

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 26 April 2021, 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

16 December 2021

File: SF20/107249

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

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

SCHEDULE 1

Application Number: SSD-9794683

Applicant: Goodman Property Services (Aust) Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Site: 2 Sepia Road, Kemps Creek NSW 2178 (Lot 105 DP 1262310)
19 Emporium Avenue, Kemps Creek NSW 2178 (Lot 107 DP 1262310)

Development: Oakdale West Estate Stage 3 Development including construction, fit out, operation and use of warehouse buildings 2A, 2C and 2D, associated office space and parking

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9794683-MOD-1	XX November 2022	Team Leader, Industry Assessment	Amendments to warehouses 2C and 2D layouts, building footprints, car park, façade design, signage locations, and landscaping

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DEFINITIONS

Applicant	Goodman Property Services (Aust) Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Carrier	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this consent
Construction	The carrying out of works for the purpose of the development, including detailed earthworks, erection of buildings 2A, 2C and 2D, internal fit-out and construction of associated infrastructure permitted by this consent
Council	Penrith City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
Development	The development described in Schedule 1, the EIS and RTS, including construction and operation of three warehouses and associated office space and infrastructure, as modified by the conditions of this consent and shown on the plans in Appendix 1 and as modified by SSD-9794683-MOD-1
Development layout	The plans at Appendix 1 of this consent
DPIE	Has the same meaning as the definition of the Department in development consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science Group of the Department
EIS	The Environmental Impact Statement titled <i>Oakdale West Industrial Estate – Stage 3, 2 Aldington Road, Kemps Creek</i> , prepared by Keylan Consulting Pty Ltd dated February 2021, submitted with the application for consent for the development
Environment	As defined in section 1.4 of the EP&A Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000 (NSW)
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
GLA	Gross lettable area
GFA	Gross floor area
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: 'material harm' is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that:

- a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or
- b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Application	<p>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:</p> <p>a) Section 4.55(1A) modification application, Oakdale West Industrial Estate Stage 3 SSD 9794683 – Modification Application 1, 19 Emporium Avenue, Kemps Creek, prepared by Keylan Consulting, dated 19 August 2022.</p>
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The use of Buildings 2A, 2C and 2D for storage and distribution as described in the EIS and RTS
OWE	Oakdale West Estate including the approved Concept Plan for 22 warehouse buildings and associated infrastructure and Stage 1 development including bulk earthworks across the site, construction and operation of 3 warehouses and the Western North-South Link Road, as described in the development consent SSD 7348, approved on 13 September 2019, as modified
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions (RtS)	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>Oakdale West Estate Stage 3 (SSD 9794683) – Response to Submissions</i> prepared by Goodman Property Services (Aust) Pty Ltd and dated April 2021 and <i>Oakdale West Industrial Estate Stage 3 (SSD 9794683) – Amended Development Application</i> prepared by Keylan Consulting Pty Ltd and dated 9 November 2021
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office, or public recreational area.
Site	The land defined in Schedule 1
SLR	Proposed Southern Link Road as shown in the WSEA SEPP and the document titled <i>Broader WSEA SLRN Options Refinement Report</i> prepared by AECOM, 2014
TfNSW	Transport for New South Wales
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WNSLR	Western North-South Link Road as shown in the WSEA SEPP and approved under the OWE development consent SSD 7348
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009

Year

A period of 12 consecutive months

For Information

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 Modification Application;
 - (e) in accordance with the Development Layout in Appendix 1; and
 - (f) in accordance with the management and mitigation measures in Appendix 3.
- 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 Controls

- A6. The total area of warehousing and office space at the development must not exceed the following maximum gross lettable area:
- (a) Building 2A – 35,612 square metres;
 - (b) Building 2C – 11,047 square metres; and
 - (c) Building 2D – 5,753 square metres.
- A7. The development must be consistent with the development controls in the OWE, as shown in **Table 1**.

