

# 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

12 December 2023

File: EF22/1314

### SCHEDULE 1

<b>Application Number:</b>	SSD-36464788
<b>Applicant:</b>	Hale Property Services Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	42 and 44 Boorea Street, Lidcombe (Lot 1 in DP 740385 and Lot B in DP 415100)
<b>Development:</b>	Construction, fit-out and operation of a two-storey warehouse and distribution centre

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## DEFINITIONS

<b>Additional Information</b>	Correspondence provided by the Applicant in response to the Department's requests for information, including correspondence dated 15 May 2023 and 9 June 2023 from Urbis to the Department and correspondence dated 10 November 2023 from Costin Roe Consulting to Tactical Group (Pty) Ltd
<b>Applicant</b>	Hale Property Services Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Cumberland City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in Schedule 1, the EIS, RTS, SSR and Additional Information, including the works and activities comprising the construction and operation of a two-storey warehouse and distribution centre, including all ancillary works, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPE</b>	Department of Planning and Environment
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EHG</b>	Environment and Heritage Group of the Department
<b>EIS</b>	The Environmental Impact Statement titled ' <i>42 Boorea Street Lidcombe Environmental Impact Statement</i> ', prepared by Urbis Pty Ltd dated 31 May 2022, 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>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre-ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the

	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <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>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>Operation</b>	The use of the warehouse and distribution centre as described in the EIS, RTS and SSR
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>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>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>42-44 Boorea Street, Lidcombe SSD-36464788 Submissions Report</i> ', prepared by Urbis Pty Ltd and dated 8 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 Schedule 1
<b>Supplementary Submissions Report (SSR)</b>	The Applicant's response to additional issues raised by government authorities entitled ' <i>42-44 Boorea Street, Lidcombe SSD-36464788, Supplementary Submissions Report</i> ' prepared by Urbis Pty Ltd and dated 8 March 2023
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### LIMITS OF CONSENT

##### Lapsing

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

#### NOTIFICATION OF COMMENCEMENT

- A6. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
  - (b) operation; and
  - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

#### EVIDENCE OF CONSULTATION

- A8. 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

- A9. 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).
- A10. 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.
- A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

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

### **General Requirements**

- A12. Prior to the commencement of construction of the development, the Applicant must 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.
- A13. 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.

### **Sydney Water**

- A14. Prior to 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*.

### **Fibre-Ready Facilities**

- A15. Prior to the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A16. Prior to the issue of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

## **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.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

## **EXTERNAL WALLS AND CLADDING**

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A20. 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.

- A21. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

#### **COMPLIANCE**

- A22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **CONTRIBUTIONS TO COUNCIL**

- A23. Under Section 7.12 of the EP&A Act and in accordance with the *Cumberland Local Infrastructure Contributions Plan 2020*, the Applicant must pay of a levy of 1% of the proposed cost of carrying out the development to Council.
- A24. The monetary contribution required by condition A23 must be paid prior to the issue of a construction certificate in respect of any building to which this consent relates. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the *Cumberland Local Infrastructure Contributions Plan 2020*.

#### **OPERATION OF PLANT AND EQUIPMENT**

- A25. 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.

#### **EASEMENTS**

- A26. Prior to the commencement of operation of the development and pursuant to section 88B of the *Conveyancing Act 1919*, the Applicant must carry out a lot boundary adjustment or create an appropriate easement over Part of Lot B DP 415100 (44 Boorea Street, Lidcombe) benefitting the site to permit the use of part of this lot for the access driveway to the development, as illustrated in Drawing No.C014411.01-DA41 dated 24 February 2023 prepared by Costin Roe Consulting Pty Ltd.

