

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA24/0703

Development: Site preparation works, site servicing and infrastructure works, staged construction and operation of two (2) warehouse / distribution centres with ancillary office space, vehicle manoeuvring area, car parking, landscaping works and associated signage.

Site: No. 285 Aldington Road, Kemps Creek (also known as 1 Abbotts Road, Kemps Creek) – Lot 10 in DP 1296455

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: [to be inserted]

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “Proponent” or “Developer” or “Applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as No. 285 Aldington Road, Kemps Creek (formally known as Lot 10 in DP 1296455)

The conditions of consent are as follows:

GENERAL CONDITIONS

1. The development must be implemented in accordance with the following approved plans and documents, except as varied by the following conditions.

Document / Drawing Title	Drawing / Plan / Project / File No.	Issue / Revision	Prepared by	Dated
Staging Plan – Stage 1	13193_DA003	P9	Nettleton Tribe	12 November 2025
Staging Plan – Stage 2	13193_DA003A	P6	Nettleton Tribe	12 November 2025
Demolition Plan	13193_DA004	P5	Nettleton Tribe	12 November 2025
Site Plan– Lower Ground Floor	13193_DA010	P23	Nettleton Tribe	30 March 2026
Site Plan – Ground Floor	13193_DA011	P32	Nettleton Tribe	30 March 2026
Site Plan – Level 1	13193_DA012	P14	Nettleton Tribe	30 March 2026
Roof Plan	13193_DA013	P15	Nettleton Tribe	30 March 2026
Pervious Area Plan	13193_DA025	P10	Nettleton Tribe	30 March 2026
Signage Details, Typical Colours and Material Schedule	13193_DA050	P9	Nettleton Tribe	2 September 2025
Warehouse 2 – Lower Ground Floor Plan (Stage 1)	13193_DA111	P3	Nettleton Tribe	30 March 2026
Warehouse 2 –Ground Floor Plan (Stage 1)	13193_DA112	P4	Nettleton Tribe	30 March 2026
Warehouse 2 – Level 1 Plan (Stage 1)	13193_DA113	P3	Nettleton Tribe	30 March 2026
Warehouse 2 – Roof Plan (Stage 1)	13193_DA114	P3	Nettleton Tribe	30 March 2026
Warehouse 2 – Office 2A Plans (Stage 1)	13193_DA120	P3	Nettleton Tribe	30 March 2026
Warehouse 2 – Office 2B Plans (Stage 1)	13193_DA121	P2	Nettleton Tribe	30 March 2026
Warehouse 2 – Elevations Sheet 1 (Stage 1)	13193_DA130	P2	Nettleton Tribe	12 November 2025
Warehouse 2 – Elevations Sheet 2 (Stage 1)	13193_DA131	P2	Nettleton Tribe	12 November 2025
Warehouse 2 – Office 2A Elevations (Stage 1)	13193_DA135	P1	Nettleton Tribe	8 September 2025
Warehouse 2 – Office 2B Elevations (Stage 1)	13193_DA136	P1	Nettleton Tribe	8 September 2025
Stage 1 – Streetscape Elevations	13193_DA138	P2	Nettleton Tribe	12 November 2025
Warehouse 2 – Building Sections	13193_DA140	P2	Nettleton Tribe	12 November 2025

Stage 1 – Site Sections	13193_DA141	P2	Nettleton Tribe	12 November 2025
Stage 1 – Boundary Sections Sheet 1	13193_DA145	P3	Nettleton Tribe	30 March 2026
Stage 1 – Boundary Sections Sheet 2	13193_DA146	P3	Nettleton Tribe	30 March 2026
Stage 1 – Signage Plan	13193_DA151	P1	Nettleton Tribe	8 September 2026
Stage 1 – Fencing Plan	13193_DA170	P3	Nettleton Tribe	30 March 2026
Stage 1 – Lighting Layout Lower Ground Floor	13193_DA171	P3	Nettleton Tribe	30 March 2026
Stage 1 – Lighting Layout Upper Ground Floor	13193_DA172	P3	Nettleton Tribe	30 March 2026
Warehouse 1 – Lower Ground Floor Plan	13193_DA211	P3	Nettleton Tribe	30 March 2026
Warehouse 1 –Ground Floor Plan	13193_DA212	P4	Nettleton Tribe	30 March 2026
Warehouse 1 – Roof Plan	13193_DA213	P3	Nettleton Tribe	30 March 2026
Warehouse 1 – Office 1A Plans	13193_DA220	P3	Nettleton Tribe	30 March 2026
Warehouse 1 – Office 1B Plans	13193_DA221	P3	Nettleton Tribe	30 March 2026
Warehouse 1 – Elevations Sheet 1	13193_DA230	P1	Nettleton Tribe	8 September 2025
Warehouse 1 – Elevations Sheet 2	13193_DA231	P2	Nettleton Tribe	12 November 2025
Warehouse 1 – Office 1A Elevations	13193_DA235	P1	Nettleton Tribe	8 September 2025
Warehouse 1 – Office 1B Elevations	13193_DA236	P1	Nettleton Tribe	8 September 2025
Stage 2 – Streetscape Elevations	13193_DA238	P2	Nettleton Tribe	12 November 2025
Warehouse 1 – Building Sections	13193_DA240	P2	Nettleton Tribe	12 November 2025
Stage 2 – Site Sections	13193_DA241	P2	Nettleton Tribe	12 November 2025
Stage 2 – Boundary Sections Sheet 1	13193_DA245	P3	Nettleton Tribe	30 March 2026
Stage 2 – Boundary Sections Sheet 2	13193_DA246	P3	Nettleton Tribe	30 March 2026
Stage 2 – Boundary Sections Sheet 3	13193_DA247	P1	Nettleton Tribe	30 March 2026
Stage 2 – Boundary Sections Sheet 4	13193_SK248	P1	Nettleton Tribe	30 March 2025
Stage 2 – Signage Plan	13193_DA251	P1	Nettleton Tribe	8 September 2025
Stage 2 – Fencing Plan	13193_DA270	P3	Nettleton Tribe	30 March 2026

Stage 2 – Indicative Lighting Layout Lower Ground Floor	13193_DA271	P3	Nettleton Tribe	30 March 2026
Stage 2 – Indicative Lighting Layout Upper Ground Floor	13193_DA272	P3	Nettleton Tribe	30 March 2026
Stage 1 – Civil Plan Index, Notes & Legend	CD1002	L	J Wyndham Prince	30 March 2026
Stage 1 – Overall Site Plan	CD1003	J	J Wyndham Prince	30 March 2026
Stage 1 – Pavement Plan	CD1006	J	J Wyndham Prince	30 March 2026
Stage 1 – Cut & Fill Plan	CD1010	J	J Wyndham Prince	30 March 2026
Stage 1 – Site Sections – Sheet 1	CD1011	H	J Wyndham Prince	30 March 2026
Stage 1 – Site Sections – Sheet 2	CD1012	G	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 1	CD1100	J	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 2	CD1101	I	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 3	CD1102	I	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 4	CD1103	K	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 5	CD1104	H	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 6	CD1105	H	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 7	CD1106	K	J Wyndham Prince	30 March 2026
Stage 1 – Engineering Plan – Sheet 8	CD1107	H	J Wyndham Prince	30 March 2026
Stage 1 – Road Longitudinal Sections – Sheet 1	CD1110	F	J Wyndham Prince	30 March 2026
Stage 1 – Road Longitudinal Sections – Sheet 2	CD1111	F	J Wyndham Prince	30 March 2026
Stage 1 – Catchment Plan – Interim	CD1200	I	J Wyndham Prince	30 March 2026
Stage 1 – Typical Sections – Sheet 1	CD1310	H	J Wyndham Prince	30 March 2026
Stage 1 – Typical Sections – Sheet 2	CD1311	G	J Wyndham Prince	30 March 2026
Stage 1 – Typical Sections – Sheet 3	CD1312	G	J Wyndham Prince	30 March 2026
Stage 1 – Typical Pit Arrangements	CD1313	F	J Wyndham Prince	30 March 2026
Stage 1 – Drainage Details	CD1314	C	J Wyndham Prince	30 March 2026
Stage 1 – Interim Stormwater Management Plan	CD1350	L	J Wyndham Prince	30 March 2026

