

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 11 October 2017, I determine:

- (a) to grant consent to the Stage Development Application referred to in Schedule A subject to the Concept Proposal conditions in Schedule B and C and the Stage 1 Development Application conditions in Schedule D;
- (b) that pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent development not being for the purpose of a warehouse or distribution centre with a capital investment value in excess of \$50 million is to be determined by the relevant Consent Authority and that development ceases to be State Significant Development.

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.

Anthea Sargeant
Executive Director
Compliance, Industry and Key Sites

Sydney

13 September,

2019

File: 15/15802

SCHEDULE 1

Application Number:	SSD 7348
Applicant:	Goodman Property Services (Aust) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1 DP 663937, Lot 2 DP 1215268, Lot 6 DP 229784, Lot 2 DP 84578, Lot 3 DP 85393 and Lot 11 DP 1178389 2 Aldington Road, Kemp Creek NSW 2178
Development:	A Concept Proposal including: <ul style="list-style-type: none">• concept layout of 22 warehouse buildings inclusive of dock offices and ancillary offices providing 476,000 square metres of gross lettable area, built over five development stages;• concept layout of development lots, internal roads, drainage, landscaping, noise walls, basins and biodiversity offsets; and• development controls

A Stage 1 Development including:

- bulk earthworks across all five stages including retaining walls and noise walls;
- lead in services including but not limited to drainage, power, sewer, water and telecommunications;
- service infrastructure to Precinct 1, including drainage, power, sewer, water and telecommunications;
- construction and operation of three warehouse buildings inclusive of dock offices and ancillary offices in Precinct 1 (1A, 1B and 1C) providing 118,000 square metres of gross lettable area;
- Western North-South Link Road and associated subdivision, basins and drainage;
- estate roads 1, 2 and 6 and eastern part of road 7;
- landscaping of Stage 1, the western boundary, Western North-South Link Road, estate roads 1, 2 and 6 and the eastern part of road 7, detention basins and the amenity lot
- subdivision of Stage 1 lots and road infrastructure including the services (substation) lot;
- stormwater drainage infrastructure for Lots 2A and 2B and all basins;
- temporary works to facilitate construction including but not limited to swales, haul road (construction access), landscaping and basins; and
- works including construction of traffic signals at Lenore Drive/Grady Crescent/WNSLR intersection.

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DEFINITIONS

Applicant	Goodman Property Services (Aust) Pty Ltd, or any person carrying out any development to which this consent applies
Biodiversity Covenant	A restriction on the use of land forming part of the Erskine Park Biodiversity Corridor, as shown on Figure 8 in Appendix 6
Bulk earthworks	As described in the EIS and RtS
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CAQMP	Construction Air Quality Management Plan
Concept Proposal	Concept layout of 22 warehouse buildings and ancillary offices built over five development stages, as described in the EIS and RtS
Conditions of this consent	Conditions contained in Schedules B to D of this document
Consent Authority	The relevant consent authority for development in accordance with the EP&A Act
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Penrith City Council
CTMP	Construction Traffic Management Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and RtS, including construction and operation of 22 warehouse buildings, offices and associated infrastructure, as modified by the conditions of this consent and shown on the plans in Appendix 1 , Appendix 2 and Appendix 3
DA	Development Application submitted in accordance with the EP&A Act
EIS	The Environmental Impact Statement titled <i>Oakdale West Estate</i> , prepared by Urbis dated November 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document of the same title published by the Department
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPL	Environment Protection Licence under the POEO Act
Erskine Park Biodiversity Corridor	The land described in the <i>Biodiversity Management Plan Erskine Park Employment Area</i> , HLA-Envirosciences, 2006 and shown on Figure 8 in Appendix 6
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
FFMP	Flora and Fauna Management Plan
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i>
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> (NSW), 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> (NSW), 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 <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landscape Bund	Landscaping along the western boundary of the Site, included as part of Stage 1 works as described in the EIS and RTS and shown on Figure 5 in Appendix 2
LMP	Landscape Management Plan
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	NSW Natural Resources Asset Regulator
OEH	(former) NSW Office of Environment and Heritage (now Biodiversity and Conservation of the Department)
OEMP	Operational Environmental Management Plan
Operation	The use of warehouse buildings for storage and distribution of goods upon completion of construction
Penrith DCP	Penrith Development Control Plan 2014
Planning Agreement	Planning Agreement titled <i>Oakdale West Estate Planning Agreement</i> , between the Minister for Planning and Public Spaces, Goodman Property Services (Aust) Pty Ltd and BGMG 11 Pty Limited as trustee for the BGMG 1 Oakdale West Trust, executed on 5 August 2019 and included in Appendix 4
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Roads Authority	As defined in Dictionary of the <i>Roads Act 1993</i> (NSW)
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
Relevant Roads Authority	The authority responsible for ownership and maintenance of the applicable road
RMS	(former) NSW Roads and Maritime Services (now TfNSW)

RtS	The Response to Submissions titled <i>Oakdale West Estate SSDA 15_7348 Response to Submissions</i> prepared by Urbis dated 8 May 2018 and document titled <i>Oakdale West Estate SSDA 15_7348 Response to Matters Raised by the Department of Planning</i> , prepared by Urbis dated 12 October 2018
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 Appendix 1
SLR	(proposed) Southern Link Road as shown in the WSEA SEPP and the Broader WSEA SLRN Options Refinement Report prepared by AECOM, 2014
Stage	Each component or Stage of works to deliver the Concept Proposal, as shown on Figure 2 in Appendix 1 , or as amended by an approved Staging Plan under this consent
Stage 1	Bulk earthworks across the Site, construction and operation of three warehouse buildings (1A, 1B and 1C), the WNSLR and associated infrastructure and construction of the landscape bund along the western boundary of the Site, as described in the EIS and RTS and shown on the plans in Appendix 2 and Appendix 3
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Vicinity of the site	Bakers Lane, Kemps Creek
WAD	Works Authorisation Deed issued by TfNSW (former RMS)
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Water Pipelines	Two Sydney drinking water pipelines located on land owned by Water NSW along the northern boundary of the Site
WMP	Waste Management Plan
WNSLR	Western North-South Link Road as shown in the WSEA SEPP and the plans in Appendix 3
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009
WSFL	Western Sydney Freight Line corridor as shown in TfNSW Western Sydney Freight Line Corridor Identification – Consultation, March 2018
Year	A period of 12 consecutive months

SCHEDULE B CONDITIONS FOR THE CONCEPT PROPOSAL

FUTURE DEVELOPMENT APPLICATIONS

- B1. In accordance with section 4.22 of the EP&A Act, each stage of the Concept Proposal (excluding Stage 1) is to be subject to future development applications (DAs). Future DAs are to be consistent with this development consent.
- B2. To avoid any doubt, this Concept Proposal consent does not permit the construction or operation of any Development, except for the Stage 1 DA covered by **Schedule D**.
- B3. This Concept Proposal consent does not approve the building layouts shown on Lots 2E, 2F, 2G, 2H, 2J and 4A on **Figure 1** in **Appendix 1**. The location of the buildings on these lots must be assessed by separate DAs, and must satisfy the interface requirements of Conditions C3 and C4.

STATUTORY REQUIREMENTS

- B4. The Applicant shall ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the Concept Proposal. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals/consents.

TERMS OF CONSENT

- B5. The Applicant shall carry out the Concept Proposal in accordance with the:
- (a) EIS and RtS;
 - (b) the plans in **Appendix 1** and **Appendix 2**; and
 - (c) the Applicant's Management and Mitigation Measures in **Appendix 7**.
- B6. If there is any inconsistency between the plans and documents referred to above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B7. The Applicant shall comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

LIMITS OF CONSENT

- B8. This consent lapses five (5) years after the date from which it operates, unless any Stage of the Development has physically commenced on the land to which the consent applies before that date.
- B9. The following limits apply to the Concept Proposal:
- (a) the maximum GLA for the land uses in the Development shall not exceed the limits in **Table 1**;
 - (b) a minimum 60 metre (m) wide corridor along the northern Site boundary shall not be developed and shall be maintained and preserved for the future WSFL corridor, in accordance with the requirements of TfNSW; and
 - (c) the building layouts and footprints shown on Lot 2E, 2F, 2G, 2H, 2J and 4A on **Figure 1** in **Appendix 1**, are not approved. The position, layouts and footprints of the buildings on these lots must be assessed by separate DAs, and must satisfy the interface requirements of Conditions C3 and C4.

Table 1: GLA Maximum for Concept Proposal

Land Use	Maximum GLA square metres (m ²)
Total Warehousing	453,000
Total Office	23,000
Total GLA	476,000

- B10. The Applicant shall ensure the Concept Proposal is consistent with the development controls in **Table 2**:

Table 2: Development Controls

Development Aspect	Control
Minimum building setbacks from:	
• Southern Link Road	20 m
• Western North-South Link Road	20 m
• Local estate Roads	7.5 m
• Western site boundary	40 m
• Southern site boundary	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
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)

- B11. Notwithstanding the controls listed in **Table 2** in Condition B10, no warehouse building in the Concept Proposal shall exceed a ridgeline height of 13.7 m, excluding roof mounted mechanical plant and solar panels.
- B12. The Applicant shall lodge the proposed revisions to the *Penrith Development Control Plan 2014* (Penrith DCP), in accordance with **Table 2** in Condition B10, with Council within 6 months of the date of this consent.
- B13. The Applicant shall ensure the Concept Proposal provides car parking in accordance with the following rates:
- (a) 1 space per 300 m² of warehouse GFA;
 - (d) 1 space per 40 m² of office GFA; and
 - (e) 2 spaces for disability parking for every 100 car parking spaces.
- B14. The Applicant shall provide bicycle racks, and amenity and change room facilities for cyclists in accordance with *Planning Guidelines for Walking and Cycling* (December 2004, NSW Department of Infrastructure, Planning and Natural Resources and the Roads and Traffic Authority).

STAGING PLAN

- B15. Prior to the commencement of construction of any stage of the Concept Proposal, the Applicant shall prepare a Staging Plan for the Development, to the satisfaction of the Planning Secretary. The plan shall:
- (a) be prepared in consultation with Council, utility and service providers and other relevant stakeholders;
 - (b) describe how the implementation of the Concept Proposal, would be staged to ensure it is carried out in an orderly and economic way and minimises construction impacts on adjacent sensitive receivers;
 - (c) show the likely sequence of DAs that will be lodged to develop the Site, with the estimated timing for each Stage and identification of any overlapping construction and operational activities;
 - (d) include concept design for the staged delivery of landscaping, focusing on early implementation of screen planting to minimise the visual impact of subsequent development stages; and
 - (e) include conceptual design for the provision of services, utilities and infrastructure to the Site.
- B16. The Applicant must:

- (a) not commence construction of any stage of the Development until the Staging Plan required by Condition B15 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Staging Plan approved by the Planning Secretary.
- B17. The Planning Secretary may require the Applicant to address certain matters identified in the Staging Plan. The Applicant must comply with any such requirements of the Planning Secretary given as part of the Staging Plan approval.

Notes:

- The Applicant may amend the Staging Plan as desired, with the approval of the Planning Secretary.
- The Staging Plan is intended to broadly describe the development sequence for the Site and the delivery of infrastructure for all stages. It is not required to provide detailed design for latter Stages.

NOISE LIMITS

- B18. The Applicant shall ensure the Development does not exceed the noise limits in **Table 3** at the receiver locations N1, N2, N3, N4 and N5 shown on the plan in **Appendix 5**.

Table 3: Noise Limits dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
N1 Emmaus Village Residential	44	43	41	51
N3 Kemps Creek – nearest residential property	39	39	37	47
N4 & N5 Kemps Creek – other residences	39	39	37	47
N2 Emmaus Catholic College (school)	When in use: 35 (internal)			

Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (EPA 2017).

- B19. The noise limits in **Table 3** do not apply to receiver N3 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.

