

# Development Consent

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

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

These conditions are required to:

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



Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney

18 December 2023

File: EF21/5277

### SCHEDULE 1

<b>Application Number:</b>	SSD-17647189
<b>Applicant:</b>	Altis Bulky Retail Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 52 DP 259135 and Lot 53 DP 259135 884-928 Mamre Road, Kemps Creek
<b>Development:</b>	Demolition, and construction of an industrial estate comprising bulk earthworks, fit out and operation of a warehouse and distribution centre and ancillary office space with a total gross floor area of 39,161 m <sup>2</sup> , landscaping, staged 1 and 2 residual lot subdivision, construction of estate roads and intersection, site servicing and stormwater infrastructure

## TABLE OF CONTENTS

<b>PART A ADMINISTRATIVE CONDITIONS.....</b>	<b>6</b>
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent .....	6
Limits of Consent.....	6
Notification of Commencement.....	7
Evidence of Consultation .....	7
Staging, Combining and Updating Strategies, Plans or Programs .....	7
protection of public infrastructure.....	7
Demolition.....	7
Structural Adequacy .....	7
Civil Plans.....	8
Compliance.....	8
Development Contributions .....	8
Operation of Plant and Equipment.....	8
Subdivision .....	8
External Walls and Cladding.....	9
Utilities and Services .....	9
Works as Executed Plans.....	9
Environmental Representative.....	9
Mamre Road Precinct Working Group .....	10
Applicability of Guidelines.....	11
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS.....</b>	<b>12</b>
Traffic and Access .....	12
Earthworks.....	15
Water Quality and Hydrology .....	15
Noise .....	19
Vibration .....	21
Visual Amenity.....	22
Air Quality .....	22
Aboriginal Heritage .....	23
Historic Heritage .....	23
Biodiversity .....	23
Hazards and Risk .....	24
Contamination .....	24
Bushfire Protection .....	24
Community Engagement .....	25
Waste Management.....	25
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>26</b>
Environmental Management.....	26
Construction Environmental Management Plan.....	26
Operational Environmental Management Plan .....	26
Revision of Strategies, Plans and Programs .....	27
Reporting and Auditing .....	27
Access to Information .....	28
<b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS.....</b>	<b>29</b>
<b>APPENDIX 2 NOISE SENSITIVE RECIVERS.....</b>	<b>39</b>
<b>APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES .....</b>	<b>42</b>
<b>APPENDIX 4 EROSION AND SEDIMENT CONTROL – PERFORMANCE CRITERIA.....</b>	<b>45</b>
<b>APPENDIX 5 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS.....</b>	<b>47</b>

## DEFINITIONS

<b>Additional Information</b>	Additional information submitted by the Applicant following the submission of the RTS including: <ul style="list-style-type: none"> <li>○ <i>SSD-17647189 Proposed Warehouse and Logistics hub</i>, prepared by Willow Tree Planning, dated 12 September 2023;</li> <li>○ Response prepared by Willowtree Planning, dated 8 June 2023;</li> <li>○ Response prepared by Willowtree Planning dated 12 September 2023;</li> <li>○ Revised plan package prepared by Altis and submitted on 13 November 2023;</li> <li>○ Response prepared by Willowtree, (dated 25 January 2023) and submitted on 12 December 2023;</li> <li>○ Response prepared by Barings and submitted on 12 December 2023; and</li> <li>○ <i>Civil Engineering Report</i> and Flood Drawings prepared by Costin Roe Consulting dated 14 December 2023, revision J (ref: 14021.00-07j.rpt)</li> </ul>
<b>Aspect Industrial Estate</b>	SSD-10448, as modified
<b>Applicant</b>	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>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>	Construction of a warehouse building, office, hardstands, roads, permanent stormwater infrastructure and landscaping
<b>Council</b>	Penrith City Council
<b>CPESC</b>	Certified Professional in Erosion and Sediment Control
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in Schedule 1, the EIS, Response to Submissions (RTS) and Additional Information, including demolition and construction of an industrial estate comprising bulk earthworks, fit out and operation of a warehouse and distribution centre and ancillary office space with a total gross floor area of 39,161 m <sup>2</sup> , landscaping, staged subdivision, construction of estate roads and intersection, site servicing and stormwater infrastructure, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPE</b>	NSW Department of Planning and Environment
<b>The Edge Estate</b>	SSD-17552047
<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>EHG</b>	Environment and Heritage Group, DPE
<b>EIS</b>	The Environmental Impact Statement titled <i>Access Logistics Park – Proposed Warehouse and Logistics Hub</i> , prepared by Willowtree Planning dated 23 September 2021, 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>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
<b>Infrastructure Design Guidelines</b>	Sydney Water’s Stormwater Scheme Infrastructure Design Guidelines (draft) 2022
<b>IWCM</b>	Integrated Water Cycle Management
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<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>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>MRP</b>	Mamre Road Precinct
<b>MRP DCP</b>	Mamre Road Precinct Development Control Plan 2021
<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>NRAR</b>	Natural Resources Access Regulator, DPE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out the use of the warehouse and distribution centre as described in the EIS, RTS and additional information
<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 of the Department, or delegate
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Regional Stormwater Authority</b>	Sydney Water Corporation

<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)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Response to Submissions (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: Access Logistics Park – Proposed Warehouse and Logistics Hub</i> ’, prepared by Willow Tree Planning dated 19 December 2022
<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>Site</b>	The land defined in Appendix 1
<b>Technical Guidance</b>	<i>Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets</i> (NSW Government, 2022)
<b>TfNSW</b>	Transport for New South Wales
<b>Trunk Drainage</b>	Stormwater assets, typically open natural trunk drainage channels, wetlands and storage ponds, as shown on Sydney Water’s Mamre Road Precinct Stormwater Scheme Plan, December 2022
<b>VENM</b>	Virgin Excavated Natural Material
<b>WAD</b>	Works Authorisation Deed, a contract between TfNSW and the Applicant to undertake roadworks on the State road network
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>WSUD</b>	Water Sensitive Urban Design
<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 earthworks, construction and operation of the development, and any rehabilitation required under this consent.

**TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions and Additional Information;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**LIMITS OF CONSENT**

**Lapsing**

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

**Airspace Operations**

- A6. Any encroachments into protected airspace will require separate approval in accordance with the *Airports Act 1996* and the Airports (Protection of Airspace) Regulations 1996.

**Maximum GFA – Lot 2**

- A7. The maximum GFA for the development on Lot 2 must not exceed the limits described in Table 1.

**Table 1** Maximum GFA of the development

Land Use	Maximum GFA (m <sup>2</sup> )
Warehouse and distribution centre	35,661
Undercroft warehouse area	1,500
Ancillary office	2,000
<b>Total</b>	<b>39,161 m<sup>2</sup></b>

**Operational vehicles**

- A8. The Applicant must ensure no vehicles associated with the operation of the Development use Bakers Lane, Aldington Road, and Abbots Road.

*Note: Vehicles associated with the operation of the Development may use Bakers Lane, Aldington Road, and Abbots Road should the southern half of the Southern Link Road and upgrades of Aldington Road and Abbots Road to distributor industrial road be constructed and commissioned.*

## **NOTIFICATION OF COMMENCEMENT**

- A9. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) earthworks;
  - (b) construction; and
  - (c) operation;
- A10. If the earthworks, construction or operation of the development is to be staged, the Department 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**

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

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

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

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

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

## **DEMOLITION**

- A17. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## **STRUCTURAL ADEQUACY**

- A18. 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.

## **CIVIL PLANS**

- A19. Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's *Design Guidelines for Engineering Works for Subdivisions and Developments*, *Engineering Construction Specification for Civil Works* and Austroads Guidelines.

## **COMPLIANCE**

- A20. 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.

## **DEVELOPMENT CONTRIBUTIONS**

- A21. Prior to the issue of a Construction Certificate (as required by the contributions plan or agreed by Council), the Applicant must pay contributions to Council as required in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022, or any other contributions plan as in force when the later consent takes effect.

*Note: Subject to agreement between Council and the Applicant, local contributions may be satisfied by a planning agreement or works-in-kind agreement between Council and the Applicant.*

- A22. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022 (as in force when this development consent takes effect).

A person may not apply for a Construction Certificate (as the case may require, having regard to the Determination) in relation to the development unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

### **More information**

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

## **OPERATION OF PLANT AND EQUIPMENT**

- A23. 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**

- A24. Prior to the issue of any Subdivision Certificate (except for the Stage 1 subdivision as shown on **Figure 2** in **Appendix 1**), detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage, street trees and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Certifier, Council and Sydney Water prior to the issue of a Subdivision Certificate.

- A25. Prior to the issuing of a Subdivision Certificate for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.

- A26. Prior to the issue of any Subdivision Certificate (except for the Stage 1 subdivision as shown on **Figure 2** in **Appendix 1**):

- (a) a certificate from an electricity and telecommunications provider must be submitted to the Certifier certifying that satisfactory service arrangements to the site have been established; and
- (b) a certificate from the Regional Stormwater Authority must be submitted to the Certifier certifying that satisfactory stormwater servicing arrangements for the site have been established.

- A27. Prior to issue of a Subdivision Certificate that proposes the dedication of any internal estate road as a public road:

- (a) a final inspection of the estate road is to be undertaken by the relevant Roads Authority. All compliance documentation for road and drainage construction of the estate road must be submitted to the relevant Roads Authority in accordance with the relevant Roads Authorities specifications and requirements.



