

# Development Consent

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

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

These conditions are required to:

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



Joanna Bakopanos  
**Acting Director**  
**Industry Assessments**

Sydney

3 October 2025

File: EF22/10466

### SCHEDULE 1

<b>Application Number:</b>	SSD-46983729
<b>Applicant:</b>	ESR Developments (Australia) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	1030-1048 and 1050-1064 Mamre Road, 59-62 and 63-72 Abbots Road and 290-308 Aldington Road, Kemps Creek (Lots 111–115 DP 1296469)
<b>Development:</b>	Bulk earthworks and retaining walls, subdivision, construction of estate roads, stormwater infrastructure, installation of services utilities and construction and operation of one warehouse building on proposed Lot 6 with ancillary office space, car parking, hardstand areas, landscaping and signage.

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## DEFINITIONS

<b>Additional Information</b>	<p>Correspondence by the Applicant in response to the Department's request for information, including the document(s) titled:</p> <ul style="list-style-type: none"> <li>• 'Response to Requests for Additional Information – Westlink Industry Park – Stage 2', prepared by Ethos Urban, dated 7 April 2025</li> <li>• 'SSD-46983729 Westlink Stage 2 – Response to Additional Information', prepared by ESR, dated 5 August 2025.</li> <li>• 'Westlink Industrial Estate, Kemps Creek Water and Stormwater Management Plan Stage 2', prepared by AT&amp;L, issue 08, dated 8 September 2025.</li> </ul>
<b>Applicant</b>	ESR Developments (Australia) Pty Ltd, or any person carrying out any development to which this consent applies
<b>BAPS Temple</b>	The place of public worship development located at 230-242 Aldington Road, Kemps Creek
<b>BCA</b>	Building Code of Australia
<b>Carrier</b>	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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
<b>Council</b>	Penrith City Council
<b>CPESC</b>	Certified Professional in Erosion and Sediment Control
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure (DPHI)
<b>Development</b>	The development described in Schedule 1, the EIS, Submissions Report and Additional Information, including the works and activities comprising bulk earthworks and retaining walls, subdivision, construction of estate roads, stormwater infrastructure, installation of services utilities and construction and operation of one warehouse building on proposed Lot 6 with ancillary office space, car parking, hardstand areas, landscaping and signage, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EIS</b>	The Environmental Impact Statement titled 'Environmental Impact Statement Westlink Industrial Estate – Stage 2', prepared by Ethos Urban, version G, dated 15 December 2023, submitted with the application for consent for the development
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>Environmental Representative Protocol</b>	The document of the same title published by the Department
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021

<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre-ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>GFA</b>	Gross Floor Area
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance <b>Note:</b> “Material harm” is defined in this consent
<b>IWCM</b>	Integrated Water Cycle Management
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>b) results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <b>Note:</b> This definition excludes “harm” that is either authorised under this consent or any other statutory approval <b>Note:</b> For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>MRP</b>	Mamre Road Precinct
<b>MRP DCP</b>	Mamre Road Precinct Development Control Plan 2021, or its latest version
<b>Negotiated Agreement</b>	An agreement involving the negotiation of a package of mitigation and/or compensatory benefits for landowners of affected land in relation to operational noise impacts. The agreement is negotiated between the Applicant and the landowner.
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of one warehouse building for warehousing and distribution purposes as described in the EIS, Submissions Report and Additional Information
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>

<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Regional Stormwater Authority</b>	Sydney Water Corporation established under the Sydney Water Act 1994 (NSW) and any successors
<b>Regional Stormwater Scheme</b>	Regional stormwater infrastructure as shown on the MRP Stormwater Scheme Plan, May 2024 (or its latest version) prepared by Sydney Water
<b>Registered Aboriginal Parties (RAPs)</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Relevant Roads Authority</b>	The authority responsible for ownership and maintenance of the applicable road (either Council or TfNSW)
<b>SEPP</b>	State Environmental Planning Policy
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Southern Link Road (SLR)</b>	Southern Link Road as shown in <i>State Environmental Planning Policy (Industry and Employment) 2021</i> and described in the <i>Revised Preferred Options Report Southern Link Road Old Wallgrove Road to Wallgrove Road, Transport for NSW</i> , May 2024 or its latest version
<b>Submissions Report</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled • ‘Submissions Report Westlink Industry Park – Stage 2’, prepared by Ethos Urban, version 2.0, dated 12 September 2024.
<b>Site</b>	The land defined in Schedule 1
<b>Technical Guidance</b>	<i>Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets</i> (NSW Department of Planning and Environment, 2022) or latest version
<b>TfNSW</b>	Transport for New South Wales
<b>Trunk Drainage</b>	Stormwater assets, typically open natural trunk drainage channels, wetlands, and storage ponds, as shown on Sydney Water's Mamre Road Precinct Stormwater Scheme Plan May 2024 and any succeeding Scheme Plan
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### LIMITS OF CONSENT

##### Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

##### Stormwater Management

- A6. The site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Department of Planning and Environment, 2022) (Technical Guidance) or its latest version.

**Note:** *The interim stormwater plan for the estate (as shown in **Figure 3** in **Appendix 1**) may be revised or updated subject to approval of a planning application on the site, which demonstrates that the revised interim measures can maintain compliance with the IWCM controls in the MRP DCP for all development on the site, until the site is connected to the Regional Stormwater Scheme, to the satisfaction of the relevant consent authority.*

- A7. Under this consent, Lot 5 must only be used for stormwater management purposes as shown in **Figure 3** in **Appendix 1** (with the exception of earthworks, road and utility infrastructure works), until the site is connected to the Regional Stormwater Scheme, or the Applicant provides written evidence that the development is able to be connected to an alternative stormwater management system to the satisfaction of the Planning Secretary.

##### Traffic and Access

- A8. All construction traffic associated with the development must access and depart the site to and from Mamre Road via Abbots Road. No construction vehicles are permitted to access the site via Bakers Lane.
- A9. Prior to the commencement of operation of the development, the External Road Works and Internal Access Roads approved under the modified consent for SSD-9138102 must be constructed and commissioned to the satisfaction of the relevant roads authority.
- A10. Operational traffic associated with the development must not use Bakers Lane and must only access and depart the site via the Abbots Road and Mamre Road intersection until the Southern Link Road is completed and fully operational, or as otherwise agreed in writing by the Planning Secretary, Council and TfNSW.

## **NOTIFICATION OF COMMENCEMENT**

- A11. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction; and
  - (b) operation.
- A12. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary).

## **EVIDENCE OF CONSULTATION**

- A13. 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**

- A14. 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).
- A15. 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.
- A16. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

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

### **General Requirements**

- A17. Prior to the commencement of construction of the development, the Applicant must:
- (a) consult with the relevant owner and provider of services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development;
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
  - (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.
- A19. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

### **Sydney Water**

- A20. Prior to the commencement of construction of the development, the Applicant must obtain a Building Plan Approval from Sydney Water to ensure sewer, water or stormwater mains or easements would not be affected by the development.

- A21. Prior to the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water, stormwater and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Fibre-Ready Facilities**

- A22. Prior to the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A23. Prior to the issue of an Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

### **STRUCTURAL ADEQUACY**

- A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Note:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

### **EXTERNAL WALLS AND CLADDING**

- A25. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A26. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A27. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **CIVIL PLANS**

- A28. Engineering plans are to be prepared in accordance with the development consent, Council's *Design Guidelines for Engineering Works for Subdivisions and Developments*, *Engineering Construction Specification for Civil Works* and *Austrroads Guidelines*.

### **SUBDIVISION**

- A29. Prior to the issue of a Subdivision Certificate for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.
- A30. Prior to the issue of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.
- A31. Prior to the issue of a Subdivision Certificate for any stage of the development:
- (a) a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established; and
  - (b) a certificate from the Regional Stormwater Authority must be submitted to the Certifier certifying that satisfactory stormwater servicing arrangements for the site have been established.
- A32. Prior to issue of a Subdivision Certificate that proposes the dedication of any internal estate road as a public road, excluding any works undertaken subject to a planning agreement with Council:
- (a) a final inspection of the estate road is to be undertaken by the relevant roads authority. All compliance documentation for road and drainage construction of the estate road must be submitted to the relevant roads authority in accordance with the relevant roads authority's specifications and requirements.



- (b) where installation of any regulatory/advisory signage and line marking are proposed, plans are to be lodged with Council
- (c) an application for proposed street names must be lodged with and approved by Council and the signs erected on-site. The proposed names must be in accordance with Council's Street Naming Policy.

*Note: Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process and applicable fees.*

- A33. Prior to issue of a Subdivision Certificate for any land that includes the containment cell established under the Stage 1 remediation works under SSD-9138109, the Applicant must ensure that the Long Term Environmental Management Plan prepared by EP Risk and dated 28 August 2024 is:
- (a) listed on the relevant planning certificate for the land, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*
  - (b) subject to an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* on that land, which names the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council.

## **COMPLIANCE**

- A34. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **PLANNING AGREEMENT**

- A35. Within six months after the date of commencement of construction of the development, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a planning agreement with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
  - (b) the terms of the offer in the letter dated 13 June 2025 from ESR to the Council and the conditions of acceptance in Council's letter to ESR dated 11 July 2025.
- A36. The land for the collector road and roundabout within the site (CR7 and RA6 in the *Mamre Road Precinct Development Contributions Plan 2021 Background Report March 2022*) is to be dedicated to Council free of cost.

## **SPECIAL INFRASTRUCTURE CONTRIBUTION**

- A37. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022 (as in force when this development consent takes effect). A person may not apply for a Subdivision Certificate or Construction Certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

### **More information**

*A request for assessment by the Department of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).*

## **OPERATION OF PLANT AND EQUIPMENT**

- A38. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **TRANSGRID EASEMENT**

- A39. The Applicant must:
- (a) provide safe and unobstructed access for TransGrid plant and personnel to access any transmission towers, lines and easements 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.

## **WORK AS EXECUTED PLANS**

- A40. Prior to the issue of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## ENVIRONMENTAL REPRESENTATIVE

- A41. Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Applicant.
- A42. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.
- A43. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Submissions Report and is independent from the design and construction personnel for the development.
- A44. The Applicant may engage more than one ER for the development, 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 the development.
- A45. For the duration of the works until the commencement of operation, 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 the development;
  - (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 required under Condition C2 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
    - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
    - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
  - (e) regularly monitor the implementation of the documents identified in condition A45(d) 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 the development 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) provide advice to the Applicant on the management and coordination of construction works on the site with adjoining sites in the Mamre Road Precinct in relation to construction traffic management, sediment control, noise and dust;
  - (i) attend the Mamre Road Precinct Working Group (see condition A48) in a consultative role in relation to the environmental performance of the development; and
  - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.
- Note:** Subject to the Planning Secretary's approval, the Applicant may elect to nominate the ER approved to oversee the Stage 1 Development (SSD-9138102) for the purposes of satisfying condition A45 of this consent.
- A46. 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 A45 (including preparation of the ER monthly report), as well as:
- (a) the complaints register (to be provided on a daily basis); and
  - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).
- A47. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition A45. The Applicant must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
  - (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

## **MAMRE ROAD PRECINCT WORKING GROUP**

- A48. Prior to the commencement of construction of the development and until all components of the development are constructed and operational, the Applicant must participate in a working group with relevant consent holders in the MRP, to the satisfaction of the Planning Secretary. The purpose of the working group is to consult and coordinate construction works within the MRP to assist with managing and mitigating potential cumulative environmental impacts. The working group must:
- (a) comprise at least one representative of the Applicant, the Applicant's ER, and relevant consent holders in the MRP;
  - (b) meet periodically throughout the year to discuss, formulate and implement measures or strategies to improve monitoring, coordination of the approved industrial developments in the MRP;
  - (c) regularly inform Council, TfNSW, Sydney Water and the Planning Secretary of the outcomes of these meetings and actions to be undertaken by the working group;
  - (d) review the performance of approved industrial developments in the MRP and identify trends in the data with respect to cumulative construction traffic, erosion and sediment control, noise, stormwater management and waterway health objectives under the MRP DCP;
  - (e) review community concerns or complaints with respect to environmental management;
  - (f) identify interim traffic safety measures to manage construction traffic and how these measures will be coordinated, communicated, funded and monitored in the MRP; and
  - (g) provide the Planning Secretary with an update and strategies, if a review under subclauses (d) or (e) identifies additional measures and processes are required to be implemented by the working group.
- A49. Three (3) months prior to completion of construction of all components of the development, the Applicant is eligible to exit the working group required under condition A48. The Applicant must:
- (a) consult with the Planning Secretary;
  - (b) provide confirmation that all components of the development are operational; and
  - (c) advise on the date of the proposed exit.

