

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on XX MONTH 20XX, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Chris Ritchie
Director
Industry Assessments

Sydney

29 September 2022

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

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

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD 25725029
Applicant:	Altis Frasers JV Pty Ltd
Consent Authority:	Minister for Planning
Site:	Lot 1 in DP 1018318 and Lot 1 in DP 1271677 657-769 Mamre Road, Kemps Creek
Development:	The construction and operation of a warehouse and manufacturing facility for the production of 48,000 tonnes per annum of powder products and 5,000 tonnes per annum of liquid products, with ancillary office space, car parking, landscaping, subdivision and associated works.

FOR INFORMATION

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 25725029-Mod-1	3 October 2024	Team Leader	Addition of a sign on the eastern façade of the powder silo

CONSOLIDATED CONSENT

TABLE OF CONTENTS

DEFINITIONS	V
PART A ADMINISTRATIVE CONDITIONS	8
Obligation to Minimise Harm to the Environment.....	8
Terms of Consent	8
Limits of Consent.....	8
Notification of Commencement.....	8
Evidence of Consultation	9
Staging, Combining and Updating Strategies, Plans or Programs	9
Protection of Public Infrastructure.....	9
Structural Adequacy	9
Compliance.....	9
Planning Agreement.....	9
Controlled Action Approval	10
Subdivision	10
Operation of Plant and Equipment.....	10
External Walls and Cladding.....	10
Schedule of Materials	10
Utilities and Services	10
Works as Executed Plans.....	10
Applicability of Guidelines.....	11
PART B ADMINISTRATIVE CONDITIONS	12
Noise	12
Vibration	13
Air Quality.....	14
Traffic and Access	14
Soils, Water Quality and Hydrology	16
Aboriginal Heritage	17
Hazards and Risk	17
Waste Management.....	18
Contamination	18
Bushfire	18
Visual Amenity.....	19
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING.....	20
Environmental Management.....	20
Construction Environmental Management Plan.....	20
Operational Environmental Management Plan	20
Revision of Strategies, Plans and Programs	21
Reporting and Auditing	21
Access to Information	22
.....	24
APPENDIX 1 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES.....	27
APPENDIX 2 NOISE RECEIVER LOCATIONS	33
APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS.....	34

CONSOLIDATED CONSENT

DEFINITIONS

Additional Information	Additional information provided by the Applicant via emails from Frasers Property Industrial on 16 September 2022, 23 September 2022 and 26 September 2022
Applicant	Altis Frasers JV Pty Ltd or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Calendar year	A period of 12 months commencing on 1 January
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Penrith City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in Schedule 1, the EIS and Response to Submissions, including the construction and operation of construction and operation of a warehouse and manufacturing facility for the production of 48,000 tonnes per annum of powder products and 5,000 tonnes per annum of liquid products, ancillary office space, car parking, landscaping, subdivision and associated works, as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
DPE	Department of Planning and Environment
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled 'Environmental Impact Statement: Proposed Manufacturing Facility and Associated Warehouse 657-769 Mamre Road, Kemps Creek (Lot 10 approved under SSD-9522)', prepared by Willowtree Planning dated 9 November 2021, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	a) As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPBC 2021/8926	Approval of controlled action by the Commonwealth Minister administering the EPBC Act including any delegate
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement

CONSOLIDATED CONSENT

Heritage item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974', the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Note: "material harm" is defined in this consent	
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Minister	Minister for Planning and Public Spaces
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification application made under the EP&A Act: 1 Section 4.55(1A) Application ARDEX Warehouse and Manufacturing Facility SSD-25725029 Modification 1 prepared by Willowtree Planning and dated 17 November 2023, and Response to Request for Additional Information – SSD-2572509 MOD 1 – Ardex warehouse and manufacturing facility dated 20 May 2024 and additional information Re: Response to request for additional information – SSD-2572509 Mod 1 Ardex Warehouse and Manufacturing Facility dated 14 August 2024
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
MRP	Mamre Road Precinct
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The operation of development for the production of construction products and ancillary offices as described in the EIS, RTS and Additional Information
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act and for the subdivision work under section 6.12(1) of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.

CONSOLIDATED CONSENT

Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled 'Response to Submissions: Proposed Manufacturing Facility and Associated Warehouse 657-769 Mamre Road, Kemps Creek (Lot 10 approved under SSD-9522)', prepared by Willowtree Planning and dated 7 September 2022
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1.
SSD-9522	The development consent, as modified, granted by the then Executive Director, Energy Industry and Compliance under delegation from the then Minister for Planning and Public Spaces, for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (Application number SSD-9522)
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

LIMITS OF CONSENT

Lapsing

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

Production

- A6. The development must not receive or process more than:
- (a) 48,000 tonnes per annum of powder products; and
 - (b) 5,000 tonnes per annum of liquid products.

Note: Any activity that would exceed the threshold for a scheduled activity under Schedule 1 of the POEO Act will require separate approval.

Car Parking

- A7. Car parking is to be provided for the development in accordance with the Mamre Road Precinct Development Control Plan, except for changes required to the site plan in accordance with Condition B27.

Airspace Operations

- A8. Any encroachments into protected airspace will require separate approval in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996

NOTIFICATION OF COMMENCEMENT

- A9. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation;
 - (c) cessation of operations; and
 - (d) decommissioning.