#### **WORK AS EXECUTED PLANS**

- A27. Prior to the issue of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

#### **APPLICABILITY OF GUIDELINES**

- A28. 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.
- A29. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (d) include details of:
    - (i) heavy vehicle types, routes, access and parking arrangements;
    - (ii) the strategies that would be implemented to minimise the number of construction workers who will drive to the site; and
    - (iii) any potential impacts to general traffic, cyclists and pedestrians within the vicinity of the site from construction vehicles during the construction of the development;
  - (e) include a Driver Code of Conduct and Induction Program 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 construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Access and Parking

- B3. Prior to the commencement of construction of the development, the Applicant must submit design plans to the satisfaction of the relevant roads authority that demonstrate:
- (a) the access driveway to the development is designed to accommodate the turning path of a 26-metre B-Double heavy vehicle; and
  - (b) the design is consistent with the most recent version of the AUSTROADS Guide to Road Design.
- B4. Prior to the commencement of operation of the development, the Applicant must complete the access driveway to Boorea Street to the satisfaction of the relevant roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B5. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### On-Site Traffic Control

- B6. Prior to the commencement of construction of the development, the Applicant must prepare an On-Site Traffic Control Plan for the development to the satisfaction of the Planning Secretary. The On-Site Traffic Control Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) include details of all safety and efficiency measures to be implemented on-site to manage and mitigate the potential for on-site pedestrian and vehicle conflict during operation of the development for all internal roads, parking areas, loading/unloading areas and access ramps and the site access driveway; and
  - (d) include detailed architectural plans illustrating the location of all line marking, signage (including speed limit signage), and convex mirrors required for operation of the development.

- B7. The Applicant must:
- (a) not commence construction of the development until the On-Site Traffic Control Plan required by condition B6 has been approved by the Planning Secretary; and
  - (b) implement the most recent version of the On-Site Traffic Control Plan approved by the Planning Secretary for the duration of the development.

#### **Operational Traffic Management Plan**

- B8. Prior to the commencement of operation of the development, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must:
- (a) be prepared by a suitably qualified and experienced person(s), whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Council;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency;
  - (d) detail heavy vehicle routes, access, and parking arrangements;
  - (e) include an Operational Driver Code of Conduct to:
    - (i) minimise the impacts on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) inform truck drivers of the site access arrangements and use of specified haul routes;
    - (v) include a program to monitor the effectiveness of these measures;
  - (f) include a Loading Dock Management Plan:
    - (i) consistent with the '42 Boorea Street Framework Loading Dock Management Plan' prepared by Ason Group dated September 2022, Attachment 4 of Appendix F of the RTS;
    - (ii) that restricts any vehicle larger than a 20-metre articulated vehicle from accessing the ramp and Level 1 warehouse tenancies and Warehouse 1 on the Ground Floor;
    - (iii) that restricts any vehicle larger than a 12.5-metre articulated vehicle from accessing the eastern dock of Warehouse 4 on the Ground Floor and the two eastern docks of Warehouse 10 on Level 1;
  - (g) include the approved On-Site Traffic Control Plan required by condition B6; and
  - (h) include a Green Travel Plan:
    - (i) outlining facilities and measures to promote public transport usage, such as car share schemes and employee incentives;
    - (ii) describing pedestrian and bicycle linkages and end of trip facilities available on-site; and
    - (iii) including a Travel Access Guide.
- B9. The Applicant must:
- (a) not commence operation until the OTMP required by condition B8 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.

#### **Operating Conditions**

- B10. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and *AS 2890.6.2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all vehicles enter and leave the site in a forward direction;
  - (g) all loading and unloading of materials is carried out on-site; and
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

- B11. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Planning Secretary upon request.

### Erosion and Sediment Control

- B12. Prior to the commencement of any construction or other surface disturbance for the development, the Applicant must install suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.
- B13. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition B12 for the duration of construction of the development.