## **APPLICABILITY OF GUIDELINES**

- A50. 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.
- A51. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s),
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including management of cumulative construction traffic from other concurrent construction works within the Mamre Road Precinct and the Mamre Road Upgrade Stage 2 works;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) detail the number of construction vehicle movements and demonstrate how the movements will be managed in the context of road changes in the vicinity of the site;
  - (f) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) inform truck drivers of the site access arrangements, turning restrictions and use of specified routes, including entering and exiting Mamre Road via Abbotts Road and not Bakers Lane; and
    - (v) detail the compliance actions that would be implemented for any vehicles that deviate from approved routes and turning restrictions;
  - (g) include a consultation strategy for liaising with and managing the cumulative impacts of other developments in the MRP including the Mamre Road, Abbotts Road and Aldington Road upgrade works;
  - (h) include a program to monitor the effectiveness of these measures; and
  - (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Roadworks and Access

- B3. Prior to the commencement of any construction works (including earthworks) on proposed Lot 6, the Applicant must obtain the following to the satisfaction of the Planning Secretary:
- (a) a written agreement with TfNSW regarding the coordination of these construction works and the Mamre Road Upgrade Stage 2 (MRUS2) works to mitigate the impact of construction traffic from the development and avoid conflicts with the construction of the MRUS2 project; and
  - (b) endorsement from TfNSW for the detailed design of any battering and drainage works within the road reserve of the Mamre Road corridor, including but not limited to the area identified for road widening or acquisition, and the part of the site directly adjoining the Mame Road corridor.
- B4. Any construction, including earthworks, on proposed Lot 6 must be undertaken in accordance with the agreement in Condition B3, unless otherwise agreed with TfNSW.
- B5. Prior to the issue of an Occupation Certificate for the warehouse building on proposed Lot 6, the Applicant must:
- (a) subdivide the site to create lot(s) for the local industrial and collector roads shown in **Figure 1 in Appendix 1**;
  - (b) ensure the created lot(s) includes portions of the road required to connect to properties to the north (Lot 2 DP 250002) and south (Lot 5 DP 250002) between the temporary turning heads shown in **Figure 1 in Appendix 1** and the northern and southern boundaries of the site;
  - (c) register the newly created local road lot(s) on the land title(s); and
  - (d) construct the roads including temporary turning heads (if required) to the satisfaction of the relevant roads authority.

- B6. Prior to the commencement of construction of the local industrial and collector roads including the temporary turning heads, the Applicant must prepare detailed design plans of the local industrial road in accordance with the design requirements under the MRP DCP and any relevant standards, specifications, or alike to the satisfaction of the relevant roads authority.
- B7. The Applicant shall be responsible to deliver road connections up to the site's boundaries with the adjoining properties to the north (Lot 2 DP 250002) and south (Lot 5 DP 250002).

### Parking

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

### Street Trees

- B11. Prior to the commencement of any stage of road construction, detailed design plans showing the provision of passively irrigated street trees within the relevant stage of works must be submitted to the satisfaction of the relevant road authority.

### Operational Traffic Monitoring Program

- B12. At the commencement of operation of the development and for a minimum period of 12 months of operation, the Applicant must establish an Operational Traffic Monitoring Program to verify light and heavy vehicle traffic numbers against the predictions in the EIS. The Program must also monitor the effectiveness of the traffic management measures to the satisfaction of the Planning Secretary and include but not be limited to the following:
- (a) detail the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
  - (b) queue monitoring at the Mamre Road/Abbotts Road intersection and background traffic counts on Mamre Road and Abbotts Road;
  - (c) verify the predicted traffic numbers and level of service against the actual impacts of the development, and analyse the potential cause of any significant discrepancies;
  - (d) consider the current capacity and efficiency of the existing road network including Mamre Road and Abbotts Road; and
  - (e) include procedures for the reporting and monitoring of results to evaluate the traffic performance of the development.
- Note:** The Applicant may update an existing Operational Traffic Monitoring Program implemented under SSD-9138102 to include this development to satisfy the requirements of the condition.
- B13. The results of the Operational Traffic Monitoring Program must be reported to the Planning Secretary and TfNSW on a quarterly basis for a minimum period of 12 months of operation.

### Operating Conditions

- B14. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004), AS 2890.2:2018 *Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and AS 2890.6:2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) that no heavy vehicles larger than a 26m B-Double uses the private access road in Lot 5 as shown in **Figure 1**;
  - (d) the development does not result in any vehicles queuing on the public road network;
  - (e) heavy vehicles and bins associated with the development 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 is carried out on-site; and
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## **Work Place Travel Plan**

- B15. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan. The Work Place Travel Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with TfNSW;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B16. The Applicant must implement the most recent version of the Work Place Travel Plan submitted to the Planning Secretary for the duration of the development.

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

### **Imported Soil**

- B17. The Applicant must:
- (a) ensure that only VENM, ENM, or other fill material approved in writing by EPA is brought onto the site for use as fill;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Planning Secretary upon request.

### **Erosion and Sediment Control**

- B18. Prior to the commencement of construction of the development, the Applicant must design and detail the erosion and sediment control measures for the site to ensure the construction phase IWCM controls of the MRP DCP are achieved. A detailed Erosion and Sediment Control Plan (ESCP) and drawings must:
- (a) be prepared by a Certified Professional in Erosion and Sediment Control (CPESC);
  - (b) address the requirements of the detailed technical specifications in the Technical Guidance and the 'Blue Book - Managing Urban Stormwater: Soils and Construction' (Landcom 2004);
  - (c) detail how the ESCP addresses the requirements of section 4.4.2 of the MRP DCP;
  - (d) outline the current construction and erosion and sediment control occurring on site under SSD-9138102 and the additional measures which will be adopted for the development;
  - (e) demonstrate the construction approach and timing to ensure the construction phase stormwater quality targets in the MRP DCP can be met, including any staging of construction works and construction staging plans that:
    - (i) represent each phase of works, including clearing, earthworks (existing and final levels), civil construction and landscaping;
    - (ii) show erosion, drainage, and sediment controls for each phase and identify timing for implementation and decommissioning of all controls;
    - (iii) identify external catchments and clean water drains;
    - (iv) show flow of clean water around the site and flow of dirty water within the site, and identify how external catchment flows will be managed to prevent contamination during the construction;
    - (v) provide sizing for major drainage and sediment control (such as sediment basins);
    - (vi) quantify compliance with the stormwater targets for each stage;
  - (f) Identify how dispersive soils have been considered and will be managed during construction works;
  - (g) detail the timing, methods and performance requirements for stabilisation of each area of site disturbance;
  - (h) detail measures to protect passively irrigated street trees during construction works, if these are installed before construction is completed;
  - (i) be independently reviewed and verified by the ER prior to submission to the Planning Secretary; and
  - (j) be included in the CEMP required by condition C2.
- B19. The Applicant must:
- (a) ensure delivery and operation of all construction phase erosion and sediment controls on the site is supervised and certified by a CPESC;
  - (b) undertake monthly audits, completed by the CPESC, and kept on record for the duration of the construction and an additional 12 months following completion of construction works to ensure the controls remain effective in achieving the construction phase stormwater quality targets in the Technical Guidance; and
  - (c) ensure monthly audit reports are reviewed and verified by the ER and submitted to the Planning Secretary within 7 days of completing the audit.

- B20. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition B18 for the duration of construction of the development.

#### **Retaining Walls**

- B21. All structures (foot, batter, tie backs/in and drainage) associated with retaining walls must be within private property and not within the public road reserve and not within any zone of influence.

#### **Discharge Limits**

- B22. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.
- B23. Should groundwater be intercepted a Water Access Licence (WAL) under the *Water Management Act 2000* must be obtained unless an exemption applies. If the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the *Water Management (General) Regulation 2018* an exemption may apply.

**Note:** For more information visit <https://water.dpie.nsw.gov.au/licensing-and-trade/water-access-licences-and-approvals/exemptions-for-water-licences-and-works-and-or-use-approvals/groundwater-wal-exemptions>

#### **Stormwater Management System**

- B24. Prior to the commencement of operation of the development, the Applicant must:
- (a) ensure the detailed design of the stormwater management system is in accordance with Council's 'Stormwater Drainage Specification for Building Developments' and the Technical Guidance;
  - (b) ensure the design and subsequent construction and establishment of the WSUD systems is supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems; and
  - (c) install the Stormwater Management System as described in the Additional Information and ensure the system is operational.
- B25. All stormwater infrastructure must remain under the ownership, control and care of the registered proprietor of the lot. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.

**Note:** This does not include any passively irrigated street trees that may be transferred to the relevant road authority.

- B26. The Applicant must maintain the stormwater management system installed on the site under condition B24 for the duration of the development (or in the case of any interim stormwater measures, until they are decommissioned in accordance with the Stormwater Management Plan under Condition B28). The stormwater management system must:
- (a) continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan;
  - (b) be regularly inspected with inspection records to be maintained and made available to Council on request; and
  - (c) have all necessary improvements made immediately upon awareness of any deficiencies in the stormwater management systems.

**Note:** This does not include any passively irrigated street trees that may be transferred to the relevant roads authority. This also does not include trunk drainage infrastructure for which maintenance and operation may be transferred to the Regional Stormwater Authority.

#### **Trunk Drainage**

- B27. Prior to the issue of a Compliance Certificate under Section 73 of the *Sydney Water Act 1994*, the Applicant must design and construct the trunk drainage infrastructure on the site to the satisfaction of Sydney Water. The trunk drainage infrastructure must be supported by hydraulic modelling that addresses the Stormwater Scheme Infrastructure Design Guideline (Sydney Water) and the requirements outlined in the advice letter from Sydney Water dated 9 May 2025 (ref. 218552, 213132).

#### **Stormwater Management Plan**

- B28. Prior to the commencement of operation, the Applicant must update the Stormwater Management Plan for the development in the Additional Information to the satisfaction of the Planning Secretary. The updated plan must form part of the OEMP required by condition C5 and must detail how the development's stormwater system has been connected to adjoining developments and how it will ultimately connect to the Regional Stormwater Scheme.

## Water Reuse

- B29. The Applicant must ensure any stormwater that is harvested for reuse during the interim stormwater management phases is first treated and disinfected in accordance with Australian Guidelines for Water Recycling: Managing Health and Environmental Risks: Stormwater harvesting and reuse (NRMCA, EPHC and NHMRC 2009).

## Easements and Maintenance

- B30. Prior to the issue of a Compliance Certificate under Section 73 of the *Sydney Water Act, 1994*, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Regional Stormwater Authority (Sydney Water) as the prescribed authority, which can only be revoked, varied or modified with the consent of the Regional Stormwater Authority and which provides for appropriate access to all trunk drainage land for maintenance at no cost to the Regional Stormwater Authority must be registered on the title of the land.
- B31. All stormwater infrastructure, including bio-retention basins, shall remain under the ownership, control and care of the registered proprietor of the lots. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.
- Note:** *This does not include any passively irrigated street trees that may be transferred to the relevant roads authority. This also does not include trunk drainage infrastructure for which maintenance and operation may be transferred to the Regional Stormwater Authority.*
- B32. Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the permanent stormwater management systems (including on-site stormwater detention and water sensitive urban design), shall be registered on the title of the property under section 88E of the *Conveyancing Act 1919*. The restriction on the use of land and positive covenant shall be in Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments – Appendix F.