Table 1: Development Controls

Development Aspect	Control
Minimum building setbacks from:	
• Southern Link Road	17.15 m
• Compass Drive	20 m
• Local Estate Roads	7.5 m
• Western boundary of the OWE	40 m
• Southern boundary of the OWE	20 m (excluding parking areas)
Rear boundary setbacks within the estate	5 m
Side boundary setbacks within the estate	0 m, subject to compliance with fire rating requirements
Height	15 m

Development Aspect	Control
- Building 2A	18 m
- Building 2C	22.2 m
Minimum lot size	5,000 m ²
Minimum frontage	40 m (excluding cul-de-sacs) 35 m minimum lot width at the building line
Site coverage	Maximum of 65 per cent (excluding awnings)

- A8. Notwithstanding the controls listed in Table 1 in Condition A7, no warehouse building in the development, except Buildings 2A and 2C in Precinct 2, shall exceed a ridgeline height of 13.7 m, excluding roof mounted mechanical plant and solar panels.

NOTIFICATION OF COMMENCEMENT

- A9. 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;
 - (b) operation; and
 - (c) cessation of operations.
- A10. 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

- A11. 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

- A12. 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).
- A13. 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.
- A14. 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

- A15. Before the commencement of construction of the development, the Applicant must 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;
- A16. 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

- A17. 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 BCA.

Note:

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

COMPLIANCE

- A18. 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.

CONTRIBUTIONS TO COUNCIL

- A19. Before the issuing of an occupation certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.

OPERATION OF PLANT AND EQUIPMENT

- A20. 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

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A22. 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.
- A23. 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

- A24. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A25. 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*.
- A26. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.
- A27. 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

- A28. Before the issuing 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.

APPLICABILITY OF GUIDELINES

- A29. 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.

- A30. 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.

For Information

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) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (c) detail heavy vehicle routes, access and parking arrangements;
 - (d) include a Driver Code of Conduct (see Condition B12);
 - (e) include a program to monitor the effectiveness of these measures; and
 - (f) 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.

Parking

- B3. 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

- B4. 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.

Sustainable Travel Plan

- B5. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Sustainable Travel Plan. The Sustainable Travel Plan must:
- (a) be prepared in consultation with TfNSW;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B6. The Applicant must implement the Sustainable Travel Plan throughout operation of the development.

NOISE

Hours of Work

- B7. 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

- B8. Works outside of the hours identified in Condition B7 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
 - works agreed to in writing by the Planning Secretary;
 - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Operational Noise Limits

- B9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in **Table 3**.

Table 3: Noise Limits (dB(A))

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{AMax}
N1 Emmaus Village Residential	44	43	41	52
N3 Kemps Creek – nearest residential property	39	39	37	52
N4 & N5 Kemps creek – other residences	39	39	37	52
N9 to N14 Kemps Creek	47	42	42	52
N2 Emmaus Catholic College (school)	When in use: 45 L _{Aeq} (1h)			

Note Noise generated by the development is to be measured in accordance with the relevant procedures and modifications, including certain meteorological conditions, of the Noise Policy for Industry (EPA, 2017). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

- B10. The noise limits in Table 2 do not apply to receiver N3, N4 and N5 if the Applicant has a Noise Agreement with the relevant landowner to exceed the noise limits, and the Applicant has provided written evidence to the Planning Secretary that an agreement is in place.

Construction Noise Limits

- B11. 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 3.

Road Traffic Noise

- B12. Prior to the commencement of construction of the development, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

VISUAL AMENITY

Building Design

- B13. The Applicant must construct Buildings 2A, 2C and 2D in accordance with the RtS and as shown on the figures in **Appendix 1**.

Landscaping

- B14. Prior to the commencement of operation of the development, the Applicant must implement the Landscape Plan included in the RtS and shown on the figures in **Appendix 1**.
- B15. The Applicant must maintain the landscaping on the site in accordance with the approved Landscape Plan for the life of the development. If any aspect of the landscaping has not been successful, the Applicant must undertake replanting and rehabilitation works, as reasonably practicable.

Lighting

- B16. 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

- B17. All signage and fencing must be erected in accordance with the development plans included in the RtS.

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

SOILS, WATER QUALITY AND HYDROLOGY

Erosion and Sediment Control

- B18. Prior to the commencement of any construction or other surface disturbance for the development, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

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 EPL.

