

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, 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

Mike Young  
Executive Director  
Energy, Industry and Compliance

Sydney

21 December 2020

File: EF19/12408

*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.*

**SCHEDULE 1**

<b>Application Number:</b>	SSD-9522
<b>Applicant:</b>	Fraser's Property Australia Pty Ltd and Altis Bulky Retail Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	657-769 Mamre Road, Kemps Creek  Lot 34 DP 1118173, Lot X DP 421633, Lot 1 DP 1018318, Lot Y DP 421633 and Lot 22 DP 258414
<b>Development:</b>	<p>Kemps Creek Warehouse, Logistics and Industrial Facilities Hub comprising:</p> <ul style="list-style-type: none"><li>- demolition of existing structures, site-wide earthworks, landscaping, stormwater and other infrastructure and an internal road network;</li><li>- construction and operation of eight warehouses comprising 162,355 m<sup>2</sup> of floor space;</li><li>- intersection upgrade works in Mamre Road;</li><li>- 744 parking spaces; and</li><li>- 21-lot Torrens title subdivision over two stages, being Stage 1 residual lot subdivision (5 lots) and Stage 2 residual and development lot subdivision (17 lots).</li></ul>

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9522-Mod-1	3 September 2021	Director, Industry Assessments	<p>The modification involves amendments to the site layout to accommodate changes to lots 5-8, including:</p> <ul style="list-style-type: none"> <li>• a decrease in the number of warehouses from 8 to 7;</li> <li>• an increase in GFA from 162,355 m<sup>2</sup> to 186,123 m<sup>2</sup>;</li> <li>• an increase in car parking from 744 spaces to 772 spaces;</li> <li>• a decrease in the number of subdivided lots from 21 to 20; and</li> <li>• construction of a slip lane to facilitate access into proposed Lot 5.</li> </ul>
SSD-9522-Mod-2	8 April 2022	Director, Industry Assessments	<p>The modification involves:</p> <ul style="list-style-type: none"> <li>• a decrease in the widths of the internal roads;</li> <li>• an increase in GFA from 186,123 m<sup>2</sup> to 187,378 m<sup>2</sup>;</li> <li>• an increase in car parking from 772 spaces to 774 spaces;</li> <li>• an amendment to Condition B4; and</li> <li>• an amendment to the subdivision boundary alignment of the RE1 and RE2 zoned land to a line of best fit (Condition A26).</li> </ul>
SSD-9522-Mod-3	29 September 2022	Team Leader, Industry Assessments	<p>The modification involves:</p> <ul style="list-style-type: none"> <li>• Modified lot layout and earthworks for Lots 1 – 4 and development design for Lots 2 and 3</li> <li>• Removal of built form construction on Lots 1 and 4</li> <li>• Inclusion of a new private access road within Lot 4 to provide access to Lots 2 and 3</li> </ul>

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## DEFINITIONS

<b>Applicant</b>	Frasers Property Australia Pty Ltd and Altis Bulky Retail Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The 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
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment (DPIE)
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising construction and operation, as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPIE</b>	NSW Department of Planning, Industry and Environment
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group (former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement, Proposed Warehouse, Logistics and Industrial Facilities Hub</i> , prepared by Willowtree Planning (NSW) Pty Ltd, dated May 2019, submitted with the application for consent for the development.
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>Environmental Representative Protocol</b>	The document of the same title published by the Department
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent

## CONSOLIDATED CONSENT

<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Modification Assessments</b>	<b>The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&amp;A Act:</b> (a) <b>SSD-9522-Mod-1, prepared by Willowtree Planning Pty Ltd and dated 19 April 2021, as amended by the Response to Submissions prepared by Willowtree Planning Pty Ltd and dated 30 June 2021 and the additional information provided in a letter prepared by Willowtree Planning Pty Ltd and dated 9 August 2021</b> (b) <b>SSD-9522-Mod-2, prepared by Willowtree Planning Pty Ltd and dated 19 October 2021, as amended by the Response to Submissions prepared by Willowtree Planning Pty Ltd and dated 10 December 2021, an application for an amendment to the modification application prepared by Willowtree Planning Pty Ltd and dated 2 March 2022 and additional information provided in a letter prepared by Costin Roe Consulting Pty Ltd and dated 21 January 2022, a letter prepared by Willowtree Planning Pty Ltd and dated 2 March 2022 and an email from Frasers Property Industrial dated 24 February 2021.</b> (c) <b>SSD-9522-Mod-3, prepared by Urbis Pty Ltd and dated 26 November 2021, as amended by the Amendment Report prepared by Urbis Pty Ltd and dated 29 August 2022.</b>
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>North South Distributor Road</b>	The Proposed Distributor Road shown in the drawing titled <i>State Significant Development Application Plan</i> (SSD-MRM-DA-009, Issue M), prepared by Frasers Property Australia Pty Ltd, dated 21 September 2020
<b>NRAR</b>	Natural Resources Access Regulator, DPIE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of warehouse buildings and ancillary offices as described in the EIS, RtS, RtS Addendum and Supplementary Information
<b>PA</b>	Planning Agreement in the terms of the offer made to the Minister by the Applicant in connection with SSD-9522 by letter dated 15 December 2020, being an offer to enter into a planning agreement in the terms of the agreement attached to the letter in Appendix 5.
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)

## CONSOLIDATED CONSENT

<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled <i>Response to Submissions Report, Proposed Warehouse, Logistics and Industrial Facilities Hub (SSD 9522)</i> , prepared by Willowtree Planning (NSW) Pty Ltd and dated August 2020
<b>RtS Addendum</b>	Addendum to the Response to Submissions titled <i>RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub</i> , prepared by Willowtree Planning (NSW) Pty Ltd and dated 4 September 2020
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Sequence 1A intersection works</b>	Sequence 1A upgrade to the Mamre Road and Bakers Lane intersection, as described in the <a href="#">Concept Road Design titled Mamre Road Upgrade 0.7 km South of Bakers Lane to Distribution Drive</a> , included with SSD-9522-Mod-1, prepared by MU Group and dated 29 March 2021 (Registration No. 2020_8_CD-0002) and as amended by the conditions of this consent
<b>Sequence 1B intersection works</b>	Sequence 1B upgrade to the Mamre Road and Bakers Lane intersection, as described in the <a href="#">Concept Road Design titled Mamre Road Upgrade 0.7 km South of Bakers Lane to Distribution Drive</a> , included with SSD-9522-Mod-1, prepared by MU Group and dated 2021 (Registration No. 2020_8_CD-0001) and as amended by the conditions of this consent
<b>Site</b>	The land shown in Appendix 1
<b>Stage 1 Subdivision</b>	The stage 1 subdivision plan shown in Appendix 1
<b>Stage 2 Subdivision</b>	The stage 2 subdivision plan shown in Appendix 1
<b>Southern Link Road</b>	As described in the <i>Broader WSEA SLRN Options Refinement Report</i> prepared by AECOM, dated 6 May 2014 and shown in the drawing titled <i>State Significant Development Application Plan (SSD-MRM-DA-009, Issue M)</i> , prepared by Frasers Property Australia Pty Ltd, dated 21 September 2020
<b>Supplementary Information</b>	Additional information provided on 2 October 2020 and 16 October 2020 by Willowtree Planning (NSW) Pty Ltd in letters titled <i>RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub</i>
<b>TfNSW</b>	Transport for NSW
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Western Sydney Freight Line</b>	As shown in TfNSW Western Sydney Freight Line Corridor Identification – Consultation, March 2018
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, RtS, RtS Addendum, **and** Supplementary 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

- 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.
- A6. The following limits apply to the development:
- (a) the maximum GFA for the land uses in the development must not exceed the limits in Table 1;
  - (b) a minimum 60 metre (m) wide corridor along the northern site boundary, as shown on the Development Layout in Appendix 1, must not be developed and must be maintained and preserved for the future Western Sydney Freight Line corridor, in accordance with the requirements of TfNSW;
  - (c) a minimum 50 m wide corridor, as shown on the Development Layout in Appendix 1, must not be developed and must be maintained and preserved for the future Southern Link Road, in accordance with the requirements of TfNSW; and
  - (d) the largest vehicle permitted to access the site is a **30m PBS Level 2 Type B**.