### Discharge Limits

- B14. 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

- B15. Prior to the commencement of construction of the development, the Applicant must demonstrate to the satisfaction of the Planning Secretary, that the stormwater management system for the development has been designed:
- (a) by a suitably qualified and experienced person(s)
  - (b) been prepared in consultation with Council;
  - (c) generally in accordance with the conceptual design in the *Civil Engineering Report Incorporating Water Cycle Management Strategy* prepared by Costin Roe Consulting dated 10 November 2023, Revision I submitted with the Additional Information; and
  - (d) in accordance with:
    - (i) Council's requirements relating to stormwater drainage and water sensitive urban design measures, including those set out in Council's letter to the Department dated 27 June 2023;
    - (ii) applicable Australian Standards; and
    - (iii) the system capacity requirements of *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- B16. Prior to the commencement of operation, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B15) and ensure the system is operational.
- B17. The Applicant must maintain the stormwater management system installed on the site under condition B16 for the duration of the development, and in accordance with the maintenance schedule in the *Civil Engineering Report Incorporating Water Cycle Management Strategy* prepared by Costin Roe Consulting dated 10 November 2023, Revision I submitted with the Additional Information.

### Flood Management

- B18. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Flood Emergency Response Plan (CFERP) to the satisfaction of the Planning Secretary. The CFERP 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 the NSW State Emergency Service;
  - (c) address the provisions of the *Floodplain Development Manual (2023)* and associated guidance in the Department's *Flood risk management toolkit*; and
  - (d) include details of:
    - (i) the flood emergency responses for construction of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time, flood notification, signs and depth indicators;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors.

- B19. The Applicant must:
- (a) not commence construction until the CFERP required by condition B18 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the CFERP approved by the Planning Secretary for the duration of construction.
- B20. Prior to the commencement of operation of the development, the Applicant must update the CFERP for the purposes of operation of the development in an Operational Flood Emergency Response Plan (OFERP) to the satisfaction of the Planning Secretary. The OFERP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the NSW State Emergency Services;
  - (c) address the provisions of the *Floodplain Development Manual (2023)* and associated guidance in the Department's '*Flood risk management toolkit*'; and
  - (d) include details of:
    - (i) the flood emergency responses for operation of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time, flood notification, signs and depth indicators;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors.
- B21. The Applicant must:
- (a) not commence operation of the development until the OFERP required by condition B20 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the OFERP approved by the Planning Secretary for the duration of the development.
- B22. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.
- B23. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components and to withstand flood velocities.

## NOISE

### Hours of Work

B24. The Applicant must comply with the hours detailed in Table 1.

**Table 1** Hours of Work

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

- B25. Works outside of the hours identified in condition B24 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

B26. 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 2.

## Construction Noise and Vibration Management Plan

B27. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise management levels in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (c) describe the measures to be implemented to manage high noise or vibration generating works such as piling, in close proximity to sensitive receivers;
- (d) include mitigation measures identified in the 'Noise and Vibration Impact Assessment' prepared for the development by RWDI Australia Pty Ltd dated 6 February 2023, Version B, Final; and
- (e) include a complaints management system that would be implemented for the duration of the development.

B28. The Applicant must:

- (a) not commence construction of any relevant stage of the development until the Construction Noise and Vibration Management Plan required by condition B27 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

## Operational Noise Limits

B29. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

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

Location <sup>a</sup>	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
R03	38	37	36
R08	49	46	37
R16	37	34	34
Industrial	55	55	55

a. Refer to the plan in Appendix 1 for the location of sensitive receivers

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

## Operational Noise Verification Report

B30. Within three months of the completion of commencement of operation of the development, the Applicant must prepare and submit a noise verification report for the development to the satisfaction of the Planning Secretary. The noise verification report must:

- (a) be prepared by a suitably qualified and experienced consultant;
- (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
  - (iii) the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017);
- (c) include:
  - (i) a comparison of the actual noise impacts with the noise predictions made in the EIS;
  - (ii) an analysis of compliance with noise limits specified in condition B29;

- (iii) an outline of management actions to be taken to address any exceedances of the limits specified in condition B29; and
- (iv) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## **VIBRATION**

### **Vibration Criteria**

- B31. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- B32. 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 B31.
- B33. The limits in conditions B31 and B32 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.