Stormwater Management System

- B20. The Applicant must install and operate a stormwater management system for the development that:
- (a) is designed by a suitably qualified and experienced person(s);
 - (b) is generally consistent with the *Civil, Stormwater and Infrastructure Services Report DA Modification No.7, Rev 01, report REP005-01-15-272-MOD 7 Civil Report, prepared by AT&L, dated June 2021*;
 - (c) is in accordance with applicable Australian Standards and Penrith City Council's *Design Guidelines for Engineering Works, Water Sensitive Urban Design Policy December 2013* and *Water Management Development Control Plan*;
 - (d) ensures peak stormwater flows from the site are in accordance with *DA Modification No.7, Rev 01, report REP005-01-15-272-MOD 7 Civil Report, prepared by AT&L, dated June 2021*;
 - (e) incorporate rainwater harvesting measures to supplement non-potable water demand for the development.
- B21. All stormwater drainage infrastructure on the site shall remain under the care, control and ownership of the registered proprietor of the lot.

BUSHFIRE PROTECTION

- B22. The Applicant must ensure the development complies with:
- (a) the relevant provisions of *Planning for Bushfire Protection, 2019*;
 - (b) the recommendations of the Bushfire Report prepared by Blackash Bushfire Consulting dated 13 October 2021; and
 - (c) the relevant sections of Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bushfire Protection 2019*.

- B23. The Applicant must ensure the part of Building 2A located in the Bushfire Attack Level (BAL) 12.5 area is constructed entirely with non-combustible materials and provided with measures to improve ember protection. Ember protection improvements include enclosing all openings (excluding roof sheet and tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 mm. This includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.
- B24. The Applicant must ensure the entire site, including landscaping, is managed as an inner protection area (IPA) in accordance with *Planning for Bushfire Protection 2019*.
- B25. Prior to the commencement of operation, the Applicant must prepare a Fire Management Plan (FMP) for the development. The FMP must:
- (a) be prepared in consultation with the NSW RFS;
 - (b) include 24-hour emergency contact details including alternative telephone contact
 - (c) include plans of site infrastructure plan, firefighting water supply, site access and internal roads;
 - (d) include implementation of asset protection zones (APZ) and on-going maintenance;
 - (e) include location of hazards that will impact on firefighting operations and procedures to manage identified hazards during firefighting operations; and
 - (f) any additional matters required by the RFS Fire Control Centre (e.g. FMP review and updates)
- B26. The Applicant must implement the most recent version of the Fire Management Plan for the duration of the development.
- B27. Prior to the commencement of operation, the Applicant must prepare a Bushfire Emergency and Evacuation Management Plan for the development, consistent with the NSW RFS' *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* and must include planning for the early relocation of occupants.

HAZARDS AND RISK

Dangerous Goods

- B28. 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

- B29. 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).

AIR QUALITY

Dust Minimisation

- B30. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B31. During construction of the development, the Applicant must comply with the dust minimisation measures detailed in the Construction Environmental Management Plan required by Condition C2.

Operational Air Quality – Building 2A

- B32. Prior to the commencement of operation of Building 2A, the Applicant must prepare an Air Quality Management Plan (AQMP) for Building 2A. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) detail all emission sources from the operation of Building 2A;
 - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (d) identify the control measures that will be implemented for each emission source, including details of extractions systems and rooftop vents;
 - (e) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method, location, frequency and duration of monitoring;
 - (iii) response procedures; and
 - (iv) compliance monitoring.
 - (f) Include a complaint register and response procedures
- B33. The Applicant must implement the AQMP for the duration of operation of Building 2A.

WASTE MANAGEMENT

Waste Storage

- B34. Waste must always be secured and maintained within designated waste storage areas and must not leave the site onto neighbouring public or private properties.

Waste Management Plan

- B35. The Applicant must implement the Waste Management Plan (WMP) in the RtS for the duration of construction and operation of the development.

Statutory Requirements

- B36. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B37. 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 facility that may lawfully accept the waste.
- B38. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

COMMUNITY ENGAGEMENT

- B39. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in **Figure 9**, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders. Community engagement shall be undertaken in accordance with the Community Communication Strategy for the OWE.