## Dam Decommissioning Strategy

- B33. Prior to commencement of construction of the development, the Applicant must prepare a Dam Decommissioning Strategy to the satisfaction of the Planning Secretary. The Dam Decommissioning Strategy must form part of the CEMP required by condition C2 and include measures to ensure no impacts from these works on the adjoining property at 1066-1078 Mamre Road, Kemps Creek (Lot 5 DP 250002). The Applicant must implement the most recent version of the Dam Decommissioning Strategy until the dam has been decommissioned.

## Flood Management

- B34. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Flood Emergency Response Plan. The Plan must form part of the CEMP required by condition C2 must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the NSW State Emergency Service;
  - (c) address the provisions of the *Floodplain risk management manual* (DPE, 2023) and *Support for emergency management planning* (DPE, 2023); and
  - (d) include details of:
    - (i) the flood emergency responses for the construction phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors.
- B35. The Applicant must:
- (a) submit a copy of the Flood Emergency Response Plan required by condition B34 to the Planning Secretary prior to the commencement of construction; and
  - (b) implement the most recent version of the Flood Emergency Response Plan for the duration of construction.
- B36. Prior to the commencement of operation of the development, the Applicant must prepare an Operation Flood Emergency Response Plan. The Plan must form part of the OEMP required by conditions C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the NSW State Emergency Service;
  - (c) address the provisions of the *Floodplain risk management manual* (DPE, 2023) and *Support for emergency management planning* (DPE, 2023); and
  - (d) include details of:
    - (i) the flood emergency responses for both the operation phase of the development;



- (ii) predicted flood levels;
- (iii) flood warning time and flood notification;
- (iv) assembly points and evacuation routes;
- (v) evacuation and refuge protocols; and
- (vi) awareness training for employees and contractors.

B37. The Applicant must:

- (a) submit a copy of the Flood Emergency Response Plan required by condition B34 to the Planning Secretary prior to the commencement of operation; and
- (b) implement the most recent version of the Flood Emergency Response Plan for the duration of the operational phase of the development.

## NOISE

### Hours of Work

B38. The Applicant must comply with the hours detailed in Table 1.

**Table 1** Hours of Work

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

B39. Works outside of the hours identified in condition B38 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

B40. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Noise and Vibration Management Plan required under condition B41.

### Construction Noise and Vibration Management Plan

B41. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert(s);
- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (c) include noise management and mitigation measures, including any described in Appendix 2;
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
- (f) include strategies that have been developed with the community for managing high noise generating works;
- (g) describe the community consultation undertaken to develop the strategies in condition B41 (e) and (f); and
- (h) include a complaints management system that would be implemented for the duration of the development.

B42. The Applicant must:

- (a) not commence construction of the development until the Construction Noise and Vibration Management Plan required by condition B41 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

## Operational Noise Limits

B43. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2** Noise Limits (dB(A))

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
Residential receivers near Mount Vernon Road (Mount Vernon), Kerrs Road (Mount Vernon) and Mamre Road (Kemps Creek)	32	27	22
BAPS Temple - outdoor areas of worship or congregation (excluding car parking areas and internal roads)	35	35	35

**Note** 1. Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in **Appendix 4** for the location of residential sensitive receivers.

## MRP Noise Agreement(s)

B44. Prior to the commencement of operation of the development, the Applicant must offer to enter into a Negotiated Agreement with the eligible receivers shown in **Figure 5 in Appendix 5**. The Applicant must provide written evidence to the Planning Secretary if an agreement is in place with these receivers.

B45. The Negotiated Agreement required under Condition B44 must be in force until the existing residential use ceases on the land subject to the agreement or a development consent for general industrial or other employment uses applies to the land, whichever is the sooner.

## Operational Noise Verification Report

B46. Within three months of the completion of commencement of operation of the development, the Applicant must prepare and submit a noise verification report for the development to the satisfaction of the Planning Secretary. The noise verification report must:

- (a) be prepared to by a suitably qualified and experienced noise consultant;
- (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
  - (iii) the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017);
- (c) verify the noise levels against the predictions in the 'Westlink Stage 2 Noise and Vibration Impact Assessment', prepared by SLR Consulting Australia, dated 1 April 2025 and clearly identify any variances from the assumptions and the predicted noise levels at sensitive receivers;
- (d) include:
  - (i) an analysis of compliance with noise limits specified in condition B43;
  - (ii) an outline of management actions to be taken to address any exceedances of the limits specified in condition B43; and
  - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## VIBRATION

### Vibration Criteria

B47. Vibration caused by construction at any residence or structure outside the site must be limited to:

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

B48. 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 B47.

B49. The limits in conditions B47 and B48 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C2 of this consent.

#### **Dilapidation Reporting**

B50. Prior to commencement of earthworks, the Applicant must offer and prepare (if the offer is accepted) a pre-dilapidation and post-dilapidation survey for adjoining properties that may be affected by proposed earthworks:

- (a) prior to the commencement of earthworks; and
- (b) within one month of the conclusion of earthworks, or as otherwise agreed with the Planning Secretary

The surveys must be submitted to the Planning Secretary and the relevant property owner(s) prior within seven days of being prepared.

B51. Should the survey at Condition B50 identify any damage, the Applicant must discuss the repairs to be undertaken with the relevant property owners, and repair or pay the full costs associated with repairing any part of the building that is determined to be damaged by the carrying out construction works associated with the development.

#### **AIR QUALITY**

##### **Dust Minimisation**

B52. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B53. During construction of the development, the Applicant must ensure:

- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces; and
- (f) works are undertaken in accordance with the methodologies outlined in the Construction Air Quality Management Plan required by condition B54.

##### **Construction Air Quality Management Plan**

B54. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) for the development, to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by condition C2. The CAQMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with owners of adjoining residential properties (including those still occupied for residential use in the MRP), include evidence of this consultation, details of any issues raised and how the plan has responded to any issues raised during consultation;
- (c) detail and rank all emissions, including particulate emissions, from all sources during construction of the development;
- (d) describe a program that is capable of evaluating the performance of the construction and determining compliance with key criteria, including installation of real-time air quality monitors consistent with the locations identified in **Figure 6 in Appendix 6**;
- (e) include provisions to integrate on-site monitoring and management measures with any precinct-wide cumulative construction air quality monitoring program established by the Mamre Road Precinct Working Group;
- (f) identify the locations of the real-time air quality monitors;
- (g) identify the control measures that will be implemented for each emission source;
- (h) nominate the following for each of the proposed controls:
  - (i) key criteria;
  - (ii) monitoring method; and
  - (iii) location, frequency and duration of monitoring;
- (i) outline procedures that will be implemented in relation to:
  - (i) record keeping;
  - (ii) reporting to the Environmental Representative required under condition A41;
  - (iii) complaints register;
  - (iv) response procedures; and
  - (v) compliance monitoring;
- (j) include a Trigger Action Response Plan (TARP) that must include:

- (i) the objectives of the TARP;
- (ii) triggers for:
  - continuously monitored PM<sub>10</sub> concentrations;
  - meteorological conditions;
  - visible dust plumes;
  - on-site activities that have the potential for elevated dust emissions;
- (iii) a procedure to identify likely dust-generating sources;
- (iv) source-specific actions to reduce dust generation rates;
- (v) a procedure to determine the effectiveness of the implemented actions;
- (vi) a procedure to implement additional controls if required, to ensure the development complies with the conditions of this consent; and
- (vii) a procedure to record evidence / observations of the effectiveness of the implemented actions to manage the triggers, and evidence to demonstrate that the objectives of the TARP have been achieved; and
- (k) detail contingency measures to be implemented to reduce any exceedances of relevant performance indicators or criteria and include a timetable for implementation.

B55. The Applicant must:

- (a) not commence construction until the CAQMP required by condition B54 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CAQMP approved by the Planning Secretary for the duration of the development.

#### **Independent Air Quality Audit**

B56. Within three months of the commencement of earthworks and every three months thereafter until the completion of earthworks, the Applicant must commission and pay the full cost of an Independent Air Quality Audit (IAQA) to review the air quality performance of the development. The IAQA must:

- (a) be undertaken by a suitably qualified (i.e. CAQP and/or CEnv), experienced and independent expert whose appointment has been endorsed by the Planning Secretary;
- (b) analyse the performance of the CAQMP, including the TARP;
- (c) audit the performance of the CAQMP, including the TARP in achieving its objectives;
- (d) identify any deficiencies in the CAQMP including the TARP in achieving its objectives and propose changes to improve the performance of the CAQMP to achieve those objectives;
- (e) review the air quality monitoring and mitigation requirements and air quality monitoring data for the audit period;
- (f) analyse any incidents, non-compliances and complaints that occurred or were made during the audit period;
- (g) if necessary, recommend and prioritise measures to improve the air quality controls on-site for subsequent stages of the earthworks program, such that sensitive receivers would be protected against adverse air quality impacts from the development; and
- (h) be used to inform or update any precinct-wide cumulative construction air quality monitoring program established by the Mamre Road Precinct Working Group;.

B57. Within 6 weeks of the completion of the IAQA required by Condition B56, the Applicant must submit a copy of the audit report to the Planning Secretary with a response to any recommendations contained in the audit report. The response must include a timeframe for implementing the recommendations of the IAQA.

#### **ABORIGINAL HERITAGE**

B58. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this consent.

B59. The Registered Aboriginal Parties (RAPs) must be kept informed about the development and continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the development.

#### **Aboriginal Cultural Heritage Management Plan (ACHMP)**

B60. Prior to the commencement of any clearing or construction works for the development, the Applicant must prepare an ACHMP for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and Heritage NSW;

- (b) include a description of the measures (and associated methodologies) that would be implemented for:
  - (i) the long-term management of any Aboriginal heritage items or material collected during the previous test excavations;
  - (ii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
  - (iii) ongoing consultation with RAPs during the implementation of the ACHMP;
  - (iv) preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
- (c) include a contingency plan and reporting procedure including:
  - (i) an Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.
- (d) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

B61. The Applicant must:

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

B62. If any unexpected 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) Heritage NSW must be contacted immediately.

B63. 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*.

## VISUAL AMENITY

### Landscaping

B64. Within three months of decommissioning of the Interim Operating Procedure/Sewer Pump Station (identified as the IOP Area in **Figure 2**), the Applicant must establish landscaping in this area to the satisfaction of the Planning Secretary and the relevant roads authority for Mamre Road.

B65. Within three months of receiving confirmation from TfNSW that the Mamre Road Stage 2 upgrade works along the frontage of proposed Lot 6 have been completed, the Applicant must install the ultimate landscaping in this area in accordance with the landscape plans titled 'Westlink Stage 2 - Lot 6 - Post Road Raising', prepared by Site Image (ref. SS22-4971\_S2) and dated 31/03/2025.

B66. Prior to the commencement of operation of the development, the Applicant must establish landscape planting within the 30 metre setback area along the eastern boundary of proposed Lot 4 generally in accordance with the landscape plans titled 'Westlink Stage 2 – 30m Eastern Buffer' prepared by Site Image (ref. SS22-4971) and dated 03/02/2025. The species selected must provide for a mix of heights and provide screening of the site from the residential properties in Mount Vernon in accordance with Section 3.3 of the MRP DCP. Consideration must be given to maximum tree height or maintenance requirements to ensure views towards Blue Mountains are retained for the residence at 30-38 Mount Vernon Road, Mount Vernon.

B67. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the development's landscaping works, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with condition C5. The plan must:

- (a) detail the species to be planted on-site that;
  - (i) are consistent with the plant list in Appendix C of the MRP DCP;
  - (ii) address the requirements of condition B66; and
  - (iii) are suitable in relation to wildlife management in proximity to the Western Sydney Airport.
- (b) be consistent with:
  - (i) the landscape plans included in the Additional Information; and
  - (ii) Appendix 4 of *Planning for Bush Fire Protection* (RFS, 2019) and the updated Penrith City Council Bush Fire Prone Land Map (December 2024).