Stage 1 – Retaining Wall Plan	CD1400	J	J Wyndham Prince	30 March 2026
Stage 1 – Retaining Wall Longitudinal Sections – Sheet 1	CD1401	G	J Wyndham Prince	30 March 2026
Stage 1 – Retaining Wall Longitudinal Sections – Sheet 2	CD1402	H	J Wyndham Prince	30 March 2026
Stage 1 – Retaining Wall Longitudinal Sections – Sheet 3	CD1403	B	J Wyndham Prince	30 March 2026
Stage 1 – Retaining Wall Longitudinal Sections – Sheet 4	CD1404	B	J Wyndham Prince	30 March 2026
Stage 1 – Retaining Wall Typical Details	CD1410	F	J Wyndham Prince	30 March 2026
Stage 1 – Soil & Water Management Plan	CD1550	H	J Wyndham Prince	30 March 2026
Stage 1 – Soil & Water Management Notes	CD1551	E	J Wyndham Prince	30 March 2026
Stage 1 – Soil & Water Management Details	CD1600	F	J Wyndham Prince	30 March 2026
Stage 2 – Civil Plan Index, Notes & Legend	CD2002	L	J Wyndham Prince	30 March 2026
Stage 2 – Overall Site Plan	CD2003	J	J Wyndham Prince	30 March 2026
Stage 2 – Pavement Plan	CD2006	J	J Wyndham Prince	30 March 2026
Stage 2 – Engineering Plan – Sheet 1	CD2100	J	J Wyndham Prince	30 March 2026
Stage 2 – Engineering Plan – Sheet 2	CD2101	I	J Wyndham Prince	30 March 2026
Stage 2 – Engineering Plan – Sheet 3	CD2102	H	J Wyndham Prince	Undated but issued with 30 March 2026 bundle
Stage 2 – Engineering Plan – Sheet 4	CD2103	I	J Wyndham Prince	30 March 2026
Stage 2 – Engineering Plan – Sheet 5	CD2104	I	J Wyndham Prince	30 March 2026
Stage 2 – Road Longitudinal Sections – Sheet 1	CD2110	F	J Wyndham Prince	30 March 2026
Stage 2 – Road Longitudinal Sections – Sheet 2	CD2111	F	J Wyndham Prince	30 March 2026
Stage 2 – Catchment Plan – Ultimate	CD2200	K	J Wyndham Prince	30 March 2026
Stage 2 – Ocean Guard Typical Pit Arrangements	CD2311	F	J Wyndham Prince	30 March 2026
Stage 2 – Typical Site Sections	CD2312	F	J Wyndham Prince	30 March 2026
Stage 2 – Permeable Paving Details	CD2313	B	J Wyndham Prince	30 March 2026

Stage 2 – Ultimate Stormwater Management Plan Staging Plan 2	CD2351	J	J Wyndham Prince	30 March 2026
Stage 2 – Soil & Water Management Plan	CD2352	C	J Wyndham Prince	30 March 2026
Stage 2 – Retaining Wall Plan	CD2400	J	J Wyndham Prince	30 March 2026
Stage 2 – Retaining Wall Longitudinal Section	CD2401	F	J Wyndham Prince	30 March 2026
Stage 2 – Retaining Wall Typical Details	CD2410	F	J Wyndham Prince	30 March 2026
Landscape Coversheet – Stage 1	S1_000	M	Site Image	8 April 2026
Landscape Masterplan – Stage 1	S1_001	O	Site Image	8 April 2026
Canopy Coverage Plan – Stage 1	S1_002	M	Site Image	8 April 2026
Landscape Plan – Stage 1	S1_101	K	Site Image	2 April 2026
Landscape Plan – Stage 1	S1_102	K	Site Image	8 April 2026
Landscape Plan – Stage 1	S1_103	K	Site Image	2 April 2026
Landscape Plan – Stage 1	S1_104	L	Site Image	8 April 2026
Landscape Plan – Stage 1	S1_105	J	Site Image	27 March 2026
Landscape Detail Plans – Stage 1	S1_201	B	Site Image	2 April 2026
Landscape Details – Stage 1	S1_501	A	Site Image	11 July 2025
Landscape Details – Stage 1	S1_502	G	Site Image	8 April 2026
Landscape Sections – Stage 1	S1_601	G	Site Image	14 November 2025
Landscape Sections – Stage 1	S1_602	D	Site Image	16 January 2026
Landscape Sections – Stage 1	S1_603	A	Site Image	27 March 2026
Landscape Coversheet – Stage 2	S2_000	L	Site Image	8 April 2026
Landscape Masterplan – Stage 2	S2_001	M	Site Image	8 April 2026
Canopy Coverage Plan – Stage 2	S2_002	L	Site Image	8 April 2026
Landscape Plan – Stage 2	S2_101	K	Site Image	2 April 2026
Landscape Plan – Stage 2	S2_102	K	Site Image	8 April 2026
Landscape Plan – Stage 2	S2_103	J	Site Image	2 April 2026

Landscape Plan – Stage 2	S2_104	J	Site Image	2 April 2026
Landscape Detail Plan – Stage 2	S2_201	B	Site Image	2 April 2026
Landscape Details – Stage 2	S2_501	A	Site Image	11 July 2025
Landscape Details – Stage 2	S2_502	H	Site Image	2 April 2026
Landscape Sections	S2_601	F	Site Image	2 April 2026
Landscape Sections	602	A	Site Image	27 March 2026
Landscape Sections	603	A	Site Image	2 April 2026
Detailed Site Investigation	216848.02	0	Douglas Partners	22 June 2024
Flood Impact & Risk Assessment Report	-	A	J Wyndham Prince	7 August 2025
Report on Additional Geotechnical Investigation	216848.03	0	Douglas Partners	7 June 2024
Waste Management Plan	610.031970.00001	4.0	SLR Consulting Australia	11 December 2025
Noise & Vibration Impact Assessment	610.031576.00001	v1.2	SLR Consulting Australia	17 December 2025
Operational Traffic Management Plan & Operational Environmental Management Plan Summary Statement	-	1	Gyde	1 April 2026
Operational Traffic Management Plan	P2219	04	Ason Group	12 December 2025
Weed Eradication & Management Plan	J2031250617.01	2	Aspect Environmental	20 June 2025
Aboriginal Cultural Heritage Assessment	42623	Final version 02	Biosis	7 September 2026
Archaeological Report	42623	Final version	Biosis	7 September 2026

2. Unless otherwise specified in this consent, where a plan, report or additional information (**Additional Documentation**) is required to be submitted to Council for approval under a condition of this consent, the Additional Documentation will be taken to have been approved by Council if it has failed to provide written approval or refusal of that Additional Documentation within 21 days of the Additional Documentation being submitted (**Deemed Approval Period**).

The Deemed Approval Period is suspended from the date Council issues a written request within 14 days of receipt of the Additional Documentation seeking further information or amendments in relation to the Additional Documentation until the date on which the Applicant responds to the Council request.

3. An 'Aboriginal Heritage Impact Permit' (pursuant to Section 90 of the National Parks and Wildlife Act 1974) is to be obtained from Heritage NSW, and evidence of such submitted to Penrith City Council, prior to the issue of any Construction Certificate.

The development is to comply with the conditions and requirements outlined within the General Terms of Approval (HMS Application Id No. 13704), issued by Heritage NSW, on 10 March 2026, and any conditions and / or requirements of the associated 'Aboriginal Heritage Impact Permit'.

4. The following must be implemented given the development extends within and is adjacent a Transgrid easement:

- Truck parking must be outside Transgrid's easement exclusion zones.
- The proposed future entrance to the site must be outside the exclusion zone.
- If a portion of the cul-de-sac is within the exclusion zone. Transgrid requires a 'NO PARKING' sign to be installed to prevent vehicles stopping in this zone.
- Lighting structures cannot exceed 4.3 metres in height within the transmission line easement area, must not be climbable, must be outside the earthing and centreline exclusion zones and electrically isolated outside the easement in accordance with AS/NZS 3000:2018 Electrical installations (also known as the Australian/New Zealand wiring rules).
- Transgrid prefer that the signage must be moved outside the exclusion zone, all signage in the easement must be earthed in accordance with the Transgrid Fencing Guidelines.
- Non-metallic pipes are preferred within the transmission line easement. If the pipe is metallic, isolation sections, such as RCP pipe and rubber ring joint, are required at the easement's entry and exit.
- Trees within the easement can grow to a maximum mature height of 4 metres.

5. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- a) complying with the deemed to satisfy provisions, or
- b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- c) a combination of (a) and (b).

A copy of the latest fire safety schedule and fire safety certificate / statement for the building must be on display, in a prominent position within the building, at all times.

6. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the approved development shall be undertaken by the Applicant at no cost to Penrith City Council.

7. The following community safety and crime prevention through environmental design (CPTED) requirements, must be implemented:

- All outdoor spaces must be lit to reduce the contrast between shadows and illuminated areas.
- CCTV is to be provided, with cameras of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- All car parking areas are to be well-lit, with consistent lighting to prevent shadowing or glare.
- Graffiti resistant coatings are encouraged to be used for external surfaces where possible.
- Procedures are to be in place to ensure the prompt removal and / or repair of graffiti or vandalism. This includes reporting incidents to police and other relevant authorities.

8. Lighting is to be arranged generally in accordance with the:

- final/Council approved Lighting Layout Plans identified in Condition 1 and as amended per Condition 28
- requirements of Australian Standard 4282--1997 - Control of the obtrusive effects of outdoor lighting
- high efficiency lighting provisions of Section J of the National Construction Code 2019 (Amendment 1).

9. The approval of fencing and gates is limited to that shown on the approved plans. All fencing elements (including the footings) are to be contained entirely within the development site and not encroach upon adjoining properties.

10. The removal of any existing property / boundary fencing as a consequence of this development is to be undertaken in consultation with affected neighbouring property owner(s), and ensure that sufficient notice and arrangements are in place to manage property security, protection and safety of pets.

Any fencing required as a result of this development shall be constructed at full cost of the Applicant.

Note: Your attention is directed to the provisions of the *Dividing Fences Act 1991*.

11. The approval of signage is limited to the business identification type signs, as shown on the approved Signage Plans. The signage:

- is not to flash, move or display electronic images;
- is to be maintained in a condition as to not become unsightly; and
- contents must relate to the existing and the approved use of the respective premises.

12. (Not used)

13. Until connection is available to Sydney Water's Regional Stormwater Scheme or any other alternative arrangements agreed with Sydney Water rainwater tanks are to

provide at least 80% of non-potable water reuse (such as for toilet flushing and irrigation purposes) for each specific building.

14. Prior to decommissioning the interim stormwater management arrangements, the Applicant must provide written confirmation from Sydney Water, to the satisfaction of the Senior Water Management Officer, Penrith City Council, that the site has been connected to the Regional Stormwater Scheme or any other alternative arrangements agreed with Sydney Water in the appropriate manner.

This will need to include sufficient details demonstrating that the regional stormwater infrastructure (or any other alternative arrangements agreed with Sydney Water) which serves the development / lot is in place and is able to service the site.

The information must also include comprehensive details outlining the process and timing for decommissioning any interim stormwater measures previously implemented, as well as full details of the proposed reinstatement and making good of adjacent landscaping areas. All documentation must be submitted to the Senior Water Management Officer, Penrith City Council, and Sydney Water, for review and approval.

15. Access, car parking and manoeuvring is to be provided as shown on the approved plans and in the following matter:

- a) All vehicle parking spaces, parking aisles and driveways / circulation areas, are to be designed and constructed in accordance with AS2890.1, AS2890.2 and AS2890.6.
- b) The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- c) Dedicated electric vehicle charging spaces are to be provided in accordance with Provision J9D4 in the National Construction Code 2019.
- d) Each space shall be permanently line marked at all times.
- e) All parking spaces, loading zones, parking aisles and manoeuvring areas are to be kept clear of stored materials, products and waste materials, such that these areas remain unobstructed and allow for the safe movement of vehicles.
- f) Staff, company and visitor vehicles, are to be parked in the spaces provided on the subject premises and not on adjacent footpaths or landscaping areas.

16. Bicycle parking is to be provided as shown on the approved plans and in accordance with the provisions of AS2890.3 Bicycle Parking Facilities.

17. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant

trees near our assets, see Diagram 5 – Planting Trees within Sydney Water’s Technical guidelines – Building over and adjacent to pipe assets.

18. An artwork feature is to be provided adjacent to the intersection between Mamre Road and Abbots Road, as marked on the approved Landscaping Plan (Drawing No. S1_102, dated 8 April 2026), prior to any Occupation Certificate for Stage 1. It shall address the public domain of the Mamre Road transport corridor, be a gateway and wayfinding marker to the Abbots Road and Aldington Road portion of the Precinct and create visual interest to pedestrians and vehicles.

- a) The artwork shall:
 - i. Be integrated with the landscape design of the development
 - ii. Be of a permanent nature
 - iii. Be contextually relevant
 - iv. Be of suitable bulk and scale, responding to the spatial context of the site and its local surroundings
 - v. Incorporate lighting where appropriate
 - vi. Not include advertising, corporate branding or business identification.
- b) The budget for the artwork shall be approximately \$300,000 in value (unless otherwise agreed by Council and the Applicant). The total artwork budget shall deliver:
 - i. Reasonable tendering costs
 - ii. Project coordination
 - iii. Preparation of an Artwork Plan by a public art curator / consultant or professional artist
 - iv. Professional services fees for delivery of the Artwork Plan by its author, once approved by Council
 - v. Artist fees for concept design, design development, documentation. Industry standards established by the National Association of the Visual Arts (NAVA) indicate that artists fees make up 30% of the public art project budget
 - vi. Fabrication
 - vii. Engineering advice and drawings and other technical input, lighting design and structural certification (as relevant)
 - viii. Installation
 - ix. Interpretation signage and acknowledgement of Artist
 - x. Preparation of an Artwork Maintenance Manual by the Artist.
- c) Prior to the issuing of a Construction Certificate involving the Stage 1 landscaping works, an Artwork Plan is to be prepared for the artwork feature and approved by the Senior Cultural Strategy Officer, Penrith City Council.
- d) The artwork process shall take into account the NSW Public Art Toolkit (<https://www.nsw.gov.au/arts-and-culture/engage-nsw-arts-and-culture/resourcehub/nsw-public-art-toolkit> dated 23 May 2023), Council’s Guideline on the Requirements of a Public Art Plan and the Applicant’s internal policies (to be provided to Council with the Artwork Plan).
- e) The Artwork Plan must consider the site, cultural context and curatorial themes, and provide a working understanding of the envisaged artwork, and shall include (but not be limited to):

- i. Purpose: Defining the role the artwork plays in relation to the development site
 - ii. Site analysis including physical context (location, access, use, scale, physical site characteristics) and cultural context (First Nations connection to site, heritage, histories, uses of the site over time, significant social, cultural, environmental and economic aspects)
 - iii. Artwork Direction: possible themes or narratives for the artwork
 - iv. Artwork References: Examples of artworks that show likely artform and materiality, scale, bulk and any other information that provides a working example of the desired outcomes, that are commensurate with the budget
 - v. Suggested artists
 - vi. Artist engagement process: Outline the process for selecting and commissioning artists, such as open competition, limited competition, direct invitation.
 - vii. Confirm the budget
 - viii. Program, including integration of timing for delivery with the construction program of the overall development
 - ix. Expected maintenance requirements
 - x. Deaccessioning agreements.
- f) The Artwork Plan is to be prepared by a Professional Artist or Public Art Curator / Consultant.
- g) Prior to the issuing of a Stage 1 Occupation Certificate, the Applicant must provide Council with three (3) concept designs, that have been prepared by at least two (2) Artists selected by the Applicant as nominated by the process in the Council approved Artwork Plan. Council may be invited by the Applicant to assist in the selection of the artists in accordance with the Artwork Plan. Council must consider the three (3) concept designs and supporting background to the evolution of each design, and within 28 days of receipt of the designs, notify the Applicant of the preferred design. The supporting background for each design shall address each of the aspects contained in the Artwork Plan.
- h) The selected concept design shall be developed through detailed design and supervised in fabrication and installation by its artist.
- i) Prior to the issuing of an Occupation Certificate for Stage 1, an Artwork Maintenance Manual is to be prepared to direct the future care and maintenance of the artwork. It is to be prepared by the Artist for the artwork commissioned and outline:
- i. Contact details for the Artist
 - ii. Contact details for the manufacturing company / companies involved
 - iii. Materials used during manufacturing
 - iv. Contact details of supplier/s
 - v. Predicted lifespan of components
 - vi. Design and structural drawings
 - vii. Installation photos
 - viii. Location of power source, power supply, water supply etc
 - ix. Warranties, certificates and compliance with Australian Standards, as relevant
 - x. Other relevant information regarding ownership and copyright

- xi. Final budget
 - xii. Deaccessioning agreements
 - xiii. Maintenance Protocols and lifespan cost estimate for the artwork including but not limited to cleaning activities and schedule, specialist maintenance requirements and schedule, including lifespan cost estimate and repair requirements.
- j) The Applicant must maintain the artwork in perpetuity, in accordance with the maintenance protocols, associated costs and lifespan cost estimate for the artwork, as outlined in the Artwork Maintenance Manual, including cleaning activities and schedule; specialist maintenance requirements and schedule; and repair requirements.
19. Due to stormwater and flooding issues related to the construction of the signalised intersection at Mamre Road and Abbots Road, Kemps Creek the construction of temporary road stormwater infrastructure on parts of Lot 10 DP 1296455 (Temporary Stormwater Infrastructure) is required to mitigate the flooding impact.