BUSHFIRE PROTECTION

- B20. The Applicant shall ensure the Development complies with:
- (a) the relevant provisions of *Planning for Bushfire Protection 2006*;
 - (b) the construction standards and asset protection zone requirements recommended in the Oakdale Industrial Estate - West Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016; and
 - (c) *AS2419.1 – 2005 Fire Hydrant Installations* for firefighting water supply.

TRANSGRID EASEMENT

- B21. The Applicant must:
- (a) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission towers, lines and easement on the Site, 24 hours a day, 7 days a week;
 - (b) comply with the requirements of TransGrid for any works in the TransGrid easement; and
 - (c) advise TransGrid of any proposed amended or modified encroachment into the easement.

ENDEAVOUR ENERGY

- B22. The Applicant must comply with the requirements of Endeavour Energy for the provision of land for a new zone substation as shown on the plans in the RtS.

WATER NSW

- B23. The Applicant must:

- (a) provide safe and unobstructed access for Water NSW plant and personnel to access the water pipelines corridor adjacent the Site, 24 hours a day, 7 days a week;
- (b) comply with the requirements of Water NSW for any works adjacent to or over, the water pipelines corridor; and
- (c) advise Water NSW of any proposed amended or modified encroachment into the water pipelines corridor.

AMENITIES LOT

- B24. The amenities lot located north of Estate Road 1, as shown on the plans in **Appendix 1**, must only provide for small-scale local services such as commercial, retail, community facilities and landscaping that service or support the needs of local employment-generating uses.

SCHEDULE C CONDITIONS FOR FUTURE DEVELOPMENT APPLICATIONS

DEVELOPMENT CONTRIBUTIONS

- C1. Future DAs shall identify whether any Development Contributions Plan made by Council (under Section 7.11 of the EP&A Act) applies to that stage of the Concept Proposal (excluding Stage 1).
- C2. Prior to the issue of a Construction Certificate for any stage of the Development, the Applicant shall pay contributions to Council in accordance with the relevant Development Contributions Plan identified in accordance with Condition C1.

INTERFACE WITH RESIDENTIAL AREAS

- C3. Future DAs for warehouses on lots 2E, 2F, 2G, 2H, 2J and 4A shall be accompanied by an Urban Design Assessment. The assessment must:
- (a) be prepared by an independent urban design consultant;
 - (b) be prepared in consultation with Council and the Emmaus Catholic College;
 - (c) detail the key objectives for the interface with the sensitive receivers on the western and southern Site boundaries, including consideration of optimal uses and operational hours;
 - (d) determine the optimal building location and setbacks on the western and southern boundaries, noting the design controls in Condition B10 are the minimum setback requirements;
 - (e) present the optimal design for the building layouts along the western and southern site boundaries with detailed justification for the preferred option;
 - (f) identify appropriate orientations and architectural treatments for the facades facing sensitive receivers; and
 - (g) incorporate noise mitigation into the layout and design of buildings, internal roads, loading docks and parking areas to ensure the Development can meet the noise limits in Condition B18.
- C4. Prior to the commencement of construction of warehouses or office buildings on lots 2E, 2F, 2G, 2H, 2J and 4A, the Applicant must obtain approval from the Consent Authority for the preferred design option, including uses, building and loading dock layouts, setbacks, façade treatments and colours.

VISUAL AMENITY

Landscaping

- C5. Future DAs shall be accompanied by a Landscape Assessment. The assessment must:
- (a) be prepared by a qualified landscape design consultant;
 - (b) be prepared in consultation with Council;
 - (c) describe how the landscaping for the relevant Stage of the Development is consistent with the Staging Plan approved in accordance with Condition B15;
 - (d) describes the landscaping works to be completed as part of the relevant Stage of the Development and details a program for monitoring the success of landscaping works over time;
 - (e) assesses the condition of and adequacy of landscaping completed as part of earlier Stages of the Development, in providing visual screening for adjacent sensitive receivers; and
 - (f) details any additional landscaping or rehabilitation works required to ensure the visual impacts of the Development are minimised for the adjacent sensitive receivers.

Outdoor Lighting

- C6. Future DAs must ensure compliance with *AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting* and *AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting*.

Signage

- C7. Future DAs must ensure illuminated signage is oriented away from the sensitive receivers on the western and southern Site boundaries.

Reflectivity

- C8. The visible light reflectivity from materials used on the façades and roofs of the warehouses and office buildings shall be designed to minimise glare. A report demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority for each future warehouse and office building prior to the issue of the relevant Construction Certificate.

TRANSPORT, ACCESS AND PARKING

C9. Future DAs shall be accompanied by a transport, access and parking assessment. The assessment must:

- (a) assess the impacts on the safety and capacity of the surrounding road network and access points during construction and operation of the relevant Stage;
- (b) demonstrate internal roads and car parking complies with relevant Australian Standards and the car parking rates in Condition B13;
- (c) detail the scope and timing of any required road upgrades to service the relevant Stage; and
- (d) detail measures to promote non-car travel modes, including a Sustainable Travel Plan identifying pedestrian and cyclist facilities to service the relevant Stage of the Development.

NOISE AND VIBRATION

C10. Future DAs shall be accompanied by a noise and vibration impact assessment. The assessment must:

- (a) identify the noise and vibration impacts during construction and operation;
- (b) demonstrate compliance with the noise limits in Condition B18;
- (c) provide an analysis of all external plant and equipment, including but not limited to, forklifts, air conditioners and refrigeration systems;
- (d) incorporate noise mitigation measures, such as increased building setbacks, building insulation, noise barriers, layout of truck loading areas or source controls, to demonstrate the noise limits in Condition B18 can be achieved;
- (e) detail the timing to construct the noise walls shown in **Appendix 5**, to ensure noise from operation of the Development does not exceed the noise limits in Condition B18; and
- (f) recommend mitigation and management measures to be implemented to minimise noise during construction.

STORMWATER MANAGEMENT

C11. Future DAs shall demonstrate the design of the warehouses, offices and hardstand areas are consistent with (or the latest revision of) the:

- (a) *Civil, Stormwater and Infrastructure Services Report*, prepared by At&L, dated October 2018; and
- (b) *Flood Impact Assessment: Oakdale West Estate*, prepared by Cardno, dated 27 March 2017.

BUSHFIRE PROTECTION

C12. The Applicant shall ensure future DAs comply with:

- (a) the relevant provisions of *Planning for Bushfire Protection 2006*;
- (b) the construction standards and asset protection zone requirements recommended in the Oakdale Industrial Estate - West Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016; and
- (c) *AS2419.1 – 2005 Fire Hydrant Installations* for firefighting water supply.

TRANSGRID EASEMENT

C13. The Applicant must consult with TransGrid, prior to lodging DAs for Stages 4 and 5 of the Development as shown on **Figure 2** in **Appendix 1**, and any other Stage or road infrastructure that may affect the TransGrid easement. The Applicant must design, construct and operate each Stage of the development in accordance with the reasonable requirements of TransGrid relating to their use of the TransGrid easement.

C14. The Applicant must consult with TransGrid, prior to lodging DAs for buildings in Stage 5 adjacent to Ropes Creek, to identify and implement any required flood management measures within the transmission line easement.

ENDEAVOUR ENERGY

C15. The Applicant must obtain relevant approvals from Endeavour Energy, prior to the construction of any utility works to service each Stage of the Development.

WATER NSW

C16. The Applicant must consult with Water NSW, prior to lodging DAs for works on Lot 2A and 2B adjoining the water pipelines corridor, to identify and implement any requirements of Water NSW for protection of the water pipelines corridor.

WASTE

C17. Future DAs shall include a Waste Management Plan prepared in accordance with the *NSW Waste Classification Guidelines* (DECCW, 2009).

CONSTRUCTION MANAGEMENT

C18. A Construction Environmental Management Plan (CEMP) shall be submitted to the Consent Authority for each stage of the Concept Proposal prior to the commencement of construction of the relevant stage. The CEMP must:

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

COMMUNITY COMMUNICATION STRATEGY

C19. No later than one month before the commencement of construction of any stage of the Development, a Community Communication Strategy (CCS) must be prepared and submitted to the Planning Secretary for approval.

The CCS is to provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners, schools, businesses, and others directly impacted by Stage 1), during design, construction and operation. The CCS must:

- (a) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the Development;
- (b) detail the mechanisms for regularly consulting with the local community throughout the Development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- (c) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions;
- (d) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (e) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) email, contact telephone number and postal addresses for receiving complaints;
 - (ii) advertising the contact details for complaints before and during operation, via the local newspaper and through onsite signage;
 - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - (iv) procedures for the resolution of any disputes that may arise during the course of the Development.

C20. The Applicant must:

- (a) not commence construction of the relevant stage of the Concept Proposal until the CCS required under Condition C19 has been approved by the Planning Secretary; and
- (b) implement the CCS for each stage of the Concept Proposal and following the completion of operation of the Development.

SCHEDULE D CONDITIONS FOR STAGE 1 DA

PART 1 – GENERAL CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- D1. 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 Stage 1 development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- D2. Stage 1 of 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 plans in **Appendix 2** and **Appendix 3**; and
 - (e) in accordance with the Applicant's Management and Mitigation Measures in **Appendix 7**.
- D3. 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 D3(a).
- D4. 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 D2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition D2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- D5. This consent lapses five (5) years after the date from which it operates, unless Stage 1 has physically commenced on the land to which the consent applies before that date.
- D6. The following limits apply to Stage 1:
- (a) the maximum GLA for the land uses shall not exceed the limits in **Table 4**; and
 - (b) a minimum 60 m wide corridor along the northern Site boundary shall not be developed and shall be maintained and preserved for the future WSFL corridor, in accordance with the requirements of TfNSW.

Table 4: GLA Maximum for Stage 1

Land Use	Maximum GLA (m ²)
Total Warehousing	111,000
Total Office	7,000
Total GLA	118,000

- D7. The Applicant shall ensure Stage 1 is consistent with the development controls in **Table 2: Development Controls** in Condition B10.

NOTIFICATION OF COMMENCEMENT

- D8. The date of commencement of each of the following phases of Stage 1 must be notified to the Department in writing, at least one month before that date, or otherwise agreed with the Planning Secretary:
- (a) construction; and
 - (b) operation.

- D9. If the construction or operation of Stage 1 is to be delivered in sub-stages, the Department must be notified in writing at least one month before the commencement of each sub-stage, of the date of commencement and the works to be carried out in that sub-stage.

EVIDENCE OF CONSULTATION

- D10. 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

- D11. 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).
- D12. 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.
- D13. 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

- D14. Before the commencement of construction of Stage 1, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected, to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the Site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- D15. 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 Stage 1; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of Stage 1.

PROTECTION OF WATER NSW INFRASTRUCTURE

- D16. Before the commencement of construction of Stage 1, the Applicant must:
- (a) prepare a dilapidation report identifying the condition of all infrastructure within the water pipelines corridor, in the vicinity of the WNSLR bridge crossing;
 - (b) implement all practical measures to protect this infrastructure, as required by Water NSW; and
 - (c) repair, or pay the full costs associated with repairing, any water supply infrastructure that is damaged by carrying out Stage 1.

DEMOLITION

- D17. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- D18. 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 National Construction Code (NCC).

Notes:

- *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

- D19. 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 Stage 1.

DEVELOPER CONTRIBUTIONS

Planning Agreement

- D20. The Applicant shall provide all monetary contributions and/or works-in-kind contributions under Subdivision 2 of Division 7.1 of Part 7 of the EP&A Act, in accordance with the Planning Agreement entered into between the Minister for Planning, Goodman Property Services (Aust) Pty Ltd (the developer) and BGMG 11 Pty Limited as trustee for the BGMG 1 Oakdale West Trust (the landowner) executed on 5 August 2019 and as attached in **Appendix 4**.

OPERATION OF PLANT AND EQUIPMENT

- D21. All plant and equipment used on site, or to monitor the performance of Stage 1 must be:

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

EASEMENTS

- D22. Within 12 months of commencing operation of Stage 1, or a timing otherwise agreed with Council, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* (NSW) naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and provides for a drainage outlet swale from bio-retention basin 1, must be registered on title of Lot 19 DP 1250578.

