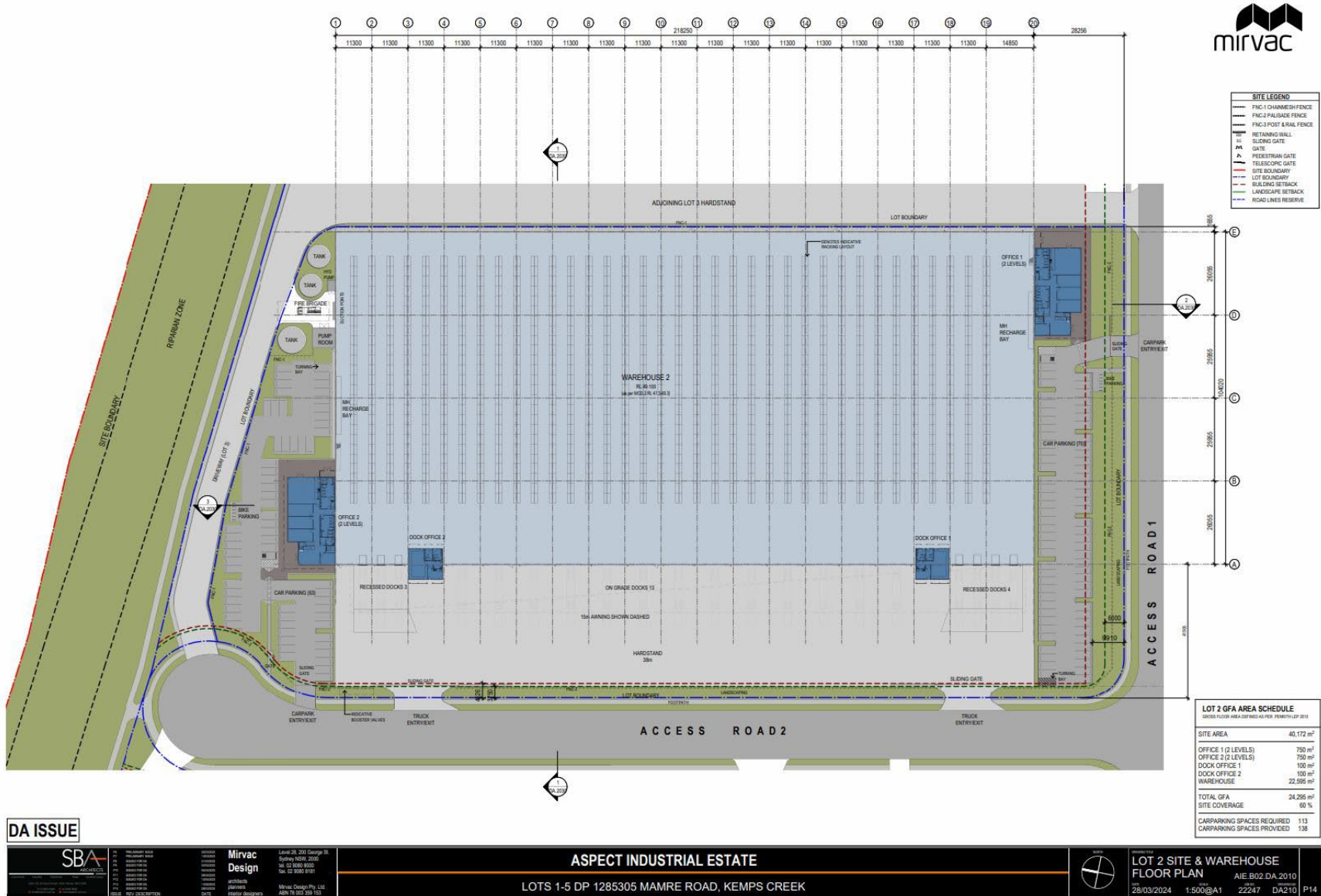
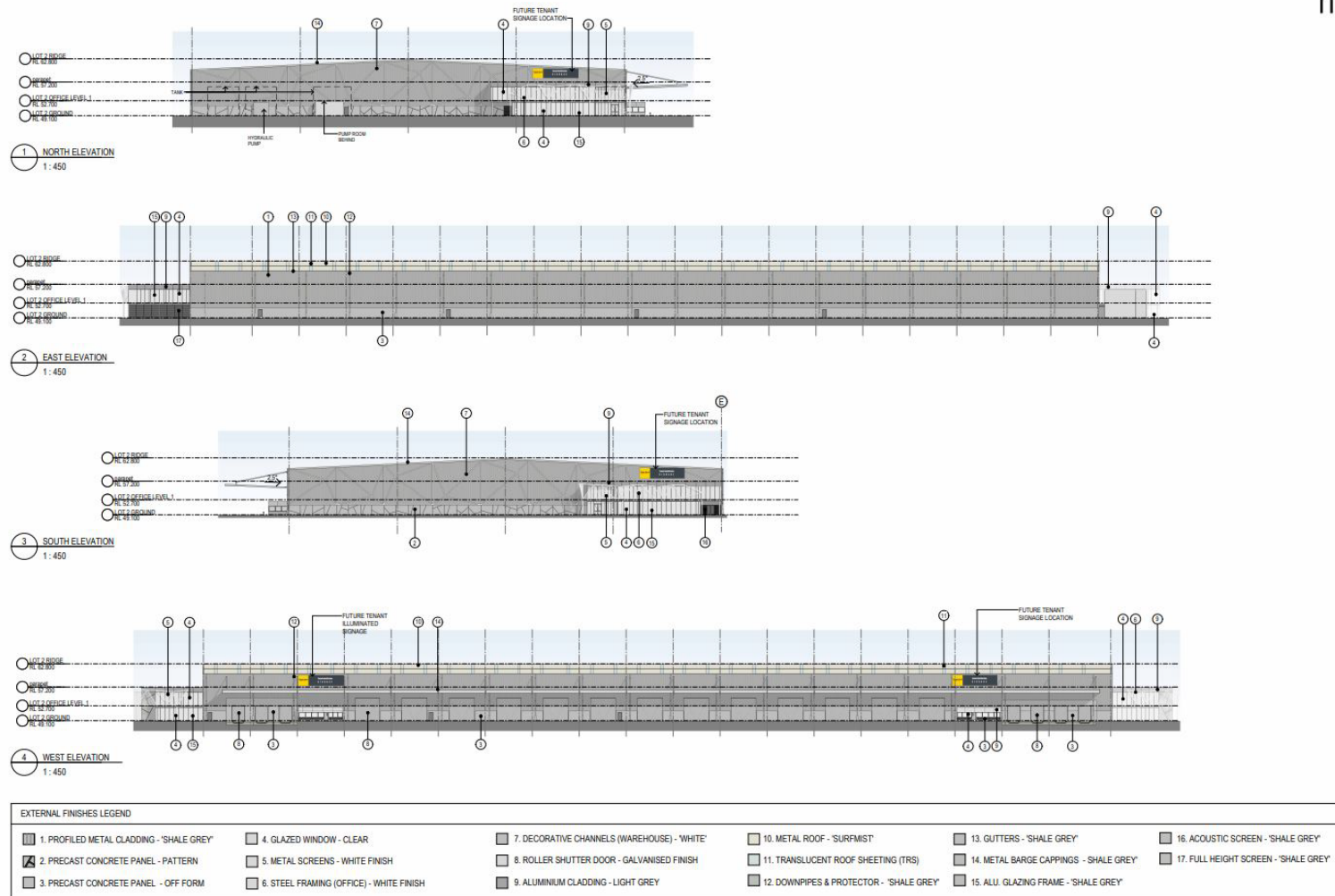