- (b) a Maintenance Bond is to be lodged with Penrith City Council for all road and drainage works that are to be dedicated to the relevant Roads Authority. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.
- (c) where installation of any regulatory / advisory signage and line marking are proposed, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee
- (d) an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site. The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

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

## **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 in accordance with Condition A29 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 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 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 and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **ENVIRONMENTAL REPRESENTATIVE**

- A36. The Applicant must engage an Environmental Representative (ER) to oversee earthworks, subdivision and construction of the development. Unless otherwise agreed to by the Planning Secretary, the earthworks and construction of the development must not commence until an ER has been approved by the Planning Secretary and engaged by the Applicant. The approved ER must:
  - (a) be a suitably qualified and experienced person who was not involved in the preparation of the EIS, RtS and any additional information for the development and is independent from the design and construction personnel for the development;
  - (b) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
  - (c) consider and inform the Planning Secretary on matters specified in the terms of this consent;
  - (d) 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;
  - (e) review the CEMP required 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);
  - (f) 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;
  - (g) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits;
  - (h) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
  - (i) provide advice to the Applicant on the management and coordination of construction works on the site with adjoining sites in the Mamre Road Precinct in relation to construction traffic management, earthworks and sediment control and noise;
  - (j) attend the Mamre Road Precinct Working Group (see Condition A39) in a consultative role in relation to the environmental performance of the development;
  - (k) review the monthly audits of the erosion and sediment controls undertaken by the CPESC in accordance with Condition B36; and
  - (l) 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.
- A37. 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 A36 (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).
- A38. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under A36. The Applicant must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
  - (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

#### **MAMRE ROAD PRECINCT WORKING GROUP**

- A39. Within three months of the commencement of earthworks for the development and until all components of the development are constructed and operational, the Applicant must join and participate in an existing working group, with relevant consent holders in the MRP, to the satisfaction of the Planning Secretary. The purpose of the working group is to consult and coordinate construction works within the MRP to assist with managing and mitigating potential cumulative environmental impacts. The working group must:
- (a) comprise at least one representative of the Applicant, the Applicant's ER, and relevant consent holders in the MRP;
  - (b) meet periodically throughout the year to discuss, formulate and implement measures or strategies to improve monitoring, coordination of the approved industrial developments in the MRP;
  - (c) regularly inform Council, TfNSW, Sydney Water and the Planning Secretary of the outcomes of these meetings and actions to be undertaken by the working group;
  - (d) review the performance of approved industrial developments in the MRP and identify trends in the data with respect to cumulative construction traffic, erosion and sediment control, noise, stormwater management and waterway health objectives under the MRP DCP;
  - (e) review community concerns or complaints with respect to environmental management;
  - (f) identify interim traffic safety measures to manage construction traffic and how these measures will be coordinated, communicated, funded and monitored in the MRP; and
  - (g) provide the Planning Secretary with an update and strategies, if a review under subclause 39(d) and 39(e) identifies additional measures and processes are required to be implemented by the working group.
- A40. Three (3) months prior to completion of construction of all components of the development, the Applicant is eligible to exit the working group required under condition A39. The Applicant must:
- (a) consult with the Planning Secretary;

- (b) provide confirmation that all components of the development are operational; and
- (c) advise on the date of the proposed exit.

#### **APPLICABILITY OF GUIDELINES**

- A41. 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.
- A42. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of earthworks for the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
    - (i) ensure access to the site and road safety and network efficiency is maintained, and
    - (ii) manage cumulative construction traffic from other concurrent construction works within the Mamre Road Precinct.
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence earthworks 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 earthworks and construction.

#### Mamre Road / Access Road 1 Intersection

- B3. Prior to submission of the detailed design of the Stage 1 and 2 intersection works as shown on **Figure 5** and **Figure 6** in **Appendix 1**, the Applicant must:
- (a) pay a plan checking fee to TfNSW;
  - (b) pay a performance bond to TfNSW covering all costs of the Stage 1 and 2 intersection works; and
  - (c) enter into a Works Authorisation Deed (WAD) with TfNSW for this works.
- B4. The Applicant must complete construction of the Stage 1 intersection works (**Figure 5** in **Appendix 1**), prior to the commencement of operation of the development.
- B5. The Applicant must complete construction of the Stage 2 intersection works (**Figure 6** in **Appendix 1**), prior to the commencement of operation of the development, or as otherwise agreed by TfNSW.
- B6. The Applicant must ensure road access to neighbouring properties at 930 – 966 Mamre Road is maintained for the duration of construction and operation, or alternative access is provided as agreed with the relevant landowner.
- B7. The Applicant must not construct any infrastructure (e.g. batter, retaining wall, and drainage basins) required to support the development within the Mamre Road reserve or on land that is zoned SP2.
- B8. The Applicant is responsible for all public utility adjustment/relocation works, as required by the various public utility authorities and/or their agents.
- B9. Prior to the commencement of earthworks, the Applicant must obtain a Road Occupancy Licence (ROL) from Transport Management Centre (TMC) for any works that may impact on traffic flows on Mamre Road during construction.
- B10. Prior to the issue of any Construction Certificate for the development, the Applicant must submit copies of any documentation in relation to road and intersection works to Council for its records.
- B11. All TfNSW costs associated with review of plans, designs and legal must be borne by the Applicant.

### **Access to 930-966 Mamre Road, Kemps Creek**

- B12. Prior to the construction of the Stage 1 intersection works (see **Figure 5 in Appendix 1**), the Applicant must:
- (a) give written notice to the landowner of 930-966 Mamre Road of the timing for closing the existing driveway, no later than 28 days prior to closure of the driveway to Mamre Road;
  - (b) close the existing driveway from 930-966 Mamre Road located within the Stage 1 intersection works area; and
  - (c) ensure that the new access driveway to 930-966 Mamre Road (shown in Costin Roe Consulting Drawing, Option B, Reference: CO14021.00-SK-231020, Rev A and dated 20/10/2022) is constructed and operational prior to the closure of the existing driveway.
- B13. The Applicant must provide written evidence to the satisfaction of the Planning Secretary and TfNSW demonstrating Condition B12 has been satisfied.

### **Internal Access Roads**

- B14. Prior to the commencement of construction works (excluding earthworks), the Applicant must:
- (a) prepare a detailed design of the access roads (Access Roads 1, 2 and 3) including the roundabout shown in **Figure 4 in Appendix 1** in accordance with the design requirements in the MRP DCP to the satisfaction of Council; and
  - (b) consult with Council concerning the processes for dedication of the lands for the access roads including the roundabout shown in **Figure 4 in Appendix 1**.
- B15. Prior to the operation of the warehouse on Lot 2, the Applicant must ensure the access roads, roundabout and access point to 930-966 Mamre Road, Kemps Creek are constructed and operational in accordance with the plans required by Conditions B12 and B14.
- B16. Within one month of registration of lot(s) for Access Roads 1, 2 and 3 including the roundabout at the Land Registry Services, the Applicant must notify the Planning Secretary that the lands for the internal Access Roads have been dedicated to Council.
- B17. Prior to the commencement of construction, the Applicant must obtain approval from Council for a concept Signage and Line Marking Plan for Access Roads 1, 2 and 3 to Council's Traffic Committee for endorsement.

### **Connection of Access Road 3 to Aspect Industrial Estate**

- B18. Within six months of the date of this consent, the Applicant must prepare and submit the following plans to facilitate the construction and delivery of the connection of Access Road 3 to Berriwerri Drive in the Aspect Industrial Estate (AIE). The plans must be prepared in consultation with Council and the landowner of the AIE to the satisfaction of the Planning Secretary and include:
- (a) a Staging Plan for the connection, including:
    - i. details of the scope of works to be undertaken on the site and the adjoining AIE (**Mirvac**) site (see **Figure 4, Appendix 1**);
    - ii. details of the timing of the works; and
  - (b) a detailed design plan of the connection to the AIE prepared in accordance with the design requirements under the MRP DCP.

**Note:** The detailed design of roads may require modification(s) to SSD-17647189 or separate DA(s).

- B19. Prior to commencement of operation of the development, the Applicant must construct Access Road 3 to the site boundary with the AIE, to the satisfaction of the Planning Secretary.
- B20. The Applicant must ensure the connection of Access Road 3 to Berriwerri Drive in the AIE is constructed and operational in accordance with the plans required by Condition B18, within 3 months of Berriwerri Drive in the AIE being completed, to the satisfaction of the Planning Secretary.

### **Eastern leg of Roundabout to Edge Estate**

- B21. Within six months of the date of this consent, the Applicant must prepare and submit the following plans to facilitate the construction and delivery of the eastern leg of the roundabout, in consultation with Council and the landowner of the Edge Estate, and to the satisfaction of the Planning Secretary and must include:
- (a) a plan for the eastern leg of the roundabout, including:
    - i. details of the scope of works to be undertaken on the site and the adjoining site of the Edge Estate (Fraser's), (see, **Figure 4, Appendix 1**);
    - ii. details of the delivery of the works; and

- (b) a detailed design of the eastern leg of the roundabout prepared in accordance with the design requirements under the MRP DCP.

**Note:** *The detailed design of the eastern leg of the roundabout may require modification(s) to SSD-17647189 or separate DA(s).*

- B22. The Applicant must ensure the eastern leg of the roundabout is constructed in accordance with the design plans in Condition B21.

### **Freight Corridor**

- B23. Prior to commencement of earthworks, the Applicant must ensure that all drainage from the development is adequately disposed of and managed and is not discharged into the freight corridor unless prior written approval has been obtained from TfNSW.
- B24. Prior to the issue of a Construction Certificate for the bulk earthworks, the Applicant must submit the following documents to TfNSW for review and obtain written confirmation from the Certifier that the construction drawings and specifications comply with these documents:
- (a) bulk earthworks detailed design drawings;
  - (b) bulk earthworks sections detailed design; and
  - (c) detailed design section drawings (in the area of the future dedicated freight corridor).

A copy of the confirmation from the Certifier must be provided to TfNSW, prior to the commencement of earthworks.

### **Parking**

- B25. The Applicant must provide sufficient parking facilities on-site in accordance with the MRP DCP, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- B26. Prior to the issue of the Occupation Certificate for the warehouse building, the development must include bicycle parking and end of trip facilities in accordance with Australian Standard AS1742.9:2018 Manual of Uniform Traffic Control Devices - Bicycle Facilities, and Cycling Aspects of Austroads Guides. Any bicycle parking and storage facilities must be secure, convenient, well lit, physically and visually accessible and within close proximity to the main entrance in accordance with Austroads guidelines.
- B27. A minimum of 5% of parking bays must be provided for electric vehicle charging, with a further 5% constructed as readily adaptable.

### **Street Trees**

- B28. Prior to the commencement of any stage of road construction, detailed design plans showing the provision of passively irrigated street trees within the relevant stage of works must be submitted to the satisfaction of Council. The plans must:
- (a) be prepared in consultation with Council; and
  - (b) demonstrate compliance with the MRP DCP.

### **Operating Conditions**

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

### **Operational Traffic Monitoring Program**

- B30. At the commencement of operation of the development and for a minimum period of 12 months of operation, the Applicant must establish an Operational Traffic Monitoring Program to verify light and heavy vehicle traffic numbers against the predictions in the RTS. The program must be included in the OEMP and must monitor the effectiveness of the traffic management measures to the satisfaction of the Planning Secretary and include but not be limited to the following:
- (a) detail the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
  - (b) queue monitoring at the Mamre Road / Access Road 1 (LILO) intersection and background travel counts on Mamre Road;
  - (c) verify the predicted traffic numbers and level of service against the actual impacts of the development, and analyse the potential cause of any significant discrepancies;
  - (d) consider the current capacity and efficiency of the existing road network including Mamre Road; and
  - (e) include procedures for the reporting and monitoring of results to evaluate the traffic performance of the development.