- A10. If the construction or operation or decommissioning of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A12. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A15. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

STRUCTURAL ADEQUACY

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

COMPLIANCE

- A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

PLANNING AGREEMENT

- A19. Prior to the issue of any Construction Certificate (or at a time otherwise agreed by Council), the Applicant must pay the required contribution to Penrith City Council in accordance with the Planning Agreement relating to the development, executed on 29 September 2022.

CONTROLLED ACTION APPROVAL

- A20. The Applicant must comply with the controlled action approval Number 2021/8926, issued under *Environment Protection and Biodiversity Conservation Act 1999*.

SUBDIVISION

- A21. Prior to the issuing of a Subdivision Certificate for any stage of the development, detailed work-as-executed drawings must be prepared and signed by a Registered Surveyor, which show the finished surface levels of internal roads, drainage, and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier and Council prior to the issue of a Subdivision Certificate.
- A22. Prior to the issuing of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.
- A23. Prior to the issuing of a Subdivision Certificate for any stage of the development, a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established.

OPERATION OF PLANT AND EQUIPMENT

- A24. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

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

SCHEDULE OF MATERIALS

- A28. Prior to the issue of the relevant Construction Certificate, a schedule of external materials and finishes, including an options analysis, must be submitted to the satisfaction of the Planning Secretary that demonstrates a mix of materials and colours utilised in the development design, including the silo towers, in accordance with the architectural design controls in Section 4.2.5 of the Mamre Road Precinct Development Control Plan 2021.
- A29. Prior to the issue of the relevant Construction Certificate, evidence must be submitted to the Certifier demonstrating that the design of the building, materials and colours used on the building facades are consistent with the approved schedule of materials and finishes under Condition A29.

UTILITIES AND SERVICES

- A30. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A31. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A32. Before the commencement of operation of the development, the Applicant must obtain permission to discharge trade wastewater to Sydney Water's sewerage system.
- A33. All services are to be located underground.

WORKS AS EXECUTED PLANS

- A34. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

CONSOLIDATED CONSENT

APPLICABILITY OF GUIDELINES

- A35. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A36. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

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

PART B ADMINISTRATIVE CONDITIONS

NOISE

Hours of Work

- B1. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

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

- B2. Works outside of the hours identified in condition B1 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the Planning Secretary;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B3. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Noise Management Plan required by condition B4.

Construction Noise Management Plan

- B4. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) be approved by the Planning Secretary prior to the commencement of construction of the development;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
 - (d) describe the measures to be implemented to manage high noise generating works;
 - (e) detail procedures for coordinating construction works with other developments in the immediate vicinity to minimise cumulative noise impacts;
 - (f) describe the community consultation undertaken in relation to construction noise management and outline any strategies developed with the community to manage high noise generating works, or to provide respite periods; and
 - (g) include a complaints management system that would be implemented for the duration of the construction.
- B5. The Applicant must:
- (a) not commence construction until the Construction Noise Management Plan required by condition B4 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

- B6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

Table 2 Noise Limits dB(A)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{AMax}
NCA1 – Luddenham	40	35	30	52
NCA2 – Orchard Hills	40	35	30	52
NCA3 – Residences within the MRP	48	43	38	52
NCA4 – Mount Vernon	40	35	30	52
NCA5 – Kemps Creek	40	35	30	52

Note Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 1999) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

Noise Verification

- B7. Prior to the commencement of construction, the Applicant must prepare a Design Noise Verification Report for the development, to the satisfaction of the Planning Secretary. The report must:
- (a) be prepared by a suitably qualified and experienced acoustic consultant;
 - (b) detail the mitigation measures required to achieve a night-time noise amenity goal of 27dB(A) at residential receivers in Luddenham;
 - (c) provide updated noise modelling to verify noise compliance, if the mitigation measures included in the RTS are to be modified due to construction of buildings in between the development and sensitive receivers; and
 - (d) detail contingency measures to be implemented if the mitigation measures are not effective in reducing noise to an acceptable level.
- B8. The Applicant must not commence operation until the noise mitigation measures approved by the Planning Secretary under condition B7 are implemented.
- B9. Within six months of the commencement of operation of the development, the Applicant must prepare a Noise Validation Report to demonstrate that operation of the development meets the noise limits in condition B6, to the satisfaction of the Planning Secretary. The report must:
- (a) be prepared by a suitably qualified and experienced acoustic consultant;
 - (b) describe the acoustical treatments and management measures required to ensure compliance with the noise limits in condition B6; and
 - (c) if necessary, recommend, prioritise and implement measures to improve noise controls on site to ensure the development meets relevant criteria and protects off site receivers from excessive noise.

Road Traffic Noise

- B10. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

VIBRATION

Vibration Criteria

- B11. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

AIR QUALITY

Dust Minimisation

- B12. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B13. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B14. The Applicant must install, regularly inspect, maintain and operate emission control equipment in line with best practice to ensure that the development complies with all air quality criteria applicable to the site.
- B15. The Applicant must not undertake any loading or filling activities unless the air emissions control equipment listed in the RTS, is functioning appropriately and in accordance with manufacturer's specifications and performance guarantees.

Air Quality Monitoring

- B16. Within 12 months of the commencement of operation, the Applicant must undertake air quality monitoring of the development, to the satisfaction of the Planning Secretary. The monitoring must:
- (a) be undertaken by a suitably qualified and experienced person(s);
 - (b) target total suspended particulates, PM₁₀ and PM_{2.5};
 - (c) evaluate the performance of the operation and determine compliance with relevant air quality impact assessment criteria and the predictions in the RTS;
 - (d) identify additional control measures to be implemented if monitoring indicates the development is not meeting relevant air quality impact assessment criteria; and
 - (e) provide a timetable for implementing the additional control measures.
- B17. Within 2 months of completion of the monitoring described in condition B16, the Applicant must provide an air quality monitoring report to the Planning Secretary.