EXTERNAL WALLS AND CLADDING

- D23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- D24. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority 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 NCC.
- D25. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- D26. Before the construction of any utility works associated with Stage 1, the Applicant must obtain relevant approvals from service providers.
- D27. Before the commencement of operation of Stage 1, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing Stage 1, under section 73 of the *Sydney Water Act 1994* (NSW).
- D28. Before the issue of a Subdivision or Construction Certificate for Stage 1, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for the provision of communication facilities to Stage 1.
- D29. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

TRANSGRID EASEMENT

- D30. The Applicant must:

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

WATER NSW

D31. The Applicant must:

- (a) comply with the requirements of Water NSW for any works adjacent to, or over, the water pipelines corridor;
- (b) consult with Water NSW during detailed design of Stage 1 works near the corridor including:
 - (i) design of drainage upgrade works within the corridor;
 - (ii) batters and access tracks;
 - (iii) final bridge design for the WNSLR;
- (c) obtain from Water NSW, an access consent and construction licence to work within the water pipelines corridor, prior to the commencement of construction;
- (d) consult with Water NSW during preparation of the CEMP, in accordance with Condition D119, and attend a site visit with Water NSW personnel, prior to finalising the CEMP, to mark the exact works area for the WNSLR bridge crossing; and
- (e) notify any incidents that affect or could affect the water pipelines corridor to Water NSW on the 24-hour Incident Notification Number **1800 061 069**, as a matter of urgency.

WORKS-AS-EXECUTED PLANS

D32. Before the issue of the final Occupation Certificate for Stage 1, works-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 PCA.

APPLICABILITY OF GUIDELINES

- D33. 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.
- D34. 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 Stage 1. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART 2 – ENVIRONMENTAL PERFORMANCE CONDITIONS

VISUAL AMENITY

Landscape Management Plan

- D35. Prior to the commencement of construction of Stage 1, the Applicant must prepare a Landscape Management Plan (LMP), to the satisfaction of the Planning Secretary. The plan must form part of the CEMP in accordance with Condition D119 and the OEMP in accordance with Condition D130 and must:
- (a) be prepared in consultation with Council;
 - (b) detail procedures for the retention of existing native vegetation in the north-western corner of the Site and protection of this vegetation from construction impacts;
 - (c) include visual impact mitigation measures for construction including but not limited to:
 - (i) the location of site sheds, compounds and machinery parking areas, avoiding the western and southern site boundaries, or other locations highly visible from adjacent residential properties;
 - (ii) procedures for progressive grassing of exposed soil, as soon as reasonably practicable after disturbance, focusing on areas where building construction will occur at a later stage;
 - (d) detail the works required to construct the landscape bund along the western boundary of the Site, as shown on **Figure 5 in Appendix 2**, including provision for the landscaping to incorporate mature trees (no less than 75 litre pot size);
 - (e) include a schedule of works which prioritises the construction of the landscape bund along the western boundary of the Site, as shown on **Figure 5 in Appendix 2**.
 - (f) include a program for implementing the landscape bund as soon as reasonably practicable, and no later than prior to operation of Stage 1;
 - (g) describe the integration of landscaping with fixed elements, including retaining walls and noise walls; and
 - (h) describe the monitoring and maintenance procedures to ensure the success of the landscaping works over the life of the Development.
- D36. The Applicant must:
- (a) not commence construction of Stage 1 until the LMP is approved by the Planning Secretary.
 - (b) must implement the most recent version of the LMP approved by the Planning Secretary; and
 - (c) include the monitoring and maintenance procedures contained in the LMP within the OEMP required in accordance with Condition D130.

Landscaping

- D37. The Applicant must complete the landscape bund along the western boundary of the Site as shown on **Figure 5 in Appendix 2** within six months of commencing any construction including bulk earthworks.
- D38. The Applicant must maintain all landscaping implemented as part of Stage 1, as shown on **Figure 5 in Appendix 2**, for the duration of the Development. If the monitoring carried out as part of Condition D35 indicates that any aspect of the landscaping has not been successful, the Applicant must undertake re-planting and rehabilitation works, as soon as reasonably practicable.

Setbacks

- D39. The Applicant must ensure building services including tanks are integrated into the building design and landscaped areas to reduce visibility from public areas, unless otherwise required by an authority or Australian Standard, to be located within the front boundary setback.

Lighting and Security Cameras

- D40. The Applicant must ensure the lighting associated with Stage 1:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- D41. The Applicant must ensure any security cameras installed as part of Stage 1 are directed away from adjacent private properties.

Reflectivity

- D42. The visible light reflectivity from building materials used in the facades and roofs of the warehouses and offices must be designed to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Signage and Fencing

- D43. All signage and fencing must be erected in accordance with the plans in the RtS.

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

- D44. All fencing along building frontages must be located behind the landscape setbacks and not along the front boundary. The fencing must be a maximum height of 2.1 metre and be an open style.

- D45. The Applicant must:

- (a) remove existing rural fencing along the water pipelines corridor adjacent the site and dispose to an appropriate waste facility licensed to accept the waste;
- (b) install and maintain temporary security fencing along the water pipelines corridor adjacent the site, for the duration of construction, or until a permanent fence is installed;
- (c) install permanent 2.4-metre-high fencing along the water pipelines corridor adjacent the site, including the approaches to the WNSLR bridge over the water pipelines corridor and above retaining walls, unless otherwise agreed with Water NSW;
- (d) install concrete barriers or barrier guard rails (including barriers leading up to bridge structure) to the WNSLR where there is potential for large vehicles to drive over retaining walls and into the water pipelines corridor. Barriers must be rated to withstand impact from B-Double size vehicles; and
- (e) install cranked throw screens on both sides of the WNSLR bridge crossing the Water NSW water pipeline corridor.

WESTERN NORTH-SOUTH LINK ROAD (WNSLR)

General Requirements

- D46. The Applicant must design and construct the WNSLR in accordance with the requirements of:

- (a) Council, the PCA and any approval issued under section 138 of the *Roads Act 1993* including the Works Authorisation Deed (WAD);
- (b) TfNSW for the bridge crossing of the future WSFL; and
- (c) Water NSW for the bridge crossing of the water pipelines corridor.

- D47. The Applicant must design and construct the intersections of the WNSLR with Estate Road 1 and Lockwood Road to the satisfaction of the relevant roads authority.

Works at Lenore Drive/Grady Crescent/WNSLR Intersection

- D48. Prior to the commencement of construction of the Lenore Drive/Grady Crescent/WNSLR intersection (the intersection), the Applicant must finalise the detailed design, including a Traffic Signal Plan, for the intersection works. The detailed design must:

- (a) cut back the median further with a taper in Grady Crescent to accommodate the dual B-Double swept paths turning from WNSLR onto Lenore Drive; and
- (b) include an angled pedestrian crossing on the south-eastern corner of the intersection so that pedestrians are not confused by the pedestrian lantern on the opposite side of the intersection.

- D49. The Applicant must enter into a WAD for works at the intersection with TfNSW (former RMS). The WAD must be executed prior to the submission of the detailed design required under condition D48 to TfNSW for approval.

- D50. The Applicant must design the proposed traffic control light at the intersection in accordance with Austroads guidelines, RMS Signal Design Manual and Australian Codes of Practice. The traffic control light design must be endorsed by a suitably qualified practitioner whose qualification has been approved by TfNSW (former RMS).

- D51. The Applicant must submit the certified copies of the traffic signal design plans to TfNSW (former RMS) for approval prior to the issue of a Construction Certificate.

- D52. The Applicant must submit a request to TfNSW (former RMS) Network Operations Team to obtain relevant approvals to remove the signalised pedestrian crossing on the eastern leg of the intersection.

- D53. The Applicant must carry out all public utility adjustment/relocation works necessary for the intersection works as required by relevant public utility authorities and/or their agents.
- D54. The Applicant must make a ten (10) year maintenance contribution for the intersection to TfNSW (former RMS).
- D55. The intersection works must be carried out at no cost to TfNSW (former RMS).

Pre-Construction

- D56. Prior to the commencement of construction of the WNSLR, the Applicant must:
- (a) obtain the written consent of the Minister for Planning and Public Spaces under the Biodiversity Covenant, to construct the WNSLR over the Erskine Park Biodiversity Corridor; and
 - (b) provide evidence to the satisfaction of the Planning Secretary, demonstrating the design of the WNSLR and bridge crossings have been agreed with the relevant roads authority, Council, TfNSW and Water NSW.

Consultation

- D57. The Applicant must develop a schedule for consultation with and approval by TfNSW for the construction of the bridge foundations over the future WSFL, including geotechnical and structural certification as required by TfNSW. The schedule must form part of the CEMP required by Condition D119.
- D58. The Applicant must develop a schedule for consultation with and approval by Water NSW for the construction of the bridge over the water pipelines corridor. This schedule must form part of the CEMP required by Condition D119.

Pre-Operation

- D59. Prior to operation of any Stage of the Development, the Applicant must complete construction of the WNSLR to the satisfaction of the relevant roads authority and the PCA.
- D60. Prior to the commencement of operation of the WNSLR, the Applicant must provide works-as-executed drawings to Water NSW for the WNSLR bridge. The drawings must clearly show any changes to the bridge design or the works adjacent to the water pipelines corridor.
- D61. Prior to the commencement of operation of the WNSLR, the Applicant must design and construct a stormwater management system for the WNSLR. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the RtS;
 - (c) ensure that the system capacity has been designed in accordance with AUSTROADS guidelines;
 - (d) achieve the pollutant reduction targets specified in RMS's *Water Sensitive Urban Design (WSUD) Guidelines* (March 2016) and Council's *Water Sensitive Urban Design (WSUD) Policy* (December 2013); and
 - (e) ensure the outlet structures are designed in accordance with NRAR's *Guidelines for Controlled Activities on Waterfront Land* (May 2018).

Dedication of Infrastructure and Land

- D62. Prior to the completion of construction of the WNSLR, the Applicant must consult with Water NSW regarding land subdivision and stratum arrangements for the acquisition and dedication of Water NSW land to Council for the WNSLR bridge.
- D63. Following completion of construction of the WNSLR to the satisfaction of the relevant roads authority, the Applicant must dedicate the WNSLR and its associated land owned by Water NSW and BGMG 11 Pty Limited as trustee for the BGMG 1 Oakdale West Trust, to the relevant roads authority in accordance with the requirements of the Planning Agreement.
- D64. The Applicant shall retain care, control and ownership of bio-retention basin no. 1 associated with the WNSLR.

TRANSPORT, ACCESS AND PARKING

Construction Traffic Management Plan

- D65. Prior to the commencement of construction of Stage 1, the Applicant must prepare a Construction Traffic Management Plan (CTMP) to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by Condition D119 and must:
- (a) be prepared by a suitably qualified and experienced person(s);

- (b) be prepared in consultation with Council, Mamre Anglican School, Emmaus Catholic College, Emmaus Catholic Care Village and Trinity Catholic Primary School;
- (c) detail specific measures to manage construction traffic to avoid school drop off and pick up times (Monday to Friday 8 am – 9.30 am and 2.30 pm – 4 pm) and Higher School Certificate exam periods, including any temporary infrastructure arrangements and traffic safety measures;
- (d) detail the measures to be implemented to ensure road safety and network efficiency during construction, including scheduling deliveries of heavy plant and equipment outside of peak periods, or during school holidays where possible;
- (e) detail heavy vehicle routes, access and parking arrangements;
- (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 including the students, staff, visitors and residents of the neighbouring schools and aged care village;
 - iii. minimise road traffic noise, both on Bakers Lane and from construction vehicles on Site; and
 - iv. ensure truck drivers use specified routes and adhere to the speed restrictions on Bakers Lane;
- (g) include a program to monitor the effectiveness of these measures; and
- (h) detail procedures for early notification to residents and the community (including local schools), of any potential disruptions to routes.

D66. The Applicant must:

- (a) not commence construction of Stage 1 until the CTMP required by Condition D65 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Estate Roads and Intersections

D67. The Applicant must design and construct the internal estate roads and intersections to accommodate the turning path of a B-Double, to the satisfaction of the Relevant Roads Authority.