- (c) ensure sufficient deep soil is provided in all areas where tree planting is required;
- (d) demonstrate that the minimum tree canopy targets are achieved in accordance with the MRP DCP;
- (e) include a Street Tree Plan including details of selected street tree species, root protection barriers and soil specifications;
- (f) provide detailed plans of passively irrigated street trees within the relevant stage of works demonstrating consistency with the MRP DCP;
- (g) describe the monitoring and maintenance measures to manage landscaping works, including protection of landscaping during construction works on other parts of the site.

B68. The Applicant must:

- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
- (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B67 for the life of the development.

B69. Prior to the issue of an Occupation Certificate for each warehouse building, the Applicant must provide the Certifier with written evidence in the form of plans and a report prepared by the project landscape architect confirming that:

- (a) the trees identified in the approved document package as contributing to the site's canopy target have been planted and that the trees are capable of reaching maturity in their locations, and
- (b) where the canopy cover target (in accordance with the MRP DCP) is identified as not being achievable through those trees planted, the report is to detail what measures have been undertaken to address the tree canopy shortfall and a rectification plan is to be provided.

## Lighting

B70. The Applicant must ensure the lighting associated with the development:

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

## Signage and Fencing

B71. Prior to the commencement of construction of each warehouse building in the development, the Applicant must submit a Signage Strategy, for each warehouse building, to the satisfaction of the Planning Secretary. The Signage Strategy must demonstrate the proposed signage is consistent with Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021*. The Signage Strategy must:

- (a) ensure there is only up to one building identification sign installed per elevation;
- (b) ensure there is only up to one illuminated building identification sign per warehouse building; and
- (c) includes measures to control lighting impacts from illuminated signage including use of backlit signs.

B72. All signage and fencing must be erected in accordance with the Signage Strategy required under condition B71.

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

## BUSHFIRE PROTECTION

B73. The Applicant must ensure the development complies with the relevant provisions of *Planning for Bushfire Protection* (NSW RFS, 2019) and Australian Standard AS2419.1-2005 *Fire hydrant installations System design, installation, and commissioning*.

## HAZARDS AND RISK

### Dangerous Goods

B74. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B75. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

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

B76. In the event of an inconsistency between the requirements of conditions B75(a) and B75(b), the most stringent requirement must prevail to the extent of the inconsistency.

## **Bunding**

- B77. 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).

## **Emergency Services Information Package**

- B78. From the commencement of operation and for the life of the development, an Emergency Services Information Package, developed in accordance with the FRNSW *Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans*, must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

## **BIODIVERSITY**

- B79. The Wildlife Management Plan in the Additional Information must form part of the CEMP required by Condition C2 and OEMP required by Condition C5. The Applicant must implement the Wildlife Management Plan for the duration of construction and operation of the development.

## **CONTAMINATION**

### **Unexpected Finds**

- B80. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is managed in accordance with the POEO Act and its associated regulations. Details of the final management approach and the results of any associated testing must be submitted to the Planning Secretary within six weeks of the Applicant becoming aware of the contamination find, or as otherwise agreed to by the Planning Secretary.

### **Remediation**

- B81. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the Remedial Action Plan included in the EIS and the Remedial Action Plan Addendum included in the Additional information, and the relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B82. Within one month of the completion of the remediation works for the development, the Applicant must submit a validation report/letter to the satisfaction of the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

## **Asbestos**

- B83. The Applicant must ensure that any asbestos encountered during the remediation and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace December 2022;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos December 2022; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## **WASTE MANAGEMENT**

- B84. 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).
- B85. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the waste.
- B86. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B87. 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.
- B88. The Applicant must implement the most recent version of the Waste Management Plan detailed in the EIS for the duration of operation.

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

- B89. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site;

- (b) ensure outdoor waste storage is installed with fixed lids that cannot be accessed by wildlife; and
- (c) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

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



## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) a condition compliance table for that plan;
  - (b) detailed baseline data where required;
  - (c) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (e) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (d) above;
  - (f) 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;
  - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (h) 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
  - (i) a protocol for periodic review of the plan.

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition B1);
  - (b) Erosion and Sediment Control Plan (see condition B18);
  - (c) Dam Decommissioning Strategy (see condition B33);
  - (d) Construction Flood Emergency Response Plan (see condition B34);
  - (e) Construction Noise and Vibration Management Plan (see condition B41);
  - (f) Construction Air Quality Management Plan (see condition B54);
  - (g) Aboriginal Cultural Heritage Management Plan (see condition B60)
  - (h) a copy of the Wildlife Management Plan (see condition B79);
  - (i) a copy of the Unexpected Contaminated Finds Protocol (see condition B80);
  - (j) Community Consultation and Complaints Handling Plan.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.

- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (c) include the following environmental management plans:
    - (i) Operational Traffic Monitoring Program (see condition B12)
    - (ii) a copy of the Workplace Travel Plan (see condition B15);
    - (iii) Stormwater Management Plan (see condition B28);
    - (iv) Operation Flood Emergency Response Plan (see condition B36);
    - (v) Landscape Management Plan (see condition B67);
    - (vi) a copy of the Wildlife Management Plan (see condition B79);
    - (vii) a copy of the Waste Management Plan (see condition B88).
- C7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
  - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C8. Prior to the commencement of construction of any works associated with any modification to this consent, or within three months of:
- (a) the submission of a Compliance Report under condition C14;
  - (b) the submission of an incident report under condition C10;
  - (c) the submission of an audit under condition C16;
  - (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 A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.
- C9. If identified as part of the review process (see condition C8) or considered necessary to improve the environmental performance of the development, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition C8, or in the case of a modification approving the construction of any works, prior to the commencement of construction of those works, or such other timing as agreed by the Planning Secretary.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

- C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an incident;
  - (c) a description of what immediate steps were taken in relation to the incident; and
  - (d) identifying a contact person for further communication regarding the incident.
- C11. The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 3 (Incident Notification and Reporting Requirements).

## Non-Compliance Notification

- C12. Within seven days of becoming aware of any non-compliance, the Applicant must notify the Department of the non-compliance, in writing, via the NSW planning portal (Major Projects).
- C13. A non-compliance notification submitted under condition C12 must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

## Compliance Reporting

- C14. Within six months after the commencement of construction of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

## Monitoring and Environmental Audits

- C16. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

## ACCESS TO INFORMATION

- C17. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent with the exception of the documents required under condition B78;
    - (iv) the proposed staging plans for the development if the construction 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) the results of any audits undertaken as required by the conditions of this consent;
    - (viii) a summary of the current stage and progress of the development;
    - (ix) contact details to enquire about the development or to make a complaint;
    - (x) a complaints register, updated monthly;
    - (xi) the Compliance Report of the development;
    - (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 DEVELOPMENT LAYOUT PLANS

**Table 3** Schedule of Approved Plans

Drawing No. / Job No.	Title	Issue	Date
<b>Architectural Plans prepared by Nettleton Tribe</b>			
12963_DA002	Lot 6 – Estate Plan – Stage 1 & 2 – Interim	P15	06.03.2025
12963_DA003	Lot 6 – Estate Plan – Stage 1 & 2 – Ultimate	P3	06.03.2025
12963_DA004	Lot 6 – Site Plan – Interim	P19	06.03.2025
12963_DA005	Lot 6 – Site Plan – Ultimate	P20	06.03.2025
12963_DA006	Lot 6 – Roof Plan	P15	06.03.2025
12963_DA007	Lot 6 – Retaining Wall & Fence	P7	06.03.2025
12963_DA015	Lot 6 – Undercroft Carpark Plan	P13	21.01.2024
12963_DA016	Lot 6 – Office A Plans	P14	21.01.2024
12963_DA017	Lot 6 – Office B Plans	P15	21.01.2024
12963_DA021	Lot 6 – Warehouse Elevations	P14	21.01.2024
12963_DA026	Lot 6 – Office A Elevations	P12	21.01.2024
12963_DA027	Lot 6 – Office B Elevations	P11	21.01.2024
<b>Landscape Plans prepared by Site Image</b>			
SS22-4971_S1	Westlink Stage 2 - Lot 6 - Pre Road Raising	B	02.04.2025
SS22-4971_S2	Westlink Stage 2 - Lot 6 - Post Road Raising	B	31.03.2025
SS22-4971	Westlink Stage 2 – Trunk Drainage	C	04.02.2025
SS22-4971	Westlink Stage 2 – 30m Eastern Buffer	C	03.02.2025
SS22-4971 STAGE2_SK001	Tree Canopy Plan	F	03.02.2025
<b>Civil Drawings prepared by AT&amp;L</b>			
20-748-C5005	General Arrangement Plan	G	13.01.2025
20-748-C5033	Bulk Earthworks Cut/Fill Plan	G	13.01.2025
20-748-C5033	Stormwater Management Plan Interim Arrangement	L	15.09.2025
20-748-C6160	Lot 6 On Lot Bulk Earthworks Cut/Fill Plan	B	24.04.2025