### **Workplace Travel Plan**

- B31. Prior to the commencement of operation of the development, the Applicant must prepare a Work Place Travel Plan and submit a copy to the Planning Secretary. The Work Place Travel Plan must form part of the OEMP required by condition C5 and must:
- (a) be prepared in consultation with TfNSW;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B32. The Applicant must implement the most recent version of the Work Place Travel Plan for the duration of the development.

## **EARTHWORKS**

### **Imported Soil**

- B33. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) where possible, source fill material from within the MRP;
  - (c) keep accurate records of the volume and type of fill to be used; and
  - (d) make these records available to the Planning Secretary upon request.

## **WATER QUALITY AND HYDROLOGY**

### **Dam Decommissioning Plan**

- B34. Prior to commencement of earthworks the Applicant must prepare a Dam Decommissioning Plan, addressing the Guidelines for Controlled Activities on Waterfront Land, to the satisfaction of the Planning Secretary. The Dam Decommissioning Plan must form part of the CEMP required by Condition C2. The Applicant must implement the Dam Decommissioning Plan approved by the Planning Secretary.

### **Erosion and Sediment Control**

- B35. Prior to the commencement of earthworks or other surface disturbance, the Applicant must prepare an Erosion and Sediment Control Plan (ESCP) to the satisfaction of the Planning Secretary. The ESCP must:
- (a) be prepared by a Certified Professional in Erosion and Sediment Control (CPESC) specialist whose appointment has been approved by the Planning Secretary;
  - (b) be prepared in consultation with EHG, Sydney Water and Council and include written evidence of the outcomes of the consultation process and how the recommendations have been incorporated into the ESCP;
  - (c) be independently reviewed and verified by the ER prior to submission to the Planning Secretary;
  - (d) comply with the detailed technical specifications in the Technical Guidance or its latest version, the 'Blue Book' - Managing Urban Stormwater: Soils and Construction (Landcom 2004) and the performance criteria in **Appendix 4** in this consent;
  - (e) detail measures to protect passively irrigated street trees during construction works, if these are installed before construction is completed; and
  - (f) be included in the CEMP required by Condition C2.
- B36. The Applicant must:

- (a) not commence earthworks until the ESCP required by Condition B35 is approved by the Planning Secretary;
- (b) ensure installation and operation of the erosion and sediment controls are supervised and certified by the CPESC appointed under Condition B35(a);
- (c) implement the ESCP approved by the Planning Secretary for the duration of earthworks and construction; and
- (d) engage the CPESC to conduct monthly audits of the erosion and sediment controls for the duration of earthworks and construction and for a further 12 months following the completion of construction works to ensure the controls remain effective in achieving the construction phase stormwater quality targets in the Technical Guidance. Monthly audit reports must be provided to the Planning Secretary within 7 days of completing the audit.

B37. The ER appointed in accordance with Condition A36, shall make a written statement to the Planning Secretary confirming the erosion and sediment controls are operational, prior to the commencement of earthworks and other construction activities for the development. The ER must also verify that disturbed areas have been adequately stabilised at the completion of earthworks.

### Discharge Limits

B38. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

### Stormwater Management System Design

B39. Within three months of the date of this consent, or as otherwise agreed by the Planning Secretary, the Applicant must design the stormwater management system to the satisfaction of the Planning Secretary. The stormwater management system design must:

- (a) be prepared in consultation with EHG, Sydney Water and Council and include written evidence of the outcomes of the consultation process and how the recommendations have been incorporated into the stormwater management system design;
- (b) be prepared and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems, whose appointment has been endorsed by the Planning Secretary;
- (c) be consistent with the plan shown on **Figure 7 in Appendix 1**;
- (d) include all private, Council and trunk drainage infrastructure within the site including connections to adjacent landholdings;
- (e) be designed in accordance with the Technical Guidance and demonstrate:
  - (i) through MUSIC modelling, how the waterway health objectives and targets set out in the MRP DCP and Technical Guidance will be achieved;
  - (ii) how the development will ultimately connect to the Regional Stormwater Scheme and how the interim measures (such as the water reuse components of on-site detention tanks, bioretention systems and rainwater tanks) will be decommissioned once the development is connected to the Regional Stormwater Scheme;
  - (iii) that all stormwater management devices contain an impermeable liner and all naturalised trunk drainage (or other open drainage) is either lined with an impermeable liner, or ameliorated (i.e., gypsum), and compacted to a suitable depth and topsoiled (AS44119) to limit infiltration to soils;
- (f) include functional design drawings that addresses the requirements of EHG's letter dated 26 September 2023;
- (g) ensure proprietary devices are located on private land and only include sediment and nutrient removal if certified under Stormwater Quality Improvement Device Evaluation Protocol (SQIDEP);
- (h) ensure gross pollutant traps are appropriately sized and designed in accordance with the Infrastructure Design Guidelines;
- (i) demonstrate that sufficient land is reserved on-site for stormwater management purposes (such as irrigation areas and undeveloped areas) as shown on **Figure 7 in Appendix 1**, to ensure the development meets the waterway health objectives and targets in the MRP DCP and Technical Guidance, unless an alternative stormwater management strategy has been approved by the Planning Secretary;
- (j) include landscape drawings that include planting details of the WSUD systems;
- (k) include certification (and appropriate designed checklists) of the civil and landscape drawings by the chartered professional engineer appointed under Condition B39(b), that the design drawings comply with the Technical Guidance; and
- (l) include evidence that the design and mix of WSUD infrastructure has considered ongoing operation and maintenance, including a detailed lifecycle cost assessment (including capital, operation / maintenance and renewal costs over 30 years).



- B40. The Applicant must:
- (a) not commence earthworks until the design required by Condition B39 is approved by the Planning Secretary;
  - (b) ensure construction of the stormwater management system is supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems; and
  - (c) implement the stormwater management system approved by the Planning Secretary prior to the commencement of operation of the development.
- B41. The Applicant must not carry out construction, other than those works approved under this consent, on land shown as 'landscape irrigation areas' on **Figure 7 in Appendix 1** (SSDA-405 Water Sensitive Urban Design Management Plan, Rev E), or within Lots 7, 11 or 12, unless the site is connected to the Regional Stormwater Scheme or an alternative Stormwater Management System for the site has been approved by the Planning Secretary.

### **Trunk Drainage Design**

- B42. Within three months of the date of this consent, the Applicant must design the trunk drainage infrastructure on the site, to the satisfaction of the Planning Secretary. The trunk drainage infrastructure must:
- (a) be designed in consultation with the Regional Stormwater Authority;
  - (b) be integrated into the Stormwater Management System Design required under Condition B39;
  - (c) document interim and ultimate (concept) at the upstream connection, consistent with the plan shown at **Figure 8 in Appendix 1** and the Infrastructure Design Guidelines 2022 or its latest version, unless otherwise agreed with the Regional Stormwater Authority and TfNSW;
  - (d) be designed so that the naturalised trunk drainage channel is used to convey all overland flows up to the 1% AEP critical flow where the catchment area upstream of the commencement of the trunk drainage exceeds 15 ha or where overland flows are unsafe to pedestrians and vehicles, whichever occurs first. Flows up to the critical probably maximum flood (PMF) shall be considered to understand the failsafe position of the trunk drainage;
  - (e) include updated flow modelling using DRAINS (ILSAX or Laurenson's Methods) and demonstrate consistency with the model parameters in the Infrastructure Design Guidelines;
  - (f) include adequate access for management and maintenance by the Regional Stormwater Authority, in accordance with the Infrastructure Design Guidelines, including provision of an easement as required under Condition B47;
  - (g) include appropriate connections from the trunk drainage channel on site to the existing downstream flow paths, until such time as the permanent drainage infrastructure downstream of the site is constructed;
  - (h) be informed by undertaking a risk assessment with Sydney Water, per Sydney Water's requirements on design options for connection of trunk drainage to the downstream piped trunk drainage system on neighbouring land to ensure best practice safety outcomes are achieved;
  - (i) ensure any connections into the trunk drainage channel on the site are designed to accommodate the trunk drainage channel design requirements; and
  - (j) include landscape drawings with planting details.
- B43. The Applicant must:
- (a) not commence earthworks on site (except for the earthworks required to construct the Lot 2 building pad) until the design required by Condition B42 is approved by the Planning Secretary;
  - (b) ensure construction of the trunk drainage infrastructure is supervised and certified by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems; and
  - (c) not commence operation of the development until the trunk drainage infrastructure is implemented in accordance with the design approved by the Planning Secretary under Condition B42.

### **Water and Stormwater Management Plan**

- B44. Prior to the commencement of operation of the development, the Applicant must prepare a Water and Stormwater Management Plan to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified chartered professional engineer with experience in modelling, design and supervision of WSUD systems, whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with EHG, Sydney Water, Council and the Department;
  - (c) comply with the requirements of the Technical Guidance for the preparation of a Water and Stormwater Management Plan;
  - (d) demonstrate how the development will comply with the stormwater quality and quantity targets in the Technical Guidance;
  - (e) be consistent with the design approved under Condition B39 and the plan shown on **Figure 7 in Appendix 1**;

- (f) include:
  - (i) detailed engineering drawings for all WSUD elements including plan views, cross-sections and long sections;
  - (ii) detailed landscape drawings with topsoil requirements, planting schedules and hardscape (maintenance access) details;
  - (iii) an operation and maintenance plan for the WSUD measures;
- (g) ensure:
  - (i) relevant external catchments (per natural catchment boundaries) are drained to trunk drainage;
  - (ii) ensure the discharge to the culverts in Mamre Road aligns with the current Mamre Road alignment and future road upgrade, as required by TfNSW;
- (h) include a protocol for investigating any non-compliances with the IWCM controls in the MRP DCP and the waterway health objectives and targets in the Technical Guidance and detail the contingency measures that would be implemented to address non-compliances;
- (i) detail triggers for a review of the plan, including, but not limited to a review of the plan within 6 months of the Regional Stormwater Scheme being available for the site to connect to; and
- (j) include certification (and appropriate designed checklists) for the WSUD measures by the chartered professional engineer appointed under Condition B44(a), that the detailed design complies with the Technical Guidance.

B45. The Applicant must:

- (a) not commence operation of the development until the Water and Stormwater Management Plan required by Condition B44 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water and Stormwater Management Plan approved by the Planning Secretary for the duration of the development.