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) 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;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) 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;
 - (d) 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;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) 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
 - (g) 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) a Driver Code of Conduct (see Condition B12);
 - (c) an Erosion and Sediment Control Plan (see Condition B18); and
 - (d) a Waste Management Plan (see Condition B35).
- 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of a Compliance Report under condition C11;
 - (b) the submission of an incident report under condition C7;
 - (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.
- C6. 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

- C7. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.

Non-Compliance Notification

- C8. 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.
- C9. 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.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C11. Within six months after the first year of commencement of operation 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 discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (b) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C12. 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

- C13. 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

- C14. At least 48 hours before the commencement of construction of the 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) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;

- (ix) the Compliance Report of the development;
- (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

For Information

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Architectural Plans prepared by SBA Architects Pty Ltd			
Lot 2A			
Drawing	Revision	Title	Date
OAK 2A DA000	H	Cover Page	21 October 2021
OAK 2A DA001	H	Perspectives – Office 2A	21 October 2021
OAK 2A DA010	O	Site Plan	25 October 2021
OAK 2A DA200	I	Roof Plan	20 October 2021
OAK 2A DA201	J	Floor Plans - Office	22 October 2021
OAK 2A DA203	F	Floor Plans – Dock Offices	20 October 2021
OAK 2A DA210	N	Warehouse Elevations & Section	29 October 2021
OAK 2A DA211	I	Elevations Office	21 October 2021
OAK 2A DA300	I	Signage Plan	20 October 2021
Lot 2C and 2D			
OAK 2C & 2D DA000	H	Cover Page	29 October 2021
OAK 2C & 2D DA001	G	Office Perspectives	29 October 2021
OAK 2C & 2D DA002	PF	Warehouse Perspective	28 October 2021
OAK 2C DA20	H	Site Plan	19 October 2022
OAK 2C & 2D DA300	A	Roof Plan	8 August 2022
OAK 2C & 2D DA305	E	Floor Plan – Office 2C1	28 October 2021
OAK 2C & 2D DA306	F	Floor Plan – Office 2C2	16 November 2021
OAK 2C & 2D DA307	F	Floor Plan – Office 2D	16 November 2021
OAK 2C & 2D DA310	E	Elevations – Warehouse 2C	21 October 2022
OAK 2C & 2D DA311	B	Elevations – Warehouse 2D	19 August 2022
OAK 2C & 2D DA312	G	Office Elevations – 2C1	29 October 2021
OAK 2C & 2D DA313	G	Office Elevations – 2C2	29 October 2021
OAK 2C & 2D DA314	G	Office Elevations – 2D	29 October 2021
OAK 2C & 2D DA315	D	Sections - Warehouse	28 October 2021
OAK 2C DA400	E	Signage Plan	16 November 2021
Landscape Plans prepared by Scape Design Pty Ltd			
Drawing	Revision	Title	Date
L.SK.00	H	Cover Sheet	23 November 2021
L.SK.01	F	Landscape Sketch Plan – Lot 2A	1 November 2020
L.SK.02	F	Landscape Sketch Plan – Lot 2C & 2D	24 October 2022
L.SK.03	F	Planting Plan – Lot 2A	1 November 2020
L.SK.04	H	Planting Plan – Lot 2C & 2D	23 November 2021
L.SK.05	F	Planting Schedule – Lot 2A	1 November 2020
L.SK.06	E	Planting Schedule – Lot 2C & 2D	23 November 2021
L.SK.07	D	Character & Materials	23 November 2021
L.SK.105	F	Landscape – Detailed Plan & Notes – Lot 2A	1 November 2020

Landscape Plans prepared by Scape Design Pty Ltd			
L.SK.106	E	Landscape – Detailed Plan & Notes – Lot 2C & 2D	18 August 2022
L.SK.200	F	Carpark Details	23 November 2021
L.SK.201	E	Landscape – Typical Street Sections – Lot 2A	1 November 2020
L.SK.202	D	Landscape – Typical Street Sections – Lot 2C & 2D	23 November 2021