The applicant is to enter into a Temporary Stormwater Infrastructure Agreement as part of the Works Authorisation Deed for the upgrade of the intersection of Mamre Road and Abbots Road.

As the infrastructure is temporary the identified land will not be required to be dedicated to TfNSW however the Temporary Stormwater Infrastructure must remain in place on Lot 10 DP 1296455 until either:

- a) the construction and commissioning of the Sydney Water regional stormwater drainage infrastructure that services the precinct including the intersection at Mamre Road and Abbots Road, Kemps Creek has been completed; or
- b) a suitable alternative road stormwater infrastructure being constructed and commissioned into operation that adequately mitigates the flooding impacts of the Works at or in the vicinity of the intersection of Mamre Road and Abbots Road, Kemps Creek to the satisfaction of TfNSW.

The applicant will, at their cost be required to maintain the temporary stormwater infrastructure in accordance with the Works Authorisation Deed for the upgrade of the intersection.

20. Prior to the occupation of any warehouse, the following roadworks must be completed:

- Aldington Road widening works between Abbots Road and the northern boundary of the site to the satisfaction of Council.
- Abbots Road widening works between Mamre Road and the eastern cul-de-sac of Abbots Road that provides the turn around facility for heavy vehicles existing the site to the satisfaction of Council.
- Mamre Road and Abbots Road intersection works, including operation of interim traffic signals, to the satisfaction of TfNSW.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR STAGE 1

21. An Unexpected Finds Protocol is to be developed by an appropriately qualified Environmental Consultant, in accordance with the recommendations made within the approved Detailed Site Investigation, and is to address (at minimum) the management of any contamination found on the site during the excavation and construction phase of the development, including contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The Unexpected Finds Protocol is to be approved by the Environmental Health Officer, Penrith City Council, prior to the issue of a Construction Certificate for Stage 1.

22. Prior to the issue of a Construction Certificate for Stage 1, a Biodiversity Management Plan is to be prepared and approved by the Natural Systems Team Leader, Penrith City Council. The Biodiversity Management Plan is to be prepared by a qualified and experienced Ecologist, outlining how resident fauna displaced by vegetation clearing and removal of artificial habitat (such as old buildings and sheds) will be managed within the development site. Management measures should consist of but not limited to:

- Installation of at least one (1) nest box to compensate for the loss of each hollow-bearing tree.
- Salvage of habitat features.
- Inspections of artificial structures for evidence of use.
- Pre-clearance surveys.
- Nocturnal stag watching.
- Supervision of demolition and avoiding construction / clearing works during known breeding seasons and/or over-winter roosting habitat.

23. Prior to issue of a Construction Certificate for Stage 1, a Dam Dewatering Plan is to be prepared and approved by the Natural Systems Team Leader, Penrith City Council. The Dam Dewatering Plan is to provide details on the following:

- Fauna and aquatic survey prior to dam dewatering, and a description of fauna residing within the dam.
- Proposed relocation site shown on a map and details on how fauna will be transported.
- Details of relevant licences and permits required such as Section 37 Fisheries Management Act 1994, Biodiversity Conservation Licence or permit from NSW Department of Primary Industries (for those species listed under the Fisheries Management Act).
- Procedure of notifying NSW Fisheries of the activity 48 hours prior to relocation of fish.
- If large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
- Methods to prevent injury to fauna during pumping of water from the dam.
- Details of how exotic pest species will be humanely euthanised in a manner consistent with the Prevention of Cruelty to Animals Act 1979.

- Methods of disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
- Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
- Details on the appropriate timing (season) for dewatering.
- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).

If the Applicant provides evidence to the satisfaction of the Natural Systems Team Leader, Penrith City Council that the dam has been removed pursuant to another planning approval pathway, then this condition is satisfied.

24. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mamre Road Precinct Development Contributions Plan 2022, a monetary contribution of **\$5,922,573** shall be paid to Penrith City Council. The monetary contribution has been calculated in accordance with the Mamre Road Precinct Development Contributions Plan 2022, as follows:

- Transport works \$1,736,369
- Transport land acquisition \$2,332,115
- Open space works \$245,222
- Open space land acquisition \$1,579,141
- Plan administration \$29,726

The amount paid is to be adjusted at the time of the actual payment in accordance with the provisions of the Mamre Road Precinct Development Contributions Plan 2022. The Contribution is to be paid prior to the issue of any Construction Certificate.

An application for deferred or periodic payment may be considered by the Council in accordance with the provisions of the Contributions Plan.

A copy of the Contributions Plan is available on Council's website.

Note: This development contribution may be satisfied by a voluntary planning agreement or works-in-kind agreement entered into between the Council and the Applicant.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR BOTH STAGE 1 AND STAGE 2

25. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Aerotropolis) Determination 2022 (as in force when this development consent takes effect).

A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for

which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information: A request for assessment by the Department of Planning and Environment of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal. Please refer enquiries to SICContributions@planning.nsw.gov.au.

26. Prior to the issue of any Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

27. Prior to the issue of any Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Details of any required pad mounted substation are to be approved by Senior Development Assessment Planner, Penrith City Council, prior to the issuing of any associated Construction Certificate.

Note: A plan showing the location of the pad mounted substations has been provided to Council and the locations are considered acceptable.

28. Amended Architectural type drawings (including an amended Lighting Layout Plan) are to be approved by the Senior Development Assessment Planner, Penrith City Council, showing all associated lighting structures being a maximum of 6 metres in height.

29. The stormwater management systems shall be generally consistent with the approved plans and the commitments made in the Water and Stormwater Management Report, prepared by J Wyndham Prince, dated 15 January 2026, which was provided in support of the Development Application.

A 50,000L interim rainwater tank servicing 'Warehouse 2' must be included on the Engineering plans. This must be connected to a minimum of 50% of the roof and have a minimum of 40,000L reusable storage.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Provision should be made in completing the final stormwater design, to enable a seamless connection to Sydney Water's Regional Stormwater Scheme or any other alternative arrangements agreed with Sydney Water including the associated decommissioning of on-site rainwater harvesting and re-use systems.

Prior to the issue of any Construction Certificate, the Principal Certifier shall ensure that the stormwater management system has been designed generally in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and the Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).

30. Prior to the issue of any Construction Certificate for stormwater infrastructure works, an updated Operation and Maintenance Manual, which details maintenance requirements for all stormwater treatment measures, including permeable paving, must be approved by the Senior Water Management Officer, Penrith City Council.
31. Prior to the issue of any Construction Certificate, a final Sediment and Erosion Control Report and associated Plans are prepared and certified by a Certified Professional in Erosion and Sediment Control, and submitted to the Principal Certifier for approval. The controls must include use of Type A or B sediment basins with an automated system of flocculant dosing, and as per the requirements of the Technical Guidance for achieving Wianamatta–South Creek Stormwater Management Targets (DPE 2022), and as per commitments made in the Water and Stormwater Management Report, prepared by J Wyndham Prince, dated 15 January 2026, which was provided in support of the Development Application.

The Applicant must ensure that the delivery and operation of all construction phase erosion and sediment controls, are supervised by a Certified Professional in Erosion and Sediment Control. Monthly audits are to be completed by a Certified Professional in Erosion and Sediment Control, and kept on record for the duration of the works and for an additional 12 months following completion of works.