Figure 1: Site Plan



DA ISSUE

	<b>Mirvac Design</b> Level 25, 200 George St. Sydney NSW 2000 Tel: 02 9060 8000 Fax: 02 9060 8100 mirvacdesign@mirvac.com.au mirvacdesign.com.au	<b>ASPECT INDUSTRIAL ESTATE</b> LOTS 1-5 DP 1285305 MAMRE ROAD, KEMPS CREEK	<b>LOT 2 ELEVATIONS</b> AIE.B02.DA.2020 27/03/2024 1:250@A1 22247 DA220 E
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Figure 2: Elevations



**Table 4** Schedule of Approved Plans

Drawing No	Title	Issue	Date
<b>Architectural Plan prepared by SBA Architects</b>			
DA210	Aspect Industrial Estate Lots 1-5, DP 1285305 Mamre Road, Kemps Creek – Lot 2 Site and Warehouse Floor Plan	P14	28/03/2024
DA220	Aspect Industrial Estate Lots 1-5, DP 1285305 Mamre Road, Kemps Creek – Lot 2 Elevations	E	27/03/2024
DA230	Aspect Industrial Estate Lots 1-5, DP 1285305 Mamre Road, Kemps Creek – Lot 2 Sections	C	08/05/2023
DA240	Aspect Industrial Estate Lots 1-5, DP 1285305 Mamre Road, Kemps Creek – Lot 2 Office 1 Elevations	E	27/03/2024
DA241	Aspect Industrial Estate Lots 1-5, DP 1285305 Mamre Road, Kemps Creek – Lot 2 Office 2 Elevations	E	27/03/2024

## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

### CONSOLIDATED MITIGATION MEASURES FOR SSD-58257960

The following table outlines the recommended mitigation measures in response to potential impacts identified in Section 7 of this EIS. The structure of mitigation measures is based on the DPIE's hierarchy of approaches for managing impacts identified in the *Draft Environmental Impact Assessment Guidance Series* released by DPE in June 2017, as:

- **Performance based measure** – *identify performance criteria that must be complied with to achieve an appropriate environmental outcome but do not specify how the outcome is to be achieved.*
- **Prescriptive measure** – *require action to be taken or specify something that must not be done.*
- **Management based measure** – *identify one or more management objectives that must be achieved through the implementation of a management plan.*

Following the implementation of appropriate mitigation measures as recommended, it is determined that the proposal will not result in any significant adverse impacts on the surrounding environment.

A consolidated set of mitigation measures required for each of the environmental and social impacts identified in Section 7 of the EIS are outlined below. The mitigation measures directly respond to each impact and are based upon the range of technical and specialist consultant reports appended to the EIS. The type of mitigation measure as noted within the table below are as follows:

- *'Pe' – performance based mitigation measure. or*
- *'Pr' – prescriptive based mitigation measure, or*
- *'Ma' – management based mitigation measure.*

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 not the proposed Warehouse 2 operations will not result in any additional, operational noise impacts beyond those assessed and approved within the AIE and remain within the acceptable limits identified in NPfl and Condition 16A of SSD-10448.</p>	<p>Potential mitigation measures include are typical noise management measures, consistent with the established measures under SSD-10448:</p> <ul style="list-style-type: none"> <li>▪ Preparation of a Construction Noise and Vibration Management Plan (CNVMP) and use of standard mitigation measures to mitigate construction noise and vibration impacts.</li> <li>▪ Optimising site layout to minimise noise emissions from the site.</li> <li>▪ Encourage broadband and/or ambient sensing alarms on forklifts and trucks where they are required to reverse during the night-time.</li> <li>▪ An operational noise management plan will be prepared for the AIE, as required by the Development Consent.</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>▪ Verification monitoring would be completed within three months of commencement of operation, as per the requirements of the Development Consent.</li> </ul>	Pe
Water and Energy Usage	<p>Proposed warehouse may result in impacts to the water and energy usage of the development. The Warehouse 2 development is to be delivered in accordance with the ESD principles committed to as part of concept approval, SSD-10448. No additional adverse impacts are anticipated.</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
Air Quality	<p>Dust, air quality and odour impacts generated by the Warehouse 2 construction.</p>	<p>The Warehouse 2 development mitigation measures will be consistent with the measures established under the approved, estate wide concept</p>	Pe