D68. Following the issue of a Subdivision Certificate, the estate roads shall be dedicated to the Relevant Roads Authority. Prior to any dedication, the Applicant shall ensure construction of the estate roads has been completed to the satisfaction of the Relevant Roads Authority and measures (such as a performance bond) are in place for any prescribed maintenance period, to the satisfaction of the Relevant Roads Authority.

Operating Conditions

D69. 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) are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
- (b) parking for Stage 1 is provided in accordance with the rates in Condition B13;
- (c) 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;
- (d) Stage 1 does not result in any vehicles queuing on the public road network;
- (e) heavy vehicles associated with Stage 1 are not parked on local roads or footpaths in the vicinity of the Site;
- (f) all vehicles are wholly contained on site before being required to stop;
- (g) all loading and unloading of materials are carried out on Site;
- (h) all trucks entering or leaving the Site with loads have their loads covered and do not track dirt onto the public road network; and
- (i) the proposed turning areas in the car parks are kept clear of any obstacles, including parked cars, at all times.

NOISE

Hours of Work

D70. The Applicant must comply with the hours detailed in **Table 5**, unless otherwise agreed in writing by the Planning Secretary.

Table 5: Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday (including public holidays)	24 hours

D71. Works outside of the hours identified in Condition D70 may be undertaken in the following circumstances:

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

Construction Noise Limits

D72. Stage 1 must be constructed with the aim of achieving 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 required by Condition D73.

Construction Noise and Vibration Management Plan

D73. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for Stage 1, to the satisfaction of the Planning Secretary. The CNVMP must form part of a CEMP in accordance with Condition D119 and must:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (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 to minimise impacts to sensitive receivers, including, where practicable, starting noisy equipment away from sensitive receivers and implementing respite periods;
- (e) include strategies that have been developed with the sensitive receivers identified in **Appendix 5** for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in Condition D73(e);
- (g) include a monitoring program that:
 - (i) includes a protocol for determining exceedances of the relevant conditions in this approval;
 - (ii) evaluates and reports on the effectiveness of the noise and vibration management measures;
 - (iii) include procedures to relocate, modify, mitigate or stop work to ensure compliance with relevant criteria; and
- (h) include a complaints management system that would be implemented for the duration of Stage 1.

D74. The Applicant must:

- (a) not commence construction of Stage 1 until the CNVMP required by Condition D73 is approved by the Planning Secretary; and

- (b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

- D75. The Applicant shall undertake operation of Stage 1 in a manner that ensures the Development complies with the noise limits for the Concept Proposal in Condition B18 of this consent.

VIBRATION

Vibration Criteria

- D76. Vibration caused by construction works on the site, as measured at any residence or structure outside the site, must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D77. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition D76.
- D78. The limits in Conditions D76 and D77 apply unless otherwise outlined in a CNVMP, approved as part of the CEMP required by Condition D119 of this consent.

SOILS & WATER

Imported Soil

- D79. The Applicant must prepare a Fill Importation Protocol for Stage 1. The protocol must form part of the CEMP required by Condition D119 and must detail the measures to:
- (a) ensure 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 Department upon request.

Erosion and Sediment Control

- D80. The Applicant must prepare an Erosion and Sediment Control Plan for Stage 1, including the WNSLR, to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with Condition D119 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be generally consistent with the Erosion and Sediment Control Plans in the RTS and those prepared by the contractor for each sequence of the works, as approved by the PCA;
 - (c) include detailed erosion and sediment controls developed in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline; and
 - (d) include procedures for maintaining erosion and sediment controls in efficient working order for the duration of construction, to ensure Stage 1 complies with Condition D82.
- D81. Prior to the commencement of bulk earthworks as part of Stage 1, the Applicant must implement erosion and sediment controls identified by Condition D80 and maintain those controls throughout bulk earthworks and construction, to ensure stormwater flows do not increase in any downstream areas. The Environmental Representative, appointed in accordance with Condition D123, shall make a written statement to the Planning Secretary confirming the erosion and sediment controls are operational, prior to the commencement of bulk earthworks and other construction activities required for Stage 1.

Discharge Limits

- D82. Stage 1 must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Stormwater Management System

- D83. The Applicant must design, construct and operate a stormwater management system for Stage 1 that:
- (a) is designed by a suitably qualified and experienced person(s);
 - (b) is generally in accordance with the conceptual design in the RtS;
 - (c) is in accordance with applicable Australian Standards;

- (d) ensures the system capacity is designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016), *Managing Urban Stormwater: Council Handbook* (EPA, 1997) and *Stormwater Drainage Specifications for Building Development* (Penrith Council, May 2018);
 - (e) ensures peak stormwater flows from the Site do not exceed pre-development flows in any downstream areas for all rainfall events up to and including the 1 in 100-year average recurrence interval (ARI);
 - (f) ensures peak stormwater flows from the Site do not exceed existing flows in the Water NSW drainage lines and water pipelines corridor; and
 - (g) achieves the pollutant reduction targets specified in Council's *Water Sensitive Urban Design (WSUD) Policy*, (December 2013).
- D84. All stormwater drainage infrastructure on the Site, including bio-retention basins, shall remain under the care, control and ownership of the registered proprietor of the lots.
- D85. The Applicant shall create a drainage easement for the outlet swales from the bio-retention basins on the site, in accordance with the requirements of Council and Condition D22.

Groundwater

- D86. If groundwater is intersected during construction of Stage 1, the Applicant must:
- (a) obtain the necessary water licences or approvals from NRAR; and
 - (b) develop a Groundwater Management Plan (GMP) for the testing, dewatering, storage, movement and treatment of groundwater, to the satisfaction of NRAR.

Waterfront Land

- D87. The Applicant must carry out all works on or adjacent to waterfront land in accordance with the Department of Industry *Guidelines for Controlled Activities on Waterfront Lands 2012*.

BIODIVERSITY

Flora and Fauna Management Plan

- D88. The Applicant must prepare a Flora and Fauna Management Plan (FFMP) for Stage 1, to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with Condition D119 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) describe procedures to manage impacts on biodiversity values during earthworks, clearing and dam decommissioning;
 - (c) include procedures for clearing marking and protecting the areas of vegetation to be retained on the Site, including the mature vegetation in the north-western corner and the Biodiversity Offset Area, established in accordance with Condition D91 adjacent to Ropes Creek; and
 - (d) detail the specific erosion and sediment controls to protect the retained vegetation.
- D89. The Applicant must:
- (a) not commence bulk earthworks until the FFMP required by Condition D88 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the FFMP approved by the Planning Secretary for the duration of bulk earthworks and construction.

Offsets for Stage 1

- D90. Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must retire 172 ecosystem credits to offset the removal of 4.41 hectares of native vegetation on the Site.

Note: *If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014.*

In accordance with Principle 3 of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014, the Policy does not allow variations to the offset rules to be applied to 'threatened species and ecological communities that are considered nationally significant (listed under the Environmental Protection and Biodiversity Conservation Act 1999)'. These must be offset in a like for like manner.

- D91. The Applicant shall establish a Biodiversity Offset Area on the Site, consistent with the area described in the RtS, in accordance with a Biodiversity Stewardship Agreement with the Biodiversity Conservation Trust.

Biodiversity Management Action Plan

D92. The Applicant must maintain the Biodiversity Offset Area on the Site in accordance with a Biodiversity Management Action Plan approved by the Biodiversity Conservation Trust.

Offsets for the WNSLR

D93. Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must:

- (a) offset 0.42 ha of vegetation lost in the Erskine Park Biodiversity Corridor as a result of the WNSLR by carrying out planting within the area shown in green edging on **Figure 9** in **Appendix 6**; and
- (b) plant the area shown in green edging on **Figure 9** of **Appendix 6** with species similar to those identified for zone 4a, on the south-eastern side of Ropes Creek, in the Biodiversity Management Plan Erskine Park Employment Area (HLA-Envirosciences, 2 May 2006).

D94. The Applicant shall monitor and maintain the planting for a period of six months to ensure a minimum 85% survival rate of the planting.

D95. The Applicant must notify the Planning Ministerial Corporation at least one month before the completion of planting to enable the Planning Ministerial Corporation to arrange ongoing maintenance.

Snake Management Measures

D96. Prior to construction of Stage 1, the Applicant must implement snake management measures to limit, to the extent practicable, movement of snakes from the Site into the adjacent school and retirement village on the western boundary of the Site. The measures shall be detailed in the CEMP required by Condition D119 and shall include, but not be limited to, provision of alternative snake habitat on Site, fencing along the western boundary and installation of snake deterrents.

BUSHFIRE PROTECTION

D97. The Applicant shall ensure Stage 1 complies with:

- (a) the relevant provisions of *Planning for Bushfire Protection 2006*;
- (b) the construction standards and asset protection zone requirements recommended in the Oakdale Industrial Estate - West Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016; and
- (c) *AS2419.1 – 2005 Fire Hydrant Installations* for firefighting water supply.

AIR QUALITY

Dust Minimisation

D98. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D99. During construction of Stage 1, the Applicant must ensure that:

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

D100. Prior to the commencement of construction of Stage 1, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by Condition D119 and must:

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

- (ii) monitoring method;
- (iii) location, frequency and duration of monitoring;
- (iv) record keeping;
- (v) complaints register;
- (vi) response procedures; and
- (vii) compliance monitoring.

D101. The Applicant must:

- (a) not commence construction of Stage 1 until the CAQMP required by Condition D100 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 construction.

Odour Management

D102. The Applicant must ensure Stage 1 does not cause or permit the emission of any offensive odour, as defined in the POEO Act.

ABORIGINAL HERITAGE

Statutory Requirements

D103. Prior to the commencement of construction of Stage 1, the Applicant must register identified Aboriginal items or objects on the OEH's Aboriginal Heritage Information Management System (AHIMS) Aboriginal Sites Register.

Archaeological Test Excavation

D104. Prior to the commencement of construction of Stage 1, the Applicant must undertake archaeological test excavation in the identified area of archaeological sensitivity adjacent to Ropes Creek and the ridgeline immediately to the west, that would be impacted by Stage 1. The test excavation must:

- (a) be undertaken in accordance with a methodology developed in consultation with registered Aboriginal parties;
- (b) be undertaken in accordance with the requirements of the Heritage and Community Engagement, Department of Premier and Cabinet (former NSW OEH Heritage Division); and
- (c) include a report detailing any further work, including archaeological salvage and monitoring, conducted in the presence of Aboriginal stakeholders.

D105. The Applicant must not commence construction of Stage 1 until the Archaeological Test Excavation Report is provided to the Heritage and Community Engagement, Department of Premier and Cabinet (former NSW OEH Heritage Division) and the Planning Secretary.

Unexpected Finds Protocol

D106. If any item or object of Aboriginal heritage significance is identified on Site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) the Biodiversity and Conservation Division of the Department must be contacted immediately.

D107. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974* (NSW).

HISTORIC HERITAGE

Unexpected Finds Protocol

D108. If any archaeological relics are uncovered during construction of Stage 1, then all works in the immediate vicinity of the relic must cease immediately. Unexpected finds must be evaluated and recorded in accordance the requirements of Department of Premier and Cabinet, Heritage (former NSW OEH Heritage Division).

HAZARDS AND RISK

Dangerous Goods

D109. 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

D110. The Applicant must store all chemicals, fuels and oils used on Site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

WASTE MANAGEMENT

Waste Storage

D111. 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

D112. The Applicant must implement the Waste Management Plan (WMP) in the EIS for the duration of construction and operation of Stage 1.

Statutory Requirements

D113. 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.

D114. Waste generated outside the Site must not be received at the Site for storage, treatment, processing, reprocessing, or disposal.

Pests, Vermin and Noxious Weed Management

D115. The Applicant must:

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

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

CONTAMINATION

D116. Prior to the commencement of construction of Stage 1, the Applicant must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition D119 and must ensure any material identified as contaminated is disposed offsite, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the Site.