## **BIODIVERSITY**

### **Biodiversity Offsets**

- B34. Prior to any clearing or construction works for the development, the Applicant must purchase and retire one ecosystem credit to offset the removal/disturbance of Plant Community Type 1234 at the site. The ecosystem credits must be retired in accordance with the requirements of EHG's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.
- B35. The requirement to retire one ecosystem credits (see condition B34) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by EHG's Biodiversity Offsets Payment Calculator.
- B36. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see condition B34); or
  - (b) a payment has been made to the Biodiversity Conservation Fund (see condition B35), prior to undertaking any clearing or construction works for the development.

### **Pre-Clearance Survey**

- B37. Prior to clearing for construction of the development, the Applicant must carry out a pre-clearance survey and assessment of all vegetation to be cleared in accordance with the mitigation measures identified in the 'Biodiversity Development Assessment Report' prepared for the development by Ecologique dated 31 May 2022 Revision No.03. The pre-clearance survey must:
- (a) delineate the extent of clearing permitted;
  - (b) identify, mark and map any habitat features present in trees and shrubs that will require a two staged clearance process;
  - (c) locate nearby habitat suitable for the release of fauna that may be encountered during the clearing stage;
  - (d) identify and map any areas of weed infestations that must be cleared separately and not be chipped for reuse on site; and
  - (e) identify and map any areas where large woody debris generated from clearing of native vegetation can be feasibly reused on site.
- B38. Where fauna residing in vegetation to be cleared is identified in the pre-clearing survey carried out under condition B37, an experienced ecologist must be present to supervise the process, act as fauna spotter and relocate any fauna captured.
- B39. Clearing of trees and shrubs on the site must be avoided in late winter/spring during the breeding and nesting period for birds, unless the preclearance surveys carried out in accordance with condition B37 find no breeding or nesting activity present.
- B40. Prior to the commencement of operation of the development, the Applicant must provide written confirmation to the Planning Secretary that preclearance surveys and clearance supervision (if required) required under conditions B37 and condition B38 have been completed.

### **Tree Protection**

- B41. All tree protection mitigation and management measures identified within the 'Arboricultural Impact Assessment Report' prepared for the development by Canopy Consulting dated 8 November 2022, Version 3 – Final (Appendix

J of the RTS), must be implemented prior to the commencement of construction of the development and maintained for the duration of construction.

- B42. All trees identified for retention within the site are to be retained and protected in accordance with the recommendations of the 'Arboricultural Impact Assessment Report' prepared for the development by Canopy Consulting, dated 8 November 2022, Version 3 - Final (see Appendix J of the RTS) and with the latest version of *Australian Standard 4970:2009 – Protection of Trees on Development* for the duration of the development.

## VISUAL

- B43. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site to the satisfaction of the Planning Secretary. The plan must:
- (a) be consistent with the Landscape Plans prepared by Geoscapes (Appendix D of the RTS) dated 27 October 2022, the 'Arboricultural Impact Assessment Report' prepared for the development by Canopy Consulting, dated 8 November 2022, Version 3 - Final (see Appendix J of the RTS) and correspondence dated 3 March 2023 from Geoscapes and 8 March 2023 from Canopy Consulting;
  - (b) detail the species, size, quantity and location of all trees, shrubs and groundcover species to be planted on-site incorporating local native species;
  - (c) detail the number of trees and location to be removed, the tree replacement ratio and number and location of trees to be planted;
  - (d) include a tree maintenance schedule that demonstrates:
    - (i) all replacement trees will be maintained for a minimum period of two years following planting;
    - (ii) any replacement trees that do not survive are to be replaced by the same plant species;
    - (iii) replacement plantings are of the same growth form (i.e. tree for a tree, shrub for a shrub) and must not decrease species diversity;
    - (iv) newly planted vegetation is to be maintained for a minimum of 12 months following planting
  - (e) where practicable, reuse native trees removed from the site, including tree trunks, root balls and logs on the ground, to enhance habitat within the site, or provide details of the potential for removed native trees to be used in habitat enhancement and rehabilitation works off-site;
  - (f) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (g) include details of fencing along Haslams Creek in accordance with Sydney Water requirements, as required under condition B49.
- B44. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary;
  - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
  - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B43 for the duration of the development.
- B45. The Applicant must ensure all landscaping and revegetation works in the approved Landscape Management Plan required under condition B43 are established prior to the commencement of operation of the development.