32. Prior to the issue of any Construction Certificate, the Principal Certifier shall ensure the plans and specifications comply with the recommendations of the approved Geotechnical Investigation Report.
33. Details are to be provided to the Principal Certifier for consideration and approval, prior to the issue of a Construction Certificate, demonstrating that:
 - Construction techniques are to be implemented which will prevent structural damage to the development as a result of salinity; and
 - All works are to conform with the Western Sydney Salinity Code of Practice.

A qualified practising Geotechnical Engineer must confirm that works have been completed, to prevent structural damage as a result of salinity and in accordance with the Western Sydney Salinity Code of Practice, prior to the issuing of an Occupation Certificate.

34. All retaining walls are to be designed in accordance with the approved plans and the relevant Australian Standards. Any associated Construction Certification application is

to be accompanied by confirmation / certification of structural adequacy which has been given by a practising suitably qualified Structural Engineer.

35. Prior to the issue of any Construction Certificate involving landscaping works, a suitable soil design and specifications are to be developed by a CPSS accredited Soil Scientist in conjunction with a qualified Civil Engineer, with reference to the proposed landscape plantings and input from the Landscape Architect and Project Arborist. The Soil Scientist is to:

- Investigate the existing site soil with a view to reuse of site soils.
- Consider what the soil levels, degree of disturbance and compaction in the landscaped areas will be once earthworks and construction are completed.
- Provide appropriate remediation steps and amendments to provide soil that will support the establishment and healthy growth to full, structurally sound, mature height and spread of the proposed landscape plantings.
- Provide a soil stripping, stockpiling and reconstruction management plan to ensure site topsoil and subsoil are appropriately saved and stored for reuse for site landscaped areas.

In the investigations and reporting, the soil scientist is to consider the following areas:

- The eastern retaining walls
- The northern retaining walls / landscaped areas
- The southern landscaped areas
- The northwestern corner and western landscaped areas
- Tree-sensitive soil remediation within the Notional Root Zones of existing trees in neighbouring properties on the northern and eastern boundaries of the site.
- Other landscape areas on the site that provide deep soil to landscape plantings
- If any planting design amendments are required because of the soil design, the same quantity of plants, mature dimensions, form, canopy cover and landscape character is to be achieved.

The resulting soil specifications and recommendations, and any associated amendments to the Landscape Plans, are to be approved by the Tree Management Officer, Penrith City Council, prior to the issue of any associated Construction Certificate.

36. Prior to the issue of any Construction Certificate the applicant shall engage a qualified Arboricultural Consultant who holds a minimum Level 5 qualification (AQF – Australian Qualification Framework) to prepare an amended site-specific Tree Protection Plan (Specification) & Drawing, having regard to the Tree Protection Plan (dated 7 April 2026) prepared by Arborism, Section 5 of AS4970 – 2025 (Protection of trees on development sites) and the following:

- All trees approved to be removed are to be clearly identified on the site.
- All trees to be retained are to be provided with appropriate tree protection fencing as detailed in the final Council approved Tree Protection Plan (Specification) & Drawing and in accordance with AS4970 – 2025, Protection of Trees on development sites.

- Trees to be retained on Lot 8 are Supplementary Trees 1, 2 (T182), 3 – 6, 8 – 11). Supplementary Trees 7 and 12 may be removed, in consultation with the tree owners.
- Trees to be removed on the site, and those identified for protection or removal on the adjoining property 1-39 Abbots Road, Kemp Creek, are found in the Arboricultural Impact Assessment Report, prepared by H2O Consulting Group P/L, dated 4 September 2025, which was provided in support of the Development Application.
- Maintenance of the Tree Protection Zones and activities to be excluded.
- Provide details of specific tree protection requirements and measures, including when intrusion into the Tree Protection Zone, when trunk, ground and branch protection or Project Arborist attendance for work within the Notional Root Zone is required.
- Where ground protection is required, Ground Protection Mats (track mats or bog mats) are to be used, engineered to support the heaviest weighted vehicle or plant entering the site for construction work.
- A requirement / specification stating that all underground infrastructure or services to be installed within the designated Tree Protection Zone of a tree to be retained must be installed using directional drilling / thrust boring techniques or excavated by hand, both under the supervision of the Project Arborist.
- That the Project Arborist is to provide a written report to the Principal Certifying Authority within 1 week of each inspection, which is to be made available to Council upon request.
- That Project Arborist attendance and mandatory tree inspection reporting may be combined where practicable.

The updated Tree Protection Plan is to be approved by the Tree Management Officer, Penrith City Council, prior to the issue of any Construction Certificate.

The Tree Protection Zones of the retained and protected trees are to be clearly shown on all future amended plans, such as those submitted for a Modification to the approved Development Application, so that impacts to retained trees are clearly shown and readily assessed.

37. Prior to the issue of any Construction Certificate, the Applicant shall appoint a Project Arborist holding a minimum Australian Qualification Framework (AQF) Level 5 qualifications in Arboriculture to oversee the implementation of the Council approved / final Tree Protection Plan. The Project Arborist is to be available to undertake regular site inspections, supervise work within the Tree Protection Zones of retained trees and provide written documented reports to the Principal Certifying Authority within 1 week of site visits.
38. Prior to the issue of the Construction Certificate involving landscaping works, evidence is to be provided to the Principal Certifier, that the plant species, quantities and plant pot sizes, as shown on the final / Council approved Landscape Plan, have been sourced and ordered from a plant nursery. In the event that, despite the Applicant's best endeavours to source a plant species in the quantities and plant pot sizes required, those are unavailable, the Applicant is to submit for approval to Landscape Architect, Penrith City Council, an alternative.

39. Prior to the issue of any Construction Certificate relating to landscaping works, a Landscape Management Plan, is to be approved by the Landscape Architect Lead, Penrith City Council. The Landscape Management Plan, is to include, but not be limited to:

- the plant establishment period works by the landscape contractor;
- irrigation;
- that plants are to be maintained to achieve their natural mature dimensions and form, unless otherwise specified and approved (e.g. hedging);
- soil health, including regular soil and surface inspections; and
- long term maintenance and management requirements.

40. Prior to the issue of a Construction Certificate for each warehouse, a Construction Noise and Vibration Impact Assessment and associated Management Plan, prepared by a suitably qualified Acoustic Consultant, is to be prepared and approved by the Environmental Health Officer, Penrith City Council. This assessment is to consider (as a minimum) the noise and vibration impacts associated with the construction phase, as well as details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

41. The design and construction recommendations provided in the approved Noise and Vibration Impact Assessment, shall be implemented and incorporated into the design and construction of the development, and shown on plans accompanying any Construction Certificate application.

42. Prior to the issue of any Construction Certificate involving mechanical services, further details on the type and location of all mechanical plant and equipment associated with the development, is to be approved by the Environmental Health Officer, Penrith City Council. Suitable data and information prepared by a suitably qualified Acoustic Consultant is to be supplied which demonstrates compliance with the established noise criteria and consistency with the approved Noise and Vibration Impact Assessment.

Note: For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

43. Prior to the issue of any Construction Certificate, the Applicant shall prepare a Construction Pedestrian and Traffic Management Plan in consultation with Transport for NSW. The Construction Pedestrian and Traffic Management Plan needs to specify matters including, but not limited to, the following:

- Proposed haulage routes and construction vehicle access arrangements.

- Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can be accommodated within the context of road changes in the surrounding area.
- Identify any potential impacts to general traffic, cyclists, pedestrians, and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works.
- Identify the cumulative construction activities of the development and other projects within or around the development site.
- Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.
- Construction program and construction methodology.
- Consultation strategy for liaison with TfNSW MRUS2 project team, Council, surrounding stakeholders, and other developments under construction to discuss construction programmes to assist in the development of the CTMP and minimise construction traffic impacts.
- Proposed construction hours.

Provide the direct contact details to businesses and residents impacted by the construction work and TfNSW via development.ctmp.cjp@transport.nsw.gov.au to resolve issues during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Submit a copy of the final plan to Transport for NSW for endorsement via development.ctmp.cjp@transport.nsw.gov.au.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR STAGE 2

44. Prior to issue of a Construction Certificate for Stage 2, the Site must be fully connected to Sydney Water's Regional Stormwater Scheme and the Temporary Stormwater Infrastructure works on Lot 10 no longer required or any other alternative arrangements agreed with Sydney Water.