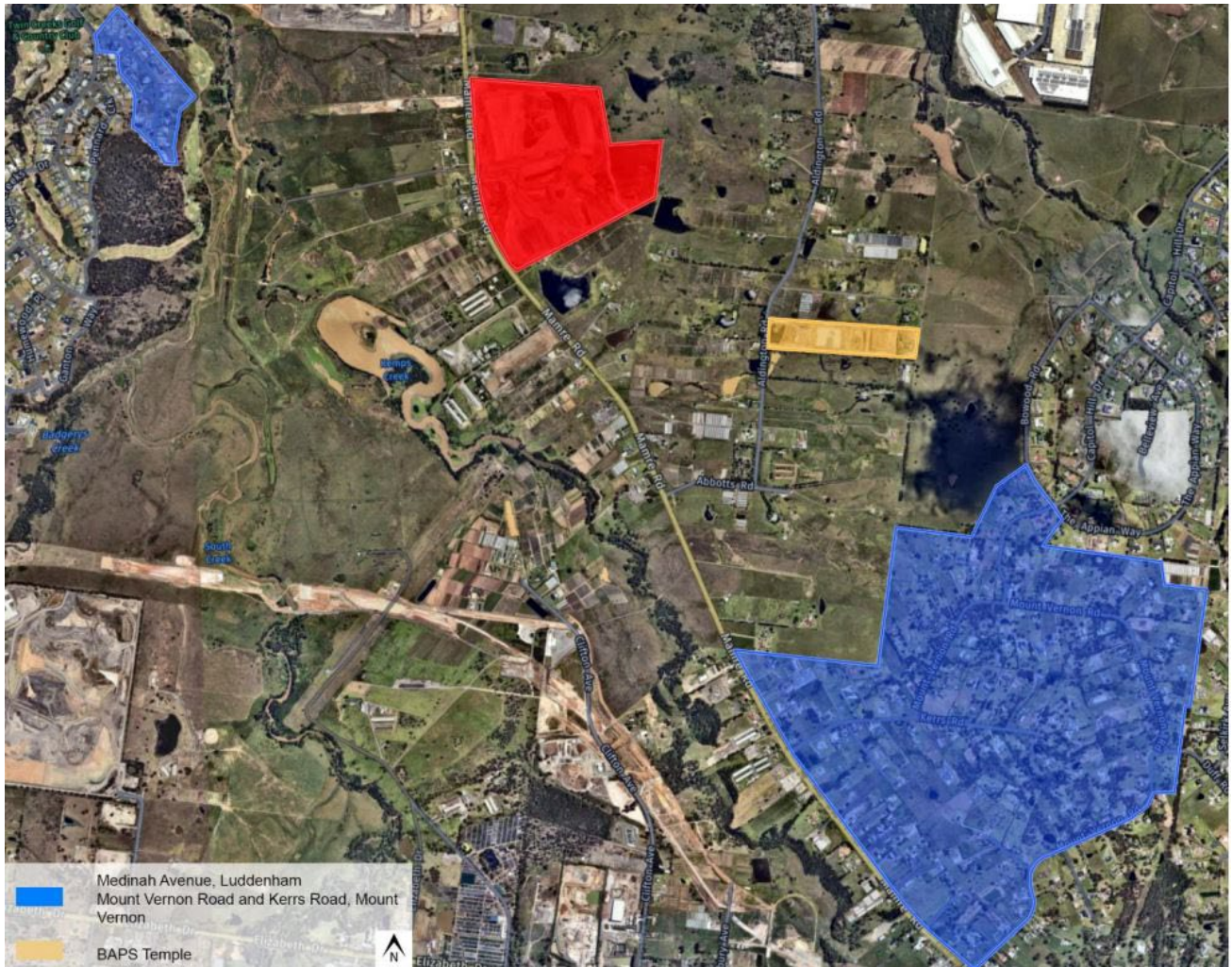
Issue	Potential Impacts	Mitigation Measures	Type of Measure (Pe/Pr/Ma)
	The development construction and operations will see negligible change from the approved estate concept approval (SSD-10448) with consideration of the nearest sensitive receivers.	<p>approval (SSD-10448). No additional mitigation measures are required 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> <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 2 construction will not result in any change in visual impact ratings from the established, estate wide concept proposal.</p>	The Warehouse 2 development mitigation measures will be consistent with the measures established under the estate wide concept approval (SSD-10448). No additional mitigation measures are required for the development beyond those established under SSD-10448 approval. The proposed warehouse will be supported by the appropriate landscape screening in accordance with the updated landscape plans.	Ma
Stormwater and Drainage	Potential impacts to water quantity, quality and flow due to the Warehouse 2 development.	<p>The Warehouse 2 development is to feature the appropriate stormwater quantity and quality management measures including in accordance with MOD 4 Water and Stormwater Management Plan:</p> <ul style="list-style-type: none"> <li>▪ two points of discharge will be delivered from Lot/Warehouse 2 to the estate drainage network: <ul style="list-style-type: none"> <li>– To Access Road 1, located on the south side of Lot/Warehouse 2.</li> <li>– To Access Road 2, located at the north-western corner of Lot/Warehouse 2.</li> </ul> </li> <li>▪ Rainwater tank (or tanks) with a total capacity of 120 kL to capture roof runoff for non-potable reuse at Lot/Warehouse 2 (to meet 80% of the estimated demand for non-potable water)</li> </ul>	Pr