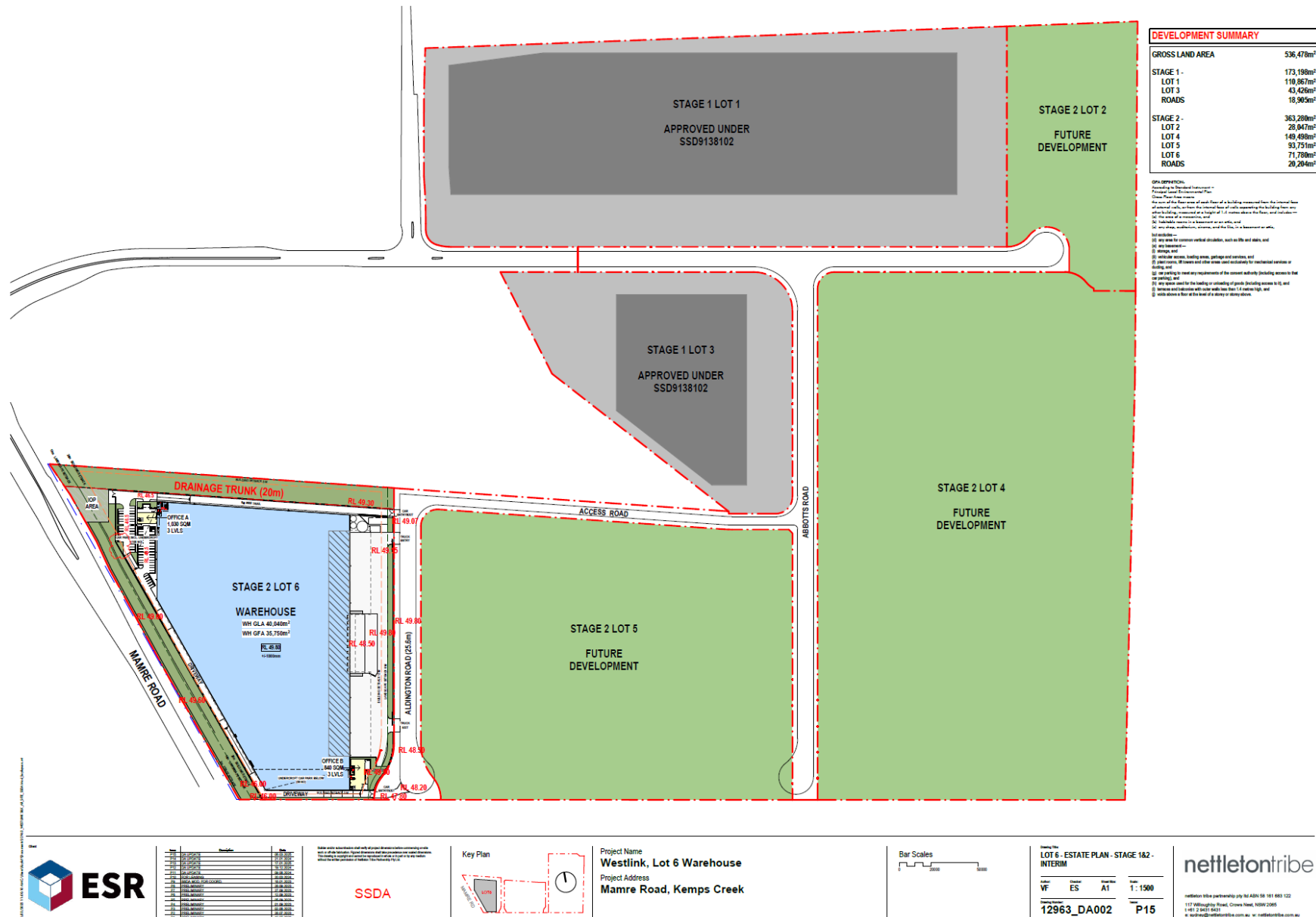
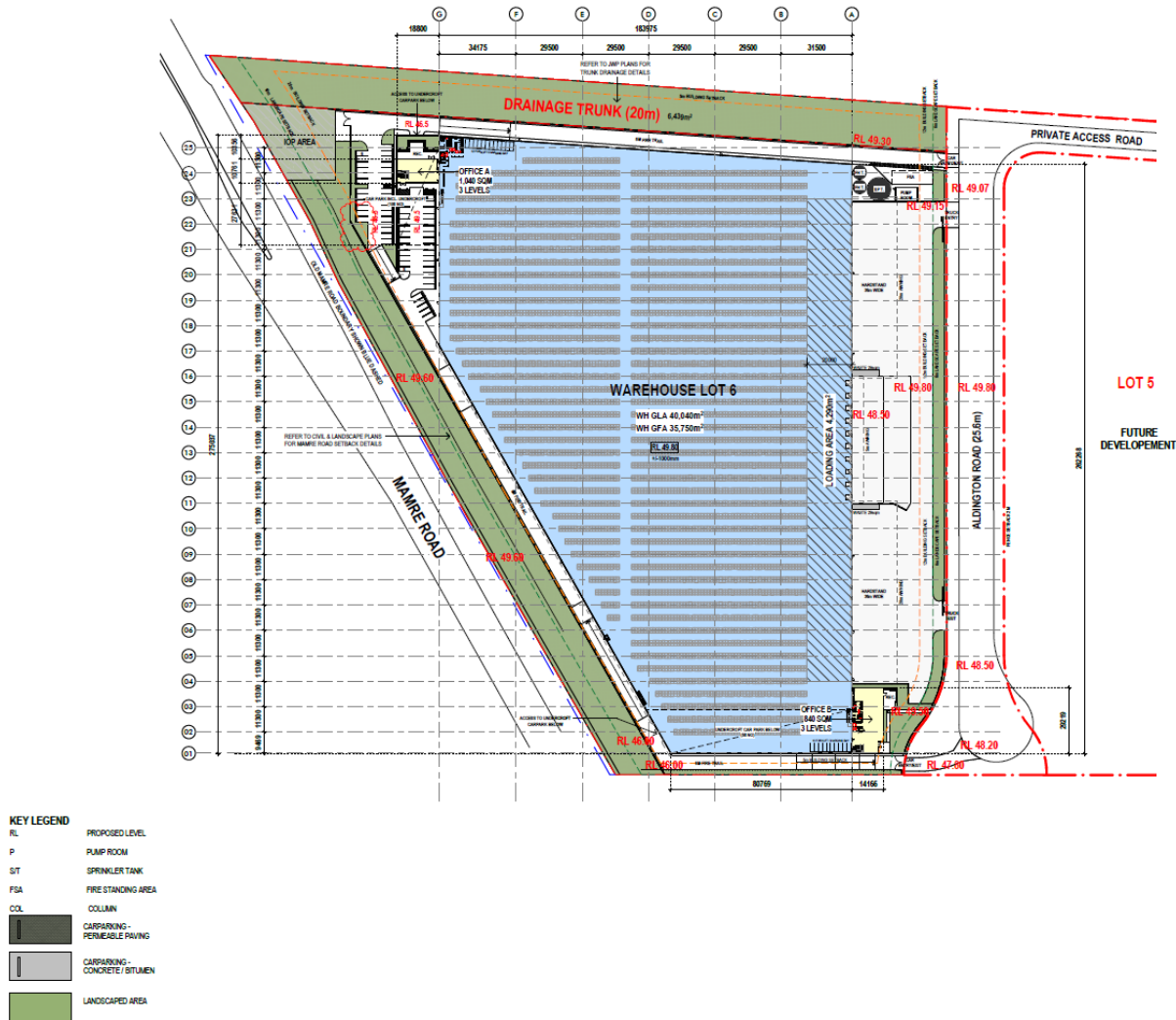


Figure 1: Estate Plan – Stage 1 and 2



**GFA DEFINITION:**  
According to Standard Instrument - Principal Local Environmental Plan  
Gross Floor Area means  
the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—  
(a) the area of a mezzanine, and  
(b) habitable rooms in a basement or an attic, and  
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—  
(d) any area for common vertical circulation, such as lifts and stairs, and  
(e) any basement—  
(f) storage, and  
(g) vehicular access, loading areas, garbage and services, and  
(h) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and  
(i) car parking to meet any requirements of the consent authority (including access to that car parking), and  
(j) any space used for the loading or unloading of goods (including access to it), and  
(k) terraces and balconies with outer walls less than 1.4 metres high, and  
(l) voids above a floor at the level of a storey or storey above.

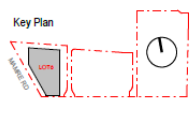
#### LOT 6 DEVELOPMENT SUMMARY

GROSS LAND AREA (LOT6)	71,780m <sup>2</sup>
(INCL. DRAINAGE TRUNK & SEWER EASEMENT)	
DRAINAGE TRUNK (NOT DEVELOPMENT)	6,439m <sup>2</sup>
NETT DEVELOPABLE AREA	65,341m <sup>2</sup>
NETT EFFICIENCY (GLANETT DEV. AREA)	64%
LANDSCAPE & PERVIOUS AREA	15,079m <sup>2</sup>
LANDSCAPE IN TRUNK	6,439m <sup>2</sup>
LANDSCAPE IN DEVELOPABLE AREA	8,640m <sup>2</sup>
PREVIOUS AREA IN IOP	512m <sup>2</sup>
PREVIOUS AREA IN DEVELOPABLE AREA	8m <sup>2</sup>
PLANTER	64m <sup>2</sup>
LANDSC. & PERV. / NETT DEVELOPABLE AREA	23%
LANDSC. & PERV. / GROSS LAND AREA	21%
DRAINAGE TRUNK / GROSS LAND AREA	9%
WAREHOUSE (GLA)	40,040m <sup>2</sup>
(INCL. LOADING AREA 4,290m <sup>2</sup> )	
OFFICE A (3 STOREY)	1,040m <sup>2</sup>
OFFICE B (3 STOREY)	840m <sup>2</sup>
TOTAL BUILDING AREA (GLA)	41,920m <sup>2</sup>
WAREHOUSE (GFA)	35,750m <sup>2</sup>
OFFICE A (3 STOREY)	970m <sup>2</sup>
OFFICE B (3 STOREY)	770m <sup>2</sup>
TOTAL BUILDING AREA (GFA)	37,490m <sup>2</sup>
TOTAL CARS REQUIRED (RMS)	163
WAREHOUSE 1000m <sup>2</sup> (GFA)	
OFFICE 1400m <sup>2</sup> (GFA)	
TOTAL CARS PROVIDED	163



Item	Description	Area
1	WAREHOUSE	40,040m <sup>2</sup>
2	OFFICE A	1,040m <sup>2</sup>
3	OFFICE B	840m <sup>2</sup>
4	LANDSCAPED AREA	15,079m <sup>2</sup>
5	DRAINAGE TRUNK	6,439m <sup>2</sup>
6	PLANTER	64m <sup>2</sup>
7	PREVIOUS AREA IN IOP	512m <sup>2</sup>
8	PREVIOUS AREA IN DEVELOPABLE AREA	8m <sup>2</sup>
9	LANDSC. & PERV. / NETT DEVELOPABLE AREA	23%
10	LANDSC. & PERV. / GROSS LAND AREA	21%
11	DRAINAGE TRUNK / GROSS LAND AREA	9%

SSDA



Project Name  
**Westlink, Lot 6 Warehouse**  
Project Address  
**Mamre Road, Kemps Creek**



Drawing Title <b>LOT 6 - SITE PLAN - INTERIM</b>			
Author <b>VF</b>	Checker <b>ES</b>	Scale <b>A1</b>	Scale <b>1:1000 @ A1 1:2000 @ A3</b>
Drawing No. <b>12963_DA004</b>		Page No. <b>P19</b>	

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Figure 2: Lot 6 Warehouse Site Plan







## Appendix E

### Consolidated Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed below. These measures have been derived from the assessment in Section 6.0 of the EIS and those detailed in appended consultants' reports.

Ref No.	Potential Impact	Stage of Project	Mitigation Measure
Traffic and Transport			
TT-1	Construction Traffic Management	Construction	<ul style="list-style-type: none"> <li>A detailed Construction Traffic Management Plan (CTMP), providing traffic and pedestrian management measures is to be implemented for the construction phase of the project.</li> </ul>
TT-2	Sustainable Travel	Operation	<ul style="list-style-type: none"> <li>A detailed Green Travel Plan is to be prepared prior to operation of the development.</li> </ul>
Biodiversity			
B-1	Unexpected Finds	Construction	<ul style="list-style-type: none"> <li>In the unlikely event that unexpected threatened species are identified during the project, work is to cease, and an ecologist is to be contacted for advice.</li> </ul>
B-2	Erosion and Sediment Control	Construction	<ul style="list-style-type: none"> <li>Appropriate erosion and sediment control measures are to be installed to avoid impacts to nearby waterways via stormwater collection systems.</li> </ul>
B-3	Dam Dewatering	Construction	<ul style="list-style-type: none"> <li>As dams within the study area will be decommissioned and backfilled as part of the project. A dam dewatering plan will be prepared and implemented.</li> <li>Dam dewatering is to be undertaken under supervision of a suitably qualified ecologist to ensure that dewatering activities are undertaken appropriately and any fauna within the dams is salvaged and relocated (an ecologist would only be required on site when dam water levels are below 1/3 capacity).</li> </ul>
B-4	Trunk Drainage	Operation	<ul style="list-style-type: none"> <li>Design of the truck drainage will utilise substrates designed to lower flow spreads and minimise erosion.</li> </ul>
Air Quality			
AQ-1	Earthworks	Construction	<ul style="list-style-type: none"> <li>Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable</li> </ul>



			<ul style="list-style-type: none"> <li>• Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable.</li> <li>• Only remove the cover in small areas during work and not all at once.</li> </ul>
AQ-2	Construction	Construction	<ul style="list-style-type: none"> <li>• Avoid scabbling (roughening of concrete surfaces) if possible.</li> <li>• Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.</li> <li>• Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery.</li> <li>• For smaller supplies of fine power materials ensure bags are sealed after use and stored appropriately to prevent dust.</li> </ul>
AQ-3	Trackout	Construction	<ul style="list-style-type: none"> <li>• Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use.</li> <li>• Avoid dry sweeping of large areas.</li> <li>• Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.</li> <li>• Record all inspections of haul routes and any subsequent action in a site log book.</li> <li>• Inspect on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable.</li> <li>• Install hard surfaced haul routes, which are regularly damped down with fixed or mobile sprinkler systems, or mobile water bowzers and regularly cleaned.</li> <li>• Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).</li> <li>• Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout permits.</li> <li>• Access gates to be located at least 10 m from receptors where possible.</li> </ul>
<b>Noise and Vibration</b>			
NV-1	Construction Noise and Vibrations	Construction	<ul style="list-style-type: none"> <li>• A Construction Noise and Vibration Management Plan (CNVMP) will be prepared before any work begins. This would identify all potentially impacted receivers, assess the potential noise and vibration impacts from the project and provide details regarding how the impacts would be minimised through the use of all feasible and reasonable mitigation measures. The CNVMP is to also contain procedures for handling complaints, should they occur, and detail any compliance monitoring requirements.</li> </ul>
NV-2	Operational Noise Source Control	Operation	<ul style="list-style-type: none"> <li>• Use quieter mobile plant and equipment options, such as electric forklifts instead of gas forklifts;</li> <li>• Use broadband and/or ambient sensing alarms on trucks and forklifts where they are required to reverse during the night-time;</li> </ul>