INDICATIVE EXTERNAL FINISHES LEGEND



Figure 3: Building 2A Office Elevations



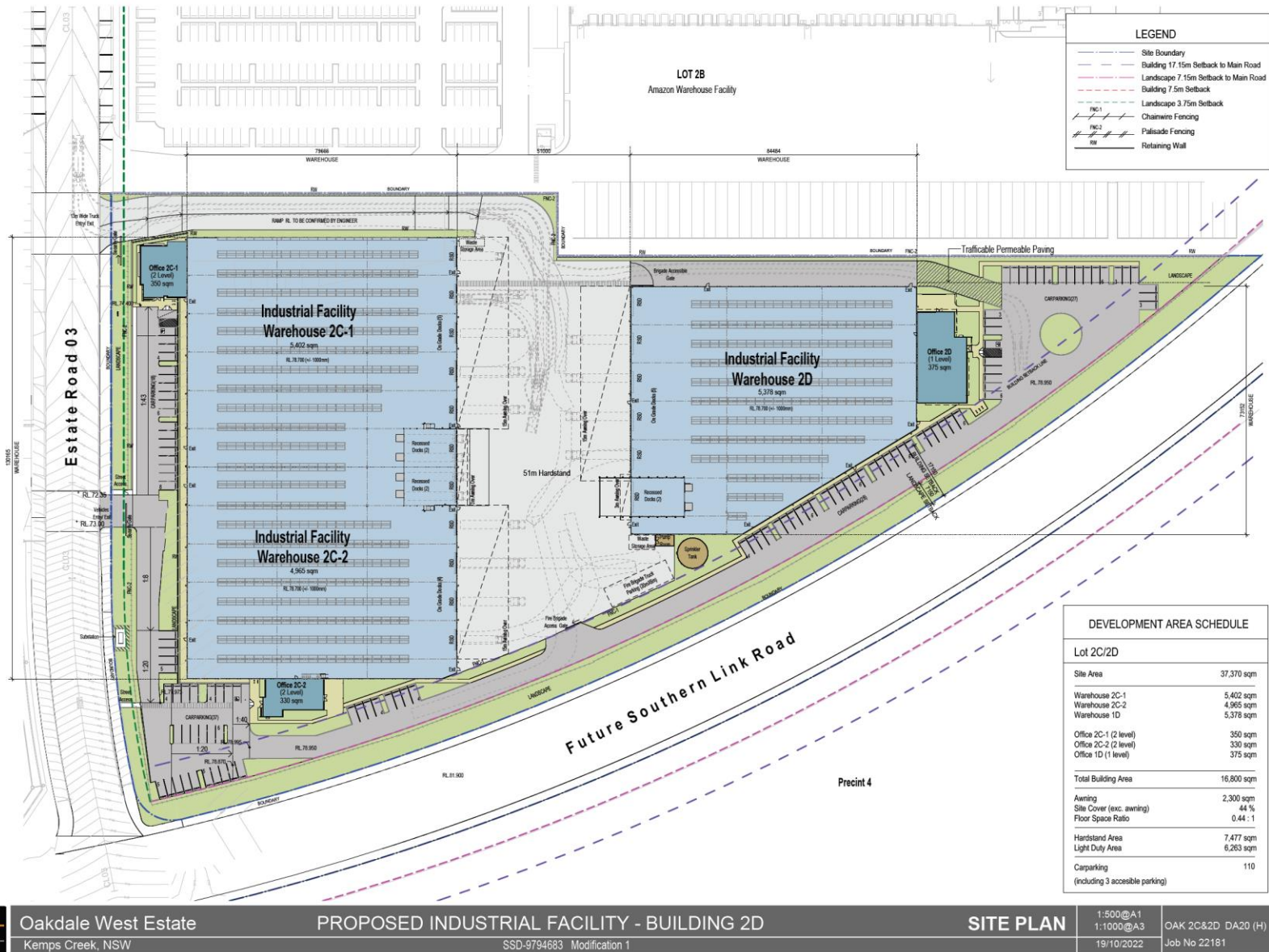


Figure 5: Building 2C and 2D Site Plan



Figure 6: Building 2C Elevations

[illegible]