COMMUNITY ENGAGEMENT

D117. The Applicant must consult with the community regularly throughout Stage 1, including consultation with the nearby sensitive receivers identified in **Appendix 5**, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders. Community engagement shall be undertaken in accordance with the Community Communication Strategy approved in accordance with Condition C19.

PART 3 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

MANAGEMENT PLAN REQUIREMENTS

D118. 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, Stage 1 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 Stage 1; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (b) 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 Stage 1 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

D119. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for Stage 1, including the WNSLR, in accordance with the requirements of Condition D118 and to the satisfaction of the Planning Secretary. The Applicant may prepare separate CEMPs for the Stage 1 works and the WNSLR, addressing all relevant requirements of this consent.

D120. Prior to finalising the CEMP, the Applicant must consult with TfNSW (including the former RMS), Council and Water NSW. The Applicant must also attend a site visit with Water NSW personnel to mark the exact works area for the WNSLR bridge crossing.

D121. As part of the CEMP required under Condition D119 of this consent, the Applicant must include:

- (a) detailed procedures for managing bulk earthworks to avoid adverse water quality impacts on Ropes Creek, including, but not limited to:
 - (i) any staging of earthworks to minimise disturbed areas;
 - (ii) limits on the areal extent of earthworks;
 - (iii) progressive grassing of exposed areas, as soon as reasonably practicable, focusing on areas where building construction will occur at a later stage;
- (b) Landscape Management Plan (LMP) (see Condition D35);
- (c) Construction Traffic Management Plan (CTMP) (see Condition D65);
- (d) Consultation Schedule for TfNSW and Water NSW (see Conditions D57 and D58);
- (e) Construction Noise and Vibration Management Plan (CNVMP) (see Condition D73);
- (f) Fill Importation Protocol (see Condition D79) and Erosion and Sediment Control Plan (see Condition D80);
- (g) Flora and Fauna Management Plan (FFMP) (see Condition D88);

- (h) Snake Management Measures (see Condition D96);
- (i) Construction Air Quality Management Plan (CAQMP) (see Condition D100);
- (j) Unexpected Finds Protocol (see Conditions D106 and D108);
- (k) Unexpected Contamination Protocol (see Condition D116); and
- (l) a Community Consultation and Complaints Handling Procedure.

D122. The Applicant must:

- (a) not commence construction of Stage 1 until the CEMP is approved by the Planning Secretary; and
- (b) carry out the construction of Stage 1 in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

ENVIRONMENTAL REPRESENTATIVE

D123. The Applicant must engage an Environmental Representative (ER) to oversee construction of Stage 1. Construction of Stage 1 must not commence until an ER has been approved by the Planning Secretary and engaged by the Applicant.

D124. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of construction of Stage 1, or within another timeframe agreed with the Planning Secretary.

D125. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or RtS and is independent from the design and construction personnel for Stage 1.

D126. The Applicant may engage more than one ER for Stage 1, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of Stage 1.

D127. For the duration of construction of Stage 1, or as agreed with the Planning Secretary, the approved ER must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of Stage 1;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
- (c) 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;
- (d) review the CEMP identified in Condition D119 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);
- (e) regularly monitor the implementation of the CEMP, and any other documents identified by the Planning Secretary, to ensure implementation is being carried out in accordance with the document and the terms of this consent;
- (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of Stage 1 commissioned by the Department including scoping audits, programming audits, briefings, and site visits;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
- (h) 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, or as otherwise agreed with the Planning Secretary.

D128. 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 D127 (including preparation of the ER monthly report), as well as:

- (a) the complaints register; 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).

D129. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition D142. 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.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

D130. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Condition D118 and to the satisfaction of the Planning Secretary.

D131. As part of the OEMP required under Condition D130 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 operation of Stage 1;
- (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 Stage 1;
 - (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) Landscape Management Plan (LMP) (see Condition D35);
 - (ii) Flora and Fauna Management Plan (FFMP) (see Condition D88);
 - (iii) Waste Management Plan (WMP) (see Condition D112).

D132. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate Stage 1 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

D133. Within three months of:

- (a) the submission of a Compliance Report under Condition D141;
 - (b) the submission of an Environmental Representative Monthly Report under Condition D127;
 - (c) the submission of an incident report under Condition D135;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under Condition D2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed.

D134. If necessary, to either improve the environmental performance of Stage 1, 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.

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 Stage 1.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

D135. The Department must be notified in writing to compliance@planning.nsw.gov.au 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 8**.

Non-Compliance Notification

D136. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven (7) days after the Applicant becomes aware of any non-compliance.

D137. 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.

D138. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

D139. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

D140. Compliance Reports of the Development must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

D141. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

D142. 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

D143. At least 48 hours before the commencement of construction 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 D2 of this consent;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the Development if the construction, operation or decommissioning of the Development is to be staged;
 - (v) regular reporting on the environmental performance of the Development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the Development;
 - (viii) contact details to enquire about the Development or to make a complaint;
 - (ix) a complaints register, updated monthly;

- (x) the Compliance Report of the Development;
 - (xi) audit reports prepared as part of any monitoring or environmental audit of the Development and the Applicant's response to the recommendations in any audit report;
 - (xii) 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 CONCEPT PROPOSAL

Table 6: Schedule of Approved Plans – Concept Proposal

Architectural Plans prepared by SBA Architects		
Drawing	Title	Date
OAK MP 02 (AW)	SSDA Estate Masterplan	21 Sept 2018
OAK MP 03 (X)	Western North South Link Road	21 Sept 2018
OAK MP 07 (U)	Indicative Ultimate Lot Layout	21 Sept 2018
OAK MP 13 (S)	Fire Protection Plan	21 Sept 2018
OAK MP 14 (Y)	Biodiversity Management Plan	21 Sept 2018

Landscape Plans prepared by Site Image Architects			
Drawing	Title	Issue	Date
LC-002	Landscape Concept Master Plan	G	11.10.2018
LC-003	Landscape Concept Master Plan	G	11.10.2018
LC-004	Vegetation Typologies	G	11.10.2018
LC-005	Vegetation Typologies	G	11.10.2018
LC-006	Vegetation Typologies – Indicative Species List and Reference Table	G	11.10.2018
LC-008	Street Tree Master Plan	G	11.10.2018
LC-011	Boundary Landscape Treatment Key Plan	G	11.10.2018
LC-012	Western Boundary Treatment Plan	G	11.10.2018

Civil Plans prepared by AT&L			
Drawing	Title	Issue	Date
15-272-C0001	General Arrangement Master Plan	A4	05-10-18
15-272-C0003	Precinct Plan	A3	21-09-18
15-272-C0006	Cut/Fill Plan	A3	21-09-18
15-272-C0008	Stormwater Drainage Catchment Plan (Developed)	A3	21-09-18
15-272-C0009	Erosion and Sediment Control Master Plan	A2	21-09-18
15-272-C0010	Typical Sections Sheet 1	A3	21-09-18
15-272-C0011	Typical Sections Sheet 2	A3	21-09-18
15-272-C0012	Typical Sections Sheet 3	A3	21-09-18
15-272-C0013	Typical Sections Sheet 4	A2	21-09-18

SEE DRAWING OAK MP03 FOR CONTINUATION



Figure 1: Concept Proposal Layout

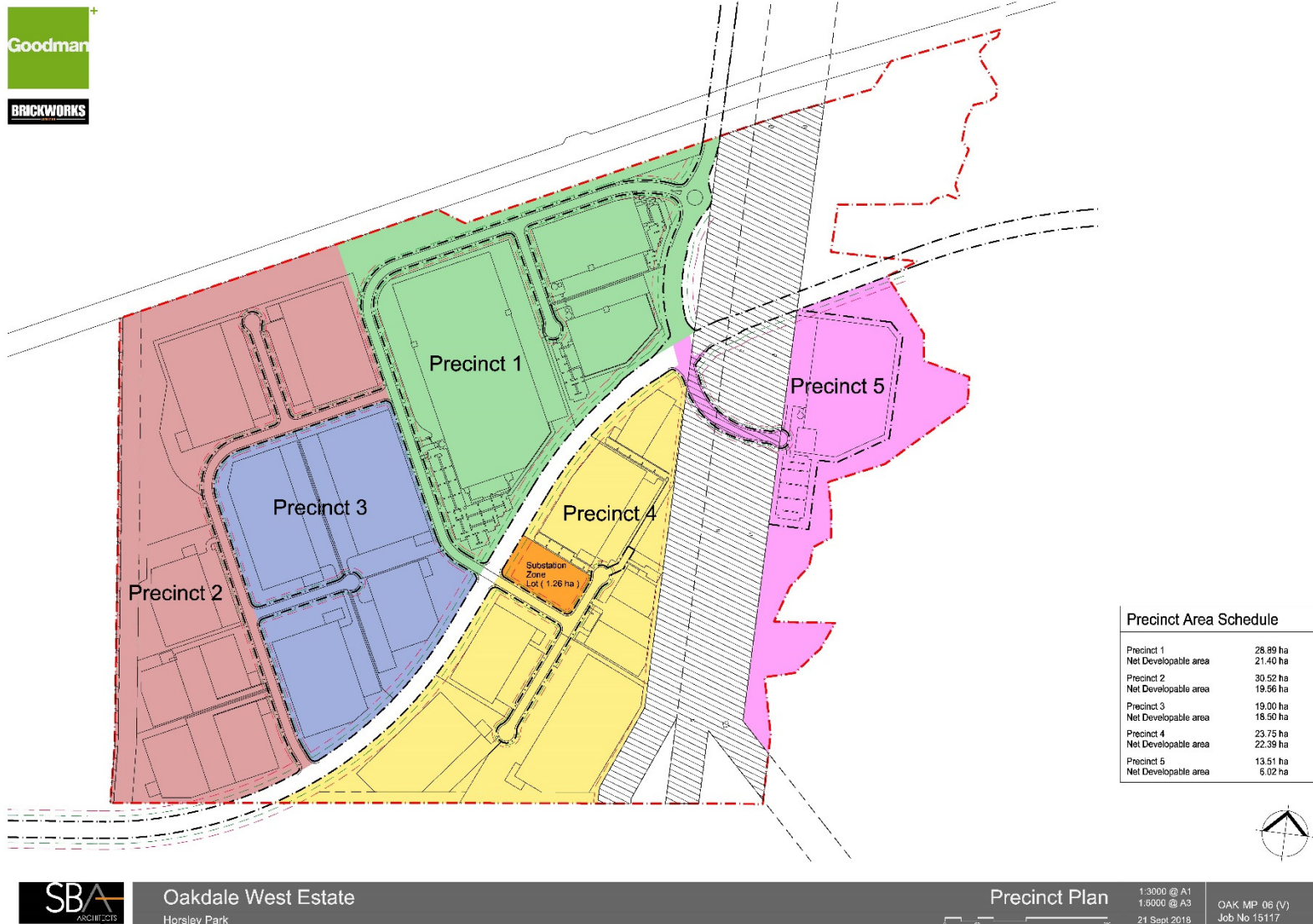


Figure 2: Staging Plan

APPENDIX 2 STAGE 1 DA PLANS

Table 7: Schedule of Approved Plans – Stage 1 DA

Architectural Plans prepared by SBA Architects		
Drawing	Title	Date
OAK MP 04 (Z)	SSDA Stage 1 Development – Precinct 1	21 Sept 2018
OAK MP 05 (Z)	Precinct 1 Plan	21 Sept 2018
OAK MP 12 (12)	Signage Precinct 1 Plan	21 Sept 2018
Building 1A plans prepared by SBA Architects		
OAK 1A DA 10 (H)	Site Plan/Floor Plan	04 May 2018
OAK 1A DA 11 (C)	Roof Plan	03 April 2017
OAK 1A DA 12 (C)	Office Plan – Ground Floor	06 Sept 2016
OAK 1A DA 13 (c)	Office Plan – First Floor	06 Sept 2016
OAK 1A DA 14 (C)	Elevations Office	06 Sept 2016
OAK 1A DA 15 (C)	Elevations 1A	03 April 2017
OAK 1A DA 16 (D)	Sections	4 May 2018
Building 1B plans prepared by SBA Architects		
OAK 1B DA 20 (F)	Site Plan/Floor Plan	17 April 2018
OAK 1B DA 21 (C)	Roof Plan	06 Sept 2016
OAK 1B DA 22 (B)	Office Plan	06 Sept 2016
OAK 1B DA 24 (B)	Elevations Office	06 Sept 2016
OAK 1B DA 25(B)	Elevations 1B	06 Sept 2016
OAK 1B DA 26 (B)	Sections	06 Sept 2016
Building 1C plans prepared by SBA Architects		
OAK 1C DA 30 (H)	Site Plan/Floor Plan	17 April 2018
OAK 1C DA 31 (C)	Roof Plan	03 April 2017
OAK 1C DA 32 (B)	Office Plan – Ground Floor	06 Sept 2016
OAK 1C DA 33 (B)	Office Plan – First Floor	06 Sept 2016
OAK 1C DA 34 (B)	Elevations Office	06 Sept 2016
OAK 1C DA 35 (C)	Elevations Sheet 1	03 April 2017
OAK 1C DA 36 (C)	Elevations Sheet 2	03 Sept 2017
OAK 1C DA 37 (C)	Sections	03 April 2017