PRIOR TO THE COMMENCEMENT OF ANY WORKS FOR BOTH STAGE 1 AND STAGE 2

45. Construction Certificates shall be obtained prior to commencement of any building works.
46. Prior to the commencement of any works on site, the proponent is to:
 - a) employ a Principal Certifier to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifier" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

47. The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing seeking a Notice of Requirements for a section 73 compliance certificate. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to 'Sydney Water Tap in' to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

48. Prior to the commencement of any earthworks associated with the development, sediment and erosion control measures shall be installed in accordance with the final approved Sediment and Erosion Control Report, the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

These measures shall be maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004. All possible measures are to be implemented to prevent the tracking of soil from the site onto the road. Where material is tracked onto the road, that material is to be cleaned up as soon as practicable using sweeping or other dry methods to prevent the material from entering Council's stormwater system.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilized.

The trees approved for removal as part of this consent cannot be undertaken until a Construction Certificate has been issued.

49. Prior to the commencement of any works:

- a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a temporary eco toilet, or
 - if that is not practicable, an accredited sewage management facility approved by the council,
 - temporary toilet with pump out and temporary holding tank (no permanent facilities); or
 - alternatively, any other sewage management facility approved by Council.

- b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land, and
 - furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
 - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
 - any such hoarding, fence or awning is to be removed when the work has been completed.

50. Lodgement of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

These works may include but are not limited to the following:

- a) Construction of footpaths, driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
 - i. Utilities (water, sewer, power, telecommunications)

- ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage – kerb inlet pit)
- iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) Temporary ground anchors that encroach below the road reserve (for basement construction)

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Separate approval may be required from Transport for NSW for classified roads
- All works associated with the Roads Act approval(s) must be completed prior to the issue of any Occupation Certificate.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

DURING WORKS

51. All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

The hours of construction activities may be varied with the prior written consent of the Environmental Health Officer, Penrith City Council. Any request to alter the hours of construction must be:

- Considered on a case-by-case or activity-specific basis; and
- Accompanied by details of the nature and justification for activities to be conducted during the varied construction hours.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the interim use of equipment that emits offensive noise, then the works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act 1997, in regulating offensive noise also apply to all works.

52. Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifier, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the construction works on site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

53. Construction works must be undertaken in accordance with the final Construction Pedestrian and Traffic Management Plan approved by Transport for NSW.
54. 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.
55. All excavation works shall ensure the stability of any adjoining Council owned infrastructure, and surrounding lands and developments.
56. Construction works must be undertaken in accordance with the final / Council approved Construction Noise and Vibration Assessment under Condition 40 and associated Management Plan, and the construction noise management provisions of the Interim Construction Noise Guideline (as may be updated or replaced from time to time).
57. Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

58. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

59. No fill material shall be imported to the site for earthworks unless expressly approved as part of this consent, and not until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
- clearly state the legal property description of the fill material source site and the total amount of fill tested,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

If the Principal Certifier or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be required. In these circumstances the works shall be carried out prior to any further approved works.

Note: For the purpose of this condition an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance".

60. The final Unexpected Finds Protocol approved by Council under Condition 21 is to be complied with at all times during the construction phase of the development.

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification / finding of contaminated soils, buried building materials, asbestos, odour and / or staining, works are to cease immediately, and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified Environmental Consultant.

61. All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent, in consultation with the Principal Certifier.

62. All resulting waste materials stored on site are to be contained within a designated area, such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage area is to be fully enclosed when the site is unattended.

63. Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used / recycled. Such works are to be undertaken in accordance with the approved Waste Management Plan, where applicable.

Where the disposal location or waste materials have not been identified in an approved waste management plan, details shall be provided to the Certifier prior to those works commencing.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

64. The commitments and measures required by the final Biodiversity Management Plan approved by Council under Condition 22 must be implemented and complied with at all times. A copy of the approved plan is to be kept on site at all times and made available to Council Officers upon request.

65. The decommissioning of the dam is to be undertaken in accordance with the final Council approved Dam Dewatering Plan. If the Applicant provides evidence to the satisfaction of Council under Condition 23, that the dam has been removed pursuant to another planning approval pathway, then this Condition 65 will be satisfied

Only dam water that complies with the applicable Australian and New Zealand (ANZECC) Guidelines for Fresh and Marine Water Quality Criteria is to be irrigated on site. Water that does not comply with the ANZECC Guidelines criteria is to be removed from the site by a licensed waste contractor for disposal at a lawful waste management facility. Receipts of lawful disposal are to be retained and provided to Council upon request.

66. All actions identified in the approved Weed Eradication & Management Plan (Table in Condition 1) are to be implemented.

67. The final / Council approved soil design and associated specifications referred to in Condition 35 are to be included on all relevant plans and implemented on site at all times.

68. The final / Council approved Tree Protection Plan (Specification) & Drawing referred to in Condition 36 shall be included onto all relevant plans, remain in place for the duration of works, and implemented on site in accordance with AS4970-2025, under the direct supervision of the appointed Project Arborist (holding minimum Australian Qualifications Framework (AQF) level 5 qualifications in Arboriculture).

69. Prior to installation of the Landscape Plan tree planting, the Project Arborist is to supervise non-destructive root mapping of Supplementary Tree 8 along the kerb building line, hand prune all woody roots up to 50mm diameter, advise and manage roots larger than 50mm diameter and install a 1m deep root barrier approximately

300mm from the northern edge of the kerb, making adjustments for larger structural roots.

70. The approved landscaping works must be performed by a suitably qualified and experienced landscape professional, in accordance with the final / Council approved Landscape Plan as referred to in Condition 35.

All landscaping works is to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

71. The location of the buildings and retaining walls shall be set out by a Registered Surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority immediately prior to the positioning of wall panels / bricks or block work.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR STAGE 1

72. Prior to the issue of any Occupation Certificate for Stage 1, the following roadworks, are to be completed to the satisfaction of Penrith City Council:

- Aldington Road widening works between Abbots Road and the northern boundary of the site to the satisfaction of Council.
- Abbots Road widening works between Mamre Road and the eastern cul-de-sac of Abbots Road that provides the turn around facility for heavy vehicles existing the site to the satisfaction of Council.
- Mamre Road and Abbots Road intersection works, including operation of interim traffic signals, to the satisfaction of TfNSW.

73. Prior to the issue of any Occupation Certificate for Stage 1, written certification from the relevant service provider confirming that the telecommunications infrastructure has been installed in accordance with the requirements above for Stage 1 and the applicable legislation at the time of construction, must be submitted to the Principal Certifier.

74. A compliance certificate must be obtained from Sydney Water for Stage 1, under Section 73 of the Sydney Water Act 1994. Note that Sydney Water's assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

75. Prior to the issue of an Occupation Certificate for Stage 1, the following is to be implemented (and be operational, where applicable), to the satisfaction of the Principal Certifying Authority:
- The Stage 1 warehouse is to be completed to achieve a minimum 4 Star Green Star v1.1 Buildings Rating.
 - No gas is to be provided.
 - High efficiency lighting is to be provided which complies with Section J of the National Construction Code 2019 (Amendment 1).
 - High efficient heat pumps are to be used for the heating of water.
 - 99kW (or greater) solar power systems are to be provided on the rooftop of the Stage 1 warehouse building.
 - Energy meters and monitoring systems are to be installed to achieve compliance with Section J of the National Construction Code 2019.
 - Low water fixtures are to be installed to achieve 6 Star with the Water Efficiency Labelling and Standards (WELS) scheme for all taps, 4 Star with the WELS scheme for all toilets, 6 Star with the WELS scheme for all urinals and 3 Star with the WELS scheme for all showers.
 - Landscape irrigation is to be installed to minimise water consumption in all Stage 1 landscaping areas.
 - Electric vehicle charging in accordance with Provision J9D4 in the National Construction Code 2019.
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76. Prior to the issue of any Occupation Certificate for Stage 1, a practicing Structural Engineer is to provide certification to the Principal Certifier of the structural adequacy of all earthworks and associated retaining walls for Stage 1, and confirmation that such works have been completed in accordance with relevant Australian Standards (including AS3798).
77. Prior to the issue of the first Occupation Certificate for Stage 1, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval for Stage 1, have been inspected and signed off by Penrith City Council.
78. Prior to the issue of an Occupation Certificate for Stage 1, the Principal Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas, are provided in accordance with the approved plans for Stage 1, AS2890.1, AS2890.2 and AS2890.6.
79. Prior to the issue of any Occupation Certificate for Stage 1, works-as-executed drawings, final Operation and Maintenance Manual and any other compliance documentation for the stormwater management systems for Stage 1 shall be submitted to the Principal Certifier, in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of works-as-executed drawings, copies of the final Operation and Maintenance Manual, and compliance documentation, shall also be submitted to Penrith City Council with notification of the issue of any Occupation Certificate where Penrith City Council is not the Principal Certifier.