**Table 1** Maximum GFA for Development

Land Use	Maximum GFA square metres (m <sup>2</sup> )
Total Warehousing	179,477
Total Office	7,901
<b>Total GFA</b>	<b>187,378</b>

- A7. The Applicant must ensure the development is consistent with the development controls in **Table 2**:

**Table 2** Development Controls

Development Aspect	Control
Minimum building setbacks from:	
• Southern Link Road	20 m including a 10 m landscaped setback



Development Aspect	Control
• Mamre Road	20 m including a 10 m landscaped setback
• North South Distributor Road	7.5 m including a 3.75 m landscaped setback
• Estate Roads	7.5 m including a 3.75 m landscaped setback
Rear boundary setbacks	5 m
Side boundary setbacks	5 m
Maximum building height	26.37 m from finished ground level

- A8. The Applicant **must** ensure the development provides car parking in accordance with the following rates:
- 1 space per 300 m<sup>2</sup> of warehouse GFA;
  - 1 space per 40 m<sup>2</sup> of office GFA;
  - 1 space for accessible parking for every 100 car parking spaces; and
  - 1 percent of car parking spaces are to be provided with conduit provision for Electric Vehicle Charging Stations.
- A9. The Applicant must provide bicycle racks, and amenity and change room facilities for cyclists in accordance with *Penrith City Council Development Control Plan C10 Section 10.7, AS 2890.3 Bicycle Facilities and Planning Guidelines for Walking and Cycling* (December 2004, NSW Department of Infrastructure, Planning and Natural Resources and the Roads and Traffic Authority)
- A10. ~~The Applicant must lodge revisions to the Penrith Development Control Plan 2014 to incorporate the site-specific Development Control Plan titled SSD-9522 Development Control Plan 2020, Mamre Road Precinct (Kemps Creek Industrial Estate), dated 3 August 2020 and prepared by Willowtree Planning Pty Ltd, with Council within 6 months of commencing development under this consent.~~

#### NOTIFICATION OF COMMENCEMENT

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

#### EVIDENCE OF CONSULTATION

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A14. With the approval of the Planning Secretary, the Applicant may:
- 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);
  - 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
  - update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

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

#### PROTECTION OF PUBLIC INFRASTRUCTURE

- A17. 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.
- A18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; 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.

#### DEMOLITION

- A19. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### STRUCTURAL ADEQUACY

- A20. 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

- A21. 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.

#### CONTRIBUTIONS TO COUNCIL

- A22. Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act. If there is any dispute about the implementation of this condition, either party may refer the matter to the Planning Secretary for resolution.

#### PLANNING AGREEMENT

- A23. Prior to the issue of the first Occupation Certificate or within 12 months of the date of commencing development under this consent, whichever occurs first, the Applicant must enter into a planning agreement with the Minister in the terms of the offer made to the Minister by the Applicant in connection with SSD-9522 by letter dated 15 December 2020, being an offer to enter into a planning agreement in the terms of the agreement attached to the letter in Appendix 5.

#### 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.

#### SUBDIVISION AND EASEMENTS

- A25. The Applicant must update the subdivision plan titled *Subdivision Plan – Stage 2 (Drawing No. SP-MRM-MOD2-002, Issue H), prepared by Frasers Property Australia Pty Ltd, dated 9 December 2021* to amalgamate lots 15, 16 and 17 to one lot.
- A26. Prior to the issue of the subdivision certificate required under condition A25, the Applicant must demonstrate the lot boundaries align with the *cadastral boundary shown in the plan titled Plan Showing Planning Zones (Drawing No. 10129-101, Rev. B), prepared by Boxall Surveyors Pty Ltd, dated 27 September 2021* to the satisfaction of the Planning Secretary.
- A27. The Applicant must register all new easements under Section 88A and/or restrictions or public positive covenants under Section 88E of the *Conveyancing Act 1919* including those identified on the subdivision plan titled

## **EXTERNAL WALLS AND CLADDING**

- A28. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A29. 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.
- A30. 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.

## **UTILITIES AND SERVICES**

- A31. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A32. 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*.
- A33. Before the issue of a Stage 2 Subdivision or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A34. Before the issue of the final Occupation Certificate for each lot the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

## **WORKS AS EXECUTED PLANS**

- A35. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, on-site detention system and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **ENVIRONMENTAL REPRESENTATIVE**

- A36. Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.
- A37. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.
- A38. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Response to Submissions and is independent from the design and construction personnel for the development.
- A39. The Applicant may engage more than one ER for the development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the development.
- A40. For the duration of construction or as agreed with the Planning Secretary, the approved ER must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
  - (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
  - (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
  - (d) review the CEMP in condition C2 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:

- (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
  - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
  - (e) regularly monitor the implementation of the CEMP to ensure implementation is being carried out in accordance with the document and the terms of this consent;
  - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the construction commissioned by the Department including scoping audits, programming audits, briefings, and site visits;
  - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and
  - (h) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.
- A41. The Applicant must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition A40 (including preparation of the ER monthly report), as well as:
- (a) the complaints register (to be provided on a daily basis); and
  - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).
- A42. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition C16. The Applicant must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
  - (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

#### APPLICABILITY OF GUIDELINES

- A43. 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.
- A44. 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.
- AN2.** Future development applications will be subject to the Mamre Road Precinct Development Control Plan or its equivalent.
- AN3.** Future development applications will be subject to the relevant contribution plan applicable at the time.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. 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, TfNSW, The Anglican Schools Corporation, Emmaus Catholic College, Catholic Healthcare Emmaus Retirement Village, Catholic Healthcare Emmaus Residential Aged Care Home and Trinity Catholic Primary School;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (d) detail heavy vehicle routes, number of vehicles, hours of construction, access (including interim left in and left out) and parking arrangements;
  - (e) detail pedestrian safety measures;
  - (f) include specific measures to minimise impacts on the nearby education precinct;
  - (g) 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;
  - (h) include a program to monitor the effectiveness of these measures; and
  - (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Roadworks and Access

- B3. Prior to the completion of Sequence 1A works, all construction traffic must only access the site in a left in and left out movement at an interim access point as prescribed in the Construction Traffic Management Plan (see condition B1).
- B4. Prior to **the issue of a Subdivisions Works Certificate for the estate roads**, the Applicant must submit design plans to the satisfaction of the **Certifying Authority** which demonstrate the proposed access to the development, the internal road intersections **and access to each development lot** are:
- (a) designed **for 30 m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for 36.5 m PBS Level 3 Type A vehicles**; and
  - (b) consistent with the most recent version of Austroads Guide to Road Design and TfNSW specifications.
- B5. Prior to the issue of any Subdivision Certificate or commencement of road construction, the Applicant must submit compliant line marking plans which accommodates the swept path for both B-Double vehicles and 19.0 m Articulated vehicles to the satisfaction of the Planning Secretary. The line marking plans must be in accordance with TfNSW Specification R145.
- B6. The Applicant must design the North South Distributor Road in accordance with the controls in Table 3, unless otherwise required by the Mamre Road Precinct Development Control Plan.

**Table 3** North South Distributor Road Requirements

Road Aspect	Minimum Requirement
Total road reserve	30.7 m
Minimum road verge of 4.6 m, comprising:	
• light pole	0.6 m
• pedestrian path	1.5 m

Road Aspect	Minimum Requirement
• tree planting	2.5 m
Minimum road verge of 5.6 m, comprising:	
• light pole	0.6 m
• shared path	2.5 m
• tree planting	2.5 m
Design vehicle	26 m B-Double and 19.0 m Articulated Vehicle

- B7. Following the issue of a Stage 2 Subdivision Certificate, the estate roads **must** be dedicated to the Relevant Roads Authority. Prior to any dedication, the Applicant **must** ensure construction of the estate roads **have** been completed to the satisfaction of the Relevant Roads Authority **and must undertake a final inspection of all estate roads with the Relevant Roads Authority. The Applicant must ensure all** measures (such as a performance bond) are in place for any prescribed maintenance period, to the satisfaction of the Relevant Roads Authority. **Prior to the dedication of any estate road, all compliance documentation for road and drainage construction must be submitted to the Relevant Roads Authority in accordance with the Relevant Roads Authorities specifications and requirements.**
- B8. The Applicant must prepare a schedule for consultation with WaterNSW in relation to the construction and widening of Mamre Road and associated utilities over the Warragamba Pipelines corridor. The schedule must be prepared in consultation with WaterNSW and to the satisfaction of the Planning Secretary.
- B9. The design of the construction and widening of Mamre Road and associated utilities over the Warragamba Pipelines corridor must be prepared in consultation with WaterNSW. Evidence of consultation must be provided to the satisfaction of the Planning Secretary.
- B9A. The Applicant is responsible for all public utility adjustment/relocation works necessitated by the development and as required by the relevant public utility authorities.**
- B9B. The Applicant must ensure any emergency vehicle driveways are gate restricted for emergency vehicle access only.**
- B9C. The Applicant must ensure the slip lane adjacent to Lot 5 is restricted to left-in access only.**

#### Intersection Works

- B10. Prior to the occupation of any warehouse, the Applicant must complete the construction of the **Sequence 1A intersection works** to the satisfaction of TfNSW.
- B11. The Applicant must complete the construction of the **Sequence 1B intersection works** by 31 December 2025 to the satisfaction of TfNSW.
- B12. The proposed Traffic Control Signal/s at the intersection of Mamre Road and Bakers Lane must be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans must be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The submitted design must be in accordance with *Austroads Guide to Road Design* in association with relevant TfNSW supplements. The certified copies of the TCS design and civil design plans must be submitted to TfNSW for approval prior to the release of a Construction Certificate and commencement of road works on Mamre Road.
- B12A. Prior to the Applicant entering into a Work Authorisation Deed with TfNSW, the Applicant must update the Sequence 1A intersection works to reflect the ultimate cross section design prepared by TfNSW for Mamre Road along the northbound carriageway.**
- B12B. The Applicant must ensure the Sequence 1A intersection works is designed with a design speed of 90 km/h and a posted speed limit of 80 km/h for Mamre Road.**

#### Mamre Road

- B13. The Applicant must enter into a Work Authorisation Deed (WAD) with TfNSW for any works that need to be carried out on TfNSW land.
- B14. The Applicant must remove all redundant driveways on Mamre Road and replace with kerb and gutter. The design and construction of the kerb and gutter on Mamre Road must be in accordance with TfNSW requirements. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.
- B15. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Mamre Road during construction activities.
- B16. Any realignment boundary to facilitate a footway resulting from the proposed road widening works must be dedicated as public road at no cost to the TfNSW.