Landscape Plans prepared by Site Image Landscape Architects			
Drawing	Title	Issue	Date
ELW-101	-	G	11.10.2018
ELW-102	-	G	11.10.2018
ELW-103	-	G	11.10.2018
ELW-104	-	G	11.10.2018
ELW-105	-	G	11.10.2018
ELW-106	-	G	11.10.2018
ELW-107	-	G	11.10.2018
ELW-108	-	G	11.10.2018
ELW-109	-	G	11.10.2018
ELW-110	-	G	11.10.2018
ELW-111	-	G	11.10.2018
ELW-112	-	G	11.10.2018
ELW-113	-	G	11.10.2018
ELW-114	-	G	11.10.2018
WNSLR-101	-	G	11.10.2018
WNSLR-102	-	G	11.10.2018
ELW-502	Plant Schedule	G	11.10.2018
OLW-001	Precinct 1 Landscape Plan	G	11.10.2018
OLW-501	Planting Palette	G	11-10-2018

Civil Plans prepared by AT&L			
Drawing	Title	Issue	Date
15-272-C0004	Stage 1 SSD Approval Extents Sheet 1 of 2	A5	11-10-18
15-272-C0005	Stage 1 SSD Approval Extents Sheet 2 of 2	A4	21-09-18
15-272-C0020	Western North-South Link Road General Arrangement Plan	A3	21-09-18
15-272-C0022	Western North-South Link Road Stormwater Drainage Catchment Plan (Developed)	A3	21-09-18

15-272-C1004	Typical Site Sections Sheet 1 of 6	A4	21-09-18
15-272-C1005	Typical Site Sections Sheet 2 of 6	A4	21-09-18
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15-272-C1053	Road and Longitudinal Sections Sheet 4 of 5	A3	21-09-18
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12-272-C1082	Stage 1 Services and Utilities Coordination Plan Sheet 3 of 6	A3	21-09-18
12-272-C1083	Stage 1 Services and Utilities Coordination Plan Sheet 4 of 6	A3	21-09-18
12-272-C1084	Stage 1 Services and Utilities Coordination Plan Sheet 5 of 6	A3	21-09-18
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12-272-C1093	Erosion and Sediment Control Plan Sheet 4 of 7	A3	21-09-18
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15-272-C2020	Siteworks and Stormwater Drainage Plan Sheet 11 of 15	A3	21-09-18
15-272-C2021	Siteworks and Stormwater Drainage Plan Sheet 12 of 15	A3	21-09-18
15-272-C2022	Siteworks and Stormwater Drainage Plan Sheet 13 of 15	A3	21-09-18
15-272-C2023	Siteworks and Stormwater Drainage Plan Sheet 14 of 15	A3	21-09-18
15-272-C2024	Siteworks and Stormwater Drainage Plan Sheet 15 of 15	A3	21-09-18
15-272-C2030	Pavement Plan	A3	21-09-18
15-272-C3003	General Arrangement Plan	A3	21-09-18
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15-272-C3020	Roadworks Plan and Longitudinal Section Sheet 1 of 5	A3	21-09-18
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15-272-C3022	Roadworks Plan and Longitudinal Section Sheet 3 of 5	A3	21-09-18
15-272-C3023	Roadworks Plan and Longitudinal Section Sheet 4 of 5	A3	21-09-18
15-272-C3024	Roadworks Plan and Longitudinal Section Sheet 5 of 5	A3	21-09-18
15-272-C3030	Road Longitudinal Sections	A3	21-09-18
15-272-C3040	Bridge Elevation and Typical Section	A4	04-10-18
15-272-C3050	Stormwater Drainage Plan Sheet 1 of 5	A3	21-09-18
15-272-C3051	Stormwater Drainage Plan Sheet 2 of 5	A3	21-09-18
15-272-C3052	Stormwater Drainage Plan Sheet 3 of 5	A3	21-09-18
15-272-C3053	Stormwater Drainage Plan Sheet 4 of 5	A3	21-09-18
15-272-C3054	Stormwater Drainage Plan Sheet 5 of 5	A3	21-09-18
15-272-C3058	Stormwater Drainage Catchment Plan (Post-Developed)	A2	21-09-18
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15-272-C3070	Pavement Plan Sheet 1 of 5	A3	21-09-18
15-272-C3071	Pavement Plan Sheet 2 of 5	A3	21-09-18
15-272-C3072	Pavement Plan Sheet 3 of 5	A3	21-09-18
15-272-C3073	Pavement Plan Sheet 4 of 5	A3	21-09-18
15-272-C3074	Pavement Plan Sheet 5 of 5	A2	21-09-18
15-272-C3080	Retaining Wall Plan and Elevation	A1	21-09-18
15-272-C3081	Retaining Wall Sections Sheet 1 of 4	A1	21-09-18
15-272-C3082	Retaining Wall Sections Sheet 2 of 4	A1	21-09-18
15-272-C3083	Retaining Wall Sections Sheet 3 of 4	A1	21-09-18
15-272-C3084	Retaining Wall Sections Sheet 4 of 4	A1	21-09-18