			<ul style="list-style-type: none"> <li>• Appropriate specification and location of mechanical plant during detailed design to use lower noise emitting plant;</li> <li>• Appropriate design of warehouses during detailed design;</li> <li>• Roller doors to be kept closed when loading/unloading is not occurring to minimise noise breakout;</li> <li>• Appropriate design of site layout to minimise the need for trucks to stop or brake outside of loading docks with line of sight to residential receivers; and</li> <li>• Production of an Operational Noise Management Plan.</li> </ul>
NV-3	Operational Noise Path Control	Operation	<ul style="list-style-type: none"> <li>• Construction of noise barriers along boundary fence locations or other strategic locations to reduce noise levels where plant or equipment are in line of sight of the nearest receivers if exceedances are identified.</li> </ul>
NV-4	Operational Noise Receiver Control	Operation	<ul style="list-style-type: none"> <li>• The NPfl notes that noise mitigation at a residence may be required to be considered where the residual impact exceeds the PNTLs by <math>\geq 3</math> dB. At-property treatments typically include mechanical ventilation to allow windows to be closed as a noise mitigation measure, together with upgraded facade elements such as windows, doors and acoustic seals.</li> </ul>
NV-5	Operational Noise Verification Monitoring	Operation	<ul style="list-style-type: none"> <li>• Verify post-construction operational noise levels are in-line with predictions and the mitigation is working as intended through noise monitoring processes.</li> </ul>
Ground and Water Conditions			
GWC-1	Sediment and Erosion Control	Construction	<ul style="list-style-type: none"> <li>• A detailed Soil and Water Management Plan (SWMP) is to be prepared.</li> <li>• Regular site inspection and maintenance is to be carried out while earthworks and quarrying is being conducted.</li> <li>• A number of measures are recommended to minimise the impact of sedimentation due to construction works, including: <ul style="list-style-type: none"> <li>- Diversion of surface runoff from undisturbed areas away from disturbed areas and discharge via suitable scour protection.</li> <li>- Provision of hay bale type flow diverters to catch drainage and divert to 'clean' water drains.</li> <li>- Diversion of sediment-laden water into temporary sediment control basins to capture the design storm volume and undertake flocculation (if required).</li> <li>- Provision of construction traffic shaker grids and wash-down to prevent vehicles carrying soils beyond the site.</li> <li>- Provision of catch drains to carry sediment-laden water to sediment basins.</li> <li>- Provision of silt fences to filter and retain sediments at source.</li> <li>- Rapid stabilisation of disturbed and exposed ground surfaces with hydro-seeding areas where future construction and building works are not currently proposed.</li> <li>- All temporary sediment basins will be located clear of the 1% AEP flood extents from local overland flow within the site.</li> </ul> </li> </ul> <p>Bio-retention basins are to be utilised as temporary sediment control basins. The bio-retention basins shall not be converted into the final/ultimate basins until such time as all building and construction works within the Site has been completed and 90% of the Site is stabilised.</p>
GWC-2	Soil Management (Earthworks)	Construction	To minimise earthworks the following recommendations will be implemented:

			<ul style="list-style-type: none"> <li>• Importation of soil.</li> <li>• Vegetation cover is to be estimated and maintained on permanent batters upon completion to control erosion.</li> <li>• Final surface of all areas of the development is to be graded to prevent the ponding of surface water.</li> <li>• Erosion control of temporary batters, stockpile and disturbed areas are to be planned prior to undertaking the earthworks and implemented during earthworks. Consideration is to be given to: <ul style="list-style-type: none"> <li>- Grading and sealing partially completed surfaces.</li> <li>- Installation of clearly visible fencing and traffic control measures to prevent unnecessary trafficking of areas and ensuring site disturbance.</li> <li>- Establishing set vehicular access points and roads.</li> <li>- Protecting stockpiles.</li> <li>- Sediment control shall be implemented by means of sediment traps and silt fencing when necessary.</li> </ul> </li> </ul>
GWC-3	Importation of Soil	Construction	<ul style="list-style-type: none"> <li>• May be required to import topsoil or other soil onto site. Highly saline or contaminated soils are not to be imported to site.</li> </ul>
GWC-4	Gardens and Landscaped Areas	Detailed Design	<ul style="list-style-type: none"> <li>• Selection of plant species is to consider the soil conditions, including moderate salinity, relatively poor fertility and clayey low permeability soil profiles. Promotion of successful revegetation is likely to require use of nutrient rich topsoil. Saline topsoils are not to be imported to site.</li> <li>• Potential for water logging is to be minimised by: <ul style="list-style-type: none"> <li>- Adopting plant species with minimal watering requirements.</li> <li>- Adopting 'waterwise' gardening principles</li> <li>- Minimising use of potable water in landscaped areas</li> <li>- Properly designed and implemented irrigation systems</li> <li>- Establishment of perennial species and deep rooted trees</li> </ul> </li> </ul>
GWC-5	Roads, Footpaths, and Hardstand Areas	Detailed Design	<ul style="list-style-type: none"> <li>• Roads, footpaths and hardstand surfaces are to be graded, and the grades maintained at all times to prevent ponding of surface water at location where this can result in infiltration into the underlying soils (e.g. pavement joints).</li> <li>• Connections between the roads, footpath and hardstand surfaces and the surface water and stormwater drainage infrastructure is to be designed, constructed and maintained to restrict infiltration into underlying soils.</li> <li>• Services that are to be located below the roads, footpath and hardstand surfaces are to be installed where practical, at time of construction.</li> <li>• Provision for a damp-proof course or membrane beneath slabs are to be considered by the slab designer.</li> </ul>
GWC-6	Surface Water, Stormwater and Drainage	Detailed Design	<ul style="list-style-type: none"> <li>• Surface water, stormwater and drainage design will restrict infiltration into the ground resulting in groundwater recharge.</li> <li>• Disturbance of natural drainage patterns will be reduced. Where these are disturbed or altered appropriate artificial drainage will be installed.</li> <li>• Temporary water retaining structures used during construction will be managed to restrict infiltration.</li> <li>• Stormwater and surface water infrastructure will be designed and constructed to minimise the likelihood of leakage.</li> </ul>

			<ul style="list-style-type: none"> <li>• Guttering and down pipes will be connected and maintained.</li> <li>• Surface water runoff will be directed around all exposed surfaces, temporary stockpiles and landscaped areas.</li> </ul>
<b>Water Management</b>			
WM-1	On-going Management and Maintenance	Operation	<ul style="list-style-type: none"> <li>• An Inspection and Maintenance Plan will be prepared and lodged with the construction certificate for the subdivision works once final design details and the extent and layout of all proposed water management measures is confirmed.</li> <li>• It is anticipated that the Inspection and Maintenance Plan would be prepared using current best practice guidance such as Water sensitive urban design inspection and maintenance guidelines (Blacktown City Council, 2019) and would describe: <ul style="list-style-type: none"> <li>- Each of the functional components of each water management measure;</li> <li>- Expertise required to inspect, maintain and (where necessary) repair or replace components;</li> <li>- Minimum required frequency of inspection, repair or replacement activities; and</li> <li>- Inspection and maintenance forms that list all necessary activities and contain a record of activities completed.</li> </ul> </li> <li>• The Estate Arrangement would incorporate some estate-based measures such as on-lot rainwater tanks, GPTs and an estate-wide detention basin. These measures would be managed and maintained by the proponent, with inspection and maintenance requirements consistent with those described above. The planned regional stormwater management scheme, which would incorporate measures to manage stormwater quality and volume across the MRP, would be managed and maintained by Sydney Water.</li> </ul>
<b>Hazards and Risks</b>			
HR-1	Construction hazard and risk management across the proposal	Construction	<p>Prepare a hazard and risk management plan (HRMP) as a sub-plan of the CEMP. As a minimum, the plan would:</p> <ul style="list-style-type: none"> <li>• Include an emergency response plan</li> <li>• Be prepared by a suitably qualified hazard management specialist</li> <li>• Provide for the implementation, monitoring and maintenance of the identified hazard controls.</li> </ul>
HR-2	Accidental spillage and discharge across the proposal during construction	Construction	<ul style="list-style-type: none"> <li>• Keep wet and dry spill kit, sand-filled/gravel-filled socks and geotextile matting on the site at all times. Train staff in the appropriate deployment, use, removal and disposal of spill kit.</li> </ul>
HR-3	Workforce and public safety during construction across the site	Construction	<ul style="list-style-type: none"> <li>• Fence off and secure the site to prevent public access.</li> </ul>
HR-4	Workforce and public safety during construction across the site	Construction	<ul style="list-style-type: none"> <li>• Use terracing excavation methods where applicable.</li> <li>• Backfill / cover all open excavations with boards/plates outside of working hours.</li> </ul>
HR-5	Workforce and public safety during construction across the Proposal	Construction	<ul style="list-style-type: none"> <li>• Inspect the entry connection into the site ahead of any required demobilisation to ensure there are no road-user or pedestrian hazards.</li> </ul>



HR-6	Hazardous material and dangerous goods transportation to the construction site during construction	Construction	<p>Handle and use dangerous goods and hazardous materials in accordance with:</p> <ul style="list-style-type: none"> <li>the <i>NSW Work Health and Safety Act 2011</i> and associated regulations;</li> <li>the Storage and Handling of Dangerous Goods Code of Practice (WorkCover NSW, 2005);</li> <li><i>NSW Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998</i>; and</li> <li>Australian Government's Code for the Transport of Dangerous Goods by Road and Rail (National Transport Commission, 2008).</li> </ul>
HR-7	Utility or services strike across the site during construction	Construction	<ul style="list-style-type: none"> <li>Undertake detailed utility surveys as part of the detailed design along with utility-provider consultation.</li> </ul>
HR-8	Utility or services strike across the site during construction	Construction	<ul style="list-style-type: none"> <li>Prepare and work to a utility and services plan. No work would take place outside of this plan without additional consultation and utility searches.</li> </ul>
HR-9	Hazardous material and dangerous goods transportation and storage across the site during operation	Operation	<p>Handle, store and use hazardous and dangerous goods and in accordance with:</p> <ul style="list-style-type: none"> <li>the <i>NSW Work Health and Safety Act 2011</i> and associated regulations;</li> <li>the Storage and Handling of Dangerous Goods Code of Practice (WorkCover NSW, 2005);</li> <li><i>NSW Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998</i>; and</li> <li>Australian Government's Code for the Transport of Dangerous Goods by Road and Rail (National Transport Commission, 2008).</li> <li>All storage and transport of dangerous goods to remain below the Applying SEPP 33 screening thresholds.</li> </ul>
HR-10	Hazardous material and dangerous goods storage during operation	Operation	<ul style="list-style-type: none"> <li>Hazardous materials and dangerous goods will be store within a bunded and secure storage facility on the site as required by the tenant.</li> </ul>
HR-11	Driver safety across the site during operation	Operation	<ul style="list-style-type: none"> <li>Incorporate car park signage to indicate direction of travel and traffic calming devices including speed humps and speed limits.</li> </ul>
<b>Contamination and Remediation</b>			
CR-1	Site Management	Construction	<ul style="list-style-type: none"> <li>A general site management plan for the operational phase of site remediation is included in Appendix H of the RAP. The management plan includes soil, noise, dust, work health safety, remediation schedule, hours of operation and incident response. The Remediation Contractor is to implement the general site management plan for the duration of remedial works by incorporating the plan into their over-arching construction environmental management plan.</li> </ul>
CR-2	Site Responsibilities	Construction	<ul style="list-style-type: none"> <li>The site management plan (Appendix H of the RAP provides a summary of the general management and associated responsibilities. Contact details for key utilities are also to be included in the event of needing to respond to any incidents.</li> </ul>
CR-3	Contingency Plan, Unexpected Finds Protocol and Asbestos Finds Protocol	Construction	<ul style="list-style-type: none"> <li>Plans for contingency situations (e.g., encountering asbestos in fill where not previously identified), along with an unexpected finds and asbestos finds protocol for dealing with unexpected / asbestos finds during remediation work / earthworks are included in Appendix I of the RAP.</li> </ul>