Odour Management

- B18. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B19. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including management of cumulative construction traffic across the industrial estate approved under SSD-9522;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B20. The Applicant must:

- (a) not commence construction until the Construction Traffic Management Plan required by condition B19 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B21. Prior to the commencement of operation of the development, the Applicant must complete the construction of the internal estate roads approved under the consent for SSD-9522 to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B22. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 36.2 metre A-double truck.
- B23. Any driveway crossover must be at a minimum of 1m clearance from any public utility service lid, light pole or stormwater kerb inlet pit and lintel. Driveways must be located a minimum of 1.5m from any street tree and their locations are to allow for safe pedestrian movements.
- B24. All driveway crossovers must be located within the site so that there is at least 1.5m separation from any driveways proposed or approved under a separate development consent on adjoining land.

Intersection Works

- B25. The Applicant must meet the requirements of TfNSW for the intersection upgrade works on the Mamre Road and Bakers Lane intersection prior to operation.

Parking

- B26. The Applicant must provide sufficient parking facilities on-site in accordance with the Mamre Road Precinct Development Control Plan 2021, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- B27. Prior to construction, the Applicant must update the site plan (drawing no. 210618-DA 200, Issue E, dated 21.09.22) and relevant civil and landscape plans to the satisfaction of the Planning Secretary, to delete the following car parking spaces and replace those areas with additional landscaping or planter beds designed in accordance with the Mamre Road Precinct Development Control Plan 2021:
 - (a) The car parking spaces numbered on the site plan as 114, 119 and 153-157.
- B28. The car park area is to be provided with pervious surfaces in accordance with the landscape plans prepared by Habit8 Pty Ltd (issue H, dated 21 September 2022).

Operating Conditions

- B29. The Applicant must ensure:
 - (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Operational Traffic Management Plan

- B30. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by condition C5 and must:
 - (a) be prepared by a suitably qualified and experienced person(s)
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency;

- (d) detail heavy vehicle routes, access, and parking arrangements;
 - (e) detail traffic management measures required on site, including when more than one articulated vehicle is rear-loading into the loading dock near the powder silo tower as recommended by the swept path assessment by Ason Group (ref. AG1732-07-v09) dated 26 September 2022; and
 - (f) include an Operational Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) include a program to monitor the effectiveness of these measures.
- B31. The Applicant must:
- (a) not commence occupation of the development until the OTMP required by Condition B30 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OTMP approved by the Planning Secretary

Green Travel Plan

- B32. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Green Travel Plan. The Green Travel Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with TfNSW and address the comments provided by TfNSW dated 28 September 2022;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B33. The Applicant must implement the most recent version of the Workplace Travel Plan for the duration of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B34. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

- B35. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B36. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B37. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the stormwater management system constructed under SSD-9522;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Flood Management

- B38. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP and OEMP required by Conditions C2 and C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);

- (c) include details of:
 - (i) the flood emergency responses for both construction and operation phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors.

B39. The Applicant must:

- (a) not commence construction until the Flood Emergency Response Plan required by condition B38 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

Water Management Plan

B40. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5. The Water Management Plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail water use, metering, disposal and management on-site;
- (c) the management of wastewater streams on-site including the operation of the wastewater treatment plant (WWTP);
- (d) contingency measures to be implemented if the WWTP is out of operation
- (e) contain a Contaminated Water Retention Plan
 - (i) description of secondary containment including bunding;
 - (ii) protocols for the operation of the pollution control valve during pollution incidents;
 - (iii) disposal locations which are licenced to accept the contaminated water;
- (iv) stormwater impact assessment criteria, including trigger levels for investigating and potential adverse
- (v) surface water impacts; and
- (vi) a protocol for the investigation and mitigation of identified exceedances of the stormwater impact assessment criteria; and
- (vii) contain a Pollution Incident Response Management Plan.

B41. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B17 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Management Plan (ACHMP)

B42. The development must be undertaken in accordance with the most recently approved revision of the ACHMP approved under SSD-9522.

Unexpected Finds Protocol

B43. If any item or object of Aboriginal heritage significance is identified on site:

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

B44. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HAZARDS AND RISK

Dangerous Goods

B45. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

- B46. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

WASTE MANAGEMENT

Waste Management Plan

- B47. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition C5. The Plan must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA 2014);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in Appendix 2.
- B48. The Applicant must:
- (a) not commence operation until the Waste Management Plan is approved by the Planning Secretary;
 - (b) implement the most recent version of the Waste Management Plan approved by the Planning Secretary.

Statutory Requirements

- B49. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B50. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B51. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B52. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B53. The collection of waste generated during operation of the development must be undertaken between 7am to 10pm Monday to Friday.

CONTAMINATION

Unexpected Finds

- B54. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Imported Fill

- B55. Prior to the commencement of earthworks, the Applicant must prepare an imported fill protocol to ensure that soil brought to the site is suitable and potentially contaminated material is managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

BUSHFIRE

- B56. The Applicant must ensure the development complies with:
- (a) The relevant provisions of *Planning for Bushfire Protection* 2019;
 - (b) the recommendations within the '*Bushfire Assessment, Manufacturing and Warehousing Facility*', prepared by Peterson Bushfire and dated 8 November 2021 (Ref 21100); and
 - (c) *AS2419.1-2021 Fire Hydrant installations*.