B17. The Applicant must ensure stockpiles associated with roadworks on Mamre Road do not interfere or impede WaterNSW drainage infrastructure.

#### **Internal Road Network and Southern Link Road**

B18. Prior to the commencement of any construction (excluding bulk earthworks, **site servicing works or the private access road**) on lots **1 and 4** north of Bakers Lane, the Applicant must prepare a concept design demonstrating how the internal road network can provide access to lots 1-4 and link to the future Southern Link Road. The design must be prepared in consultation with TfNSW and to the satisfaction of the Planning Secretary.

**Note:** *The concept design must address access arrangements to lots 1-4 both with and without the future Southern Link Road, including ensuring any access points are an appropriate distance from signalised intersections.*

**B18A. Should the Southern Link Road be constructed prior to the satisfaction of Condition B18, the Southern Link Road and North South Distributor Road ultimate intersection will be designed and constructed as a T-intersection. Alternative access arrangements to the Southern Link Road from Lots 1-4 must be provided in consultation with TfNSW and to the satisfaction of the Planning Secretary.**

#### **Parking**

B19. The Applicant must provide sufficient parking facilities on-site, 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.

#### **Operating Conditions**

B20. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004), AS 2890.2:2018 *Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and AS 2890.6.2009 *Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009).
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) 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 are 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**

**B20A. Prior to the commencement of operation on Lots 2 or 3, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for Lots 2 and 3 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 the on-site measures to be implemented to control the manoeuvring of vehicles, including movements in and out of loading areas, to mitigate the potential for on-site vehicle conflict; 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;**
  - (iv) **inform truck drivers of the site access arrangements and use of specified haul routes;**
  - (v) **include a program to monitor the effectiveness of these measures.**

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

- B21. 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

- B22. 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.
- B23. The Applicant must prepare an Erosion and Sediment Control Plan 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 person(s);
  - (b) include detailed erosion and sediment controls developed in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline; and
  - (c) include procedures for maintaining erosion and sediment controls in efficient working order for the duration of construction, to ensure compliance with condition B25.
- B24. Prior to the commencement of bulk earthworks, the Applicant must implement erosion and sediment controls identified by condition B23 and maintain those controls throughout bulk earthworks and construction, to ensure stormwater flows do not increase in any downstream areas. The ER, appointed in accordance with condition A36, **must** make a written statement to the Planning Secretary confirming the erosion and sediment controls are operational, prior to the commencement of bulk earthworks and other construction activities required for the development.

### Discharge Limits

- B25. 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

- B26. Prior to the commencement of construction, the Applicant must prepare a Stormwater Management 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), in accordance with the design presented in the RtS and in consultation with Council and WaterNSW;
  - (b) be prepared in accordance with applicable Australian Standards;
  - (c) be prepared in accordance with the *Penrith City Council Development Control Plan 2014* (Part C3) and Council's Water Sensitive Urban Design Standard Drawings;
  - (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; and
  - (e) demonstrate that the on-site detention basins have been designed to withstand the forces of flood waters, debris and buoyancy forces up to the 1% Annual Exceedance Probability flood event.
- B27. The Applicant must:
- (a) not commence construction until the Stormwater Management Plan required by condition B26 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Stormwater Management Plan approved by the Planning Secretary for the duration of the development.
- B28. Prior to the commencement of **any works on TfNSW land**, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system must be submitted to TfNSW for approval.
- B29. All stormwater drainage infrastructure on the Site, including bio-retention basins, **must** remain under the care, control and ownership of the registered proprietor of the lots.



## Flood Management

- B30. Prior to the commencement of operation, the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the OEMP required by condition 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) incorporate the findings and recommendations of the document titled *Overland Flow Report*, prepared by Costin Roe Consulting, dated 3 August 2020;
  - (d) 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.
- B31. The Applicant must:
- (a) not commence operation until the Flood Emergency Response Plan required by condition B30 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.
- B32. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.
- B33. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

## Protection of the Warragamba Pipelines Corridor

- B34. Detailed design for the development must demonstrate compliance with the WaterNSW publication *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines*.
- B35. Final levels and design of the development must not result in an increase in overland flow of water into the Warragamba Pipelines corridor of either quantity or velocity, or a decrease in quality. The development must be designed, operated and maintained to ensure post-development flows do not exceed pre-development flows into and through the Warragamba Pipelines corridor.
- B36. Stormwater directed to or across the Warragamba Pipelines corridor is prohibited, except at approved points of discharge for the development.
- B37. The Applicant must supply a dilapidation report to WaterNSW four weeks prior to the commencement of construction. The dilapidation report must identify the condition of all infrastructure within the Warragamba Pipelines corridor, from Mamre Road to South Creek, with specific attention paid to the Probable Maximum Flood level.
- B38. WaterNSW must be consulted should there be any impact on existing drainage structures during the works within or adjacent to the Warragamba Pipelines corridor. Any impacted drainage structures must be reinstated and/or restored on completion of works at the Applicant's expense, to the satisfaction of WaterNSW.
- B39. Prior to the commencement of construction, the Applicant must install appropriate boundary identification to be maintained throughout the construction period.
- B40. The Applicant must install a fence comprising 2.1 m chain mesh plus 3 strand barbed wire on top, for a total height of 2.4 m, along the entire length of the boundary with the Warragamba Pipelines corridor, unless otherwise agreed to in writing by WaterNSW.
- B41. Access to the Warragamba Pipelines corridor is prohibited unless a written access consent has been obtained from WaterNSW.
- B42. All incidents that affect or could affect the Warragamba Pipelines corridor must be reported to WaterNSW on the 24-hour Incident Notification Number 1800 061 069.

## AIR QUALITY

### Dust Minimisation

- B43. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

## Construction Air Quality Management Plan

- B44. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail and rank all emissions from all construction activities, including particulate emissions;
  - (c) describe a program that is capable of evaluating the performance of the construction and determining compliance with key performance indicators;
  - (d) identify the control measures that will be implemented for each emission source, including but not limited to:
    - (i) exposed surfaces and stockpiles are suppressed by regular watering;
    - (ii) all trucks entering or leaving the site with loads have their loads covered;
    - (iii) trucks associated with the development do not track dirt onto the public road network;
    - (iv) public roads used by these trucks are kept clean;
    - (v) land stabilisation works are carried out progressively on site to minimise exposed surfaces; and
  - (e) nominate the following for each of the proposed controls:
    - (i) key performance indicator;
    - (ii) monitoring method;
    - (iii) location, frequency and duration of monitoring;
    - (iv) record keeping;
    - (v) complaints register;
    - (vi) response procedures; and
    - (vii) compliance monitoring.

## NOISE

### Hours of Work

- B45. The Applicant must comply with the hours detailed in Table 4, unless otherwise agreed in writing by the Planning Secretary.

**Table 4** Hours of Work

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

- B46. Works outside of the hours identified in condition B45 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

- B47. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Noise and Vibration Management Plan required by condition B48 and mitigation measures in the Appendix 2.

### Construction Noise and Vibration Management Plan

- B48. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. The CNVMP must form part of a CEMP required by condition C2 and must:
- (a) be prepared by suitably qualified and experienced acoustic engineer(s);
  - (b) be approved by the Planning Secretary prior to the commencement of construction;

- (c) identify the Mamre Anglican School as a sensitive receiver and include management measures to mitigate daytime construction noise impacts on the operations of the school;
- (d) 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);
- (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (f) include strategies that have been developed with the community for managing high noise generating works;
- (g) describe the community consultation undertaken to develop the strategies in condition B48(f); and
- (h) include a complaints management system that would be implemented for the duration of the development.

B49. The Applicant must:

- (a) not commence construction of any relevant stage until the Construction Noise and Vibration Management Plan required by condition B48 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

B50. 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).

B51. The limits in conditions B50 apply unless otherwise outlined in a CNVMP, approved as part of the CEMP required by condition C2 of this consent.

#### Operational Noise Limits

B52. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 5 at the receiver locations shown on the plan in Appendix 3.

