

## **APPENDIX D    RECOMMENDED CONDITIONS OF CONSENT**

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The recommended conditions of consent can be found on the Department of Planning and Environment's website as follows.

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7628](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7628)

# Development Consent

## Section 89E of the Environmental Planning and Assessment Act 1979

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission (the Commission) of New South Wales, approves the Development Application referred to in Schedule 1, subject to the conditions 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

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

[Name of Commissioner]  
Member of the Commission

Sydney

day/month/year

File: [XXXXXX]

### SCHEDULE 1

<b>Application Number:</b>	SSD 7628
<b>Applicant:</b>	SIMTA
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 1 DP1048263 Part Lots 1, 2 and 4 DP 1197707 Moorebank Avenue
<b>Development:</b>	Construction and operation of Stage 2 of the SIMTA Concept Plan comprising: <ul style="list-style-type: none"><li>• Approximately 300,000m<sup>2</sup> GFA of warehousing and ancillary offices.</li><li>• Warehouse fit-out.</li><li>• Freight village, with 8,000m<sup>2</sup> GFA of ancillary retail, commercial and light industrial land uses.</li><li>• Internal road network and hardstand across site.</li><li>• Ancillary supporting infrastructure within the site, including:<ul style="list-style-type: none"><li>– stormwater, drainage and flooding infrastructure</li><li>– utilities installation</li><li>– fencing, signage, lighting and landscaping.</li></ul></li><li>• Moorebank Avenue upgrade including:<ul style="list-style-type: none"><li>– raising by about two metres and some widening</li><li>– embankments and tie-ins to existing Moorebank Avenue road levels</li><li>– signalling and intersection works.</li></ul></li><li>• Intersection upgrades along Moorebank Avenue including:<ul style="list-style-type: none"><li>– Moorebank Avenue/MPE Stage 2 access</li><li>– Moorebank Avenue/MPE Stage 1 northern access</li></ul></li></ul>

- Moorebank Avenue/MPE Stage 2 central access
  - MPW Southern Access/MPE Stage 2 southern emergency access.
- Subdivision for warehousing.
- Operation 24 hours a day, seven days per week.

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>ANZECC water quality guidelines</b>	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000 Guidelines)
<b>Applicant</b>	SIMTA, or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area within the site boundaries indicated in APPENDIX A, and not including any clearing the southern and eastern swales located outside of the MPE site
<b>Ancillary facility</b>	A temporary facility for construction of the project including, but not limited to an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
<b>Austrroads guidelines/ requirements</b>	The relevant Guides issued from time to time by Austrroads
<b>ARI</b>	Average Recurrence Interval
<b>BCA</b>	Building Code of Australia
<b>Best Practice</b>	Best practice is commensurate with reasonable and feasible practices that are accepted or prescribed by the relevant regulatory agency and implemented within the industry
<b>Building height (or height of building)</b>	<p>(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</p> <p>(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,</p> <p>including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p>
<b>CEMP</b>	Construction Environmental Management Plan
<b>CIV</b>	Capital Investment Value (for the purpose of calculating the Section 94 contribution this excludes the Moorebank Avenue upgrade)
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Consolidated assessment clarification responses</b>	<i>MPE Stage 2 (SSD-7628) – Consolidated assessment clarification responses</i> , prepared by Arcadis, dated 10 November 2017
<b>Construction</b>	<p>The carrying out of construction works for the purpose of the development, including earthworks, and erection of buildings and other infrastructure permitted by this consent, other than the low impact work defined as Early Works.</p> <p>However, where heritage items, or threatened species, populations or ecological communities (within the meaning of the EP&amp;A Act) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Liverpool 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 the EIS and Submissions Report, as modified by and subject to the conditions of this consent
<b>Development layout</b>	The updated plans required as a condition of this approval
<b>DCP</b>	Development Control Plan
<b>DDA</b>	Disability Discrimination Act 1992
<b>DPI</b>	NSW Department of Primary Industries
<b>Early Works</b>	Site preparation works including:

	<ul style="list-style-type: none"> <li>(a) establishment of site access points;</li> <li>(b) installation of temporary site fencing;</li> <li>(c) remediation, where required, including unexploded ordnance (UXO), exploded ordnance (EO) and exploded ordnance waste (EOW) management;</li> <li>(d) survey; acquisitions; or building/ road dilapidation surveys;</li> <li>(e) establishment of site compounds;</li> <li>(f) installation of environmental mitigation measures;</li> <li>(g) heritage archival monitoring and recording</li> <li>(h) heritage salvage;</li> <li>(i) clearing of non-native vegetation;</li> <li>(j) importation, stockpiling and placement of 60,000 m3 of spoil;</li> <li>(k) utilities adjustment and relocation that do not present a significant risk to the environment, as determined by the Environmental Representative; and</li> <li>(l) other activities determined by the Environmental Representative to have minimal environmental impact</li> </ul>
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement submitted with the development application, titled <i>Moorebank Precinct East - Stage 2 Proposal: Environmental Impact Statement</i> , prepared by Arcadis, dated December 2016
<b>ENM</b>	Excavated Natural Material as defined under the Excavated Natural Material Order 2014 or subsequent orders issued by the EPA under the Protection of the Environment Operations (Waste) Regulation 2014
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPBC Act</b>	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	An Environment Protection Licence as defined in the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>FR NSW</b>	Fire and Rescue NSW
<b>Floor space ratio</b>	Ratio of the gross floor area of all buildings within the site to the site area
<b>Gross floor area</b>	<p>The sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes the area of a mezzanine, but excludes:</p> <ul style="list-style-type: none"> <li>(a) any area for common vertical circulation, such as lifts and stairs, and</li> <li>(b) any basement: <ul style="list-style-type: none"> <li>(i) storage, and</li> <li>(ii) vehicular access, loading areas, garbage and services, and</li> </ul> </li> <li>(c) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</li> <li>(d) car parking to meet any requirements of the consent authority (including access to that car parking), and</li> <li>(e) any space used for the loading or unloading of goods (including access to it), and</li> <li>(f) terraces and balconies with outer walls less than 1.4 metres high, and</li> <li>(g) voids above a floor at the level of a storey or storey above.</li> </ul>
<b>Harm</b>	<p>to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, and such harm will be material if:</p> <ul style="list-style-type: none"> <li>(a) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> <li>(b) it 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>Heavy vehicle</b>	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes

<b>Heritage item</b>	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance that is listed under any of the following: the State Heritage Register under the <i>Heritage Act 1977</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , or anything identified as a heritage item under the conditions of this consent
<b>ICNG</b>	Interim Construction Noise Guideline (EPA 2009)
<b>IECA</b>	International Erosion Control Association
<b>Independent</b>	Independent reviewer must not: <ul style="list-style-type: none"> <li>(a) be related to the Applicant (other than being engaged to undertake the review), owner, operator or other entity involved in the project. Such a relationship includes that of employer/employee, a business partner/ship, sharing a common employer, a contractual arrangement outside the review, or family</li> <li>(b) have any pecuniary interest in the project, proponent or related entities (other than being reimbursed for undertaking the review). Such an interest includes the likelihood or expectation of financial gain or loss to the reviewer, or to a person to whom the reviewer is closely related (i.e. immediate family)</li> <li>(c) have provided services to the project within the last five years (not including expert reviews).</li> </ul>
<b>INP</b>	Industrial Noise Policy (NSW EPA 2000)
<b>IMT</b>	Intermodal terminal
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm. <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 4 of the EP&A Act
<b>Management &amp; Mitigation Measures</b>	The management and mitigation measures set out in APPENDIX B
<b>Material harm</b>	is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> <li>• 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 (or delegate)
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<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 results in non-compliance or is non-compliant with this consent but is not an incident
<b>NML</b>	Noise Management Level
<b>OEH</b>	Office of Environment and Heritage
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	Operation of the development (whether in full or in part) for its intended purpose, excluding the following activities carried out during construction: <ul style="list-style-type: none"> <li>• commissioning trials of equipment;</li> <li>• temporary use of any part of the development; and</li> <li>• maintenance works</li> </ul>
<b>Out of hours stockpile area</b>	A stockpile area approved by the Secretary for placement of spoil during out of hours importation
<b>p.a.</b>	Per annum
<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, cost 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>Relevant Council</b>	Liverpool City Council or Liverpool and Campbelltown Councils where works and activities have the potential to impact both LGAs.
<b>RBL</b>	Rating Background Level
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	Roads and Maritime Services
<b>RNP</b>	NSW Road Noise Policy (DECCW 2011)
<b>Secretary</b>	Secretary of the Department, or nominee
<b>Sensitive receiver</b>	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), active recreation areas (including parks and sports grounds), commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, retail spaces and industrial premises), and others as identified by the Secretary
<b>Site</b>	The land listed in Schedule 1
<b>Site Auditor</b>	Has the same meaning as the definition of the term in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	Has the same meaning as the definition of the term in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	Has the same meaning as the definition of the term in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Fill</b>	Includes importation, stockpiling and placement of fill to establish development finished surface levels within the MPE site and for the upgraded Moorebank Avenue
<b>Spoil</b>	Includes site fill, VENM and ENM
<b>Submissions report</b>	The Response to Submissions (RtS) report submitted to the Secretary under the EP&A Act comprising a response to written submissions made during the public exhibition period of the EIS, dated July 2017
<b>TfNSW</b>	Transport for New South Wales
<b>TEU</b>	Twenty-foot Equivalent Unit
<b>Threatened Species</b>	Species, populations and ecological communities listed under the <i>Biodiversity Conservation Act 2016</i> , <i>Fisheries Management Act 1994</i> and <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
<b>TSC Act</b>	Threatened Species Conservation Act 1995 (note that transitional provisions relate to this application)
<b>UDLP</b>	Urban Design and Landscape Plan
<b>Unexpected Find</b>	Any unexpected find that has consequences for the project and/ or requires further assessment including unexpected services, contaminated soil or sediments, unexploded ordnance (UXO), heritage items and threatened or thought to be extinct flora and fauna species
<b>Updated BAR</b>	Updated Biodiversity Assessment Report ( <i>Moorebank Precinct East - Stage 2 Proposal: Biodiversity Assessment Report</i> , prepared by Arcadis, dated November 2017)
<b>VENM</b>	Virgin Excavated Natural Material as defined under the <i>Protection of the Environment Operations Act 1997</i>
<b>VPA</b>	Voluntary Planning Agreement
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>WAD</b>	Works Approval Deed
<b>WSUD</b>	Water Sensitive Urban Design



**w/w**

Weight per weight

## SCHEDULE 2

### PART A

#### ADMINISTRATIVE CONDITIONS

##### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent all reasonable measures must be implemented to prevent, and if prevention is not reasonable, minimise, any 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 Secretary in relation to this consent;
  - (c) in accordance with the EIS, Submissions Report, Consolidated assessment clarification responses, and updated Biodiversity Assessment Report;
  - (d) in accordance with the amended Development Layout Plans and Design Plans, amended WSUD plans and amended architectural plans to be submitted for the Secretary's approval as part of this consent; and
  - (e) in accordance with the management and mitigation measures at APPENDIX B of this consent.
- A3. The Secretary may make written directions to the Applicant:
- (a) as a result of the Department's assessment of any strategy, plan, program, review, audit, notification, report or correspondence submitted under or in relation to this consent;
  - (b) as a result of the Department's assessment of any review, report or audit undertaken or commissioned by the Department regarding compliance with this consent or in relation to an incident (whether notified to the Department or not); and
  - (c) in relation to the implementation of any actions or measures contained in any of the documents listed in condition A2.
- A4. The conditions of this consent and directions of the 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) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict. For the purpose of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Secretary and a document, if it is not possible to comply with both the condition or direction and the document.

##### LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. The total volume of spoil to be imported, including fill required to raise Moorebank Avenue and spoil imported during early works must not exceed 600,000m<sup>3</sup>.
- A7. No works are permitted within the Defence Joint Logistics Unit site under this approval.
- A8. The container freight road volume must not exceed 250,000 TEUs p.a., subject to the exception identified in condition A9, which may only be considered under condition A9 after the facility has been in operation.
- A9. The movement of container freight by road may exceed the 250,000 TEU limit p.a. by up to a further 250,000 TEU p.a., if the Secretary is satisfied that traffic monitoring and modelling of the operation of the facility demonstrate that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network.
- A10. In determining the TEU limit, the Secretary may take account any roadworks or mitigation measures proposed under a Voluntary Planning Agreement to minimise traffic impacts.
- A11. The maximum GFAs for the following uses apply:
- (a) 300,000m<sup>2</sup> for the warehousing and distribution facilities; and
  - (b) 8,000m<sup>2</sup> for the freight village.
- A12. The warehousing and distribution facilities must only be used for activities associated with freight using the MPE Stage 1 rail intermodal terminal.

- A13. Freight village tenants and occupations are restricted to those activities that provide:
- (a) ancillary support for the development, its tenants, worker population and visitors;
  - (b) a nexus with activities undertaken in relation to the warehouse, logistics functions of the IMT development and/or;
  - (c) provide aligned services to the intermodal functions.

Prior to occupancy of any freight village tenancy, and every subsequent occupation of these tenancies, details of the tenant and occupation activity is to be submitted to the Secretary demonstrating that the proposed activity complies with this condition.

#### **STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS**

- A14. With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this consent on a staged basis.
- A15. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage 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.

#### **COMBINED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS**

- A16. With the approval of the Secretary, any strategy, plan or program required by this consent may be combined.
- A17. In seeking the Secretary's approval, a clear relationship must be demonstrated between the strategies, plans or programs that are proposed to be combined.

#### **NOTIFICATION OF COMMENCEMENT**

- A18. The date of commencement of each of the following phases of the development must be notified to the Department, at least one month before that date:
- (a) early works;
  - (b) fill importation;
  - (c) construction;
  - (d) operation;
  - (e) subdivision; and
  - (f) occupation.

If the construction, operation or occupation of the development is to be staged, then the Applicant must notify the Department in writing at least one month before the commencement of each stage, and clearly identify the development to be carried out in that stage.

#### **EVIDENCE OF CONSULTATION**

- A19. Where conditions of this consent require a document to be prepared in consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Secretary for approval;
  - (b) provide evidence that at least two weeks was provided for the relevant party to comment on the document; and
  - (c) include in the document:
    - (i) details of the consultation undertaken;
    - (ii) a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
    - (iii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STATUTORY REQUIREMENTS**

- A20. 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 the obligation for the Applicant to obtain, renew or comply with such licences, permits, approvals and consents.

#### **DEMOLITION**

- A21. All demolition work must be carried out in accordance with the latest version of *Australian Standard AS 2601-2001: The Demolition of Structures* (Standards Australia, 2001) and the requirements of the *Work Health and Safety Regulation 2011*.

#### **DESIGN MASTER PLANS**

- A22. Prior to construction, the Applicant must prepare amended **Development Layout Plans and Design Plans** to the satisfaction of the Secretary which achieve the improvements and revisions referred to in conditions B139, including opportunities for integration of Water Sensitive Urban Design (WSUD) and landscape design.

### **Water Sensitive Urban Design**

- A23. Prior to commencement of early works and fill importation, the Applicant must prepare **Amended WSUD plans** that incorporate water sensitive urban design principles, be generally in accordance with relevant Council policies, plans and specifications, and address condition B41, to ensure that:
- adequate overland flow paths have been provided in the event of stormwater system blockages and flows in excess of the 1% ARI rainfall event;
  - on site detention basins are visually unobtrusive and ensure public safety;
  - adequate site area has been provided for stormwater treatment; and
  - design of stormwater treatment systems minimises the risk of failure.

### **Architectural Plans**

- A24. Prior to commencement of permanent built surface works and/or landscaping, the Applicant must prepare **amended architectural** plans that reflect updated plans required under the conditions.