VISUAL AMENITY

Landscaping

- B57. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with conditions C5. The plan must:
- (a) detail the species to be planted on-site incorporating landscape species to minimise wildlife attraction;
 - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B58. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
 - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
 - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B61 for the life of the development.

Lighting

- B59. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- B60. All signage and fencing must be erected in accordance with the development plans included in the RTS, Additional Information and the development plans that form part of SSD-25725029-Mod 1.**
- Note: This condition does not apply to temporary construction and safety related signage and fencing.***
- B61. **Prior to the operation of the signage on the eastern face of the powder silo, the Applicant must prepare a Signage Lighting Management Plan to the satisfaction of the Planning Secretary. The plan must include:**
- (a) details of the lighting design and brightness levels of the illuminated signage**
 - (b) details of lighting mitigation measures including the mechanism to dim and turn off illumination as part of the signage curfew described in condition B63;**
 - (c) describe the contingency measures should complaints be received.**
- B62. **The Applicant must not commence operation of the illumination of the signage on the eastern face of the power silo until the Signage Lighting Management Plan required under condition B61 is approved by the Planning Secretary.**
- B63. **The Applicant must ensure the illumination of the signage on the eastern façade is switched off after 10 pm.**

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Air quality management measures;
 - (b) Construction Noise Management Plan (Condition B4);
 - (c) Construction Traffic Management Plan (Condition B19);
 - (d) Erosion and Sediment Control Plan (Condition B35);
 - (e) Flood Emergency Response Plan (Condition B38);
 - (f) Unexpected Finds Protocol (Condition B54);
 - (g) Imported Fill Protocol (Condition B55);
 - (h) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:

- (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
- (ii) receive, handle, respond to, and record complaints;
- (iii) resolve any disputes that may arise;
- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Operational Traffic Management Plan (Condition B30)
 - (ii) Green Travel Plan (Condition B32)
 - (iii) Flood Emergency Response (Condition B38);
 - (iv) Water Management Plan (Condition B40); and
 - (v) Waste Management Plan (Condition B47);
 - (vi) Landscape Management Plan (see Condition B57).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C15;
- (b) the submission of an incident report under condition C11;
- (c) the submission of an Independent Audit under condition C17;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

C9. the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.

C10. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C11. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

C12. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

C13. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C14. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C15. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

CONSOLIDATED CONSENT

- (a) identify any trends in the monitoring data over the life of the development;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

C16. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Independent Audit

C17. Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
- (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

C18. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C17 of this consent;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

C19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

ACCESS TO INFORMATION

C20. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:

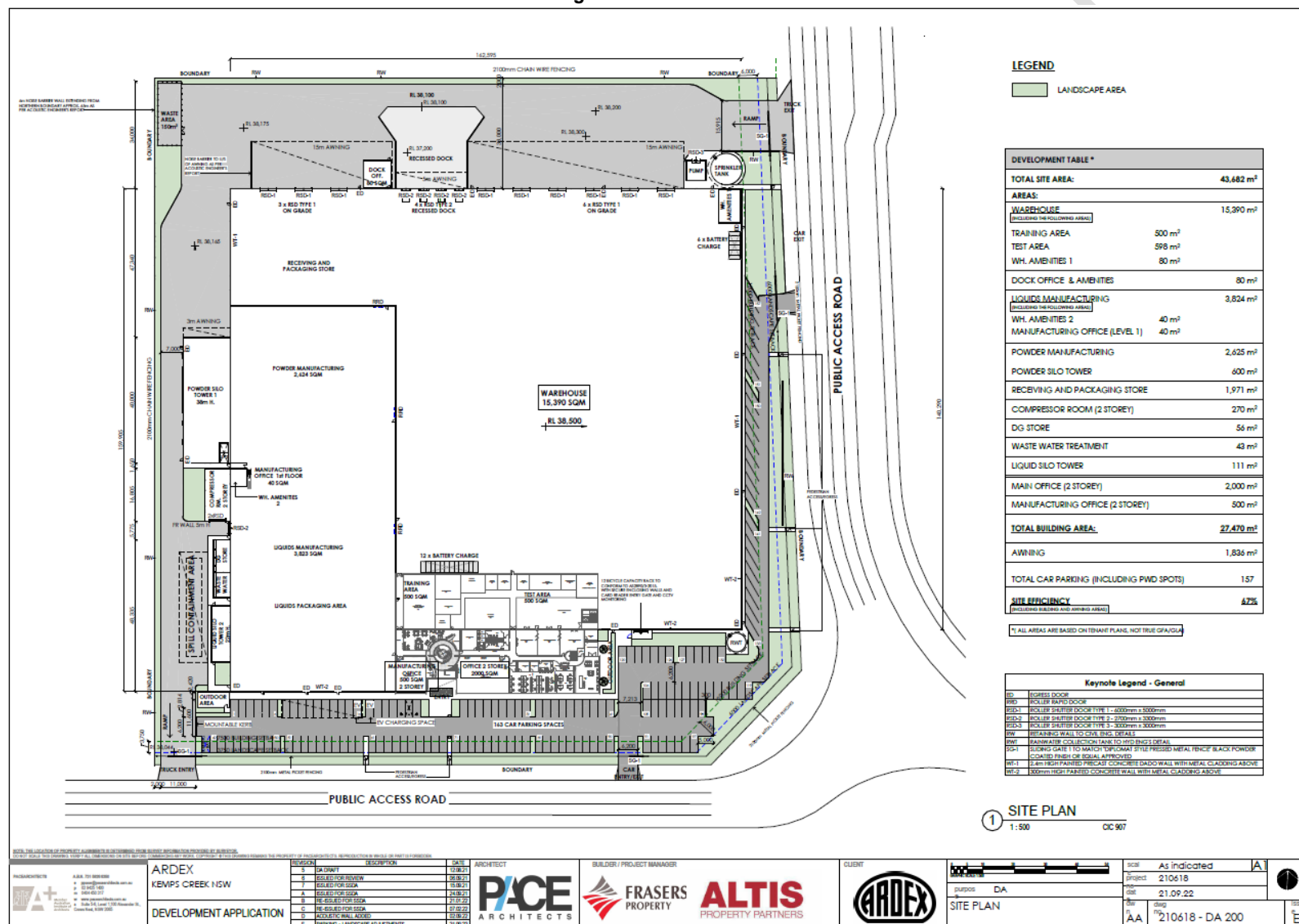
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) minutes of CCC meetings;
 - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (viii) a summary of the current stage and progress of the development;
 - (ix) contact details to enquire about the development or to make a complaint;
 - (x) a complaints register, updated monthly;
 - (xi) the Compliance Report of the development;
 - (xii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;