**Table 5** Noise Limits dB(A)

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
Receiver 1: residences on Medinah Avenue, Luddenham	41	38	35
Receiver 2: 654-674 Mamre Road, Kemps Creek	48	43	38
Receiver 3: 676-702 Mamre Road, Kemps Creek	48	43	38
Receiver 4: 706-752 Mamre Road, Kemps Creek	48	43	38
Receiver 5: 754-770 Mamre Road, Kemps Creek	48	43	38
Receiver 6: 771-781 Mamre Road, Kemps Creek	48	43	38
Receiver 7: 579-649 Mamre Road, Orchard Hills	48	43	38
Receiver A: Altis Warehouse and Distribution Hub, 585-649 Mamre Road, Orchard Hills	70	70	70

**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 Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

**B52A. Prior to the commencement of operation of the warehouses either on Lot 2 or Lot 3, the Applicant must enter into an agreement with the noise mitigation eligible receivers identified as 2, 3 and 4 in Figure 5 in**

**Appendix 3. The Applicant must submit copies of the noise agreements to the Planning Secretary prior to commencing operations on either Lot 2 or Lot 3, unless evidence is provided to the Planning Secretary that these residences are no longer occupied or a development application for general industrial or other employment uses applies to the land.**

**B52B. Any noise agreements entered into in accordance with Condition B52A must be in force until the existing residential use ceases on the land subject to the agreement.**

- B53. Within six months of the operation of all warehouses 1-8, the Applicant must prepare a Noise Validation Report (NVR) to demonstrate that operation of the development meets the noise limits in condition B52 to the satisfaction of the Planning Secretary. The NVR must:
- (a) be prepared by an appropriately qualified and experienced noise expert;
  - (b) describe any acoustical treatments required to ensure compliance with the noise limits in condition B52; 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.

#### **Acoustic Barrier**

B54. **The Applicant must construct the acoustic barrier for Lots 2 and 3 shown in the Site Plan (Drawing No SD-KC1-DA-003-W), prepared by HL Architects and dated 10 August 2022, prior to commencement of operation of the warehouses on either Lot 2 or Lot 3. Prior to constructing the acoustic barrier, the Applicant must submit details of the design, landscape screening and maintenance plan for the barrier, prepared in consultation with Council and TfNSW, to the satisfaction of the Planning Secretary.**

**B54A. The acoustic barrier required by Condition B54 is not required to be constructed if evidence is provided to the satisfaction of the Planning Secretary that Receiver 2, shown in Figure 5 in Appendix 3 is either no longer used for residential use, a development application for general industrial or other employment use applies to the land, or adequate at-property noise mitigation measures are implemented in accordance with a noise agreement required under Condition B52A.**

#### **Road Traffic Noise**

- B55. 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.

### **ABORIGINAL HERITAGE**

#### **Statutory Requirements**

- B56. Before the commencement of any clearing, ground disturbing works or construction works, Aboriginal Site Impact Recording Forms for MSP-01, MSP-02 and MSP-03 must be submitted for inclusion on the Aboriginal Heritage Information Management System database. The Aboriginal Site Impact Recording Forms must be completed by a suitably qualified archaeologist and show the total count of the artefacts identified at each site.
- B57. Before the commencement of any clearing, ground disturbing works or construction works, Aboriginal Heritage Information Management System site cards must be prepared for MSP-05, MSP-06, MSP-07, MSP-08, MSP-09, MSP-10 and MSP-11 and submitted for registration in the Aboriginal Heritage Information Management System database.
- B58. Should any Aboriginal objects be salvaged, the Applicant must complete and submit an Aboriginal Site Impact Recording Form for inclusion on the Aboriginal Heritage Information Management System database.

#### **Aboriginal Cultural Heritage Management Plan**

- B59. Before the commencement of any clearing, ground disturbing works or construction works, the Applicant must prepare an ACHMP for the development to protect and manage aboriginal heritage within the site. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and Heritage NSW;
  - (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development;
  - (c) address the recommendations within the Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 31 July 2020;
  - (d) include a salvage program for Aboriginal objects, including long-term care and control;
  - (e) include detailed procedures for the long-term management of Aboriginal site MSP-11; and
  - (f) include a care agreement for Aboriginal objects, including details of a temporary storage location endorsed by Registered Aboriginal Parties.

- B60. The Applicant must:
- (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.
- B61. Following the removal of vegetation on Lot X DP 421633, the Applicant must conduct an archaeological re-survey with Registered Aboriginal Parties of Lot X DP 421633 to confirm the findings of the Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 31 July 2020. Any Aboriginal objects or sites identified during the re-survey will need to be managed in accordance with the protocols for newly identified sites in the ACHMP required under condition B59.

#### **Unexpected Finds Protocol**

- B62. 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) Heritage NSW must be contacted immediately.
- B63. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

#### **HISTORIC HERITAGE**

##### **Unexpected Finds Protocol**

- B64. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW, Department of Premier and Cabinet.

#### **BIODIVERSITY**

- B65. Prior to any clearing or construction works, the Applicant must purchase and retire the following credits to offset the removal of 9.28 ha of native vegetation at the site:
- (a) 9.03 ha of Forest-Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (Plant Community Type 835); and
  - (b) 0.25 ha of Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (Plant Community Type 849).

The credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

- B66. The requirement to retire 230 ecosystem credits (see condition B65) may be satisfied by payment to the NSW Biodiversity Conservation Fund of an amount equivalent to the number and classes of credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.
- B67. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see condition B65); or
  - (b) a payment has been made to the Biodiversity Conservation Fund (see condition B66),
- prior to undertaking any clearing of native vegetation, or activities that have the potential to impact upon the native vegetation.

##### **Biodiversity Management Plan**

- B68. Prior to clearing for construction, the Applicant must prepare a Biodiversity Management Plan (BMP) for the development to the satisfaction of the Planning Secretary. The BMP must be approved by the Planning Secretary prior to the commencement of clearing for construction and must form part of the CEMP in accordance with condition C2. The BMP must include the following:
- (a) notification and engagement of qualified wildlife carer organisations;
  - (b) measures to carry out soft felling of hollow bearing trees;
  - (c) reuse of materials associated with vegetation clearing;
  - (d) a pre-clearance and dam dewatering protocol to ensure appropriate timing would be achieved for vegetation removal and dam dewatering;
  - (e) an ecologist plan for managing affected protected fauna during vegetation removal; and
  - (f) an unexpected finds protocol detailing managing measures for any encountered threatened species and notification of the EES Group and Council.

B69. The Applicant must:

- (a) not commence operation until the Biodiversity Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Biodiversity Management Plan approved by the Planning Secretary.

## **BUSHFIRE PROTECTION**

B70. The Applicant must ensure the development complies with:

- (a) the relevant provisions of *Planning for Bushfire Protection 2019*;
- (b) the construction standards and asset protection zone requirements recommended in *Bushfire Assessment Report, Proposed Warehouse, Logistics and Industrial Facilities Hub, Mamre Road, Kemps Creek*, prepared by Conacher Consulting Pty Ltd, dated July 2020, and *Bushfire Assessment, Kemps Creek Warehouse, Logistics & Industrial Facilities Hub SSD-9522 Mod*, prepared by Peterson Bushire, dated 3 November 2021; and
- (c) AS2419.1 – 2005 Fire hydrant Installations for firefighting water supply.

## **FIRE AND INCIDENT MANAGEMENT**

B71. Each warehouse building must be serviced by required fire systems that are independent of one another.

B72. Road widths and turning circles, bends and roundabouts must be compliant with FRNSW policy No. 4 – *Guidelines for Emergency Vehicle Access*.

B73. The development's water supply main must incorporate fire hydrants installed in accordance with Clause 142 of the Local Government (General) Regulation 2005 (the Regulation).

## **HAZARDS AND RISK**

### **Dangerous Goods**

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

### **Bunding**

B75. 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**

### **Construction and Demolition Waste Management**

B76. Prior to the commencement of construction, the Applicant must prepare a Construction and Demolition Waste Management Plan (CDWMP) for the development to the satisfaction of the Planning Secretary. The CDWMP must form part of the CEMP in accordance with condition C2 and must:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
- (b) be implemented for the duration of construction works.

B77. The Applicant must:

- (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Planning Secretary
- (b) implement the most recent version of the Construction and Demolition Waste Management Plan approved by the Planning Secretary.

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

B78. The Applicant must:

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

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

## **Waste Storage and Processing**

- B79. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

## **Waste Management Plan**

- B80. 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 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* (Department of Environment, Climate Change and Water, 2009);
  - (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.
- B81. 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**

- B82. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B83. 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.
- B84. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

## **CONTAMINATION**

### **Unexpected Finds**

- B85. 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 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.

## **VISUAL AMENITY**

### **Landscaping**

- B86. Prior to the commencement of landscaping construction activities, the Applicant must prepare a detailed Landscape Plan for landscape buffer areas, street planting and the estate basins in consultation with Penrith City Council.
- B87. 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;
  - (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
- B88. 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 B86 for the life of the development.

### **Lighting**

- B89. The Applicant must ensure the lighting associated with the development:

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

**Signage and Fencing**

B90. All signage and fencing must be erected in accordance with the development plans included in the RtS.