Issue	Potential Impacts	Mitigation Measures	Type of Measure (Pe/Pr/Ma)
		<ul style="list-style-type: none"> <li>Gross pollutant traps (GPTs) at the points of discharge from the internal stormwater drainage network to the stormwater reuse tank</li> </ul>	
Traffic, Transport and Parking	An assessment of the proposed GFA, parking, access arrangements and traffic impacts identifies potential impacts to the surrounding traffic levels. The traffic assessment also reviews any potential impact the access arrangements across the site.	<p>No mitigation measures are required beyond those established under the approved, estate wide concept approval (SSD-10448) with regard to any potential traffic impacts.</p> <p>With regard to the intended access arrangements, should DPHI wish to impose a Condition of Consent, the Access driveway to the Office 1 parking area can be restricted to left-in, left-out. This could be implemented by way of signage to be shown on the detail drawings for construction and to the satisfaction of the relevant authority (being Penrith Council).</p> <p>Otherwise, a site specific condition could be imposed for the Warehouse 2 development, where movements of the Office 1 car park access can be specifically monitored over a 12 month period and reported to authorities through an Operational Traffic Monitoring Program.</p>	Pr
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>Mitigation measures established under the approved Stage 1 and Concept Approval (SSD-10448) will manage the potential flooding impacts generated by the Warehouse 2 development. Accordingly, the following mitigation measures will be adequate in managing the relevant flood impacts generated by the AIE Masterplan as well as the level of affectation at Warehouse 2:</p> <ul style="list-style-type: none"> <li><i>A Flood Emergency Response Plan (FERP) has been established for the for the construction phase of the AIE which establishes:</i> <ul style="list-style-type: none"> <li>Flood behaviour on the site in floods up to a Probable Maximum Flood (PMF) at different stages of the site development,</li> <li>A Flood Emergency Response Plan for the construction phase, including:</li> </ul> </li> </ul>	Pr

Issue	Potential Impacts	Mitigation Measures	Type of Measure (Pe/Pr/Ma)
		<ul style="list-style-type: none"> <li>Flood risks both on the project site and external to the project site;</li> <li>Evacuation strategy, measures, procedures and plan; and</li> <li>A FloodSafe Plan</li> </ul> <ul style="list-style-type: none"> <li><i>The Warehouse 2 development layout and platform levels has been designed in response to the flood risk at the site. The finished floor levels shall be at 0.5m above the 1% AEP flood.</i></li> <li><i>Stormwater flow targets will be achieved in accordance with the WSMP prepared by AT&amp;L for the AIE site (as sought under MOD 4).</i></li> </ul>	
Groundwater	Health and environmental impacts generated by the existing groundwater during groundwater dewatering and construction works.	Conduct works in accordance with the established Groundwater Management Plan (prepared for the AIE by Arcadis in 2022) including management measures, groundwater quality guidelines and the appropriate treatment or reuse.	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.	Remediation and validation works and procedures to be undertaken in accordance with the remediation action plan established for the AIE under the approved Stage 1 works (SSD-10448).	Pr
Bushfire	The AIE site is identified as being bushfire prone with category 2 vegetation and Lot 2 is located within the Asset Protection Zones (APZ). development 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 Planners Pty Ltd, dated 17 October 2019.	<ul style="list-style-type: none"> <li>The APZ shall be established and maintained as an inner protection area as outlined within Planning for Bushfire Protection 2019 and the NSW RFS document 'Standards for Asset Protection Zones'.</li> <li>Fire hydrants are provided in accordance with Building Code of Australia E1.3, AS2419.1:2005.</li> <li>The construction shall comply with the National Construction Code (2019), Australian Standard AS 3959:2018, Construction of buildings in bush fire-prone areas and/or NASH Standard (1.7.14 updated), National Standard Steel Framed Construction in Bushfire Areas –</li> </ul>	Pr

Issue	Potential Impacts	Mitigation Measures	Type of Measure (Pe/Pr/Ma)
		<p>2014, and Section 7.5 of Planning for Bush Fire Protection 2019 on a prescriptive (deemed to satisfy and/or acceptable solution) basis and/or performance basis.</p> <p>Vehicular perimeter access for emergency vehicles is to be provide around the whole of the building along the southern and northern sides of the Lot 2 and with use of the Lot 3 hardstand. To facilitate the relevant vehicular perimeter access in support of Warehouse 2, the following measures should be provided as part of a performance solution:</p> <ul style="list-style-type: none"> <li>▪ Gates in the security line around Warehouse 2 should be provided to enable access to the egress doors and fire hydrants directly from the Warehouse 3 hardstand.</li> <li>▪ The load-bearing capacity and vehicle swept path of the vehicular access path and southern carpark must be compatible with fire brigade vehicle requirements in accordance with FRNSW's Guideline.</li> <li>▪ An area of no less than 6 m wide on the western portion of Warehouse 3 must be maintained free of obstructions and combustibles and is to provide the required vehicular access pathway for fire brigade appliances.</li> <li>▪ Sprinkler booster suction connection must be designed with a dedicated hardstand (6 m x 18 m) in which a fire truck can connect, whilst still allowing additional appliances to pass by.</li> <li>▪ All gates, security fencing, and boom gates should be readily openable by the fire authorities.</li> </ul>	

### APPENDIX 3 LOCATION OF NOISE SENSITIVE RECEIVERS





## **APPENDIX 4 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.