## Haslams Creek Riparian Corridor

- B46. Prior to the commencement of operation of the development, the Applicant must establish a 10-metre wide vegetated riparian corridor along the eastern bank of Haslams Creek. Landscaping of the riparian corridor must:
- (a) be carried out in accordance with the approved Landscape Management Plan required under condition B43;
  - (b) minimise removal of local native trees, including *Casuarina glauca*; and
  - (c) be maintained for the life of the development.

## Lighting

- B47. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage and Fencing

- B48. All signage and fencing must be erected in accordance with the development plans included in the EIS, RTS and SSR and the approved Traffic Control Plan (required by condition B6).

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

- B49. Fencing along Haslams Creek must be designed and constructed to ensure flood water and stormwater overland flow can flow across the fence and in accordance with Sydney Water requirements.

## **HAZARDS AND RISK**

### **Emergency Response**

- B50. Prior to the commencement of operation of the development the Applicant must prepare the following documents:
- (a) a comprehensive Emergency Response Plan for the site in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*; and
  - (b) an Emergency Services Information Package, developed in accordance with the FRNSW *Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans*.
- B51. The Applicant must implement the Emergency Response Plan and Emergency Services Information Package required under condition B50 for the duration of the development.
- B52. The Applicant must ensure that adequate emergency vehicle access is incorporated into the development site design in line with FRNSW *Fire Safety Guideline - Access for Fire Brigade Vehicles and Firefighters*.

### **Dangerous Goods**

- B53. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

### **Bunding**

- B54. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## **AIR QUALITY**

### **Dust Minimisation**

- B55. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B56. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Air Quality Discharges**

- B57. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2021.

## **ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

- B58. 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.
- B59. 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**

- B60. If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:
- (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately;
  - (b) Heritage NSW must be contacted immediately; and
  - (c) the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

B61. Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.

## **WASTE MANAGEMENT**

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

- B62. 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.

### **Waste Management**

- B63. 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).
- B64. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B65. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B66. 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.

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

- B67. 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.

## **CONTAMINATION**

### **Underground Storage Tank**

- B68. Prior to the commencement of construction, the Applicant must decommission, remove and dispose of the underground storage tank identified as part of the Detailed Site Investigation prepared by JBS&G Australia Pty Ltd dated 10 May 2022 (Appendix W of the EIS), in accordance with the relevant requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

### **Unexpected Finds**

- B69. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

### **Asbestos**

- B70. The Applicant must ensure that any asbestos encountered during the demolition and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) *SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace December 2022*;
  - (c) *SafeWork NSW Code of Practice – How to Safely Remove Asbestos December 2022*; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## 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) 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;
  - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (c) 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;
  - (d) 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;
  - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (f) 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
  - (g) a protocol for periodic review of the plan.

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition B1);
  - (b) Erosion and Sediment Control Plan (see condition B12);
  - (c) Flood Emergency Response Plan (see condition B18);
  - (d) Construction Noise and Vibration Management Plan (see condition B27);
  - (e) Construction and Demolition Waste Management Plan (see condition B62);
  - (f) An Unexpected Contamination Finds Procedure (see condition B69);
  - (g) the approved Acid Sulfate Soils Management Plan submitted as Appendix Y of the EIS; and
  - (h) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### OPERATIONAL COMPLAINTS HANDLING PROTOCOL

- C5. Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:
- (a) detail how complaints would be received by the Applicant;
  - (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers;
  - (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and

- (d) be submitted to the Planning Secretary upon request.