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



## 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) Construction Traffic Management Plan (see condition B1);
  - (b) Erosion and Sediment Control Plan (see condition B22);
  - (c) measures to protect the Warragamba Pipelines Corridor prepared in consultation with WaterNSW, including a description of the dam dewatering methodology and mitigation measures;
  - (d) Stormwater Management Plan (see condition B26);
  - (e) Construction Air Quality Management Plan (see condition B44);
  - (f) Construction Noise and Vibration Management Plan (see condition B48);
  - (g) Aboriginal Cultural Heritage Management Plan (see condition B59).
  - (h) Biodiversity Management Plan (see condition B68);
  - (i) Construction and Demolition Waste Management Plan (see condition B76); and
  - (j) 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) Stormwater (see condition B26);
  - (ii) Flood Emergency Response (see condition B30);
  - (iii) Biodiversity (see condition B68);
  - (iv) Waste (see condition B80);
  - (v) Flood Emergency Response (see condition B30); and
  - (vi) Landscape (see condition B87).

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 C14;
- (b) the submission of an incident report under condition C10;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

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

C9. 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**

C10. 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 4.

##### **Non-Compliance Notification**

C11. 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.

C12. 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.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

##### **Compliance Reporting**

C14. Within 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 Planning Secretary reviewing the environmental performance of the development to the satisfaction of the

Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

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

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Monitoring and Environmental Audits**

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

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

#### **ACCESS TO INFORMATION**

C17. At least 48 hours before the commencement of construction 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 or operation of the development is to be staged;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vii) a summary of the current stage and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Compliance Report of the development;
  - (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