CONSOLIDATED CONSENT

- (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary

FOR INFORMATION

Figure 1: Site Plan



CONSOLIDATED CONSENT

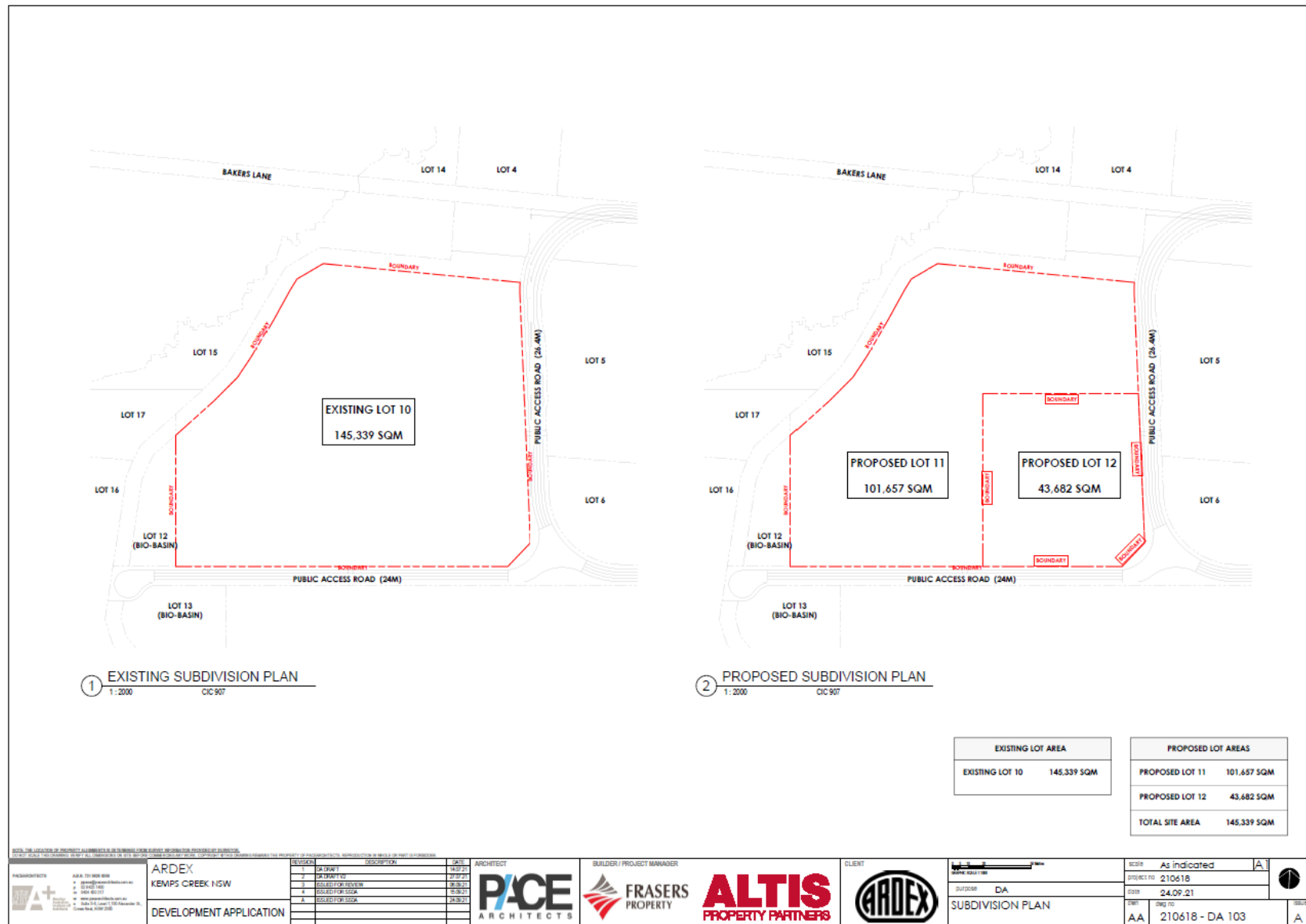


Figure 2: Subdivision Plan

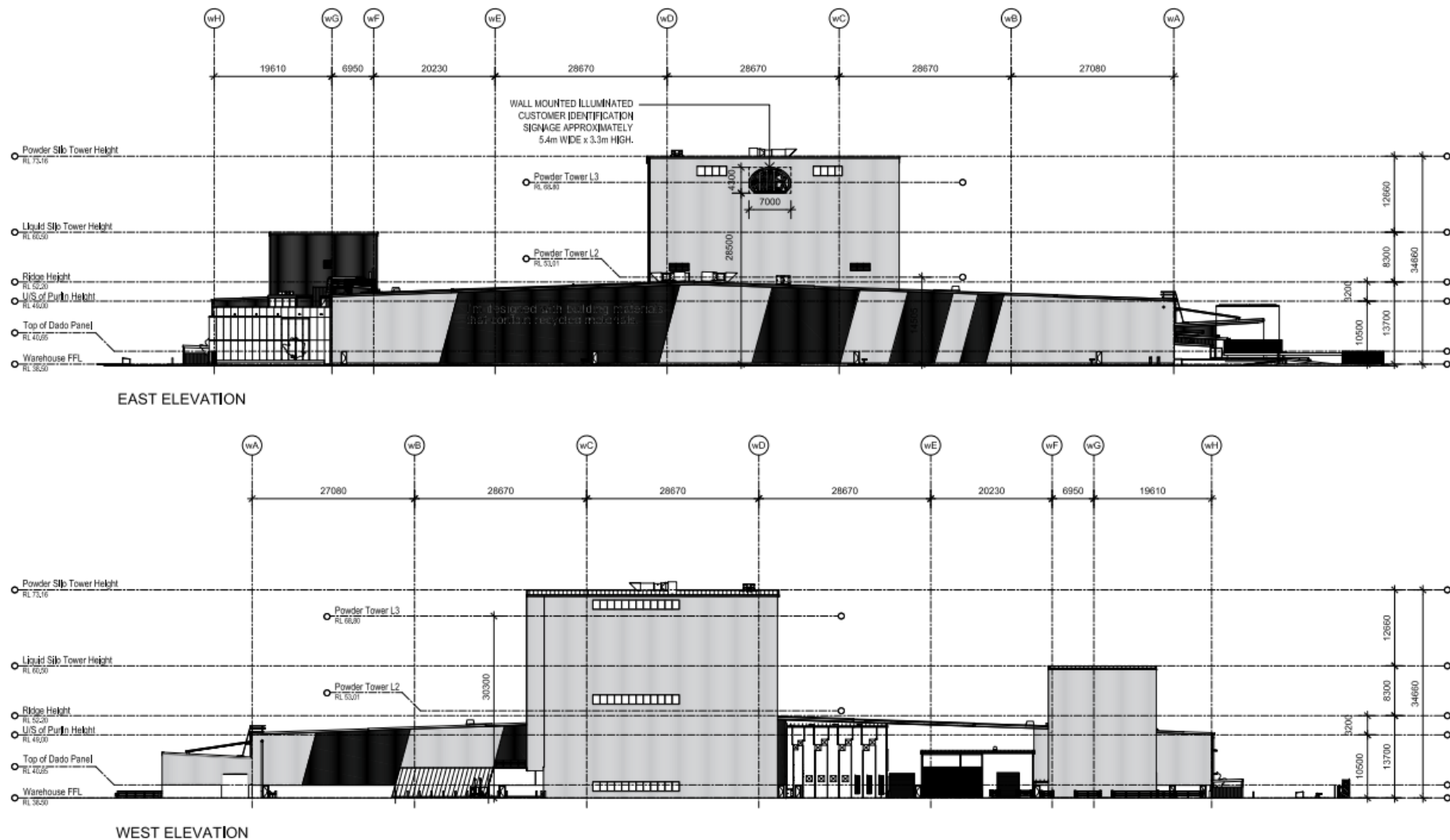


Figure 3: Signage on the powder silo

APPENDIX 1 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

By:	Altis Frasers JV Pty Ltd
In relation to:	State Significant Development Application (SSD-25725029) For proposed Manufacturing/Industrial Facility
Site:	657-769 Mamre Road, Kemps Creek Proposed Lot 10, Approved Under SSD 9522

Altis/Frasers plan to undertake the construction and operation of the proposed warehouse/industrial facility, in accordance with the following subsections.

Below prescribes some of the terms and abbreviations used in this statement, including:

Altis	Altis Frasers JV Pty Ltd
Approval	The Minister's approval of the project
BCA	Building Code of Australia
Council	Penrith City Council
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
NCC	National Construction Code
Project	The proposed development as described in PART C of the EIS
Secretary	Secretary-General of the Department (or delegate)
Subject site	Land to which the project application applies
WorkCover	NSW WorkCover

ADMINISTRATIVE COMMITMENTS

Commitment to Minimise Harm to the Environment

- Altis will commit to implement all reasonable and feasible measures, to prevent and/or minimise any harm to the environment, that may result from the construction or operation of the proposed development.

Terms of Approval

- Altis will carry out the project generally in accordance with the:
 - Environmental Impact Statement;
 - Drawings;
 - Management and Mitigation Measures;
 - Any Conditions of Approval; and
 - Any relevant Conditions of Approval of SSD 9522.

Occupation Certificate

- Altis will ensure that Occupation Certificates are obtained prior to the occupation of the facilities.
 - If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
 - Altis will ensure compliance with any reasonable requirement(s) of the Secretary of the DPIE arising from the assessment of:
 - Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and
 - The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

Structural Adequacy

- Altis will ensure that all new buildings and structures on the Site are constructed in accordance with the relevant requirements of the NCC.