**Note:** *Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.*

- C6. The Applicant must:
- (a) not commence operation until the OCHP under condition C5 is submitted to the Planning Secretary; and
  - (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of the development.

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- C7. Within three months of:
- (a) the submission of an incident report under condition C9;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) 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.
- C8. 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 required under condition C7 or such other timing as agreed by the Planning Secretary.

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

## **REPORTING AND AUDITING**

### **Incident Notification, Reporting and Response**

- C9. 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**

- C10. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C11. 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.
- C12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Monitoring and Environmental Audits**

- C13. 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**

- C14. At least 48 hours before the commencement of construction of the development and for the life of the development, 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 (for the avoidance of doubt, this does not include the documents described under condition B50);

- (iv) 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;
  - (v) 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;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated quarterly;
  - (ix) 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**

<b>Architectural Plans – Endorsed with Department Stamp</b>			
<b>Drawing Number</b>	<b>Issue Number</b>	<b>Dated</b>	<b>Prepared By</b>
DA010	H	21.04.22	SBA Architects
DA011	H	21.04.22	SBA Architects
DA012	H	21.04.22	SBA Architects
DA013	H	21.04.22	SBA Architects
DA050	J	29.09.22	SBA Architects
DA100	P	1.03.23	SBA Architects
DA101	G	29.09.22	SBA Architects
DA102	G	29.09.22	SBA Architects
DA103	K	29.09.22	SBA Architects
DA104	G	29.09.22	SBA Architects
DA105	H	21.04.22	SBA Architects
DA106	H	21.04.22	SBA Architects
DA107	H	29.09.22	SBA Architects
DA120	E	21.04.22	SBA Architects
DA121	D	21.04.22	SBA Architects
DA125	D	21.04.22	SBA Architects
DA126	D	21.04.22	SBA Architects
DA127	D	21.04.22	SBA Architects
DA130	B	21.04.22	SBA Architects
DA200	G	09.09.22	SBA Architects
DA300	J	29.09.22	SBA Architects
DA301	F	29.09.22	SBA Architects
DA310	C	09.09.22	SBA Architects
DA350	E	09.09.22	SBA Architects
<b>Civil Engineering Plans</b>			
C014411.01-DA15	B	21.10.22	Costin Roe Consulting
C014411.01-DA20	B	21.10.22	Costin Roe Consulting
C014411.01-DA25	B	21.10.22	Costin Roe Consulting
C014411.01-DA30	C	21.10.22	Costin Roe Consulting
C014411.01-DA40	F	24.02.23	Costin Roe Consulting
C014411.01-DA41	F	24.02.23	Costin Roe Consulting
C014411.01-DA42	F	24.02.23	Costin Roe Consulting
C014411.01-DA43	E	21.10.22	Costin Roe Consulting
C014411.01-DA44	E	21.10.22	Costin Roe Consulting
C014411.01-DA45	E	21.10.22	Costin Roe Consulting
C014411.01-DA46	B	21.10.22	Costin Roe Consulting
C014411.01-DA47	D	02.06.23	Costin Roe Consulting
C014411.01-DA48	C	24.06.23	Costin Roe Consulting
C014411.01-DA49	B	02.06.23	Costin Roe Consulting
C014411.01-DA51	E	21.10.23	Costin Roe Consulting
C014411.01-DA52	F	24.02.23	Costin Roe Consulting
C014411.01-DA53	E	21.10.22	Costin Roe Consulting
C014411.01-DA54	E	21.10.22	Costin Roe Consulting
C014411.01-DA55	E	21.10.22	Costin Roe Consulting
C014411.01-DA56	B	21.10.22	Costin Roe Consulting
C014411.01-DA57	B	21.10.22	Costin Roe Consulting
C014411.01-DA58	C	21.10.22	Costin Roe Consulting
C014411.01-DA59	C	21.10.22	Costin Roe Consulting