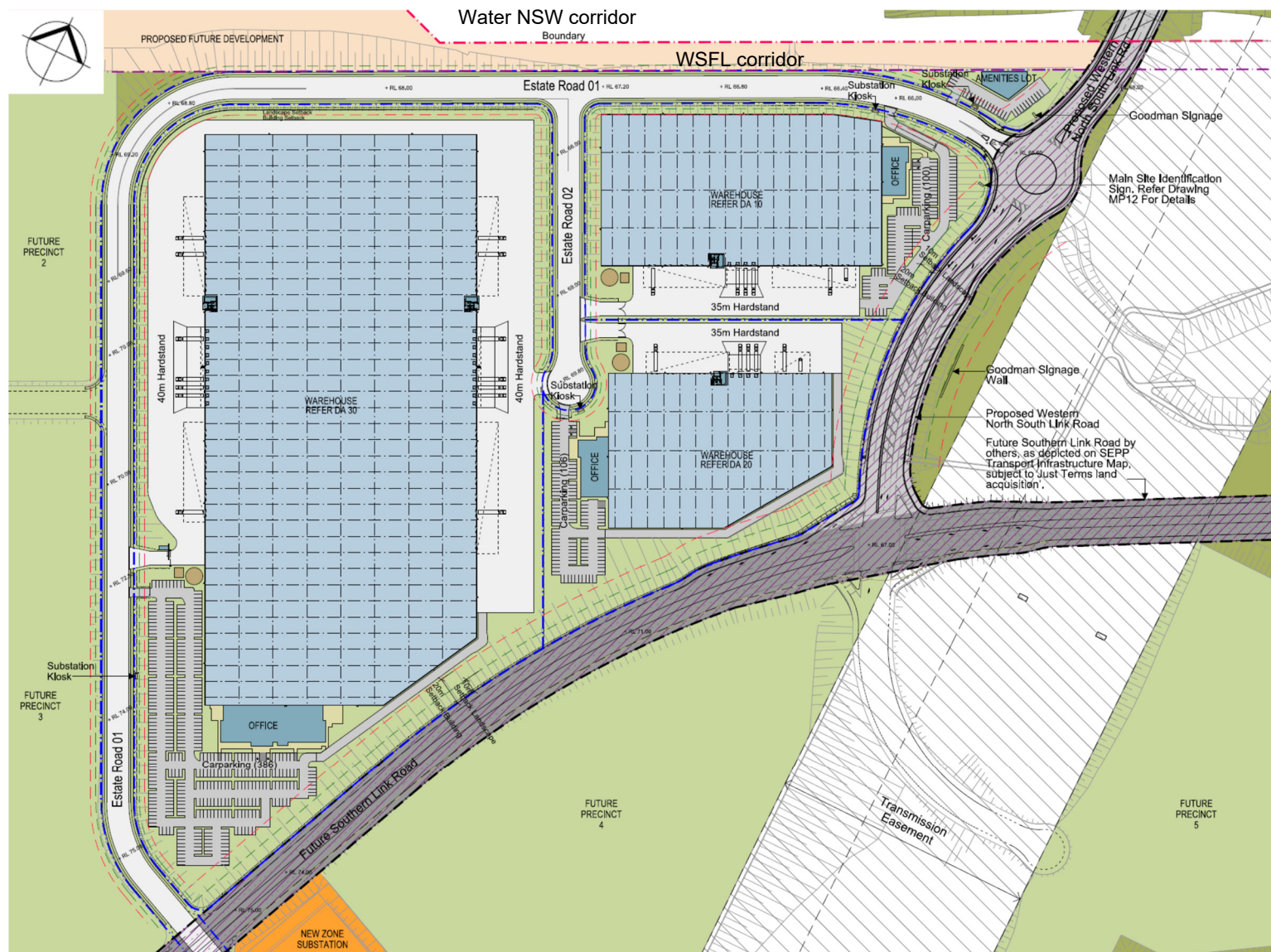


Figure 4: Stage 1 DA Detail

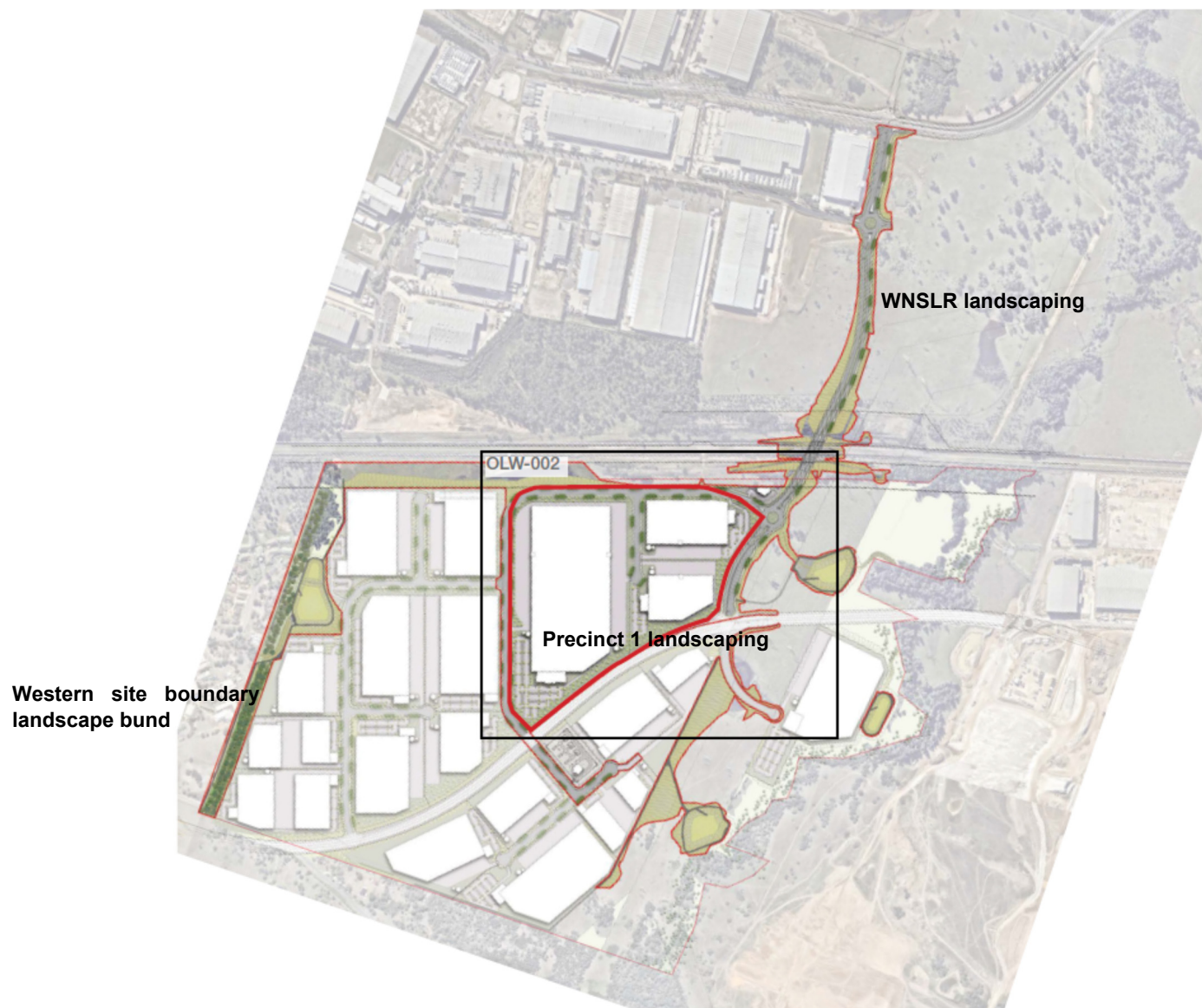


Figure 5: Stage 1 Landscape Plan

APPENDIX 3 WNSLR PLANS

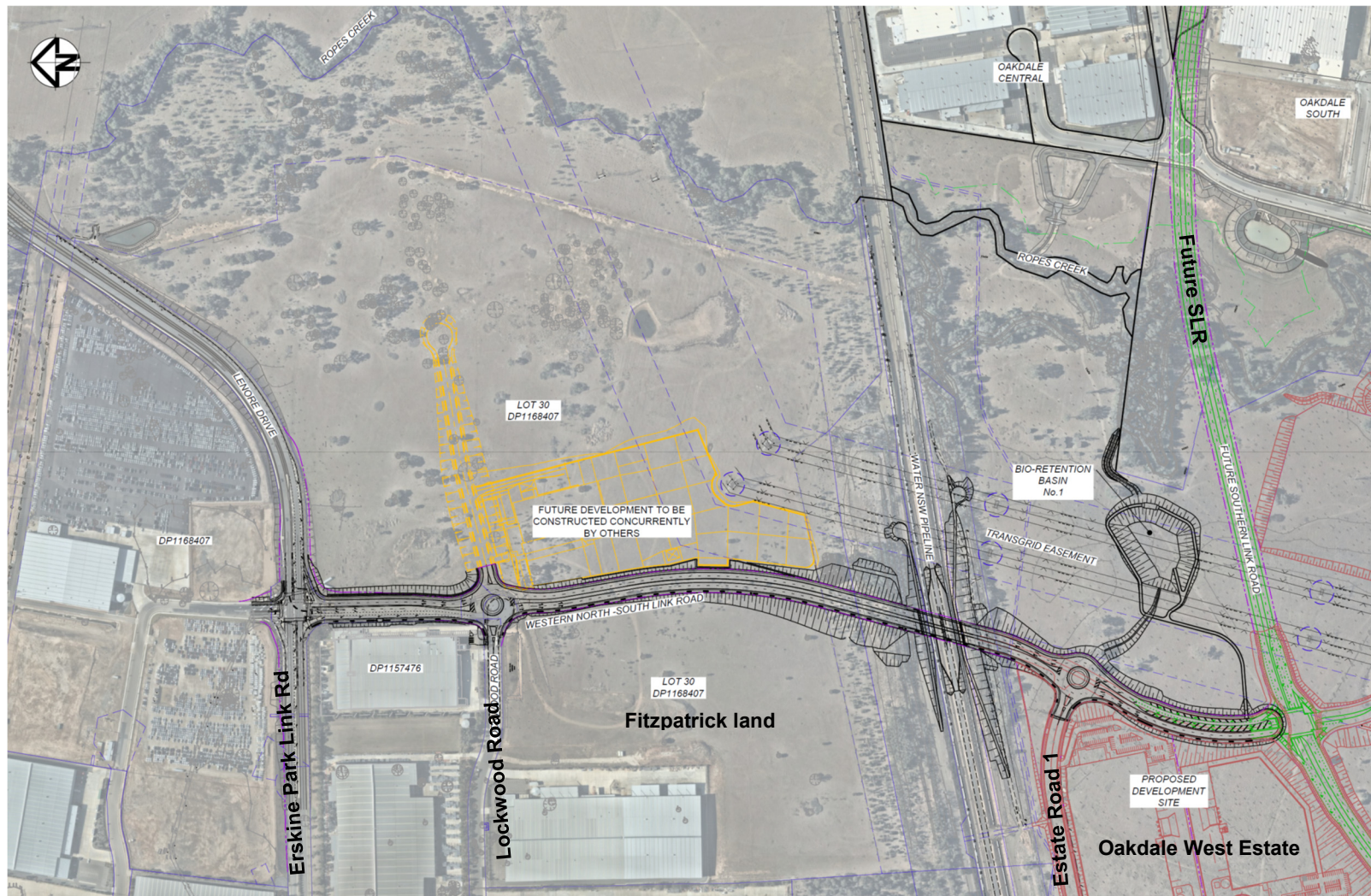


Figure 6: WNSLR

APPENDIX 4 PLANNING AGREEMENT

APPENDIX 5 NOISE RECEIVER LOCATIONS

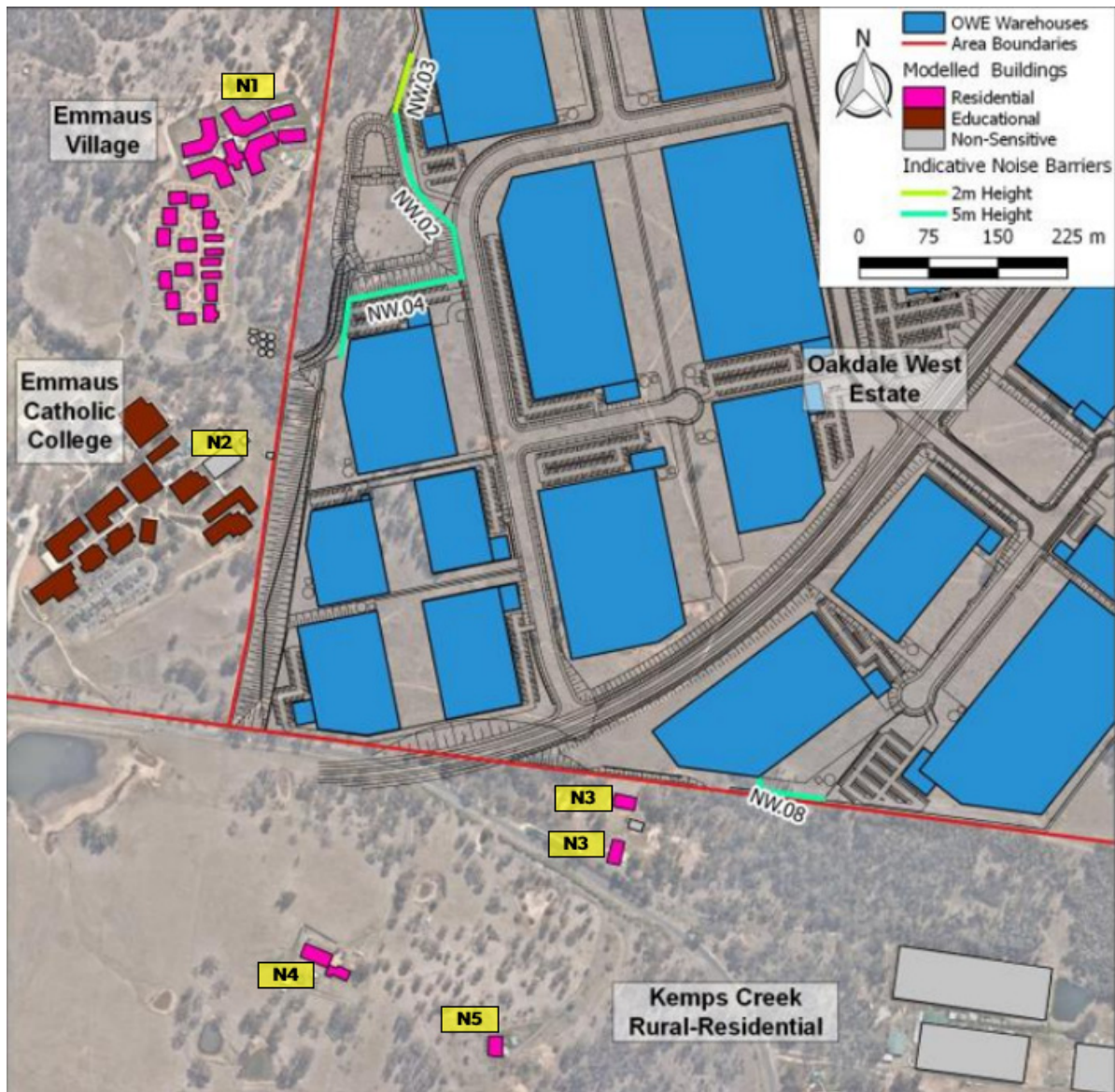


Figure 7: Sensitive Noise Receivers and Noise Wall Locations

APPENDIX 6 BIODIVERSITY

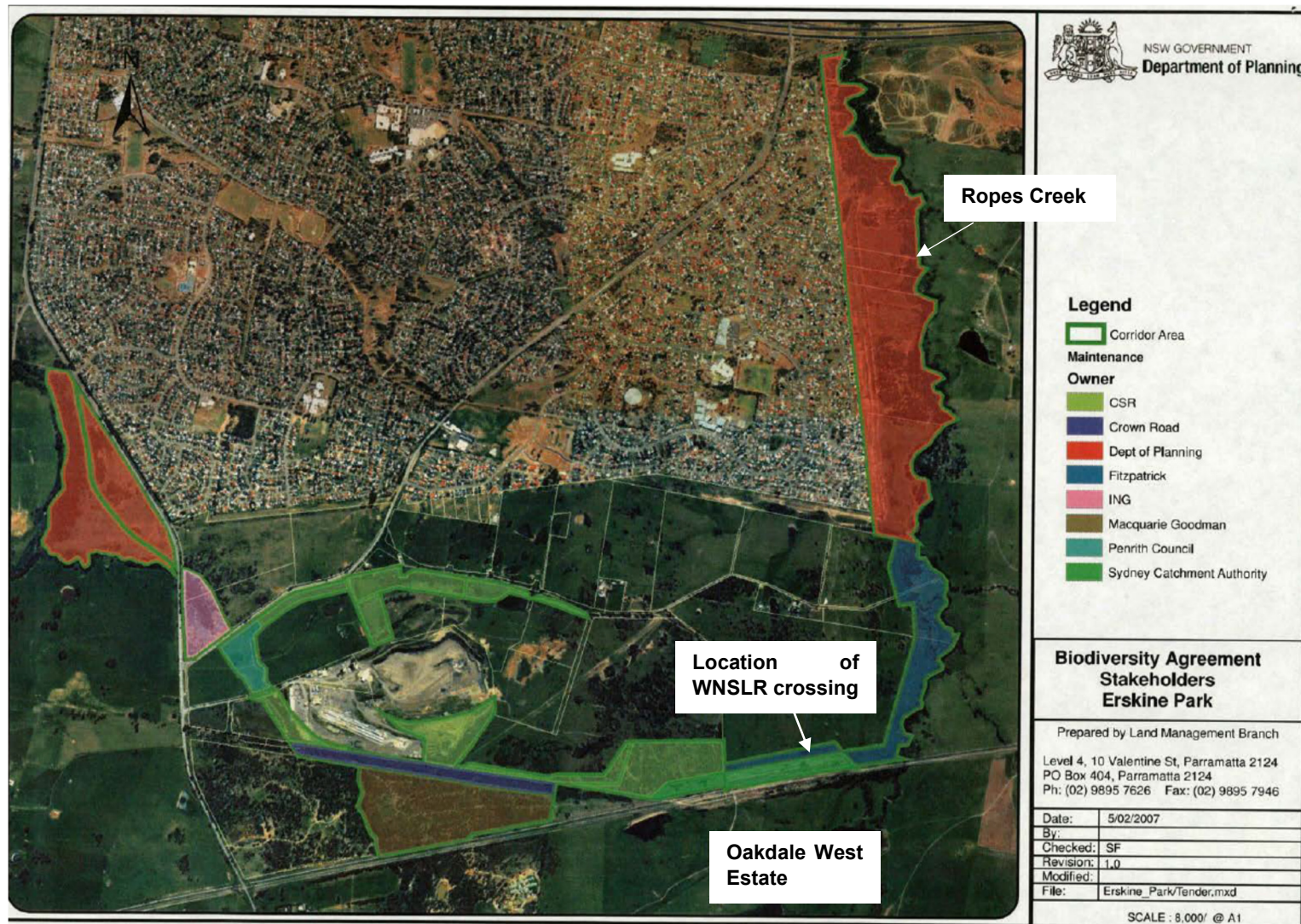


Figure 8: Erskine Park Biodiversity Corridor Land



Figure 9: Offsets for WNSLR – Planting Area

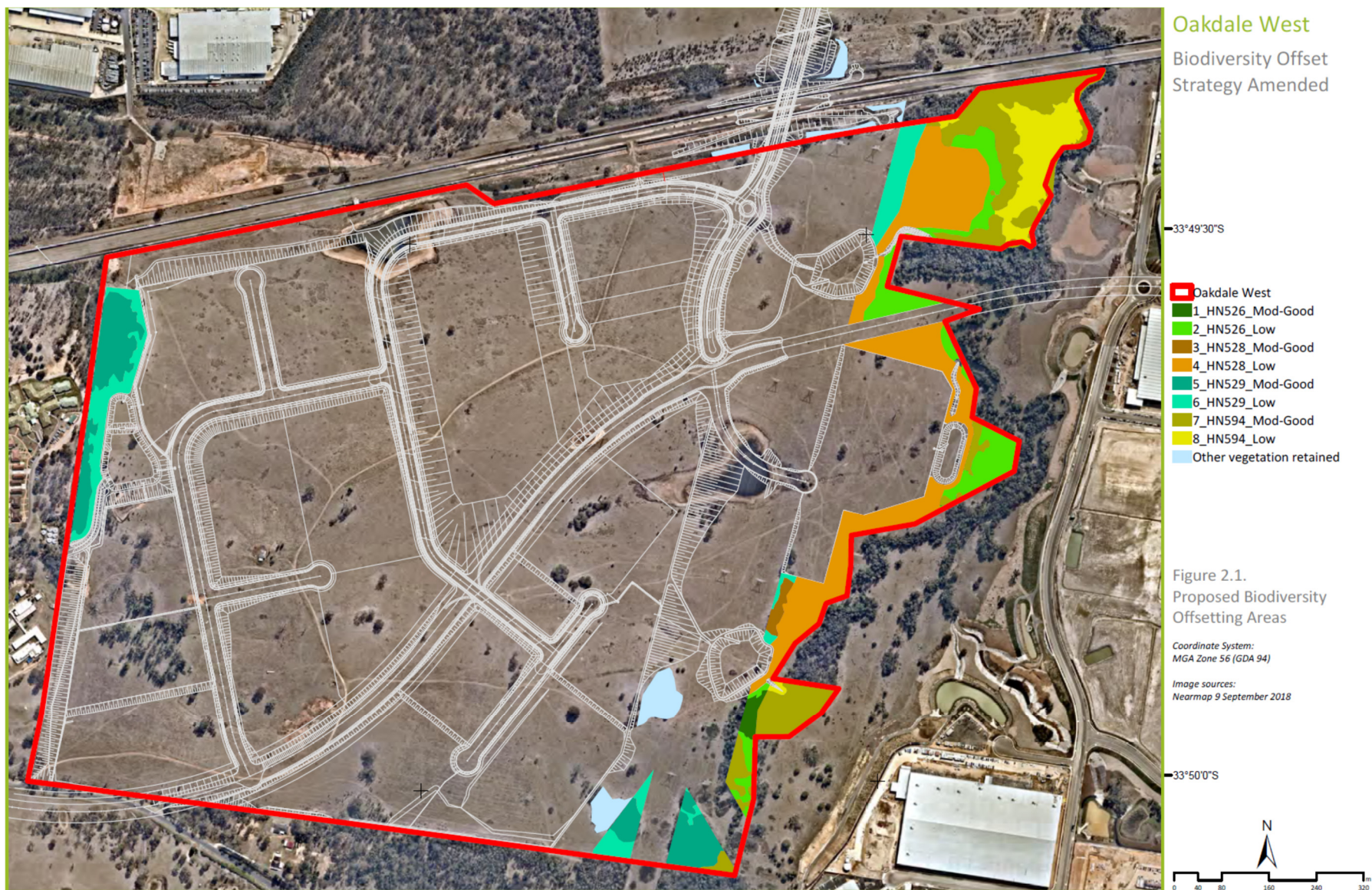


Figure 11: Offsets for Stage 1 - Biodiversity Offset Area

SUMMARY OF MITIGATION MEASURES

The collective measures required to mitigate the impacts associated with the proposed works are detailed in the table below.

Table 8: Applicant's Mitigation Measures

Issue	SSDA Component	Mitigation and Management
Construction Management		
General Construction Management	Stage 1 Development	<ul style="list-style-type: none"> A CEMP to be prepared for the OWE Stage 1 Development capturing standard and specific management and mitigation measures as described in the SSDA, EIS and supporting technical documents.
Operational Management		
General Operational Management	Concept Proposal Stage 1 Precinct Development	<ul style="list-style-type: none"> An OEMP to be prepared for the OWE capturing standard and specific operational management and mitigation measures as described in the SSDA, EIS and supporting technical documents.
Transport		
Construction Traffic	Stage 1 Development	<ul style="list-style-type: none"> Preparation of a CTMP to form part of the CEMP addressing issues such as: <ul style="list-style-type: none"> Truck haul routes, delivery schedules and curfews; Protocols for the management of construction traffic moving onto and off the site.
Urban Design and Visual		
Site Layout and Design	Concept Proposal	<ul style="list-style-type: none"> Future development of the OWE to proceed in accordance with the approved Development Concept Proposal and DCP.
Development Controls	Concept Proposal	<ul style="list-style-type: none"> Design and development controls to be established for the OWE in the form of a DCP to guide future development on the site.
Visual Impact	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> Design and development controls to be established for the OWE in the form of a DCP to guide future development on the site. Landscaping of key interfaces including the western boundary to minimise visual impact.
Soils and Water		
Water Usage	Stage 1 Development	<ul style="list-style-type: none"> Rainwater tanks to be provided for each development site with size determined in accordance with Penrith Council DCP requirements. Irrigation and toilet flushing for development to be plumbed to rainwater tanks. Consideration to be given to other possible rainwater reuse opportunities such as for truck washing. Measures and considerations for the minimisation of water use during construction and operation to be incorporated into CEMP and OEMP as relevant.

Issue	SSDA Component	Mitigation and Management
Soils	Stage 1 Development	<ul style="list-style-type: none"> • Mitigation measures inherent to the civil design of the proposal. • Sedimentation and erosion control measures are proposed as detailed in the Civil Design and Infrastructure Package and Traffic and Transport Impact Assessment.
Salinity	Stage 1 Development	<ul style="list-style-type: none"> • A Salinity Management Plan has been prepared for the proposed development. • Management measures described in the Salinity Management Plan to be adopted in the CEMP and OEMP as relevant.
Contamination	Stage 1 Development	<ul style="list-style-type: none"> • Identified areas of potential contamination to be subject to further investigation prior to the development of affected land.
Earthworks	Stage 1 Development	<ul style="list-style-type: none"> • Civil design achieves appropriate site levels with minimal impact upon hydrology. • Import of fill to be managed in accordance with CEMP. • Erosion and sediment controls included in the SSDA package.