#### **Water Reuse**

B46. The Applicant must ensure any stormwater that is harvested for reuse during the interim stormwater management phases is first treated and disinfected in accordance with Australian Guidelines for Water Recycling: Managing Health and Environmental Risks: Stormwater harvesting and reuse (NRM, EPHC and NHMRC 2009).

#### **Easements and Maintenance**

B47. Prior to the issue of a Compliance Certificate under Section 73 of the *Sydney Water Act, 1994*, an easement under section 88A and / or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Regional Stormwater Authority (Sydney Water) as the prescribed authority, which can only be revoked, varied or modified with the consent of the Regional Stormwater Authority and which provides for appropriate access to all trunk drainage land for maintenance at no cost to the Regional Stormwater Authority must be registered on the title of the land.

B48. The permanent stormwater management system must continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

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

B49. All stormwater infrastructure (excluding the trunk drainage corridor), including bio-retention basins, shall remain under the ownership, control and care of the registered proprietor of the lots until which time they are decommissioned to connect to the Regional Scheme. Upstream drainage catchment pipes are to be located outside of the public road reserve and remain in private ownership, in accordance with Council requirements.

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

B50. Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the permanent stormwater management systems (including on-site detention and water sensitive urban design), shall be registered on the title of the relevant lots. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments – Appendix F.

#### **Vegetation Management Plan**

B51. The Applicant must prepare a Vegetation Management Plan for the trunk drainage corridor located on-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must:

- (a) be prepared in consultation with Sydney Water and Council
- (b) be consistent with the trunk drainage design and landscape drawings prepared in accordance with Condition B42; and
- (a) detail monitoring and maintenance timeframes and responsibilities.

B52. The Applicant must revegetate and maintain the trunk drainage corridor in accordance with the updated Vegetation Management Plan approved by the Planning Secretary, until ownership or maintenance responsibility for the corridor is transferred to the Regional Stormwater Authority.

### Flood Management

B53. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP and OEMP required by Conditions C2 and C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
- (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
- (c) include details of:
  - (i) the flood emergency responses for both construction and operation phases of the development;
  - (ii) predicted flood levels;
  - (iii) flood warning time and flood notification;
  - (iv) assembly points and evacuation routes;
  - (v) evacuation and refuge protocols; and
  - (vi) awareness training for employees and contractors.

B54. The Applicant must:

- (a) not commence construction until the Flood Emergency Response Plan required by condition B51 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.

B55. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 0.5 m of freeboard.

B56. Any structures below the 1% Annual Exceedance Probability plus 0.5 m of freeboard must be constructed from flood compatible building components.

### NOISE

#### Hours of Work

B57. The Applicant must comply with the hours detailed in **Table 2** unless otherwise agreed in writing by the Planning Secretary.

**Table 2** 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

B58. Works outside of the hours identified in condition B57 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

B59. 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 management and mitigation measures in the **Appendix 3**.

## Construction Noise and Vibration Management Plan

- B60. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must
- be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary;
  - be approved by the Planning Secretary prior to the commencement of earthworks for the development;
  - 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);
  - describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - include strategies that have been developed with the community for managing high noise generating works including acoustic screens around the perimeter of the site; and
  - describe the community consultation undertaken to develop the strategies in condition B60(e).
  - include a complaints management system that would be implemented for the duration of the development.
- B61. The Applicant must:
- not commence earthworks until the Construction Noise and Vibration Management Plan required by condition B60 is approved by the Planning Secretary; and
  - implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

## Operational Noise Limits

- B62. The Applicant must ensure that operational noise generated from the site does not exceed the noise limits in Table 3.

**Table 3 Noise Limits ( $L_{eq}$  (15 min) dB(A))**

Receiver ID	Receiver Type	Day	Evening	Night
1, 2, 4, 5 & AD	Residences in MRP	46	41	36
3	Residence in MRP	41	41	36
AQ	Place of Worship in MRP (BAPS Temple)	31	31	31
J to AP	Residence outside of MRP	34	29	24

*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). Refer to Appendix 2 for the location of sensitive receivers.

## Noise Barrier

- B63. The Applicant must construct the noise barrier shown in the Acoustic Report, prepared by Acoustic Works and dated 24 July 2023 as shown on **Figure 11** in **Appendix 1** (Reference: 1020168 R01ZL 884-928 Mamre Road Kemps Creek ENV.docx), prior to the commencement of operation of the development.
- B64. The Applicant must provide evidence to the satisfaction of the Planning Secretary demonstrating the noise barrier has been constructed in accordance with Condition B63.

## Noise Verification Report

- B65. Prior to the issue any construction certificate for the warehouse on Lot 2, the Applicant must prepare and submit a Design Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Applicant must not commence construction of the warehouse until the Design Noise Verification Report is approved by the Planning Secretary. The Design Noise Verification Report must:
- include detailed design and mechanical plant required for the tenant;
  - modelling and analysis of compliance with noise limits specified in condition B62
  - an outline of management actions to be taken to address any exceedances of the limits specified in Condition B62; and
  - a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

- B66. Should the Design Noise Verification Report identify that the noise limits in Condition B62 cannot be achieved through the mitigation measures and contingency measures required to be considered under Condition B65, the Applicant must:
- (a) offer to enter into noise agreement(s) with the landowner/s of 930-966 Mamre Road, Kemps Creek; and
  - (b) provide written evidence to the Planning Secretary that an agreement is in place with these receivers.
- B67. The noise agreement required under Condition B66 must be in force until the existing residential use/s ceases on the land subject to the agreement or a development consent for general industrial or other employment uses applies to the land, whichever is the sooner.
- B68. If a Noise Agreement is in place with a specific receiver(s) to exceed the noise limits in Condition B62, the noise limits in Table 4 do not apply to that receiver(s).
- B69. Within three months of the commencement of operation of the development, the Applicant must prepare and submit an Operational Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Operational Noise Verification Report must:
- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant whose appointment has been endorsed by the Planning Secretary;
  - (b) demonstrate that noise verification has been carried out in accordance with:
    - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
    - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
  - (c) include:
    - (i) an analysis of compliance with noise limits specified in Condition B62;
    - (ii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
    - (iii) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in Condition B62 at all times.

#### **Road Traffic Noise**

- B70. Prior to the commencement of earthworks, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

#### **VIBRATION**

##### **Vibration Criteria**

- B71. Vibration caused by earthworks and 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).
- B72. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition B71.
- B73. The limits in conditions B71 and B72 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C2 of this consent.

##### **Dilapidation Reporting**

- B74. The Applicant must offer and prepare (if the offer is accepted) a pre-dilapidation and post-dilapidation survey at 930-966 Mamre Road Kemps Creek:
- (a) prior to the commencement of construction; and
  - (b) within one month of the conclusion of construction, or as otherwise agreed with the Planning Secretary.
- The surveys must be submitted to the Planning Secretary and the relevant property owners prior to construction works commencing on the site.
- B75. Should the survey at Condition B74(b) identify any damage, the Applicant must discuss the repairs to be undertaken with the relevant property owners, and repair or pay the full costs associated with repairing any part of the building that is determined to be damaged by the carrying out construction works associated with the development.

## VISUAL AMENITY

### Landscaping

- B76. Within 12 months of the commencement of construction of the development, the Applicant must prepare a Landscape Management Plan to manage the 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 be prepared in consultation with Council and:
- (a) detail the species to be planted on-site that;
    - (i) are consistent with the plant list in Appendix C of the MRP DCP; and
    - (ii) are suitable in relation to wildlife management in proximity to the Western Sydney Airport.
  - (b) convert the car parking spaces located partially within the MRP DCP landscaped setbacks (adjacent to the collector road) into landscaping / deep soil zones;
  - (c) be consistent with:
    - (i) the Applicant's Management and Mitigation Measures (see **Appendix 3**); and
    - (ii) Appendix 4 of *Planning for Bushfire Protection* (RFS 2019);
    - (iii) demonstrate that the minimum tree canopy targets are achieved in accordance with the MRP DCP; and
  - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works.
- B77. The Applicant must:
- (a) implement the most recent version of the Landscape Management Plan approved by the Planning Secretary and not commence operation until the landscaping works have been completed in accordance with the plan; and
  - (b) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B76 for the life of the development.
- B78. Prior to the issue of an Occupation Certificate, the Applicant must provide the Certifier with written evidence in the form of plans and a report prepared by the project landscape architect confirming that trees identified in the approved document package as contributing to the site's canopy target have been installed and that the trees are capable of reaching maturity in their locations. Where the canopy cover target (in accordance with the MRP DCP) is identified as not being achievable through those trees planted, the report is to detail what measures have been undertaken to address the tree canopy shortfall and a rectification plan is to be provided.

### Lighting

- B79. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Signage

- B80. The Applicant must prepare a Detailed Signage Strategy for the site demonstrating consistency with the MRP DCP. The Detailed Signage Strategy must be prepared to the satisfaction of the Planning Secretary.

## AIR QUALITY

### Dust Minimisation

- B81. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B82. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### Construction Air Quality Management Plan

- B83. Prior to the commencement of operation, 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 sources of the development, including particulate emissions;
- (c) describe a program that is capable of evaluating the performance of the construction and determining compliance with key performance indicators;
- (d) identify the control measures that will be implemented for each emission source; and
- (e) nominate the following for each of the proposed controls:
  - (i) key criteria;
  - (ii) monitoring method; and
  - (iii) locations, frequency and duration of monitoring;
- (f) outline procedures that will be implemented in relation to:
  - (i) record keeping;
  - (ii) reporting to the Environmental Representative required under Condition A36;
  - (iii) complaints register;
  - (iv) response procedures; and
  - (v) compliance monitoring;
- (g) detail contingency measures to be implemented to reduce any exceedances of relevant performance indicators or criteria and include a timetable for implementation.

B84. The Applicant must:

- (a) not commence earthworks until the Construction Air Quality Management Plan required by condition B83 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

#### **Odour Management**

B85. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

#### **ABORIGINAL HERITAGE**

B86. Prior to the commencement of earthworks, the Applicant must implement the recommendations outlined in Section 8 of the Aboriginal Cultural Heritage Assessment Report, prepared by Austral Archaeology Pty Ltd and dated 9 July 2021.

B87. 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.

B88. 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**

B89. 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.

#### **BIODIVERSITY**

B90. Prior to commencement of construction of the Stage 1 and 2 intersection works, the Applicant must purchase and retire the following biodiversity credits:

- (a) one ecosystem credit for the River Flat Eucalypt Forest – on coastal floodplains of NSW, North Coast, Sydney Basin and South East corner Bioregions (PCT 835);
- (b) one ecosystem credit for the Cumberland Plain Woodland in the Sydney basin bioregion (PCT 849); and
- (c) two species credits for the Southern Myotis.