80. Prior to the issue of any Occupation Certificate for Stage 1, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures) for Stage 1:

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s for Stage 1 shall be provided as part of the works-as-executed drawings.

81. Prior to the issue of an Occupation Certificate for Stage 1, a restriction on the use of land and positive covenant relating to the stormwater management systems (including but not limited to gross pollutant traps, permeable paving, pits, pipes, on-site stormwater detention and water sensitive urban design measures) shall be registered on the title of the property and apply in perpetuity.

The restriction on the use of land and positive covenant shall be in accordance with Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments - Appendix F. However the wording must nominate Sydney Water as the benefiting authority, unless otherwise agreed to by Penrith City Council.

82. Prior to the issue of any Occupation Certificate for Stage 1, a report prepared by a suitably qualified and experienced Ecologist verifying that all commitments and harm minimisation measures required by the final Council approved Biodiversity Management Plan as referred to in Condition 22 have been satisfied for that part of the land subject of Stage 1, is to be approved by the Natural Systems Team Leader, Penrith City Council.

83. Prior to the issue of any Occupation Certificate for Stage 1, a report prepared by a suitably qualified and experienced Ecologist verifying that all commitments and harm minimisation measures required by the final Council approved Dam Dewatering Plan have been satisfied for that part of the land subject of Stage 1, is to be approved by the Natural Systems Team Leader, Penrith City Council. If the Applicant provides evidence to the satisfaction of Council under Condition 23, that the dam has been removed pursuant to another planning approval pathway, then this Condition 83 will be satisfied.

84. Prior to the issue of any Occupation Certificate for Stage 1, a report prepared by a suitably qualified and experienced Ecologist or Bush Regenerator verifying that all commitments required by the approved Weed Eradication & Management Plan (Table

in Condition 1) have been satisfied for that part of the land subject of Stage 1, is to be approved by the Natural Systems Team Leader, Penrith City Council.

85. On completion of landscaping works associated with Stage 1 of the development and prior to the issue of an Occupation Certificate for Stage 1, an Implementation Report must be submitted to the Principal Certifier attesting to the satisfactory completion of the landscaping works associated with Stage 1. This report shall be prepared by a suitably qualified and experienced landscape professional. If Penrith City Council is not the Principal Certifier, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for Stage 1 of the development.
86. Upon completion of all works in the road area for Stage 1, all verge areas fronting Stage 1 of the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
87. Prior to the issue of an Occupation Certificate for the Stage 1 warehouse, a Compliance Certificate prepared by a suitably qualified Acoustic Consultant, is to be approved by the Environmental Health Officer, Penrith City Council. The Certificate is to confirm that all plant and equipment has been installed to comply with the established noise criteria found within the approved Noise and Vibration Impact Assessment.
88. Prior to the issue of an Occupation Certificate for the Stage 1 warehouse, an Operational Noise Management Plan, prepared by a suitably qualified person in accordance with the approved Noise and Vibration Impact Assessment, is to be approved by the Environmental Health Officer, Penrith City Council.
89. Prior to the issue of an Occupation Certificate for the Stage 1 warehouse, documentation with appropriate detail in relation to commercial agreements entered into with surrounding 'sensitive receivers' as referenced within the approved Noise and Vibration Impact Assessment, is to be approved by the Environmental Health Officer, Penrith City Council. Should commercial agreements not be entered into, the documentation is to provide appropriate reasoning.
90. Prior to the issue of an Occupation Certificate for the Stage 1 warehouse, an Operational Air Quality Impact Assessment prepared by a suitably qualified consultant, demonstrating compliance with the relevant air quality criteria and includes mitigation measures (where appropriate) to be implemented in order to achieve the relevant air quality criteria, is to be approved by the Environmental Health Officer, Penrith City Council.
91. A Survey Certificate of the location of the building and retaining walls for that part of the land subject of Stage 1, upon completion of Stage 1, shall be undertaken and submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate. The Survey Certificate is to show the boundaries of the site, and the distances of any Stage 1 building and retaining walls from the boundaries.

92. A copy of any Occupation Certificate for Stage 1 and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifier.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR STAGE 2

93. Prior to the issue of any Occupation Certificate for Stage 2, written certification from the relevant service provider confirming that the telecommunications infrastructure has been installed in accordance with the requirements above for Stage 2 and the applicable legislation at the time of construction, must be submitted to the Principal Certifier.
94. A compliance certificate must be obtained from Sydney Water for Stage 2, under Section 73 of the Sydney Water Act 1994. Note that Sydney Water's assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

95. Prior to the issue of the of an Occupation Certificate for Stage 2, the following is to be implemented (and be operational, where applicable), to the satisfaction of the Principal Certifying Authority:
- The Stage 2 warehouse building is to be completed to achieve a minimum 4 Star Green Star v1.1 Buildings Rating.
 - No gas is to be provided.
 - High efficiency lighting is to be provided which complies with Section J of the National Construction Code 2019 (Amendment 1).
 - High efficient heat pumps are to be used for the heating of water.
 - 99kW (or greater) solar power systems are to be provided on the rooftop of the Stage 2 warehouse building.
 - Energy meters and monitoring systems are to be installed to achieve compliance with Section J of the National Construction Code 2019.
 - Low water fixtures are to be installed to achieve 6 Star with the Water Efficiency Labelling and Standards (WELS) scheme for all taps, 4 Star with the WELS scheme for all toilets, 6 Star with the WELS scheme for all urinals and 3 Star with the WELS scheme for all showers.
 - Landscape irrigation is to be installed to minimise water consumption in all Stage 2 landscaping areas.
 - Electric vehicle charging in accordance with Provision J9D4 in the National Construction Code 2019.

96. Prior to the issue of an Occupation Certificate for Stage 2, a practicing Structural Engineer is to provide certification to the Principal Certifier of the structural adequacy of all earthworks and associated retaining walls for Stage 2, and confirmation that such works have been completed in accordance with relevant Australian Standards (including AS3798).
97. Prior to the issue of an Occupation Certificate for Stage 2, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval for Stage 2, have been inspected and signed off by Penrith City Council.
98. Prior to the issue of an Occupation Certificate for Stage 2, the Principal Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas, are provided in accordance with the approved plans for Stage 2, AS2890.1, AS2890.2 and AS2890.6.
99. Prior to the issue of any Occupation Certificate for Stage 2, works-as-executed drawings, final Operation and Maintenance Manual and any other compliance documentation for the stormwater management systems for Stage 2 shall be submitted to the Principal Certifier, in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of works-as-executed drawings, copies of the final Operation and Maintenance Manual, and compliance documentation, shall also be submitted to Penrith City Council with notification of the issue of any Occupation Certificate where Penrith City Council is not the Principal Certifier.

100. Prior to the issue of any Occupation Certificate for Stage 2, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures) for Stage 2:
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s for Stage 2 shall be provided as part of the works-as-executed drawings.

101. Prior to the issue of an Occupation Certificate for Stage 2, a restriction on the use of land and positive covenant relating to the stormwater management systems (including but not limited to gross pollutant traps, permeable paving, pits, pipes, on-site stormwater detention and water sensitive urban design measures) shall be registered on the title of the property and apply in perpetuity.

The restriction on the use of land and positive covenant shall be in accordance with Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments - Appendix F. However the wording must

nominate Sydney Water as the benefiting authority, unless otherwise agreed to by Penrith City Council.