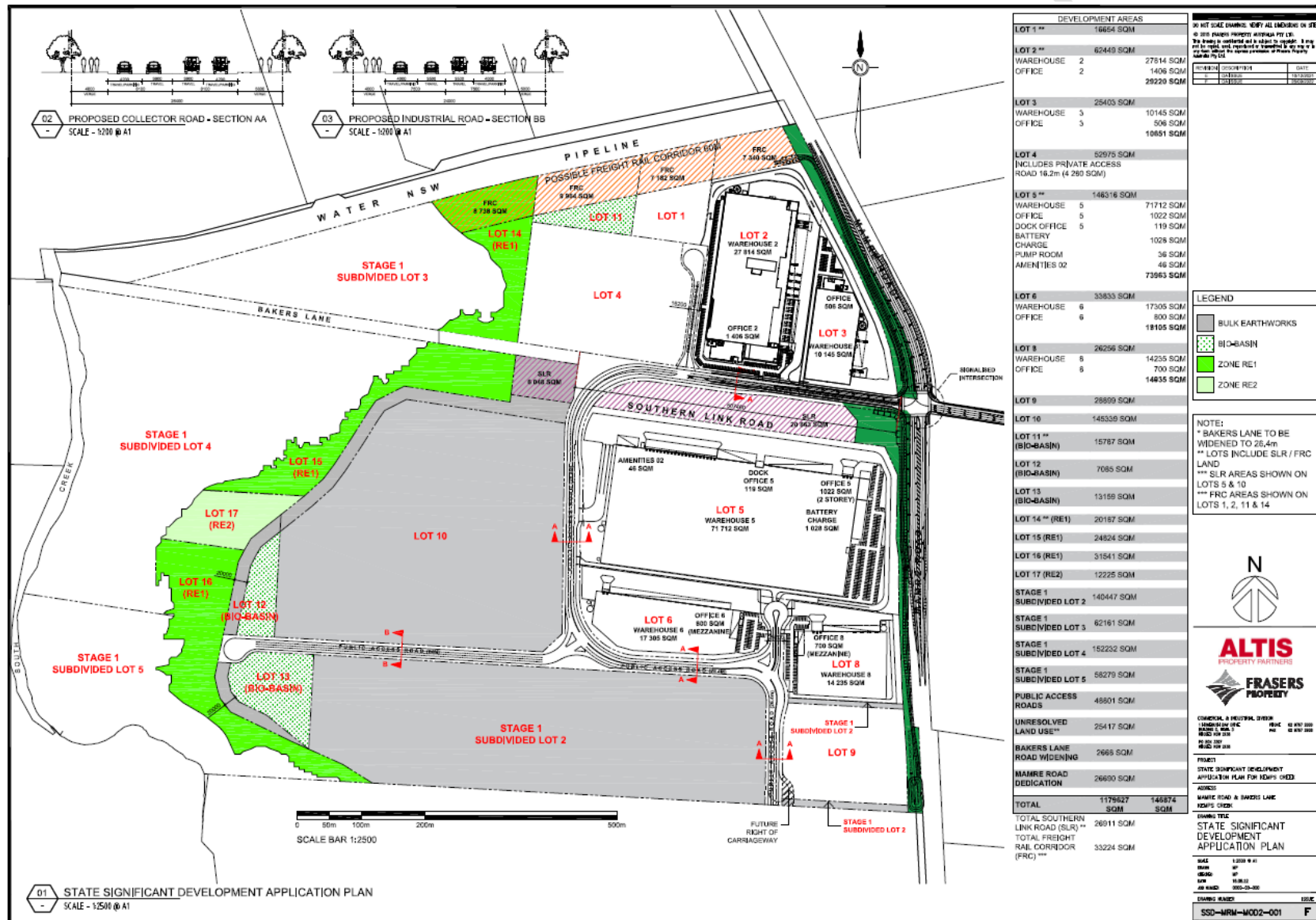


Figure 1: Site Plan

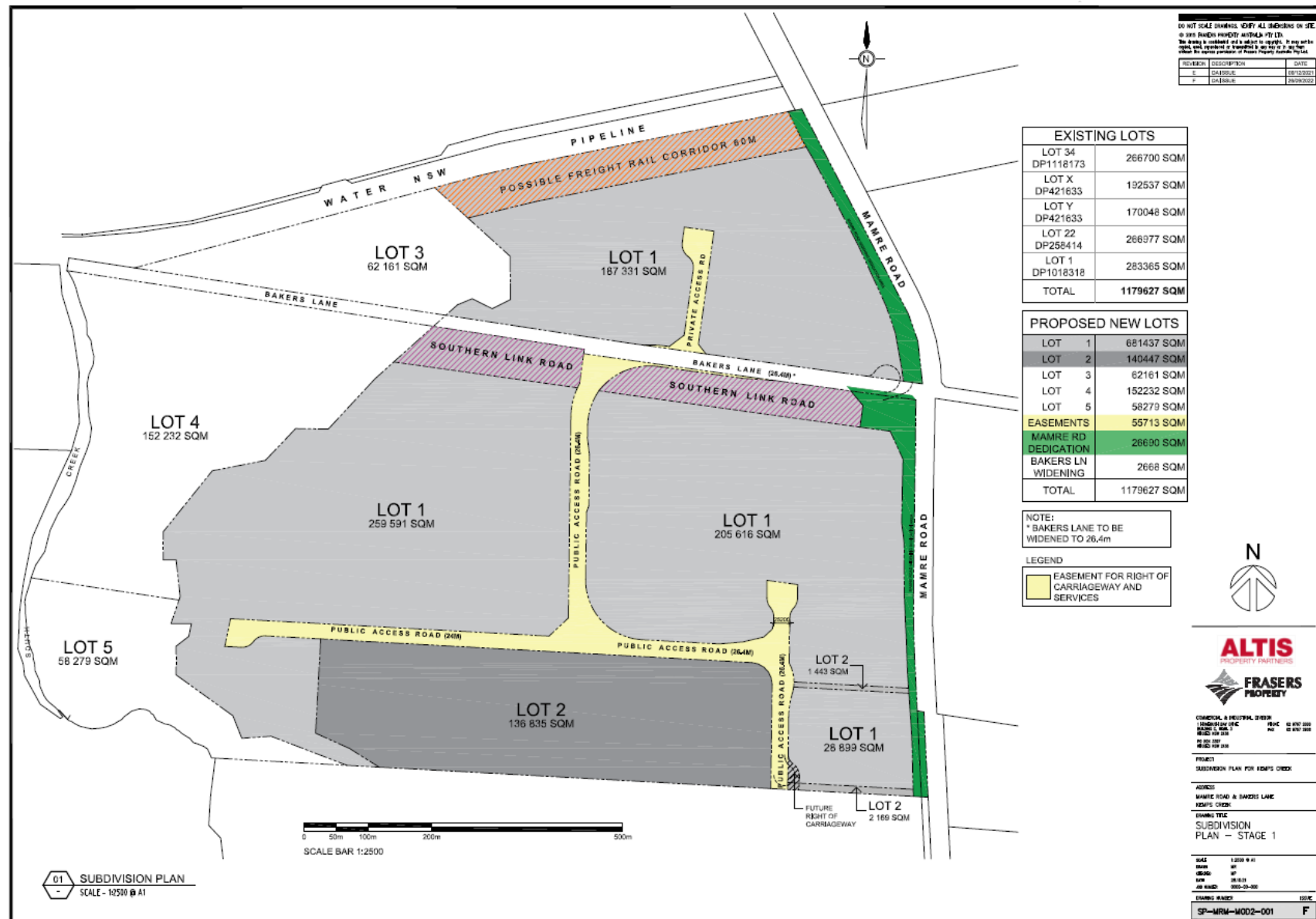


Figure 2: Subdivision Plan – Stage 1

# CONSOLIDATED CONSENT

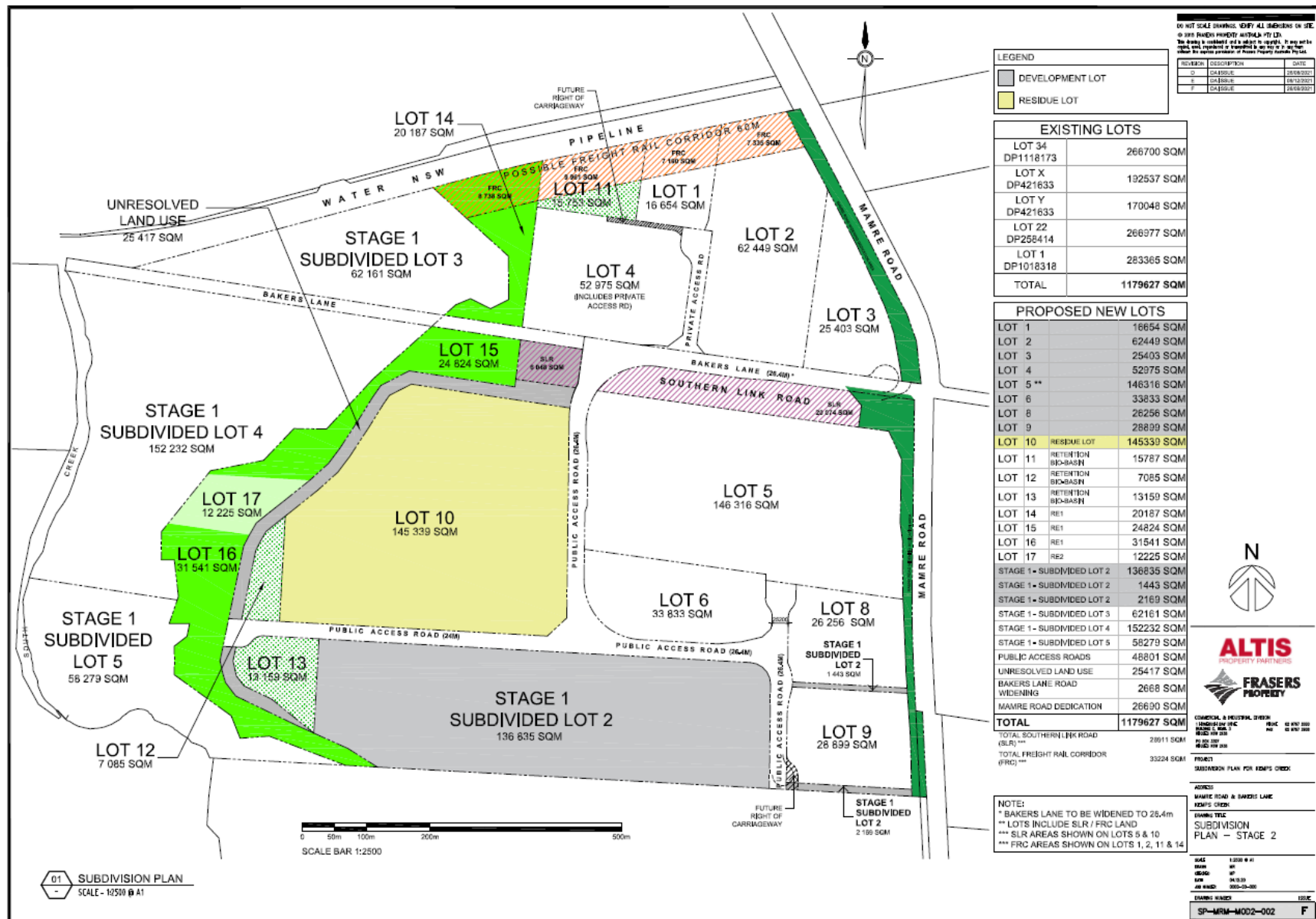


Figure 3: Subdivision Plan – Stage 2



## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

<b>By:</b>	Fraser's Property & Altis Property Partners
<b>In relation to:</b>	Proposed State Significant Development Application (Proposed Warehouse, Logistics and Industrial Facilities Hub)
<b>Site:</b>	657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lot X DP 421633, Lot 1 DP 1018318, Lot Y DP 421633 & Lot 22 DP 258414)

Fraser Property & Altis Property Partners, plan to undertake the construction and operation of the proposed Warehouse Logistics and Industrial Facilities Hub, in accordance with the following:

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

<b>Approval</b>	The Minister's Approval of the Proposed Development
<b>Altis Property Partners</b>	Altis Property Partners Pty Ltd
<b>BCA</b>	Building Code of Australia
<b>Council</b>	Penrith City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act 1979</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Fraser's Property</b>	Fraser's Property Australia
<b>Project</b>	The Proposed Development as described in this RtS Report
<b>Secretary General</b>	Secretary General of the Department (or delegate)
<b>Site / Subject Site</b>	Land to which the Proposal applies
<b>WorkCover</b>	NSW WorkCover

### 7.1 ADMINISTRATIVE COMMITMENTS

#### Commitment to Minimise Harm to the Environment

1. Fraser's Property and Altis Property Partners 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.

#### Subdivision Certificates

2. Fraser's Property and Altis Property Partners will ensure that a staged approach will be taken to obtain relevant Subdivision Certificates with respect to the respective allotments, prior to construction and formal registration of the individual allotments with the NSW Land Registry Services.

#### Occupation Certificate

3. Fraser's Property and Altis Property Partners will ensure that a staged Interim and Final Occupation Certificate, are obtained prior to the occupation of each individual facility.

## **Terms of Approval**

4. Frasers Property and Altis Property Partners would carry out the project generally in accordance with the:
  - a) Environmental Impact Statement;
  - b) Masterplan prepared by Frasers Property;
  - c) Drawings prepared by Frasers Property and Altis Property Partners; Nettleton Tribe; Habit8; and Costin Roe Consulting;
  - d) Management and Mitigation Measures; and
  - e) Any Conditions of Approval.
5. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
6. Frasers Property and Altis Property Partners would ensure compliance with any reasonable requirement(s) of the Secretary-General of the Department of Planning, Industry and Environment arising from the Department's assessment of:
  - a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and
  - b) 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**

7. Frasers Property and Altis Property Partners would ensure that all new buildings and structures on the Site are constructed in accordance with the relevant requirements of the BCA.

## **Operation of Plant and Equipment**

8. Frasers Property and Altis Property Partners would 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 Traffic Management Plan**

9. Frasers Property and Altis Property Partners would ensure that a Construction Traffic Management Plan is prepared and submitted to DPIE. This Plan would:
  - a) be submitted to the Secretary-General 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.

## **Construction Environmental Management Plan**

10. Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) would be prepared that addresses the following:



- a) Land Contamination;
- b) Air Quality;
- c) Waste Classification;
- d) Erosion and Sediment Control Plan.

**Monitoring of State of Roadways**

11. The Applicant(s) will monitor the state of roadways leading to and from the Subject Site and will take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

**Waste Receipts**

12. A permanent record of receipts for the removal of both liquid and solid waste from the Site should be kept and maintained up to date at all times. Such records will be made available to authorised person upon request.

**7.2 SPECIFIC ENVIRONMENTAL COMMITMENTS****Noise**

13. Construction on the Subject Site would only be undertaken between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction will be permitted at the Subject Site on Sundays or public holidays. The following specific measures are proposed throughout the construction and operational phases of development:
- a) Prompt response to any community issues of concern;
  - b) Noise monitoring on-site and within the surrounding areas;
  - c) Refinement of on-site noise mitigation measures and plant operating procedures where practical;
  - d) Preparation of a formal noise management plan including noise monitoring program;
  - e) For equipment with enclosures (i.e. compressor rooms) ensure door and seals are well maintained and kept closed when not in use;
  - f) Keep plant and equipment well maintained, regular inspection and maintenance of equipment to ensure it is good working order;
  - g) Equipment not to be operated until it is maintained or repaired;
  - h) Regularly train workers (i.e. toolbox talks) to use equipment in ways to minimise noise;
  - i) Operate mobile plant in a quiet, efficient manner;
  - j) Switching off vehicles and plant when not in use; and,
  - k) Incorporate clear signage at the site including relevant contact numbers for community enquiries.
14. Prior to issue of an Occupation Certificate, a 3.0 m high acoustic screen will be erected along the eastern boundary of Warehouse building 3B, located on proposed Lot 3, consistent with recommendations of the Noise and Vibration Impact Assessment (Acoustic Works, 2020).
15. Further mitigation measures outlined within the Construction Noise and Vibration Management Plan prepared by Acoustic Works (2020) would be undertaken to ensure all acoustic criteria thresholds are complied with during the construction phase of the Proposed Development.

## **Construction Traffic**

16. During construction:

- a) all trucks entering or leaving the Site with loads, will have their loads covered;
- b) trucks associated with the project do not track dirt onto the public road network; and,
- c) the public roads used by these trucks are to be kept clean.