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

B91. The requirement to retire biodiversity credits (see Condition B90) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of credits, as calculated by the EHG's Biodiversity Offsets Payment Calculator.

B92. The Applicant must provide the Planning Secretary with evidence that:

- (a) the retirement of ecosystem credits has been completed (see Condition B90); or
- (b) a payment has been made to the Biodiversity Conservation Fund (see Condition B91), prior to undertaking any clearing or construction works.

B93. Prior to commencement of earthworks or construction, the Applicant must implement the mitigation measures recommended in Section 7 of the Biodiversity Development Assessment Report, prepared by Biosis and dated 2 August 2023.

## HAZARDS AND RISK

### Dangerous Goods

- B94. The quantities of dangerous goods stored and handled at the individual lots for 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 and not trigger the Chapter 3 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- B95. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
  - (b) for liquids, the NSW EPA's Storing and Handling of Liquids: Environment Protection – Participants Manual
- B96. In the event of an inconsistency between the requirements of Conditions B95(a) to B95(b) the most stringent requirement must prevail to the extent of the inconsistency.

### Fire Safety

- B97. Prior to the commencement of operation of the development, the Applicant must prepare an Emergency Response Plan (ERP). The ERP must form part of the OEMP and be prepared in accordance with Condition C5. The Plan must:
- (a) be prepared in consultation with FRNSW;
  - (b) specifically address foreseeable on-site and off-site fire events and other emergency incidents, (e.g. LPG unloading incident ignition and fire, flammable liquid store fire or potential hazmat incidents, and any unique hazards specific to the site);
  - (c) detail the appropriate risk control measures that would need to be implemented for emergency incidents, including physical protection and procedural measures to address potential risks to the health and safety of firefighters and other first responders; and
  - (d) include an Emergency Services Information Package (ESIP) in accordance with FRNSW guideline: Emergency Services Information Package and Tactical Fire Plans for use by responding firefighters.
- B98. Two copies of the ERP and ESIP are to be stored in a prominent 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.

## CONTAMINATION

### Unexpected Finds

- B99. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.
- B100. Prior to the commencement of earthworks, the Applicant must prepare a hazardous building materials survey of the structures on site and present the findings of this survey to the Certifier.

### Asbestos

- B101. The Applicant must ensure that any asbestos encountered during the earthworks and construction is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

### Bushfire Protection

- B102. The Applicant must ensure the development complies with the:
- (a) relevant provisions of *Planning for Bushfire Protection 2019* ; and



- (b) recommendations within the *Bushfire Assessment, Access Logistics Park 884-928 Mamre Road, Kemps Creek*, dated 29 August 2022 (reference: 20140), prepared by Peterson Bushfire.

## **COMMUNITY ENGAGEMENT**

B103. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in **Appendix 2**, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

## **WASTE MANAGEMENT**

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

B104. Prior to the commencement of construction of the development, the Applicant must prepare a Construction and Demolition Waste Management Plan for the development. The Plan must form part of a 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.

B105. The Applicant must:

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

### **Operational Waste Management**

B106. Prior to the commencement of operation of the development, the Applicant must prepare a Waste Management Plan. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition C2. 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 (Environment Protection Authority, 2014);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Appendix 2.

B107. The Applicant must implement the most recent version of the Waste Management Plan for the duration of operation of the development.

### **Waste Storage and Processing**

B108. Prior to the commencement of construction of the warehouse, the Applicant must obtain agreement from Council for the design of the waste storage area for the warehouse.

B109. 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.

### **Statutory Requirements**

B110. 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.

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

B111. 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.*

## 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 B35);
  - (c) Dam Decommissioning Plan (see Condition B34);
  - (d) Construction Noise and Vibration Management Plan (see Condition B60);
  - (e) Construction Air Quality Management Plan (see Condition B83);
  - (f) Construction and Demolition Waste Management Plan (see Condition B106(d));
  - (g) Unexpected Finds Protocol (see Conditions B86 and B89);
  - (h) Community Consultation and Complaints Handling;
- C4. The Applicant must:
- (a) not commence earthworks, dam dewatering or construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out earthworks or 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 Management Plan (see Condition B41);
    - (ii) Vegetation Management Plan (see Condition B51);
    - (iii) Operational Noise Management Plan (see Condition B69);
    - (iv) Landscape Management Plan (see Condition B76);
    - (v) Emergency Response Plan (see Condition B96);
    - (vi) Waste Management Plan (see Condition B105);
- 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 3.

### 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 Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

- (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, operation or decommissioning of the development is to be staged;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vii) a summary of the current stage and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Compliance Report of the development;
  - (xi) audit reports prepared as part of any 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

**Table 4: Schedule of Approved Plans**

Drawing No	Title	Issue	Date
<b>Architectural Plans prepared by Nettleton Tribe Architects</b>			
DA011	Lot 2 Site Plan	P37	31/10/2023
DA015	Lot 2 Office Floor Plans – Sheet 1	P20	31/10/2023
DA016	Lot 2 Office Floor Plans – Sheet 2	P18	31/10/2023
DA022	Lot 2 Building Elevations	P26	31/10/2023
DA025	Lot 2 Office Elevations	P18	31/10/2023
DA032	Lot 2 Building Sections	P19	31/10/2023
DA035	Lot 2 Office sections	P17	31/10/2023
DA041	Lot 2 Area Plans	P24	31/10/2023
DA003	Estate Masterplan – Stage 1	P28	21/08/2023
DA004	Estate Masterplan – Stage 2	P39	31/10/2023
DA005	Subdivision Masterplan – Stage 1	P19	21/08/2023
DA006	Subdivision Masterplan – Stage 2	P25	31/10/2023
DA044	Signage Details, Typical Colours and Materials Schedule	P14	31/10/2023
<b>Civil Drawings prepared by Costin Roe Consulting Pty Ltd</b>			
C014021.00-SSDA300	Bulk Earthworks Plan and Cut and Fill Plan	R	07/11/2023
C014021.00-SSDA400	Stormwater Drainage Masterplan	Q	07/11/2023
C014021.00-SSDA405	Water Sensitive Urban Design Management Plan	F	07/11/2023
C014021.00-SSDA500	Roadworks Plan	O	07/11/2023
C014021.00-SKC230831	Proposed Roundabout / Freight Network Interface Revised Roundabout PBS Level 2b Road Train	A	06/10/2023
CO14021.00-SK-231020	Option B, Existing Driveway Interface with Proposed Road	A	20/10/2022
<b>Landscape Plans prepared by Geoscapes Landscape Architects</b>			
MP-01	Estate and Lot 2 Masterplan	P	30/10/2023
LDA-01	Overall Landscape Plan	U	30/10/2023

Drawing No	Title	Issue	Date
LDA-01A	Landscape Canopy and Permeability Plan (*excludes roundabout design)	Z	01/09/2023
<b>Left In / Left Out Deceleration and Acceleration Lane plan prepared by MU Group</b>			
2021_19_SD_0001_SK00014	LILO Strategic Design - Stage 1 – Deceleration Lane	B	28/03/2023
2021_19_SD_0001_SK00017	Left Turn Treatments Comparison - Stage 2 – Acceleration Lane	A	28/03/2023

