

# Modification of Development Consent

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

As delegate for the Minister for Planning, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



**Chris Ritchie**  
Director  
Industry Assessments

Sydney 19 DECEMBER 2018

File: EF18/24511

### SCHEDULE 1

<b>Application No:</b>	SSD 7173
<b>Applicant:</b>	Altis Property Partners
<b>Consent Authority:</b>	Minister for Planning
<b>Development:</b>	Altis Warehouse and Logistics Hub, 585-649 Mamre Road, Orchard Hills, Penrith LGA
<b>Date of Original Consent:</b>	15 December 2016
<b>Modification:</b>	SSD 7173 MOD 3 – Drainage Channel Realignment and Fill Works

### SCHEDULE 2

This consent is modified as follows:

#### In Schedule A

1. Delete and replace "Land" with "Lot 1 DP 271141, Lot 2 DP 271141, Lot 3 DP 271141, Lot 4 DP 271141, Lot 5 DP 271141, Lot 6 DP 271141, Lot 7 DP 271141, Lot 8 DP 271141 and Lot 9 DP 271141, 585-649 Mamre Road, Orchard Hills, Penrith local government area and Lot 2 DP 1233392, 579 Mamre Road, Orchard Hills, Penrith local government area".
2. Replace all references to and "Secretary" with and "Planning Secretary".
3. Delete the definitions for Development, and replace with:

Development	The development as described in the EIS and RTS and approved by this development consent for the construction and operation of a warehouse and logistics hub with ancillary office space as modified by SSD 7173 MOD 1, SSD 7173 MOD 2 and SSD 7173 MOD 3
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4. Insert the following definitions in alphabetical order:

SSD 7173 MOD 3	The section 4.55(1A) modification application prepared by Willowtree Planning titled 'Section 4.55(1A) Modification Application (SSD 7173) 579 Mamre Road, Orchard Hills – Proposed Stormwater Channel Realignment and Lot 5 Expansion Works' as amended by the Response to Submissions prepared by Willowtree Planning dated 31 August 2018
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#### In Schedule B: Administrative Conditions

5. Delete Condition B2 and replace with the following:

B2.	The Applicant shall carry out the Development in accordance with the: <ol style="list-style-type: none"><li>(a) EIS and RTS;</li></ol>
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- (b) Schedule of Drawings (see **Appendix 1**);
- (c) SSD 7173 MOD 1;
- (d) SSD 7173 MOD 2;
- (e) SSD 7173 MOD 3; and
- (f) the Management and Mitigation Measures (see **Appendix 2**).

#### **In Schedule C: Environmental Performance Conditions**

6. Delete Condition C23 and replace with the following:

C23. Prior to the commencement of construction works, the Applicant shall prepare and submit a Stormwater Management Plan (SMP) to the satisfaction of the Secretary. The SMP shall form part of the OEMP required by Condition D4. The SMP shall:

- (a) be prepared by a suitably qualified engineer prior to the commencement of the relevant works in consultation with Council;
- (b) be updated in consultation with Penrith City Council, prior to MOD 3 works commencing;
- (c) be prepared generally in accordance with the:
  - (i) *Civil Engineering Report*, prepared by Costin Roe Consulting, dated 31 March 2016, and accompanying drawings;
  - (ii) Civil Engineering letter prepared by Costin Roe Consulting, ref: CP12042.00-22, dated 18 June 2018, and accompanying drawings;
  - (iii) Civil Engineering letter prepared by Costin Roe Consulting, ref: CO12042.00-25, dated 29 August 2018; and
  - (iv) relevant requirements of Council and OEH
- (d) identify all building and roadworks to be constructed relevant to the Construction Certificate to which the works relate;
- (e) incorporate design plans and accompanying design notes, including any water sensitive urban design measures;
- (f) describe measures which would be implemented to maintain the infrastructure during the life of the Development, including maintenance, monitoring and reporting.

7. Delete Condition C30 and replace with the following:

C30. The Applicant shall implement the Fill Importation Protocol approved under Condition C29 for the duration of bulk and detailed earthworks and drainage channel realignment works, and shall:

- (a) keep accurate records of the volume and type of fill to be used; and
- (b) make these records available to the Secretary upon request.

8. Insert Condition C56 after Condition C55, as follows:

C56. Prior to the commencement of drainage channel filling and/or realignment works, the Applicant must:

- (a) prepare an archaeological testing methodology and submit to the relevant Registered Aboriginal Parties (RAPs);
- (b) undertake archaeological test excavations within the drainage channel realignment works area and surrounds (where the soil profile could potentially be disturbed by works) to confirm the presence of Aboriginal objects;
- (c) prepare a test excavation report detailing the results of the test excavations, which is:
  - (i) incorporated into a revised Aboriginal Cultural Heritage Assessment Report; and
  - (ii) submitted to the RAPs for review. Comments received from the RAPs are to be included in the final test excavation report.

9. Insert Condition C57 after Condition C56, as follows:

C57. Prior to the commencement of SSD 7173 MOD 3 works, the Applicant must prepare a Vegetation Management Plan (VMP) which:

- (a) is prepared in consultation with the Department of Industry;
- (b) includes a fully vegetated riparian corridor consisting of a diversity of local provenance native plant species;
- (c) includes ongoing management measures for the widths of the Vegetation Riparian Zone, in accordance with "Guidelines for Riparian Corridors" (NRAR, 2018).

#### **In the Appendices**

10. Add the following to **Appendix 1**:

<b>Updated Civil Plans for SSD 7173 MOD 3 Prepared by Costin Roe Consulting</b>			
CO12042.00-C200	C	07/06/18	Erosion and Sediment Control Plan and Details

CO12042.00-C201	A	07/06/18	Erosion and Sediment Control Plan – Sheet 2
CO12042.00-C400	F	29/08/18	Channel Realignment Plan
CO12042.00-C401	A	07/06/18	First Estate Lot 5 Filling Plan
CO12042.00-450	B	07/06/18	Channel Details

**End of Modification (SSD 7173 MOD 3)**