Mineral Resources	Concept Proposal	<ul style="list-style-type: none"> • No mitigation required provided that mining activities under the existing mining lease applying to land to the east of the site (ref. ML1636) would not be constrained by the OWE development.
Surface Water	Stage 1 Development	<ul style="list-style-type: none"> • Stormwater issues addressed through design measures incorporated into proposed development. • Stormwater management system designed to meet the requirements of Penrith Council's Engineering Works and WSUD guidelines and relevant NOW guidelines. • Detailed on-lot stormwater for future stages of the OWE to be designed and assessed under future applications.
Groundwater	Stage 1 Development	<ul style="list-style-type: none"> • Methods and management of any required dewatering required during construction works to be detailed in the CEMP.
Flooding	Stage 1 Development	<ul style="list-style-type: none"> • OSD designed to ensure that development does not increase stormwater peak flows in downstream areas for events up to and including 1:100-year ARI. • OSD designed to mitigate post-development flows to pre-development flows for peak ARI events. • Finished floor levels to have minimum 500mm freeboard to 100-year overland flows. • Flood impacts on TransGrid easement would be mitigated through minor compensatory earthworks on the floodplain to convey locally diverted flows. These works are detailed in the civil drawings included in the SSDA package.
Water Quality	Stage 1 Development	<ul style="list-style-type: none"> • Erosion and sediment controls as detailed in SSDA package to be implemented through CEMP. • Stormwater to be treated to compliant levels prior to discharge. • Gross Pollutant Trap (GPT) to be installed within each development site on the final downstream stormwater pit prior to discharge.

Issue	SSDA Component	Mitigation and Management
		<ul style="list-style-type: none"> • WSUD measures adopted to achieve target reductions for the OWE: <ul style="list-style-type: none"> <input type="checkbox"/> 85% Total Suspended Solids <input type="checkbox"/> 60% Total Phosphorus <input type="checkbox"/> 45% Total Nitrogen <input type="checkbox"/> 90% Gross Pollutants
Infrastructure		
Capacity and Upgrades	Concept Proposal	<ul style="list-style-type: none"> • Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Section 4.0 of the EIS.
Delivery and Staging	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> • Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Section 4.0 of the EIS. • Staging of development of the OWE would be aligned with infrastructure and services delivery.
TransGrid Easement	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> • Further consultation would be undertaken with TransGrid in relation to potential impacts and required mitigation.
Other Environmental Issues		
Flora and Fauna	Concept Proposal Stage 1 Development	<ul style="list-style-type: none"> • Implementation of the Biodiversity Offset Strategy for the site. • Preparation of a Flora and Fauna Management Plan for the site to inform the CEMP and OEMP as relevant to manage potential impacts to biodiversity during construction and operation. • Retained areas of native vegetation, including the Ropes Creek riparian corridor, will be rehabilitated and/or restored and conserved in perpetuity under a Biodiversity Stewardship Agreement to be entered into with the Biodiversity Conservation Trust. • Other areas of the site including road batters, embankments and bio-retention basins will be planted with native plant species and turf species as specified in the Landscape Planting Schedule. • Ongoing maintenance and management of these areas in accordance with the provisions of both the Biodiversity Management Action Plan and Landscape Management Plan.
Waterways and Riparian Lands		<ul style="list-style-type: none"> • Restoration and ongoing management of Ropes riparian corridor to be in accordance with the Biodiversity Management Action Plan

APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au 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 D135 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.