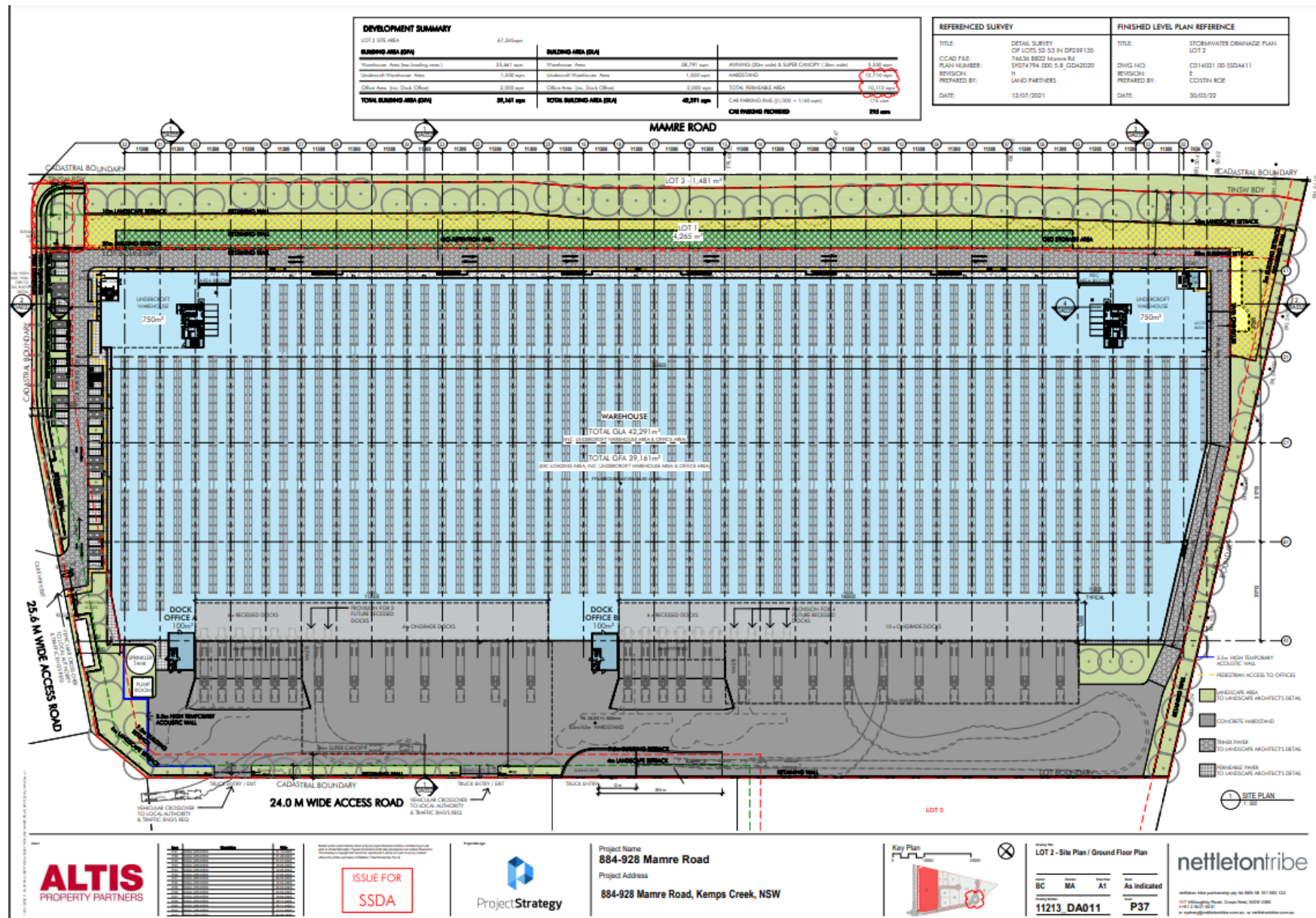


Figure 1: Site Plan





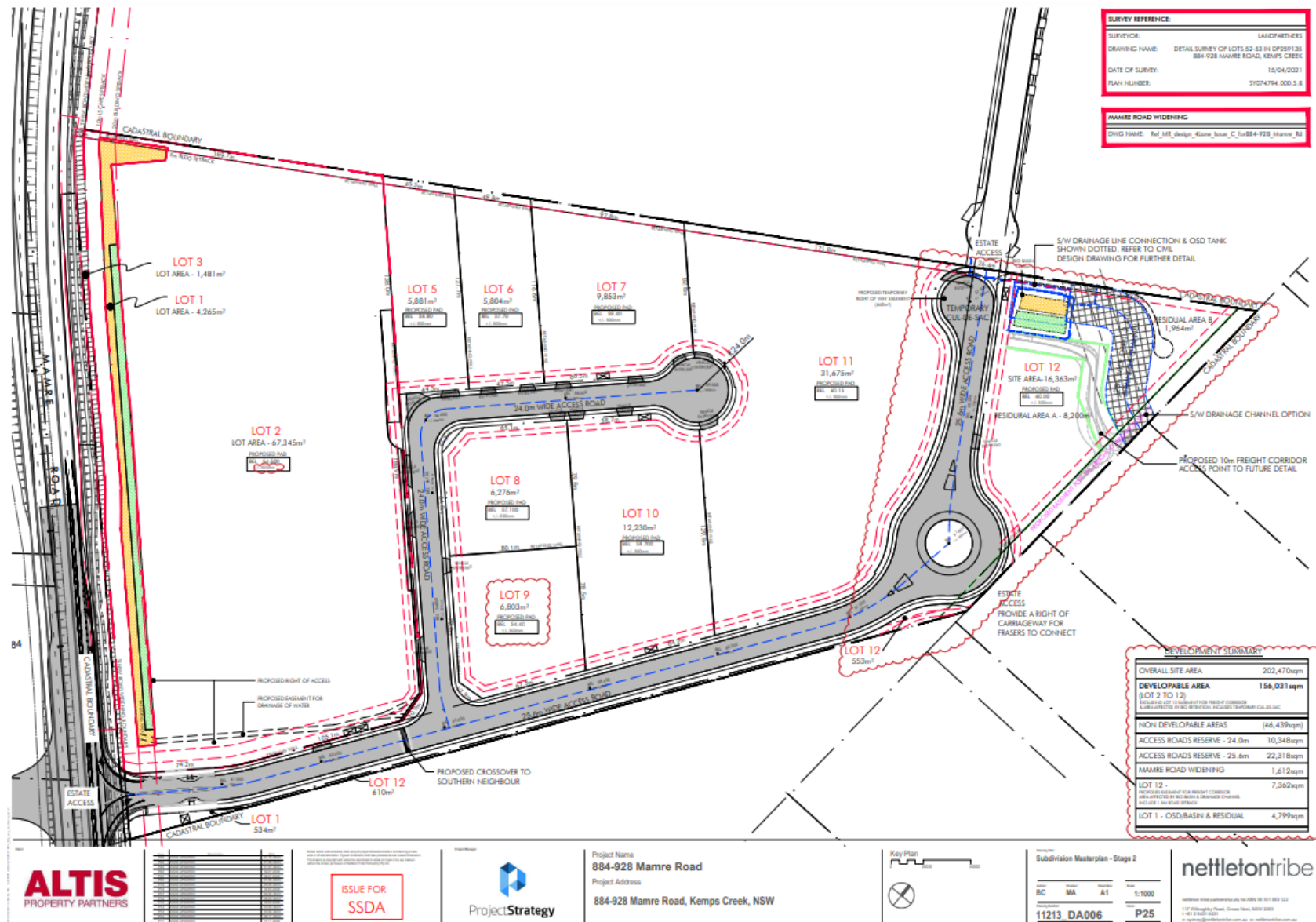
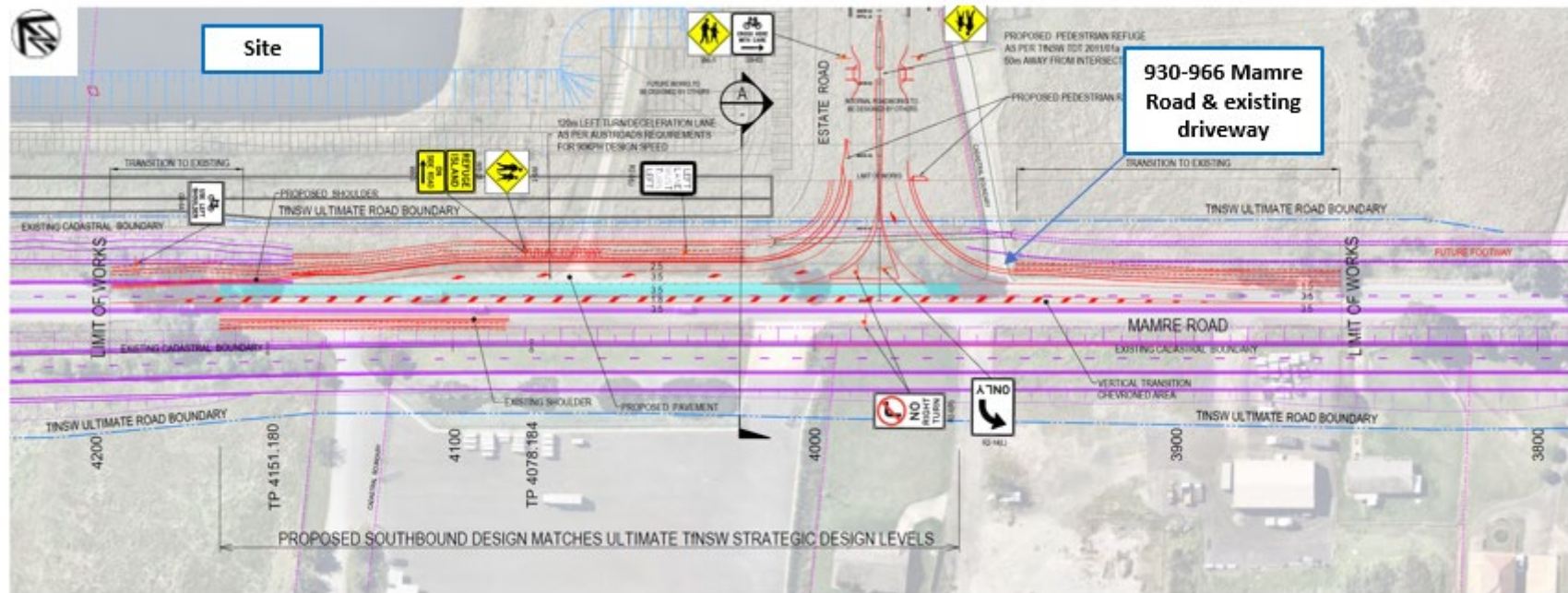