Operation of Plant and Equipment

5. Altis will ensure that all plant and equipment used on-site, is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

Construction Environmental Management Plan

6. Prior to the commencement of construction, Altis will prepare a Construction Environmental Management Plan (CEMP) that addresses the following:
 - (a) Air Quality;
 - (b) Noise and Vibration;
 - (c) Waste Classification;
 - (d) Erosion and Sediment Control;
 - (e) Construction Traffic;
 - (f) Materials Management Plan; and
 - (g) Community Consultation and Complaints Handling.

Monitoring of State of Roadways

7. Altis will monitor the state of roadways leading to and from the Subject Site, during construction, and will take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Waste Receipts

8. Altis will ensure that a permanent record of receipts, for the removal of both liquid and solid waste from the Subject Site, be kept and maintained up to date at all times. Such records would be made available to authorised person upon request.

Complaints Handling

9. Altis will prepare an Operational Complaints Handling Protocol for the development, prior to the commencement of operations.

Environmental Representative

10. Prior to the commencement of works Altis will appoint an Environmental Representative to be approved by the Planning Secretary.

SPECIFIC ENVIRONMENTAL COMMITMENTS

Air

11. Prior to the commencement of construction, Altis will prepare a CEMP that addresses a range of management and mitigation measures relating to air quality and emissions.

Noise

12. During the construction phase, Altis will ensure that all recommendations of the Construction Noise and Vibration Management Plan are adopted and implemented.

Traffic and Transport

13. Altis will ensure that a Construction Traffic Management Plan is prepared and submitted to DPIE. This plan will:
 - (a) be submitted to the Secretary for approval prior to the commencement of construction;
 - (b) describe the traffic volumes and movements to occur during construction;
 - (c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and,
 - (d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.
14. The Construction Traffic Management Plan will be implemented throughout the construction cycle.

Waste Management

15. During construction, Altis will implement the measures contained within the prepared Waste Management Plan (**Appendix 28** of the EIS). These are to be incorporated into the CEMP to be issued prior to commencement of construction.
16. Altis will ensure that all waste generated on-site during construction and operation is classified in accordance with the *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of at facility that may lawfully accept the waste.

Dangerous Goods

17. Altis will ensure the following documentation is prepared in accordance with the WHS Regulation 2017:
 - A DGs Register, indicating the type of chemical, any notations that may be required from the risk assessment and the Safety Data Sheet for the chemical.
 - A Placard Schedule.
 - A Manifest.
 - A DG Risk Assessment of the storage and handling areas.
 - An Emergency Response Plan (ERP) and Emergency Services Information Package (ESIP).
 - A Hazardous Area Classification (HAC) and Hazardous Area Verification Dossier (HAVD).

Bushfire

18. Altis will ensure that the Site is to be maintained to achieve the performance requirement of an Inner Protection Area (IPA) as described by Appendix A4.1.1 of PBP. The following landscaping specifications have been designed to achieve the IPA at this Site:
 - (a) Trees:
 - i. Trees at maturity should not touch or overhang the building; and
 - ii. Tree crowns should not provide a connected canopy between the identified hazard and the building when at maturity.
 - (b) Shrubs:
 - i. Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards the building; and
 - ii. Clumps of shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.
 - (c) Groundcover
 - i. Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height);
 - ii. Leaves and vegetation debris should be regularly removed; and
 - iii. Organic mulch is not to be used within 1 m of a building.
19. Fire hydrants will be installed to comply with AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning (AS 2419).
20. Gas services will be installed and maintained in accordance with AS/NZS 1596- 2014 The storage and handling of LP gas.
21. Hazardous or combustible materials are not to be stored externally

Ecologically Sustainable Development

22. Altis will implement the measures contained within the prepared Ecologically Sustainable Development Report (**Appendix 16** of the EIS).

Contaminated Land

23. Altis will notify the Environment Protection Authority in accordance with the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (CLM Act), if and where any contamination is identified during the development that is considered significant enough to warrant regulation under the CLM Act.

BCA/Access Assessment

CONSOLIDATED CONSENT

24. Altis will implement the measures contained within the prepared BCA Assessment Report (**Appendix 9** of the EIS).

Fire Engineering Assessment

25. Altis will implement the measures contained within the prepared Fire Safety Strategy Report (**Appendix 18** of the EIS).