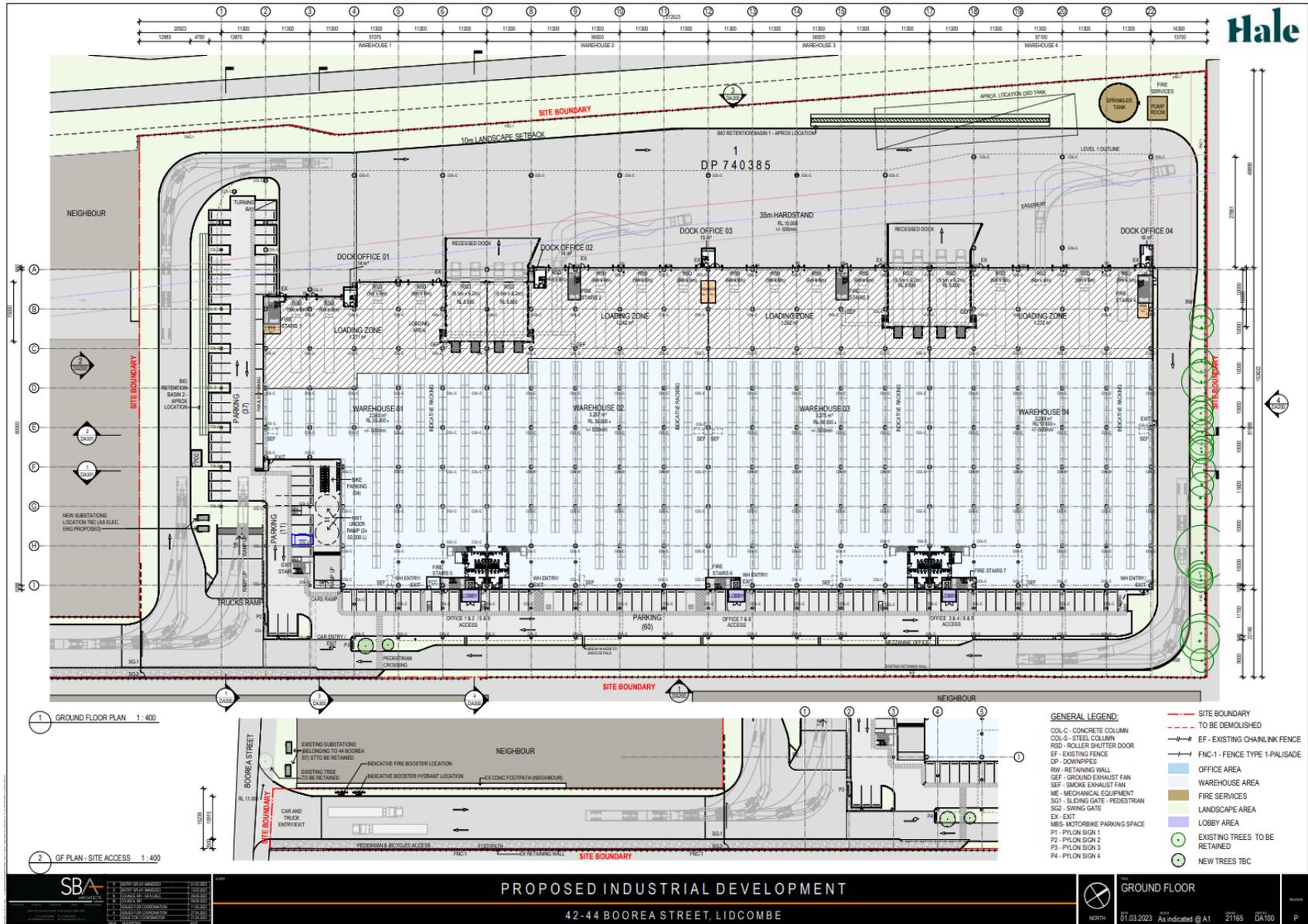


Figure 1: Site Plan

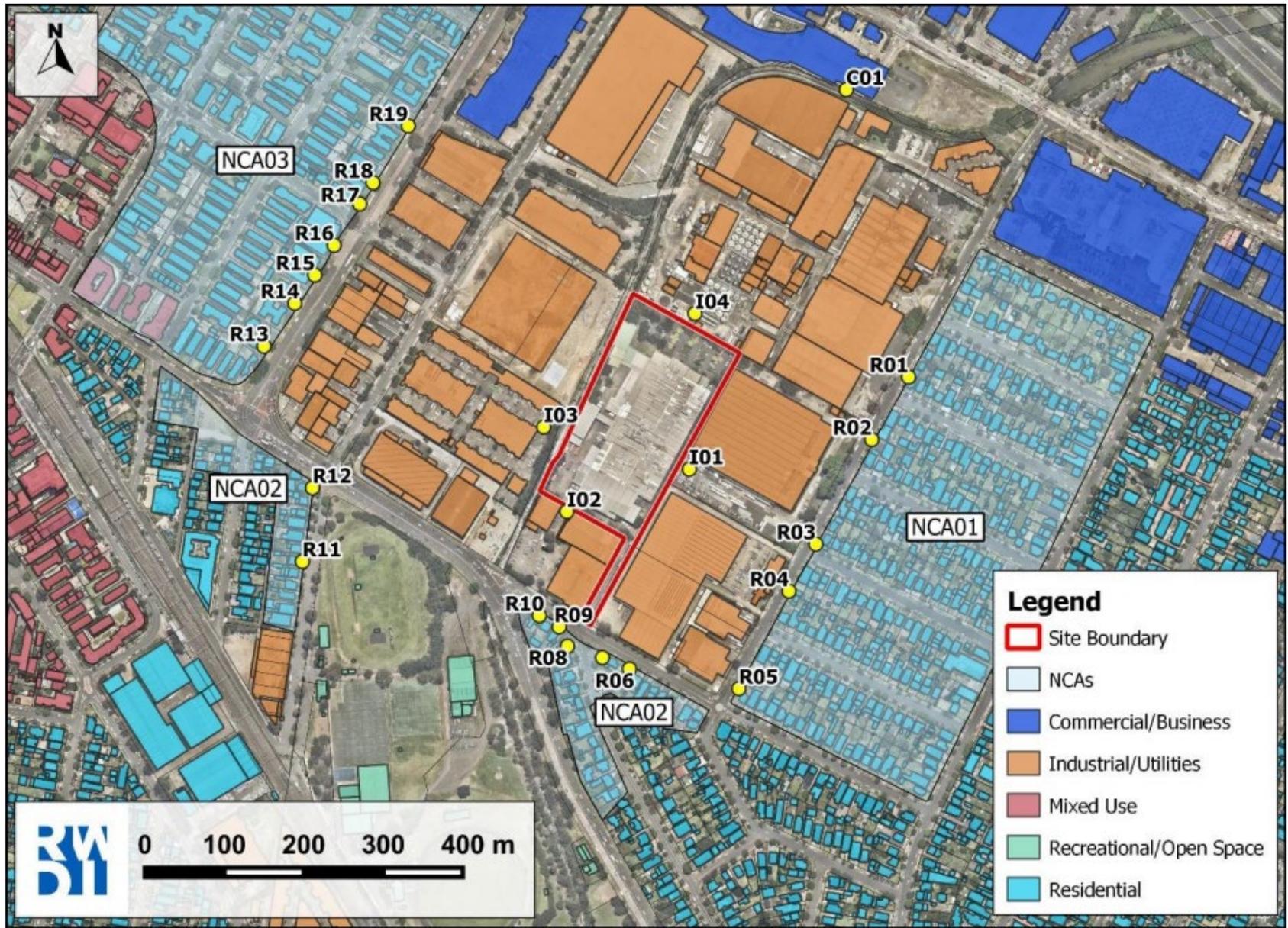


Figure 2: Representative Noise Receivers

**APPENDIX 2    APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

## APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C9 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.