Figure 3: Stage 2 Subdivision Plan

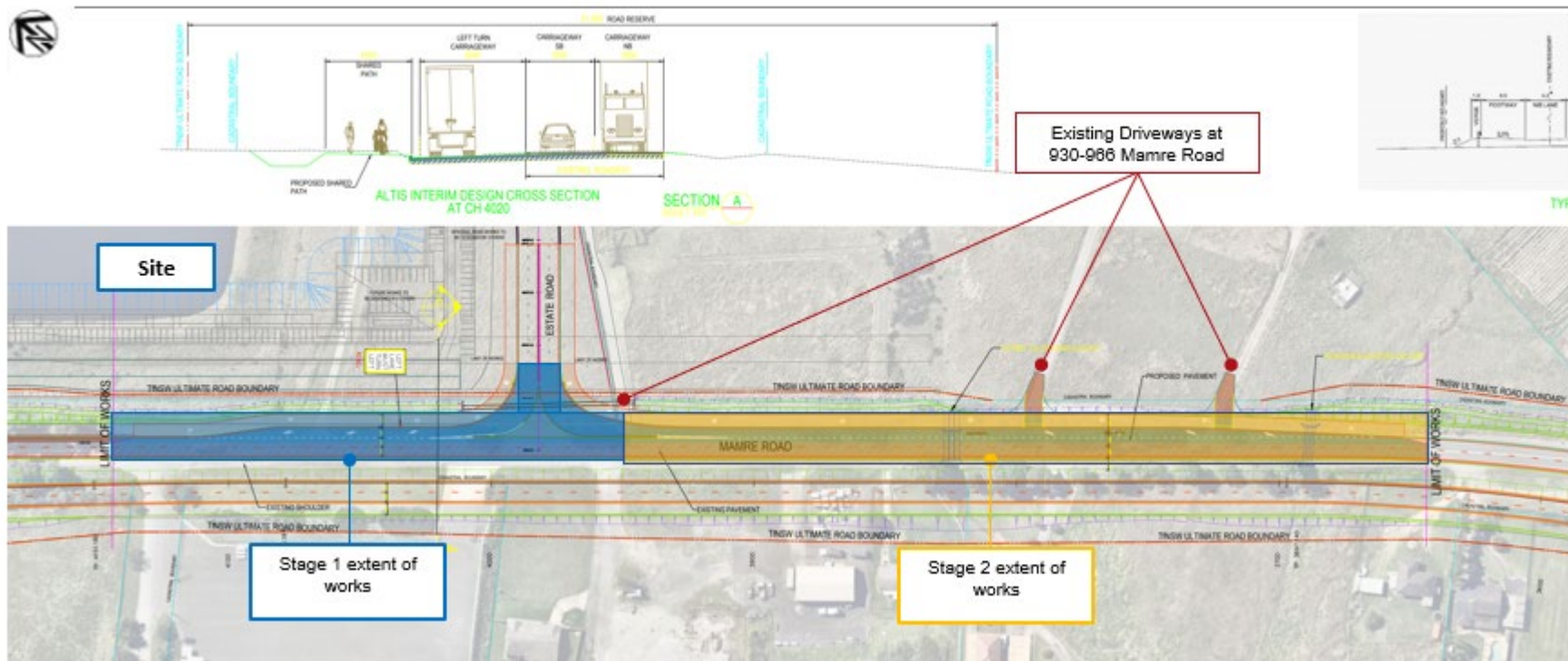








**Figure 5: Stage 1 of the Left-In/Left-Out Intersection at Mamre Road**



**Figure 6: Stage 1 and 2 LILO**

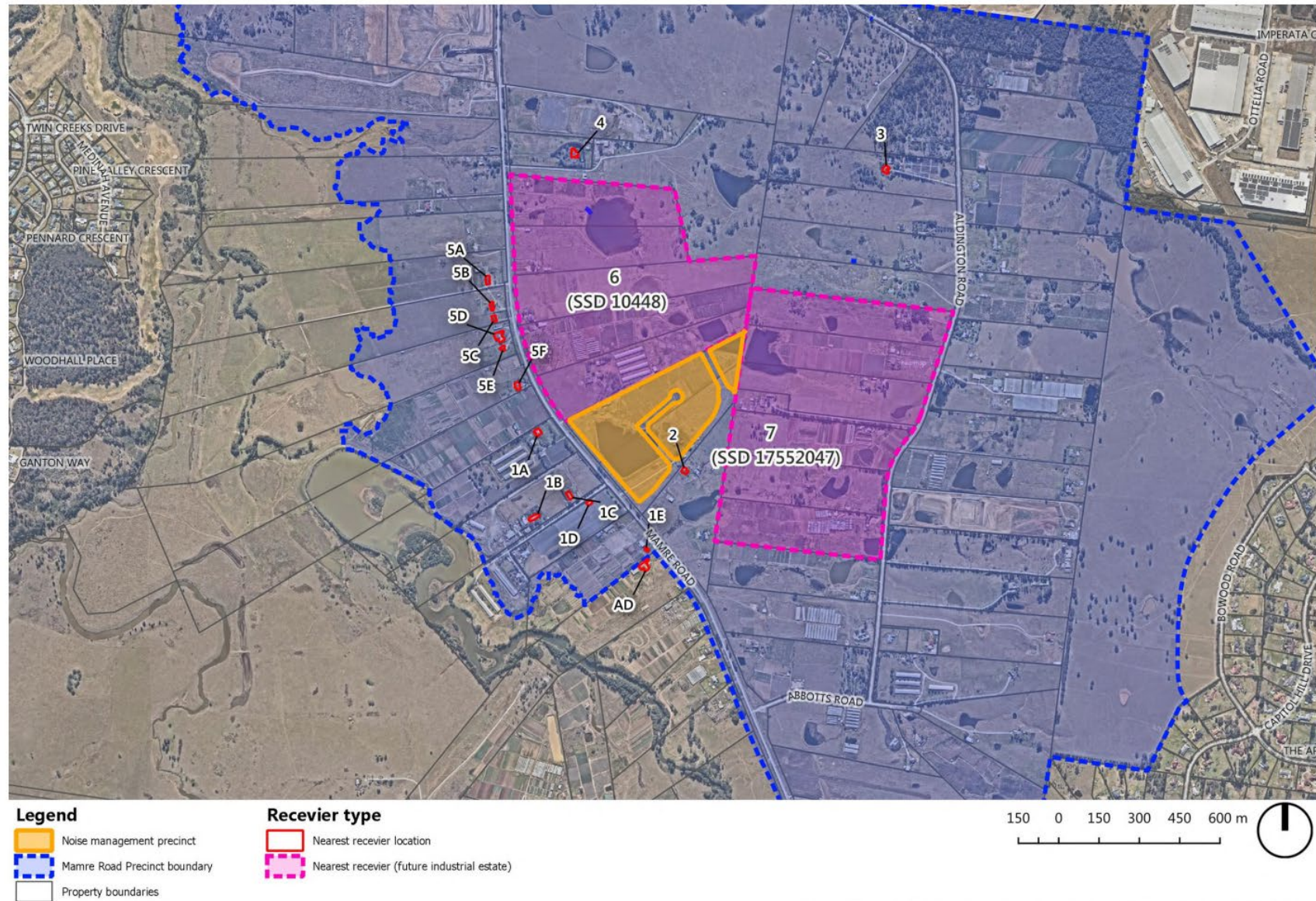








## APPENDIX 2 NOISE SENSITIVE RECIVERS



**Figure 9: Nearby Noise Sensitive Receivers**



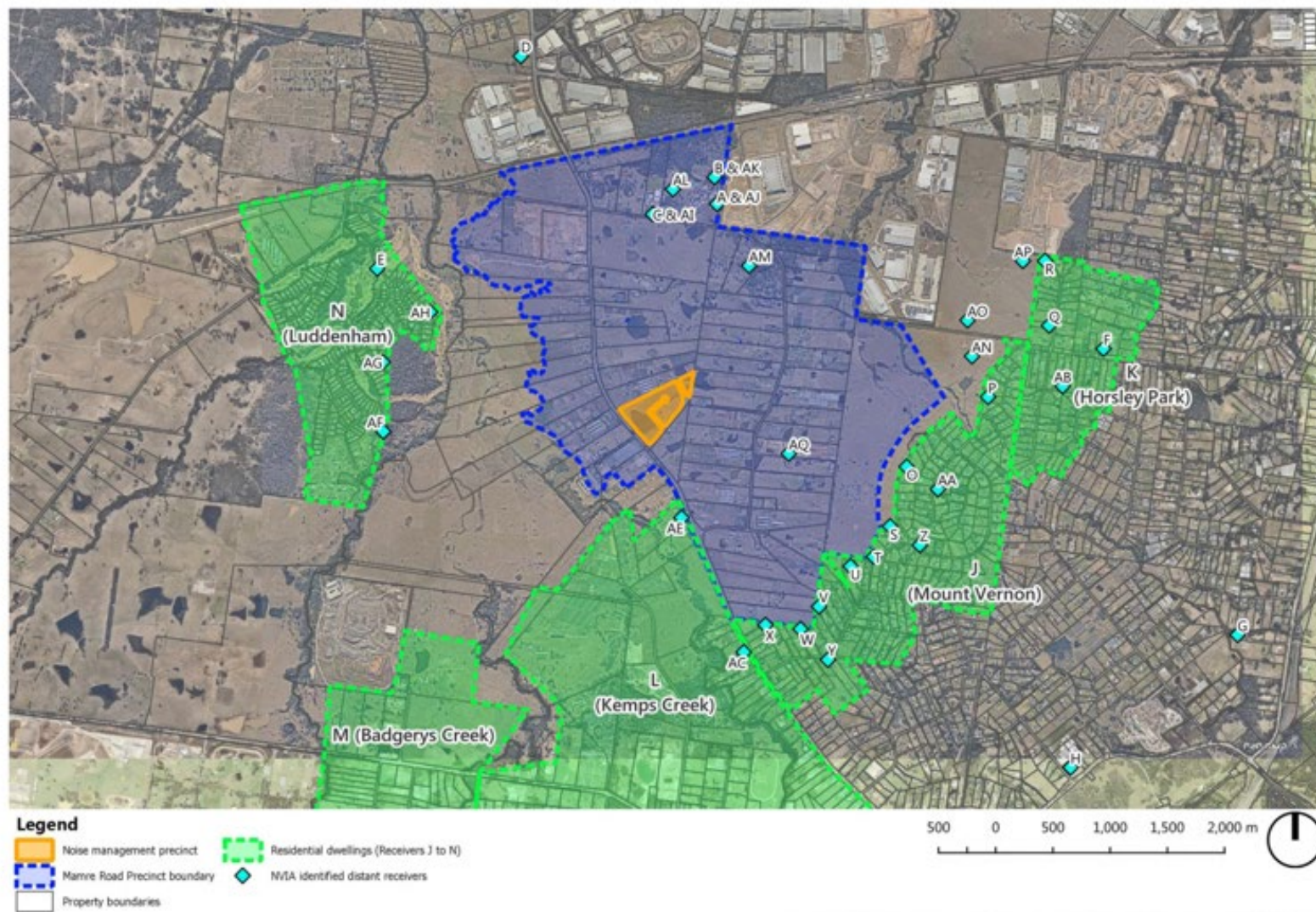


Figure 10: Distant Noise Sensitive Receivers



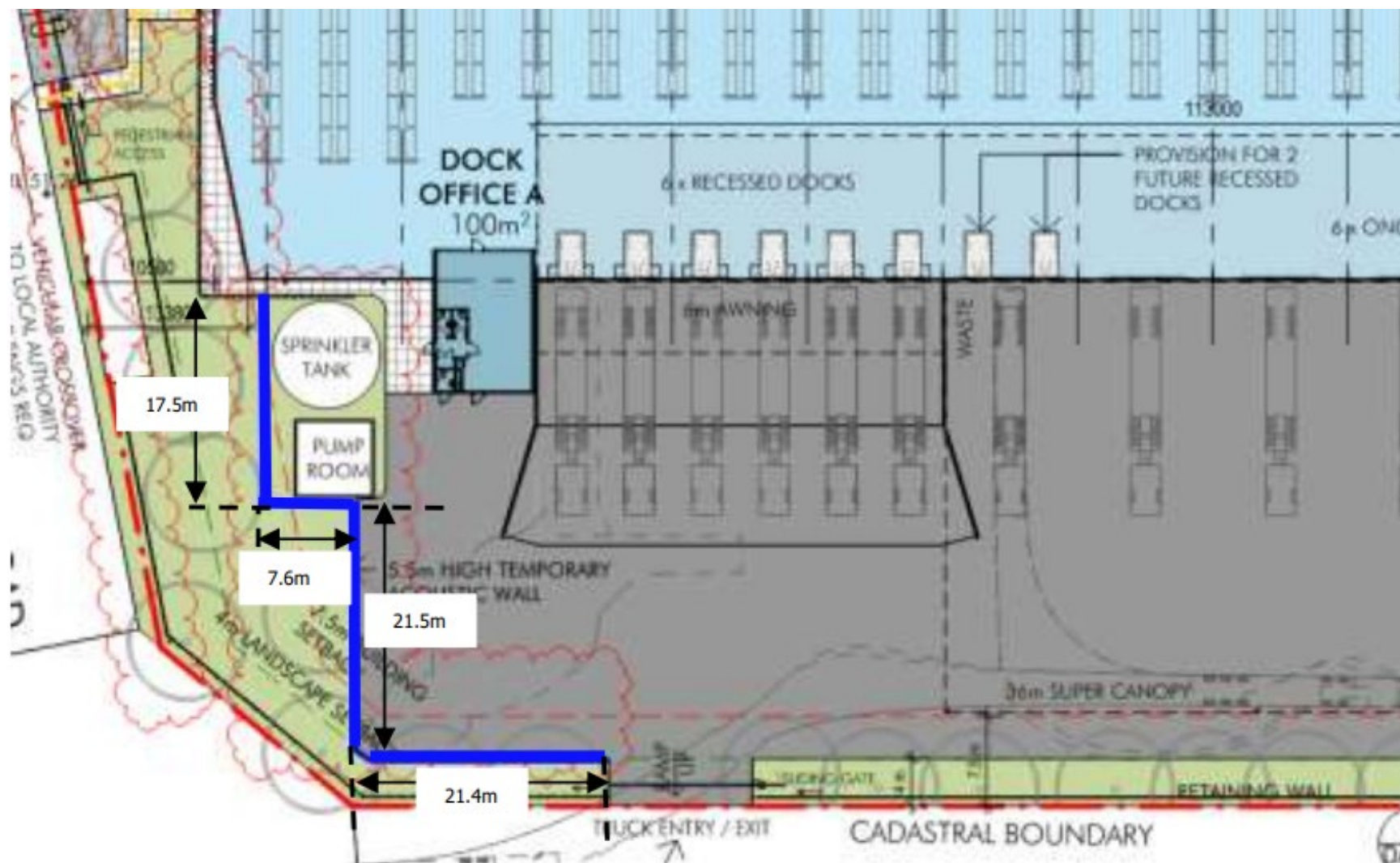


Figure 11: Location of proposed acoustic barrier (5.5 m high measured from pad level)