## **Dust Management**

17. During the construction phase of the project, all reasonable and feasible measures to minimise dust generation by the project. These include:

Source	Control Measures
<b>General</b>	
Visual Inspection	Carry out visual inspections of the Subject Site during site preparatory and construction activities and employ measures (where necessary) to minimise any visible air pollution generated by the Project.
Regular Maintenance	Regularly inspect and perform maintenance on dust control using the latest technologies (i.e. water sprays nozzles) and measures to ensure the effectiveness of such controls.
Erosion Control Structures	Silt and other material removed frequently from around erosion control structures to ensure deposits do not become a dust source.
Vegetated Buffers	Retain existing vegetation, where appropriate and implementing additional vegetated buffers around the boundary of the Site to provide a physical barrier to the transportation of pollutants in the direction of sensitive receptors.
Waste Materials	<p>Cleared vegetation, demolition materials and other combustible waste material will not be burnt on-site.</p> <p>All waste materials be appropriately contained (in skips, bins) and covered during adverse weather conditions and handled in accordance with the Subject Site's Waste Management Plan.</p>
<b>Wind Blown Dust Sources</b>	
Disturbed Areas	<ul style="list-style-type: none"> <li>▪ Disturb only the minimum area necessary.</li> <li>▪ Stabilise all disturbed areas as soon as practicable to prevent or minimise windblown dust.</li> <li>▪ Regularly assess weather conditions to identify adverse weather conditions that are unfavourable in terms of dust levels at receptor locations surrounding the Site (such as on dry days, during strong winds, particularly north easterly winds blowing in direction of the school(s) along Bakers Lane).</li> </ul>
Stockpile/s	<ul style="list-style-type: none"> <li>▪ Water sprays and/or covers will be employed for material stockpiles, particularly during adverse weather conditions, to minimise dust generation.</li> <li>▪ Stockpiles will be covered overnight.</li> <li>▪ Use of chemical dust suppressants will also be used where necessary.</li> <li>▪ Fencing, bunding or shelterbelts will be used to reduce ambient wind speeds (in some areas).</li> </ul>
Transportation (Trucks)	<ul style="list-style-type: none"> <li>▪ Truck loads will be covered with tarpaulin or lid prior to transport of dusty materials by road.</li> <li>▪ Minimise truck queuing and unnecessary trips through logistical planning of materials delivery and work practices.</li> <li>▪ Reduce vehicle / truck idling times.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Maintain a following distance of trucks of 20 seconds minimum to allow for dust clouds generated by the lead truck to dissipate.</li> <li>▪ Install a truck wheel wash or shaker grid to remove any loose dirt.</li> </ul>
<b>Activity Generated Dust Sources</b>	
Internal Road Dust	<ul style="list-style-type: none"> <li>▪ Roads and trafficked areas will be watered down using a water cart and/or sprinkler to minimise the generation of dust.</li> <li>▪ Haulage vehicles will be restricted to the most direct route and minimal manoeuvring areas to prevent indiscriminate driving over non-active areas.</li> <li>▪ Haul roads and hard stand areas will have designated speed limits (i.e. generally 20 km/hour).</li> <li>▪ Enforce speed limits on all on-site vehicles to minimise wheel-generated dust.</li> <li>▪ Stabilise access roads and work areas as soon as practicable to prevent or minimise windblown dust.</li> <li>▪ Maintain roads on a regular basis to ensure roads are clearly marked, pot holes and corrugations are eliminated, and extra material build up is removed or redistributed on the road.</li> <li>▪ Chemical dust suppressants used where necessary.</li> </ul>
External Road Dust	<ul style="list-style-type: none"> <li>▪ Vehicles causing dirt tracks out onto main roads would be cleaned on a regular basis to prevent this becoming an additional source of dust.</li> <li>▪ Material spillages would be cleaned up promptly.</li> </ul>
Excavation	<ul style="list-style-type: none"> <li>▪ Apply water sprays to trucks and loading points for dust suppression.</li> </ul>
Loading and Dumping	<ul style="list-style-type: none"> <li>▪ Stockpiles will be minimised wherever possible.</li> </ul>
Plant and Equipment	<ul style="list-style-type: none"> <li>▪ All plant and equipment used during activities will be maintained and operated in a proper and efficient condition.</li> <li>▪ Reduce idling times of trucks and other machinery.</li> <li>▪ Fixed plant should be located as far from local receptors as possible.</li> </ul>
<b>Excessive Dust Events</b>	
Internal Roads	<ul style="list-style-type: none"> <li>▪ Employ additional water spraying / water carts.</li> <li>▪ Further reduce speed on haul roads during high winds.</li> <li>▪ Halt traffic movements.</li> </ul>
Stockpiles	<ul style="list-style-type: none"> <li>▪ Treat stockpiles with appropriate measures to avoid dust.</li> </ul>

### **Waste Management**

18. Frasers Property and Altis Property Partners will ensure that all waste generated on-site during operation is classified in accordance with the Office of Environmental and Heritage's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.

### **Erosion and Sediment Control**

19. Frasers Property and Altis Property Partners will install silt traps during the construction phase to ensure there are no pollutants or sediments that exit the site or unacceptable impacts result on surrounding vegetation or waterways.



**Protection of Vegetation**

20. Frasers Property and Altis Property Partners will mark the clearance boundaries prior to commencement of construction to ensure that there is no unnecessary removal of vegetation.
21. Frasers Property and Altis Property Partners will implement pre-clearance protocols.
22. Frasers Property and Altis Property Partners will provide on-site supervision of habitat tree felling and relocation of fauna.
23. Frasers Property and Altis Property Partners will implement a soft felling operation.
24. Frasers Property and Altis Property Partners will implement a Construction Environmental Management Plan.

**Aboriginal Cultural Heritage**

25. **Recommendation 1: Further archaeological work in the form of surface salvage at AHIMS sites 45-5-5184/MSP-01, MSP-07 and MSP-08 as a part of SSD Approval**

Biosis recommend that further archaeological work be conducted for AHIMS sites 45-5-5184/MSP-01, MSP-07 and MSP-08 in the form of surface salvage to recover any surface artefacts which will be impacted as a part of the Proposed Development. It is recommended that surface salvage be undertaken as a Condition of Consent, subject to approval.

26. **Recommendation 2: Further archaeological work in the form of salvage excavation of AHIMS site as a part of SSD Approval**

Biosis recommend that further archaeological works be conducted for AHIMS site 45-5-5188/MSP-02 in the form of salvage excavation to recover any subsurface artefacts which will be impacted as a part of the Proposed Development. Biosis recommend that subsurface salvage of this Site be undertaken as a condition of SSD Approval. This would provide further information in relation to the artefact typology and material type, as well as the nature of the activities taking place at AHIMS site 45-5-5188/MSP-02.

27. **Recommendation 3: No further archaeological work is required for sites 45-5-3028/EPTA3, 45-5-3032/EPTA10 and 45-5-3033/EPTA11**

Biosis note, that as the previously recorded AHIMS sites, 45-5-3028/EPTA3, 45-5-3032/EPTA10 and 45-5-3033/EPTA11 were incorrectly georeferenced at the time of recording, they are not located within the study area. Therefore, Biosis recommend, that no further archaeological investigations are required for Aboriginal sites EPTA3, EPTA10 or EPTA11 prior to development impacts.

28. **Recommendation 4: No further archaeological work is required for sites MSP-05, MSP-06, MSP-09 and MSP-10**

Biosis suggest no further archaeological investigations are considered to be required for Aboriginal sites MSP-05, MSP-06, MSP-09, MSP-10 and MSP-11 prior to development impacts as the proposed works will not impact on these sites. It is noted, that if the Proposed Development footprint is altered at a later date, further assessment may be required.

29. **Recommendation 5: Avoidance of MSP 11**

MSP 11 is located outside of the development footprint. Biosis recommend, that temporary fencing is erected around this site during construction to avoid potential impacts to the identified site.

30. **Recommendation 6: Update AHIMS site cards for AHIMS sites 45-5-5187/MSP-01, 45-5-5188/MSP-02 and 45-5-5189/MSP-03 and lodge AHIMS site cards for newly identified sites MSP-05, MSP-06 and MSP-07, MSP-08, MSP-09, MSP-10, and MSP-11**

Biosis recommend that the AHIMS site cards for previously identified AHIMS sites 45-5-5187/MSP-01, 45-5-5188/MSP-02, 45-5-5189/MSP-03 be updated to reflect the revised site descriptions following the test excavations discussed within the ACHAR.

They also recommend that AHIMS site cards are prepared and lodged with AHIMS for newly identified sites MSP-05, MSP-06 and MSP-07, MSP-08, MSP-09, MSP-10 and that the site numbers be included in the final version of the ACHAR.

31. **Recommendation 7: Preparation and lodgement of AHIMS site impact recording forms for 45-5-5184/MSP-01, 45-5-5185/MSP-02, 45-5-5189/MSP-03, MSP-05, MSP-06, MSP-07 & MSP-08, MSP-09, MSP-10 and MSP-11**

It is recommended that AHIMS site impact recording forms are prepared and lodged with AHIMS for Aboriginal sites 45-5-5184/MSP-01, 45-5-5185/MSP-02, 45-5-5189/MSP-03, MSP-05, MSP-06, MSP-07 and MSP-08 MSP-09, MSP-10 and MSP-11 within four (4) months following completion of development impacts or as otherwise stated in SSD approval conditions.