CR-4	Validation Report	Construction	<ul style="list-style-type: none"> <li>A validation assessment report will be prepared by the Environmental Consultant in accordance with NSW EPA (2020). The validation report shall describe the remediation approach adopted, methodology, results and conclusion of the assessment and make a statement regarding the suitability of the site for the proposed industrial warehouse development.</li> </ul>
<b>Waste Management</b>			
WASM-1	Waste Storage Area Features	Operation	<p>In accordance with better practice waste management and the Penrith DCP, the developments waste storage areas are to have the following features:</p> <ul style="list-style-type: none"> <li>Blend in with the design of the wider development and the surrounding streetscape;</li> <li>Be well lit and well-ventilated;</li> <li>Fully enclosed and walled;</li> <li>Adequate vermin prevention measures;</li> <li>Reduce potential noise and odour impacts;</li> <li>Enhance safety for the public;</li> <li>Be connected to a water outlet for washing purposes;</li> <li>Equipped with a hot and cold tap-based water supply centralised mixing valve;</li> <li>Floor graded to a central drainage point which is connected to the sewer;</li> <li>Have water discharge from washing flow to a sewer approved by the relevant authority;</li> <li>Waterproofed and sealed non-slip floor constructed in accordance with the BCA;</li> <li>Waste equipment is protected from theft and vandalism;</li> <li>Be fully enclosed, walled and not permit through access to other on-site waste infrastructure;</li> <li>Have a minimum 2.7 m unobstructed internal room height in accordance with the BCA;</li> <li>Adequate lighting and natural or mechanical ventilation in accordance with the BCA;</li> <li>Provide suitable dual door access with a minimum width of 1.8 m and a minimum 1.8 m unobstructed access corridor for the service of bins;</li> <li>Provide administrative management, including signage to ensure appropriate use;</li> <li>Be screened from public areas, preferably with landscape buffer planting, to reduce the impacts of noise, odour and visual amenity; and</li> <li>Flexible in design to allow for future changes in operation, tenancies and uses.</li> </ul>
WASM-2	Waste Servicing	Operation	<ul style="list-style-type: none"> <li>The following general waste servicing access requirements are to be implemented: <ul style="list-style-type: none"> <li>Waste will be removed regularly; and</li> <li>Arrangements will be in place so that the waste and recycling storage rooms are not accessible to the general public.</li> </ul> </li> <li>In accordance with the Penrith DCP, the following is required for the access provisions for of waste collection vehicles: <ul style="list-style-type: none"> <li>Collection vehicles must be able to enter and exit the collection area in a forward direction;</li> <li>Drawings must show the site's entry point, vehicle's route of travel and manoeuvring</li> <li>Swept path models must illustrate how a standard waste collection vehicle will enter, service and exit the site</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- A 0.5 m unobstructed clearance is required from all obstructions for the vehicle's ingress and egress manoeuvres</li> <li>- Unobstructed access, adequate driveways and ramps of sufficient strength to support waste collection</li> <li>- Access for the collection vehicles must be separate from the entry and exit driveway of any car parking areas to and from public areas</li> <li>- An acoustic assessment is to accompany the DA and account for waste collection location and times, and</li> <li>- A structural engineer's report is to accompany the DA and confirm that all infrastructure used for vehicle ingress and egress movements can support the waste collection vehicle's weight. The Penrith DCP consists of dimensions for waste collection vehicles.</li> <li>• Once a private waste contractor is engaged, a valid waste and recycling collection contract is recommended to demonstrate disposal at a waste facility lawfully able to accept it. Written evidence of the valid contract will be kept on-site.</li> </ul>
WASM-3	Waste Avoidance, Reuse and Recycling Measures	Operation	<ul style="list-style-type: none"> <li>• Waste avoidance measures include: <ul style="list-style-type: none"> <li>- Participating in take-back services to suppliers to reduce waste further along the supply chain;</li> <li>- Avoiding printing where possible;</li> <li>- Review of packaging design to reduce waste but maintain 'fit for purpose';</li> <li>- Providing ceramic cups, mugs, crockery and cutlery rather than disposable items;</li> <li>- Purchasing consumables in bulk to avoid unnecessary packaging;</li> <li>- Presenting all waste reduction initiatives to staff as part of their induction program; and</li> <li>- Investigating leased office equipment and machinery rather than purchase and disposal.</li> </ul> </li> <li>• Possible re-use opportunities include establishing systems with in-house and supply chain stakeholders to transport products in re-useable packaging where possible.</li> <li>• Recycling opportunities include: <ul style="list-style-type: none"> <li>- Collecting and recycling e-waste;</li> <li>- Flatten or bale cardboard to reduce number of bins required;</li> <li>- Paper recycling trays provided in office areas for scrap paper collection and recycling;</li> <li>- Collecting printer toners and ink cartridges in allocated bins for appropriate contractor recycling; and</li> <li>- Development of 'buy recycled' purchasing policy.</li> </ul> </li> </ul>
WASM-4	Communication Strategies	Operation	<ul style="list-style-type: none"> <li>• Waste management initiatives and management measures will be clearly communicated to building managers, owners, employees, customers and cleaners. Benefits of providing this communication include: <ul style="list-style-type: none"> <li>- Improved satisfaction with services - increased ability and willingness to participate in recycling;</li> <li>- Improved amenity and safety;</li> <li>- Improved knowledge and awareness through standardisation of services;</li> <li>- Increased awareness or achievement of environmental goals and targets</li> <li>- Reduced contamination of recyclables stream</li> <li>- Increased recovery of recyclables and organics material, if implemented; and</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>- Greater contribution to targets for waste reduction and resource recovery, the environment and heritage conservation.</li> </ul>
WASM-5	Signage	Operation	<ul style="list-style-type: none"> <li>• As outlined in the Penrith DCP, the waste storage and collection areas will be provided with appropriate signage. These signs will clearly identify waste management procedures and provisions to contractors, tenants and visitors will be distributed around the Project.</li> <li>• Signs which clearly identify waste management procedures and provisions to staff and visitors will be distributed around the Project. Key signage considerations are: <ul style="list-style-type: none"> <li>- Clear and correct labelling on all waste and recycling bins, indicating the correct type or types of waste that can be placed into a given bin;</li> <li>- Signposts and directions to location of waste storage areas;</li> <li>- Clear signage in all waste storage areas to instruct users how to correctly separate waste and recycling;</li> <li>- Maintaining a consistent style colour scheme and system for signs throughout the Project; and</li> <li>- Emergency contact information for reporting issues associated with waste or recycling management.</li> </ul> </li> <li>• Colour-coded and labelled bin lids are necessary for identifying bins. All signage will conform to the relevant Australian Standard and use labels approved by the NSW EPA16. The design and use of safety signs for waste rooms and enclosures will comply with Australian Standard AS 1319 Safety Signs for the Occupational Environment and clearly describes the types of materials designated for each bin.</li> </ul>
WASM-6	Monitoring and Reporting	Operation	<ul style="list-style-type: none"> <li>• Monitoring is to be carried out to ensure waste and recycling management arrangements and provisions for the Project are functional, practical and are maintained to the standard outlined in this plan, at a minimum.</li> <li>• Visual assessments of bins and bin storage areas will be conducted by the building manager, at minimum: <ul style="list-style-type: none"> <li>- Weekly, in the first two months of operation to ensure the waste management system is sufficient for the operation; and</li> <li>- Every six months, to ensure waste is being managed to the standards outlined in the WMP.</li> </ul> </li> </ul>
WASM-7	Roles and Responsibilities	Operation	<ul style="list-style-type: none"> <li>• It is the responsibility of the Building Manager, or equivalent role, to implement this WMP and a responsibility of all warehouse tenants and staff to follow the waste management procedures set out by the WMP. All subcontractors enlisted by the Client are to have roles and responsibilities identified and the Project's waste management system clearly explained</li> </ul>
<b>Aboriginal Cultural Heritage</b>			
ACH-1	Development of a Cultural Heritage Management Plan	Construction	<ul style="list-style-type: none"> <li>• A Cultural Heritage Management Plan (CHMP) be developed in order to appropriately manage Aboriginal cultural heritage identified within the study area. This will identify how to properly manage Aboriginal heritage for the project and would include unanticipated finds protocols and a heritage induction to be undertaken by the site personnel prior to works.</li> <li>• The CHMP must be prepared by a suitably qualified archaeologist in consultation with the Registered Aboriginal Parties (RAPs) for the project.</li> </ul>



ACH-2	Long Term Care Agreement	Operation	<ul style="list-style-type: none"> <li>The establishment of a long term care agreement in consultation with RAPs will be developed in order to ensure the artefacts identified as part of this assessment are adequately cared for. Several management options are possible depending on the wishes of RAPs. Artefacts recovered from the excavations can be given back to the Aboriginal community through a care and control agreement where they can then be used to teach subsequent generations about Aboriginal culture or can be reburied in a culturally appropriate place.</li> <li>This approach considers the principles of Ecologically Sustainable Development (ESD) and intergenerational equity and more importantly ensures that recovered artefacts are managed according to the wishes of RAPs.</li> </ul>
ACH-3	Continued Consultation with RAPs	Construction, Operation	<ul style="list-style-type: none"> <li>As per the consultation guidelines the proponent is to provide a copy of this report to the RAPs and considers all comments received. The Applicant will continue to inform these groups about the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.</li> </ul>
ACH-4	Native Landscaping	Detailed Design	<ul style="list-style-type: none"> <li>Consultation with Kamilaroi Yankuntjatjara Working Group has also recommended that native landscaping be implemented for the project. ESR Australia are to consult with the landscape architect for the project to provide for native landscaping where practical in the detailed design phase.</li> </ul>
ACH-5	Discovery of Unanticipated Aboriginal Objects	Construction	<ul style="list-style-type: none"> <li>If any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find will not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations.</li> </ul>
ACH-6	Discovery of Unanticipated Historical Relics	Construction	<ul style="list-style-type: none"> <li>If unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find.</li> </ul>
ACH-7	Discovery of Human Remains	Construction	<ul style="list-style-type: none"> <li>If any suspected human remains are discovered during any activity you must: <ul style="list-style-type: none"> <li>Immediately cease all work at that location;</li> <li>Notify the NSW Police and the Environmental Line; and</li> <li>Not recommence work at that location unless authorised in writing by Heritage NSW and/or NSW Police.</li> </ul> </li> </ul>
Environmental Heritage			
EH-1	Discovery of unanticipated historical relics	Construction	<ul style="list-style-type: none"> <li>Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. If unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. Heritage NSW will require notification if the find is assessed as a relic.</li> </ul>
Social Impact			
SI-1	Ongoing Consultation	Construction, Operation	<ul style="list-style-type: none"> <li>ESR will continue to consult with all relevant parties including surrounding landowners during both construction and operation. ESR will implement a community consultation and complaints handling as part of the Construction Environmental Management Plan at the post-approval stage to ensure consultation with surrounding landowners during construction.</li> </ul>

Bush Fire Risk			
BFR-1	NCC Compliance	Detailed Design	<ul style="list-style-type: none"> <li>The construction shall comply with the National Construction Code (2019), Australian Standard AS 3959:2018, Construction of buildings in bush fire-prone areas and/or NASH Standard (1.7.14 updated), National Standard Steel Framed Construction in Bushfire Areas – 2014, and Section 7.5 of Planning for Bush Fire Protection 2019 on a prescriptive (deemed to satisfy and/or acceptable solution) basis and/or performance basis.</li> </ul>
BFR-2	BCA Compliance	Detailed Design	<ul style="list-style-type: none"> <li>Fire hydrants are provided in accordance with Building Code of Australia E1.3, AS2419.1:2005, including the ring main requirements for large, isolated buildings and those identified in Section 7.7 of the Bushfire Hazard Assessment.</li> </ul>
BFR-3	Inner Protection Area	Detailed Design	<ul style="list-style-type: none"> <li>The entire site is to be maintained as an Inner Protection Area (IPA) in accordance with Appendix 4 of PBP 2019 and the NSW RFS "Asset protection zone standards".</li> </ul>

## APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

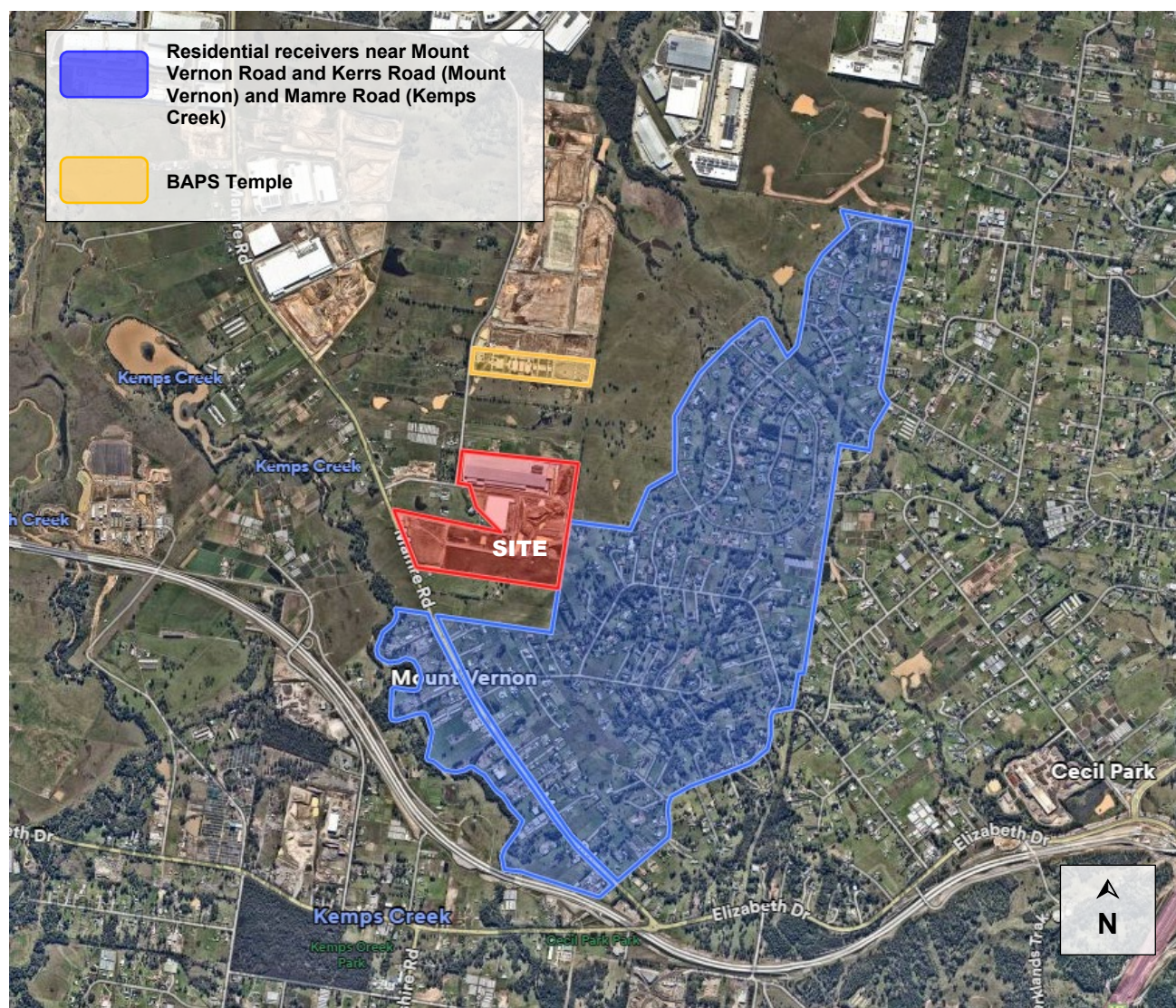
1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident;
  - (e) a summary of the incident;
  - (f) outcomes of an incident investigation, including identification of the cause of the incident;
  - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.

### INCIDENT REPORT REQUIREMENTS

5. If requested by the Planning Secretary, 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.
6. 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.

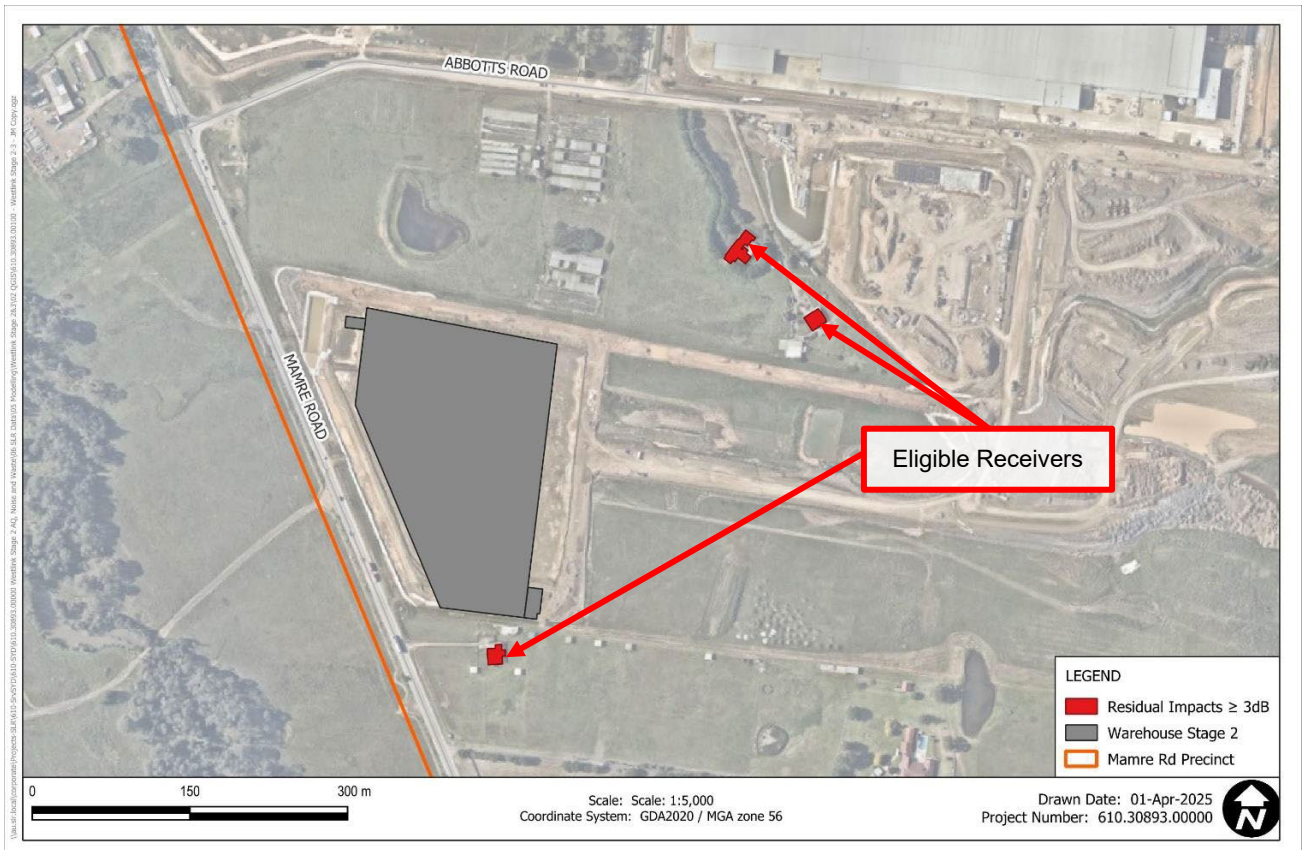


## APPENDIX 4 APPENDIX 4 NOISE SENSITIVE RECEIVERS



**Figure 4: Noise Sensitive Receivers**

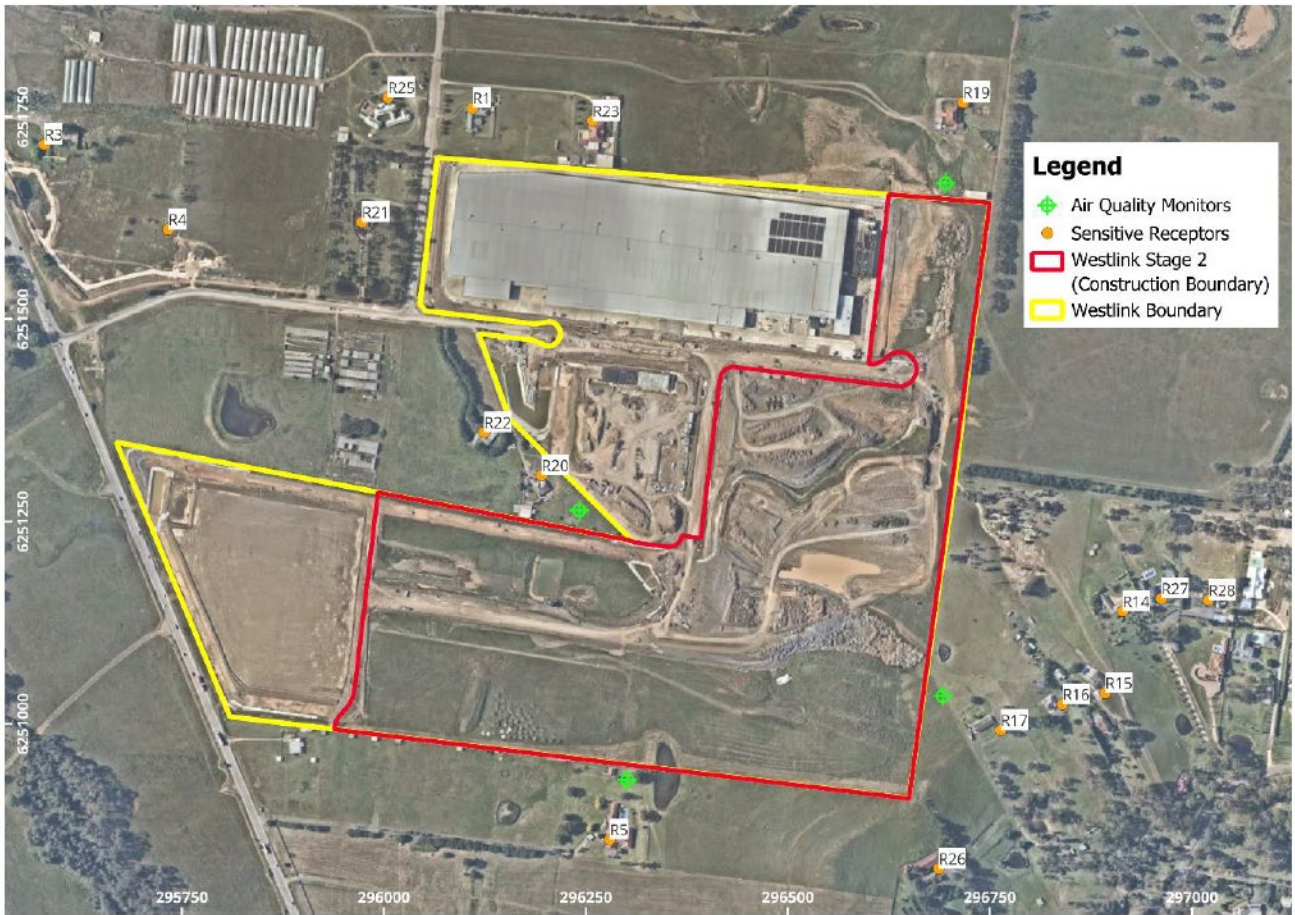
## APPENDIX 5 NOISE MITIGATION ELIGIBLE RECEIVERS' LOCATIONS



**Figure 5: Noise mitigation eligible receivers within the MRP**



## APPENDIX 6 AIR QUALITY MONITOR LOCATIONS



**Figure 6: Air Quality Monitor Locations (shown in green)**