## **APPENDIX 3     APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

### **Commitment to Minimise Harm to the Environment**

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

### **Terms of Approval**

2. Altis will carry out the project generally in accordance with the:
  - (a) Environmental Impact Statement;
  - (b) RTS Report;
  - (c) Drawings;
  - (d) Management and Mitigation Measures;
  - (e) Any Conditions of Approval.

### **Occupation Certificate**

3. Altis will ensure that Occupation Certificates are obtained prior to the occupation of the facilities.
4. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
5. Altis will ensure compliance with the requirement(s) of the Secretary of the DPIE arising from the 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**

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

### **Operation of Plant and Equipment**

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

### **Construction Environmental Management Plan**

8. Prior to the commencement of construction, the appointed builder or infrastructure contractor as will prepare a Construction Environmental Management Plan (CEMP) that addresses the following:
  - (a) Air Quality;
  - (b) Noise;
  - (c) Waste Classification;
  - (d) Erosion and Sediment Control;
  - (e) Materials Management Plan; and
  - (f) Community Consultation and Complaints Handling.

### **Monitoring of State of Roadways**

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

## **Waste Receipts**

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

## **Complaints Handling**

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

## **Consultation**

12. Altis will prepare and implement a Community Consultation Strategy (CCS), to be implemented throughout the construction and operational phases of the project.

## **SPECIFIC ENVIRONMENTAL COMMITMENTS**

### **Air Quality**

13. Prior to commencement of works, Altis will develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the relevant regulatory bodies.
14. Prior to commencement of works, a construction air quality management plan will be developed (post approval) in line with the Air Quality and Odour Impact Assessment.
15. Altis will implement an emissions testing program in accordance with the requirements of an Environmental Protection Licence (EPL).
16. Altis will develop an Operational Environmental Management Plan (OEMP) to address air emissions (including odour).
17. Altis has an Environmental and Sustainability Policy ESN-001P that outlines commitment to Environmental compliance. Altis will accept and implement the recommendations as outlined in the Air Quality and Odour Impact Assessment for monitoring of performance.

### **Noise and Vibration**

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

### **Traffic and Transport**

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

### **Aboriginal Cultural Heritage**

22. All contractors undertaking earthworks on site will be briefed on the protection of Aboriginal heritage objects under the *National Parks and Wildlife Act 1974* and the penalties for damage to these items.

23. If unforeseen Aboriginal objects are uncovered during construction the unexpected finds protocol will be followed. Work will cease in the area, and the NSW Office of Environment and Heritage will be informed.

## **Waste Management**

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

## **Dangerous Goods**

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

## **Bushfire**

27. Public road design and construction is to comply with Table 5.3b of PBP. An exemption is the interim single access road may be longer than 200 m.
28. Altis will ensure that the Site is to be maintained to achieve the performance requirement of an Inner Protection Area (IPA) as described by Appendix A4.1.1 of PBP. The following landscaping specifications have been designed to achieve an IPA standard at this Site:
- a. Trees:
    - i. Trees at maturity should not touch or overhang the building;
    - ii. Tree canopies should not be connected when at maturity. Gaps between crowns or groups of crowns are to be maintained at distances of 2 to 5m.
  - b. Shrubs:
    - i. Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards the building;
    - ii. Clumps of shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.
  - c. Groundcovers:
    - i. Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height);
    - ii. Leaves and vegetation debris should be regularly removed;
    - iii. Organic mulch is not to be used within 1 m of a building.
29. The proposed public roads require fire hydrants to be installed to comply with *AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning* (AS 2419).
30. The warehouse will require fire hydrants to be installed to comply with *AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning* (AS 2419) so that all sides of the building are within 70 m of a hydrant by lay of the hose (or 90 m with a tanker parked in-line maximum 20 m from the hydrant).
31. Any gas services are to be installed and maintained in accordance with *AS/NZS 1596- 2014 The storage and handling of LP gas*.
32. Hazardous or combustible materials are not to be stored externally.

## APPENDIX 4 EROSION AND SEDIMENT CONTROL – PERFORMANCE CRITERIA

The erosion and sediment control plan prepared in accordance with B35 must include measures to:

1. Minimise erosion
  - (a) minimise the duration of soil exposure by undertaking land clearing and stabilisation according to the 'Blue Book' Section 7.1.2 and Table 7.1;
  - (b) effectively stabilise all site surfaces using methods that will continue to achieve effective stabilisation in the medium to long term. An effectively stabilised surface is defined as one that does not, or is not likely to result in visible evidence of soil loss caused by sheet, rill or gully erosion or lead to sedimentation, or lead to water contamination;
2. Manage concentrated stormwater flows
  - (a) implement drainage and erosion control measures (including contingency measures), prior to rainfall, which prevent or minimise rill erosion and gully erosion;
  - (b) ensure clean stormwater is diverted/managed around or through the site without increasing the concentration of total suspended solids or other contaminants in the flow and without causing erosion (on-site or off-site). If it is not feasible to divert all areas discharging clean stormwater around or through the site, the clean stormwater runoff is managed in the same manner as contaminated stormwater runoff and ensures that sediment basins are sized to accommodate the additional volume of runoff;
  - (c) prior to each rainfall event ensure concentrated stormwater flow paths are provided with capacity for the 10% AEP critical duration event and do not cause water contamination, rill or gully erosion, sedimentation or damage to structures or property for at least that event frequency;
3. Minimise sediment released from the site
  - (a) all site sub-catchments greater than 2,500m<sup>2</sup> in area, are to be provided with sediment controls which are designed, implemented and maintained to a standard which would achieve at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50mg/L Total Suspended Solids (TSS) or less, and pH in the range 6.5–8.5. Where this is proposed to be achieved through the use of sediment basins, the following applies:
    - (i) each basin is sized and operated in accordance with either a Type-A or Type-B sediment basin as documented in IECA BPESC Appendix B (June 2018), based on the contributing catchment area including undisturbed catchments which cannot be diverted;
    - (ii) each basin is to be provided with an automated system of flocculant dosing and a suitable supply of flocculant/coagulant, with the type of flocculant/coagulant determined based on jar testing and reference to the Chemical Coagulants and Flocculants Fact Sheet (IECA BPESC 2018). The proposed coagulant/flocculant must have regard to the downstream receiving environment and water quality;
    - (iii) each basin must have suitable access to allow for maintenance immediately following a rainfall event, including for sediment removal, dewatering and water treatment;
    - (iv) markers are provided within each basin indicating the maximum sediment storage level and any additional water storage capacity for water reuse;
    - (v) during discharge from the primary outlet system, the concentration of total suspended solids (TSS) discharged does not exceed 50mg/L and that pH is within the range of 6.5–8.5. These discharge standards apply equally to any intentional release of any water captured or stored within the site;
    - (vi) hydraulic structures such as inlets, outlets, spillways must be provided with the capacity, and be structurally sound, for the design events as specified in IECA BPESC Appendix B (June 2018);
    - (vii) the sediment basin is to be constructed and operational before any disturbance occurs in the catchment upslope of the basin;
    - (viii) accumulated sediment from basins and other controls is to be removed and disposed of appropriately without causing water contamination;
  - (b) for site sub-catchments less than 2,500m<sup>2</sup> in area and where it is not feasible to divert runoff from these small disturbed areas of the site to a sediment basin, compensatory erosion and sediment controls are implemented and maintained prior to rainfall to ensure that erosion of those areas is minimised and sediment controls are provided in accordance with the 'Blue Book'.
4. Manage works within waterways
  - (a) work within waterways and drainage lines with catchments exceeding 15ha is to be:
    - (i) scheduled to occur between June–October, where possible;
    - (ii) rescheduled if rainfall is forecast, where possible;
    - (iii) promptly rehabilitated conforming to the natural channel form, substrates and riparian vegetation as far as possible;

- (iv) provided with flow diversion works and temporary bank and channel stabilisation works such that the works are stable during at least the 39% AEP stream flow event;
- (b) temporary vehicular crossings of waterways are to be designed and constructed to convey flows for the 63% AEP and remain stable for all rainfall events up to the 10% AEP event of critical duration;
- (c) erosion and sediment controls are not to be constructed within the riparian buffer zone, unless it is not feasible to site them elsewhere, and then only within cleared areas.

5. Manage other contaminants

- (a) any release of captured or contained stormwater or groundwater from the site or to stormwater drainage or waterways within the site (for example pumping or releasing water from trenches, excavations or water impoundments) is to achieve a concentration of total suspended solids (TSS) which does not exceed 50mg/L and pH within the range of 6.5-8.5;
- (b) there are to be no visible oils, sheens, anthropogenic litter or discolouration in any release from the site or to stormwater drainage or waterways within the site. Facilities are to be provided for litter collection and designated concrete washout areas to assist in meeting this requirement. Storage areas for site materials and waste are to be kept covered;
- (c) erosion and sediment controls are to be constructed with UV stabilised materials that will not become a pollutant source and are to be promptly removed once the contributing catchment has been permanently stabilised.

## **APPENDIX 5 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.