32. **Recommendation 8: Unexpected finds**

Discovery of Unanticipated Aboriginal Objects

All Aboriginal objects and places are protected under the NPW Act. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by OEH. Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

Discovery of Unanticipated Historical Relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977*. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

Discovery of Aboriginal Ancestral Remains

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity the following protocol must be adhered to:

1. Immediately cease all work at that location and not further move or disturb the remains.
2. Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
3. Do not recommence work at that location unless authorised in writing by OEH.



## **Historic Heritage**

### **33. Recommendation 1: No Further Assessment Required**

The assessment undertaken within the Statement of Heritage Impact (Biosis, 2020) has identified no items of heritage significance or archaeological potential within the Subject Site, nor any negative heritage impacts to surrounding heritage items. As such, no further assessment is required prior to the approval of the SSDA. Prior to any ground disturbance occurring within the study area, an unexpected finds procedure should be implemented as outlined in Recommendation 2.

### **34. Recommendation 2: Development of an Unexpected Finds Procedure**

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

## **Protection of Infrastructure – Water NSW**

35. Frasers Property and Altis Property Partners will carry out the following as part of the development:

- a) **Access Consent:** WaterNSW have separate access to the pipeline corridor. The Proposed Development would ensure it does not alter this;
- b) **Security fencing:** ensure a security fence is erected on the boundary of the development site and the Warragamba Pipelines (minimum 1.8-metre-high chain wire with three (3) barbed wire strands);
- c) **Stormwater:** ensure that any stormwater from the corridor is not impeded and is accommodated within the development site's stormwater system;
- d) **Protection from damage from any works adjacent to the Warragamba Pipelines:** When undergoing any earthworks, civil infrastructure works or when constructing any buildings adjacent to the pipelines, exercise care to ensure that no damage occurs to the water supply infrastructure; and,
- e) **Vehicular access points:** During the construction period ensure access remains free for use by WaterNSW staff and contractor vehicles on 24 hours a day basis.

## **Ecologically Sustainable Development**

36. Frasers Property and Altis Property Partners would investigate the following ESD measures in respect of:

### **1. Sustainability Management Principles**

- Complete best-practice commissioning of all equipment and plant in the Proposed Development.
- Complete a Climate Risk Assessment with enacting sustainability design principles, to enable a more resource-resilient development.
- Commit to the ongoing efficient performance of the Proposed Development on energy and water grounds.

### **2. Indoor Environment Quality Principles**

- Increase the amount and quality of fresh air within the working environment.

- Provide a quieter acoustic and softer lighting environment and enhance views and daylight.
- Use low embodied-energy materials and more durable product with a longer lifespan.

### 3. Energy Principles

- Create major new initiatives to lower peak power demands and reduce energy consumption at both peak and off-peak parts of the day.

### 4. Water Principles

- Improve and increase all recycle onsite water storage and rainwater for landscape irrigation and WC and urinal flushing. This will improve efficiency and lower usage of potable water.

### 5. Material Principles

- Build using materials that are more sustainably sourced or have sustainability credentials. Recycled material should be used wherever possible.
- Minimise the environmental impact of the products used through the life cycle of the building.
- Divert 90% or more of waste at the Site away from landfill.

### 6. Emission Principles

- Fit the buildings with new-age technology away from such devices as cooling towers, thereby reducing workers exposure to airborne ailments such as legionella.

## **Bushfire Protection**

37. Frasers Property and Altis Property Partners will ensure that:

- a) Fire hydrants to be installed to comply with AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning (AS 2419).
- b) Where overhead electrical transmission lines are installed no part of a tree should be closer to a powerline than the distance specified in "Guideline for managing vegetation near power lines" issued by Department of Energy, Utilities and Sustainability (ISSC 3, December 2005).
- c) Gas services are to be installed and maintained in accordance with AS/NZS 15962008.
- d) Implement a 20 metre (minimum) area of defendable space adjoining the western lots where these lots adjoin grassland / woodland vegetation.
- e) Implement a five (5) metre building setback from the 6 metre wide access trail along the southern edges of proposed Lots 15-18.
- f) Use cladding materials for the external surfaces of the development which are fire retardant materials such as metal sheeting, pre-cast cement panels or masonry.
- g) Undertake regular inspections and maintenance of the Managed Lands or curtilage / landscaped areas / hard standing areas within the proposed development is to be undertaken by the owners (or their agents) according to PBP (RFS, 2019).
- h) Maintain of any retained areas of Managed Lands or curtilage / gardens within the development as an Inner Protection Area (IPA) in accordance with PBP (RFS 2019).
- i) Ensure that future landscape plantings within the site are in accordance with the requirements of Appendix 4 of Planning for Bushfire Protection (RFS 2019).

## **Hazards and Risks**

38. If future tenants require storage of Dangerous Goods at quantities exceeding those assessed pursuant to the assessment undertaken by RiskCon Engineering, then RiskCon recommend that a review of the application of SEPP 33 be undertaken and where required, a Preliminary Hazard Analysis be performed.



APPENDIX 3 NOISE RECEPTOR LOCATIONS

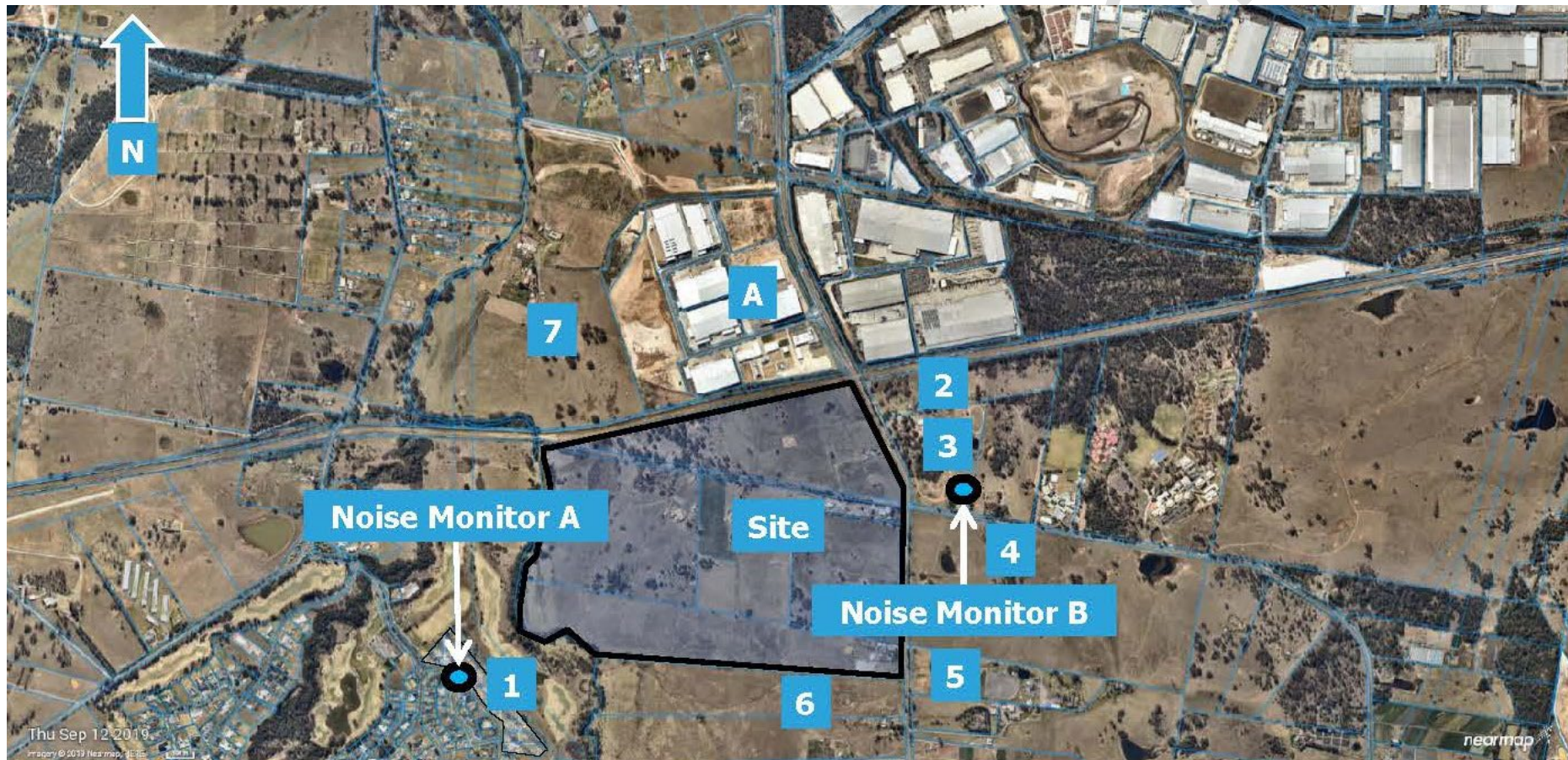


Figure 1: Noise Receptor Locations



**APPENDIX 4 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 C10 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.

**APPENDIX 5 LETTER OF OFFER**

FOR INFORMATION