102. Prior to the issue of any Occupation Certificate for Stage 2, a report prepared by a suitably qualified and experienced Ecologist verifying that all commitments and harm minimisation measures required by the final Council approved Biodiversity Management Plan as referred to in Condition 22 have been satisfied for that part of the land subject of Stage 2, is to be approved by the Natural Systems Team Leader, Penrith City Council.
103. Prior to the issue of any Occupation Certificate for Stage 2, a report prepared by a suitably qualified and experienced Ecologist verifying that all commitments and harm minimisation measures required by the final Council approved Dam Dewatering Plan have been satisfied, is to be approved by the Natural Systems Team Leader, Penrith City Council. If the Applicant provides evidence to the satisfaction of Council under Condition 23, that the dam has been removed pursuant to another planning approval pathway, then this Condition 103 will be satisfied.
104. Prior to the issue of any Occupation Certificate for Stage 2, a report prepared by a suitably qualified and experienced Ecologist or Bush Regenerator verifying that all commitments required by the approved Weed Eradication & Management Plan (Table in Condition 1) have been satisfied for that part of the land subject of Stage 2, is to be approved by the Natural Systems Team Leader, Penrith City Council.
105. On completion of landscaping works associated with the development and prior to the issue of an Occupation Certificate for Stage 2, an Implementation Report must be submitted to the Principal Certifier attesting to the satisfactory completion of the landscaping works for the development. This report shall be prepared by a suitably qualified and experienced landscape professional. If Penrith City Council is not the Principal Certifier, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for Stage 2 of the development.
106. Upon completion of all works in the road area for Stage 2, all verge areas fronting Stage 2 of the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
107. Prior to the issue of an Occupation Certificate for the Stage 2 warehouse, a Compliance Certificate prepared by a suitably qualified Acoustic Consultant, is to be approved by the Environmental Health Officer, Penrith City Council. The Certificate is to confirm that all plant and equipment has been installed to comply with the established noise criteria found within the approved Noise and Vibration Impact Assessment.
108. Prior to the issue of an Occupation Certificate for the Stage 2 warehouse, an Operational Noise Management Plan, prepared by a suitably qualified person in accordance with the approved Noise and Vibration Impact Assessment, is to be approved by the Environmental Health Officer, Penrith City Council.

109. Prior to the issue of an Occupation Certificate for the Stage 2 warehouse, documentation with appropriate detail in relation to commercial agreements entered into with surrounding 'sensitive receivers' as referenced within the approved Noise and Vibration Impact Assessment, is to be approved by the Environmental Health Officer, Penrith City Council. Should commercial agreements not be entered into, the documentation is to provide appropriate reasoning.
110. Prior to the issue of an Occupation Certificate for the Stage 2 warehouse, an Operational Air Quality Impact Assessment prepared by a suitably qualified consultant, demonstrating compliance with the relevant air quality criteria and includes mitigation measures (where appropriate) to be implemented in order to achieve the relevant air quality criteria, is to be approved by the Environmental Health Officer, Penrith City Council.
111. A Survey Certificate of the location of the building and retaining walls for that part of the land subject for Stage 2, upon completion of Stage 2, shall be undertaken and submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate. The Survey Certificate is to show the boundaries of the site, and the distances of any Stage 2 building and retaining walls from the boundaries.
112. A copy of any Occupation Certificate for Stage 2 and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifier.

OPERATIONAL

113. The development shall not be used or occupied until an Occupation Certificate has been issued. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.
114. Unless shown on the plans, the use of the premises shall comply with the following:
- a) 'Warehouse 1' is to be used as a single occupancy.
 - b) 'Warehouse 2' is to be used as a single occupancy.
 - c) The approved Operational Traffic Management Plan & Operational Environmental Management Plan Summary Statement.
 - d) The approved Operational Traffic Management Plan.
 - e) The final / Council approved Operational Environmental Management Plan(s).
 - f) No retail sales or sales to the general public, shall be made from the premises.
 - g) The approved Waste Management Plan.
 - h) A contract is to be held at all times with a licensed garbage and / or recycling contractor, for the collection of both rubbish and recycling.
 - i) All waste, recycling and bins, are to be contained within designated Waste Management Areas. Wastewater from the washing of any garbage bins is not to enter the stormwater system.
 - j) All materials and goods shall be stored within the building and not under any awning.

- k) The premises are to be maintained in a clean and tidy state at all times.
 - l) Vehicles accessing the site shall be limited in a maximum size of a 30m long B- Double.
 - m) All vehicular entries and exits to the site shall be made in a forward direction, and all vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby roads.
 - n) Site operations must not result in any vehicles queuing on the public road network.
 - o) No vehicles are to be serviced, re-fuelled or washed on site.
 - p) The approved Noise & Vibration Impact Assessment.
 - q) The final / Council approved Operational Noise Management Plan/s.
 - r) Loading dock roller doors are to remain closed while they are not being used for loading / unloading.
 - s) The final / Council approved Operational Air Quality Impact Assessment Report/s.
 - t) Any activity carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and / or water as defined by the Protection of the Environment Operations Act 1997.
 - u) Offensive odours are not to be emitted from the site.
 - v) Vapours, fumes, gases, particles or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.
 - w) The approved hours of operation are 24 hours per day, 7 days a week.
 - x) A maximum of 92 staff are to be on site at any single time in relation to the use of 'Warehouse 1'.
 - y) A maximum of 50 staff are to be on site at any single time in relation to the use of 'Warehouse 2'.
 - z) No gas is to be used.
 - aa) No dangerous goods or chemicals are to be stored and / or handled.
115. Operational traffic associated with the development must not use Bakers Lane.
116. All storage areas where spillages are likely to occur shall be bunded. Where Australian Standards apply, bunding construction and capacity must comply with those standards. Where Australian Standards do not apply, the size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.
117. Within 12 months of the issue of the Occupation Certificate for each respective warehouse, an Acoustic Compliance Report is to be submitted and approved by the Environmental Health Officer, Penrith City Council. The report is to be prepared by a suitably qualified Acoustic Consultant, and is to address all noise generating activities on the site, the level of compliance with the noise criteria set within the approved Noise and Vibration Impact Assessment, the final / Council approved Operational Noise Management Plan, the requirements of the NSW Environment Protection Authority's Noise Policy for Industry, other relevant guideline documents, and the conditions of this Development Consent.

Should the Acoustic Compliance Report identify any non-compliance issues, the report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

Note: For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

118. In the event of substantiated ongoing noise complaints relating to the development being received by Council, the owner and / or occupier of the development may be required by Council to obtain the services of a suitably qualified Acoustic Consultant to undertake a noise impact assessment on the development to address the concerns of the community. The Acoustic Consultant is to have regard to any noise agreements entered into with surrounding landowners and the noise reports prepared as part of the development application (including the Industrial Noise dBA limits) and in accordance with conditions of this consent.

Any such Noise Impact Assessment Report is to be prepared and provided to the Environmental Health Officer, Penrith City Council for consideration within 45 days of being requested. Any mitigation works are to be undertaken within 30 days from the date of notice from Council, unless otherwise specified.

Note: For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

119. A public contact telephone number is to be displayed in a visually prominent and publicly accessible location and the phone line / number must be operational during business hours. A complaints register is to be maintained, which must include complaint details and any actions taken to address any complaints. A copy of the complaint register is to be provided to Council upon request.

120. Landscaping shall be maintained:

- immediately following the completion of landscaping for each stage of the development;
- in accordance with the approved Landscape Plans;
- in accordance with the final / Council approved Landscape Management Plan(s) as referred to in Condition 39;
- with an automatic irrigation system;
- to achieve its mature dimensions and form, unless otherwise specified and approved (for example hedging);
- in a healthy state; and
- by the existing or future owners and occupiers of the property for the duration of the development.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable,

the same maturity, as the vegetation which died or was removed. Unless otherwise agreed to in writing by Council's Tree Management Officer, the replacement tree must be the same maturity as the tree which dies or was removed.

121. Trees are to be pruned annually for the first 5 years of establishment and then every 3 years, by an Arborist who holds minimum Australian Qualifications Framework (AQF) level 3 qualifications in Arboriculture or other appropriately qualified person. The Arborist is to undertake formative, maintenance and crown modification pruning, as described in Australian Standard 4373 (for the Pruning of Amenity Trees), to ensure tree health and sound growth to maturity on the site.
122. The final approved Landscape Management Plan(s) as referred to in Condition 39 are to be implemented and complied with for the life of the development. All reports required to be prepared for the purposes of compliance with the Landscape Management Plan(s) are to be made available to Council upon request.
123. Any graffiti is to be removed from the boundary fencing or walls within 48 hours.
124. 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 (NRMCC, EPHC and NHMRC 2009).
125. The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final Council approved Operation and Maintenance Manual. Regular inspection records are required to be maintained and made available to Council and Sydney Water upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure(s).
126. Only clean and unpolluted water is to be discharged into any stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.