Figure 7: Building 2D Elevations



APPENDIX 2 SENSITIVE RECEIVERS

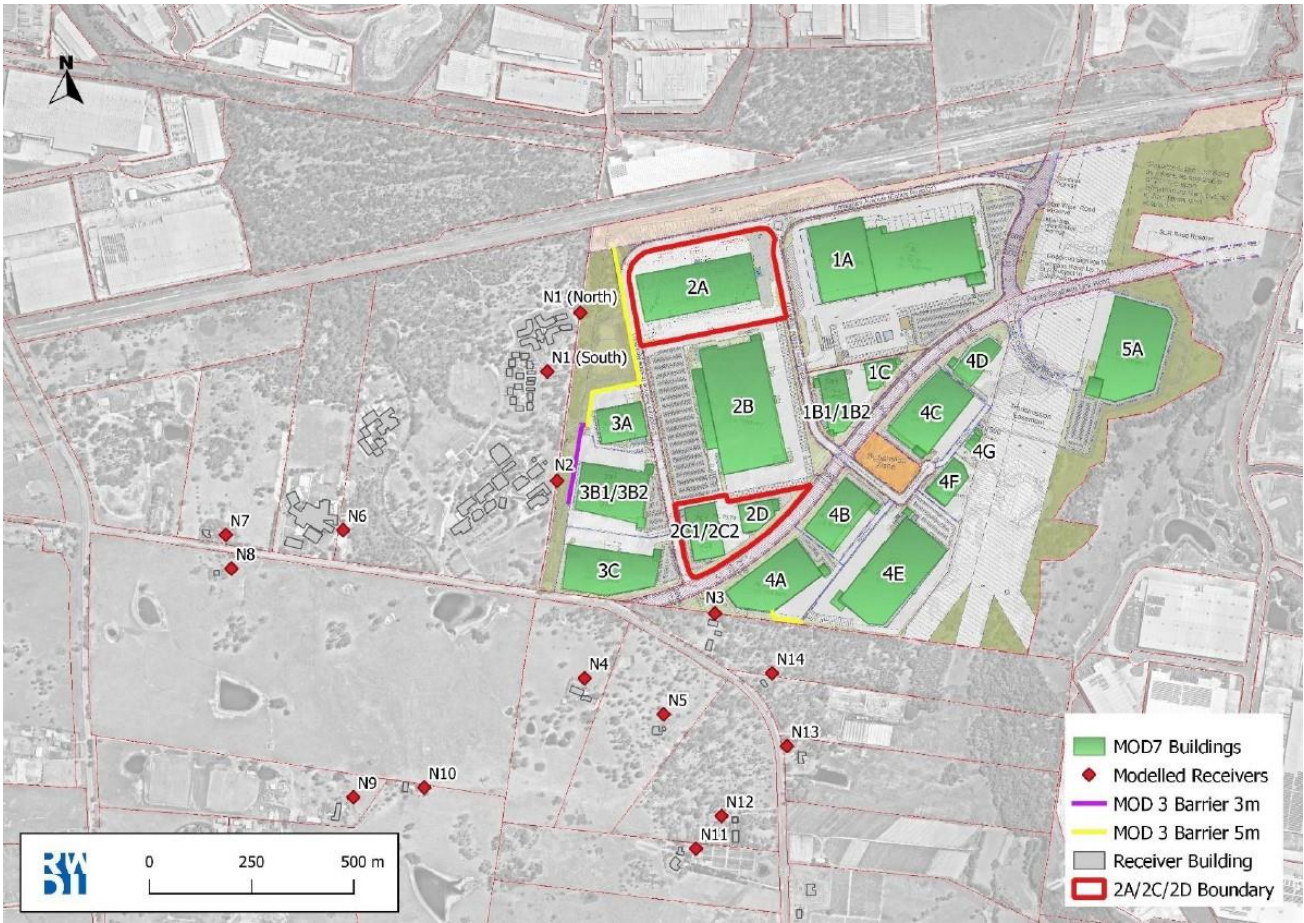


Figure 9: Sensitive Receiver Locations

APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation measures
General	<ul style="list-style-type: none"> • preparation of updated CEMP for OWE Stage 3 Developments • preparation of updated OEMP for OWE Concept Proposal for Stage 3
Visual amenity	<ul style="list-style-type: none"> • the existing vegetation on the eastern, southern and western boundary will be retained where possible to assist filtering views to the proposed buildings • warehouses have been articulated to reduce the overall visual impact of the development from surrounding viewpoints • the proposed material palette assists in articulating the built form and providing consistent materials within the OWE • the proposed landscape design is consistent with the OWE landscape masterplan and provides vegetated setbacks to estate roads and within parking areas to provide shade
Traffic and transport	<ul style="list-style-type: none"> • construction traffic management measures to be described in the CEMP • use of WNSLR for construction traffic • detailed STP to be implemented
Noise and vibration	<ul style="list-style-type: none"> • minimising coinciding use of noisy plant items • shutting down intermittently used equipment when not in use • regular compliance checks on the noise emissions of all plant and machinery • non-tonal reversing alarms used on all items of plant and heavy vehicles • equipment oriented away from sensitive receivers • pre-construction and ongoing consultation with adjoining sensitive receivers
Soil and water	<ul style="list-style-type: none"> • CEMP to include erosion and sediment controls consistent with the requirements of Landcom (2004)
Waste management	<ul style="list-style-type: none"> • implementation of the Stage 3 Waste Management Plan • recycling of packaging and pallets where possible
Air quality	<ul style="list-style-type: none"> • CEMP to include standard air quality control measures, contingency plans and response procedures and suitable reporting and performance monitoring procedures • CEMP to include standard odour mitigation measures for construction including keeping excavation surfaces moist, covering excavation faces and/or stockpiles, use of soil vapour extraction systems and regular monitoring of discharges as appropriate • Operational air quality management in Building 2A to include: <ul style="list-style-type: none"> ○ vehicles will not be left to 'idle' while loading/unloading (appropriate signage is required). ○ no refuelling is to occur inside the building. ○ building air pollutants will be