FOR INFORMATION

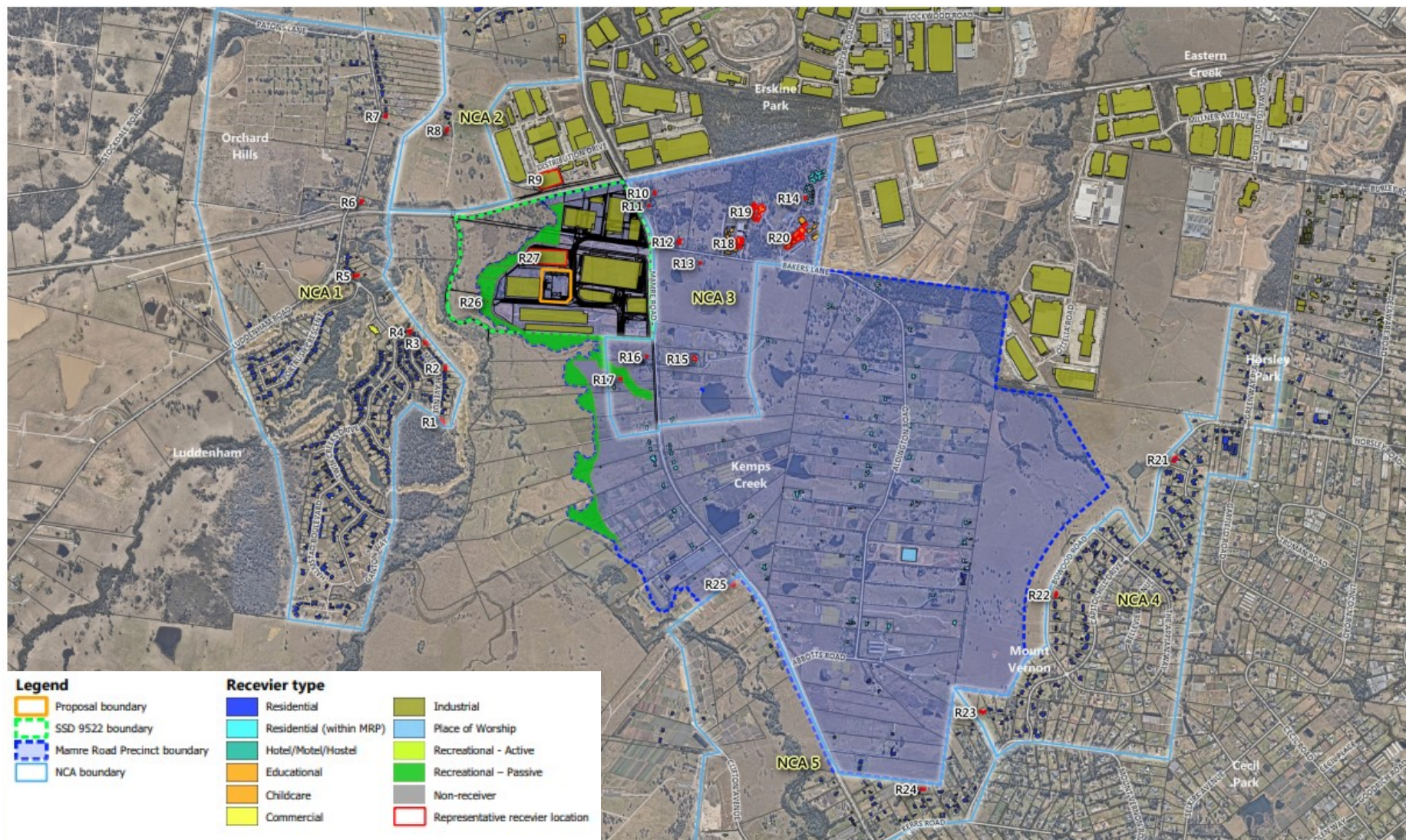
CONSOLIDATED CONSENT

POST SUBMISSION REQUIREMENTS			
REQUIREMENT	TIMING	REFERENCE SOURCE	COMPLIANCE CONFIRMATION
Environmental Representative	Prior to the commencement of works	N/A	Engaged by Applicant and approved by the Planning Secretary.
Construction Environmental Management Plan addressing:	Prior to the issue of a Construction Certificate	N/A	Consultant to certify in accordance with the relevant appendices.
• Air Quality		Appendix 7 of the EIS	PCA to confirm certification reflects nominated obligations.
• Noise and Vibration		Appendix 22 of the EIS	ER to sign off.
• Waste Classification		Appendix 29 of the EIS	
• Erosion and Sediment Control		Appendix 5 of the EIS	
• Construction Traffic		Appendix 27 of the EIS	
• Materials Management Plan		Appendix 29 of the EIS	
• Community Consultation and Complaints Handling		Appendix 13 of the EIS	
BCA/Access Assessment	Prior to the issue of a Construction Certificate	Appendix 9 of the EIS	Consultant to certify in accordance with the relevant appendix. PCA to confirm certification reflects nominated obligations. ER to sign off.
Fire Engineering Assessment	Prior to the issue of a Construction Certificate	Appendix 18 of the EIS	Consultant to certify in accordance with the relevant appendix. PCA to confirm certification reflects nominated obligations.

CONSOLIDATED CONSENT

POST SUBMISSION REQUIREMENTS			
REQUIREMENT	TIMING	REFERENCE SOURCE	COMPLIANCE CONFIRMATION
			ER to sign off.
Unexpected Finds Protocol and Imported Fill Protocol	During works	Appendix 19 of the EIS	<p>Consultant to certify in accordance with the relevant appendix.</p> <p>PCA to confirm certification reflects nominated obligations.</p> <p>ER to sign off.</p>
Dangerous Goods Register	Prior to the issue of an Occupation Certificate	Appendix 14 of the EIS	<p>Consultant to certify in accordance with the relevant appendix.</p> <p>PCA to confirm certification reflects nominated obligations.</p> <p>ER to sign off.</p>
Operational Complaints Handling Protocol	Prior to the issue of an Occupation Certificate	Appendix 13 of the EIS	<p>Consultant to certify in accordance with the relevant appendix.</p> <p>PCA to confirm certification reflects nominated obligations.</p> <p>ER to sign off.</p>
Environmental Protection License	Prior to adhesive or sealant production capacity exceeding 5,000t per year	N/A	Applicant to prepare application for Environmental Protection License

APPENDIX 2 NOISE RECEIVER LOCATIONS



APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

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