captured by a BCA and AS1668.2-2012 compliant extractions system and directed to rooftop vents. ○ locating exhaust as far as practicable from the sources of make-up air to ensure effluents are effectively removed from all paRtS of the enclosure ○ effluent shall be collected as it is produced, as close as practicable to the source of generation ○ objectionable air discharges shall be: <ul style="list-style-type: none"> ○ emitted vertically with discharge velocities not less than 5 m/s. ○ situated at least 3 m above the roof at point of discharge. ○ treated to reduce the concentration of contaminants where required. ○ emitted to the outside at velocities and in a direction that will ensure, to the extent practicable, a danger to health or a nuisance will not occur. ○ situated a minimum separation distance of 6 m (where the airflow rate is $\geq 1,000$ L/s) from any outdoor) air intake opening, natural ventilation device or opening, and boundary to an adjacent allotment, except that where the dimensions of the allotment make this impossible, then the greatest possible distance shall apply.
Energy efficiency	<ul style="list-style-type: none"> • use of a 750 kW photovoltaic solar system in Building 2A • use of a 300 kW photovoltaic solar system in Buildings 2C and 2D • embodied carbon offset strategy • use of low energy LED lighting with zone controls via motion sensors • maximise the access to natural lighting, particularly in offices • use of efficient air conditioning systems • design of facades and roofing to comply with NCC performance requirements • installing 4-star rated toilets, urinals and taps and rainwater harvesting facility

	<ul style="list-style-type: none"> • a Building Users' Guide to provide details regarding the everyday operation of a building, include energy minimisation initiatives • quarterly reviews to verify the performance of energy and water efficiency measures
BCA	<ul style="list-style-type: none"> • preparation of the Performance Solutions and corresponding fire safety measures during detailed design to ensure compliance with BCA and International Fire Engineering Guidelines
Fire safety	<ul style="list-style-type: none"> • preparation of Performance Solutions and fire safety measures in the detailed design phase
Bushfire	<ul style="list-style-type: none"> • establish and maintain asset protection zones as indicated in the BHA • provide fire hydrants in accordance with the BCA • buildings to be constructed in accordance with <i>AS 3959 Construction of buildings in bushfire-prone areas</i> and measures outlined in the BHA

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 C7 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.