### **ACCESS FOR PEOPLE WITH A DISABILITY**

- A25. The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility so that all people can enter and use these premises. Access is to meet the requirements of the Disability Discrimination Act 1992, relevant Australian Standards and Building Code of Australia (BCA)

### **STRUCTURAL ADEQUACY**

- A26. 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 4A 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.*

### **UTILITIES AND SERVICES**

- A27. Before the construction of any utility works associated with the development, approvals required from service providers must be obtained.
- A28. Prior to operation of the development, a compliance certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994* must be obtained.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A29. Before the commencement of construction, the Applicant must:
- consult with the relevant owner and provider of utility services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;
  - prepare a dilapidation report identifying the condition of all public infrastructure between the M5 and the site and any local roads identified in the Heavy Vehicle Route Plan required under condition B2 (including roads, gutters and footpaths); and
  - submit a copy of the dilapidation report to the Secretary and Council.
- A30. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- repair, or pay the full costs associated with repairing any public infrastructure that is damaged by carrying out the development; and
  - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### **LOCAL DEVELOPMENT CONTRIBUTIONS**

- A31. Prior to the issue of a Construction Certificate, the Applicant must pay a monetary levy of 1% of the development Capital Investment Value (\$3,577,900) or other amount agreed to by Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 94B(2) of the EP&A Act 1979.

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

- A32. All plant and equipment used at the site or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

**PART B**  
**ENVIRONMENTAL PERFORMANCE AND MANAGEMENT**

- B1. The Applicant must:
- (a) prepare each plan, program and other documents in consultation with the specified stakeholders;
  - (b) not commence each phase of the project until the plans, programs and other documents required under this consent are approved by or, where not required to be approved, submitted to the Secretary specified within the timeframes; and
  - (c) implement the most recent version of the required plans and programs approved by the Secretary for the duration of the development.

**TRAFFIC AND TRANSPORT**

**Traffic and Access**

- B2. Prior to commencement of early works and construction, the Applicant must prepare a **Construction Traffic and Access Management Plan (CTMP)** to the satisfaction of the Secretary. The Plan must form part of the CEMP required by condition C1 and must:
- (a) be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with Council, TfNSW and RMS;
  - (c) include details of all transport routes and traffic types to be used for development-related traffic, access and parking arrangements;
    - (i) include a protocol for undertaking dilapidation surveys to assess the existing condition of the transport routes prior to construction works; and
    - (ii) condition of the transport routes following construction works;
  - (d) include a protocol for the repair of any roads identified in the dilapidation surveys to have been damaged during construction and demolition works;
  - (e) include details of:
    - (i) staging of construction works;
    - (ii) construction vehicle routes;
    - (iii) heavy vehicle movements associated with spoil and demolition material transport off-site;
    - (iv) construction traffic generation;
    - (v) hours of construction;
    - (vi) parking for workers; and
    - (vii) access arrangements.
  - (f) include a Heavy Vehicle Route Plan detailing:
    - (i) the origin and destination of spoil / fill and demolition material; and
    - (ii) details of the heavy vehicle routes to and from the site within the Campbelltown and Liverpool Local Government Areas (LGAs).
  - (g) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users including pedestrians / cyclists during construction works, including:
    - (i) temporary traffic controls, including detours and signage;
    - (ii) how two lanes of traffic on Moorebank Avenue will be available at all times during construction (unless otherwise approved by RMS);
    - (iii) temporary traffic controls, including detours and signage;
    - (iv) notifying the local community about development-related traffic impacts;
    - (v) responding to any emergency repair requirements or maintenance during construction; and
    - (vi) a traffic management system for managing over sized vehicles.
  - (h) include a driver's code of conduct that requires:
    - (i) compliance with specified travelling speeds;
    - (ii) drivers to adhere to specified transport routes, including no access from Cambridge Avenue; and
    - (iii) drivers to implement safe driving practices.
  - (i) include a program to monitor the effectiveness of these measures; and
  - (j) detail procedures for notifying residents and the community (including local schools), of any potential disruptions to transport routes.
- B3. The Applicant must:
- (a) not commence early works or construction until the Construction Traffic Management Plan required by condition B2 is approved by the Secretary; and
  - (b) carry out the development in accordance with the most recent version of the Construction Traffic Management Plan approved by the Secretary,

- B4. A Road Occupancy Licence is to be obtained from the Transport Management Centre for any works that may impact on traffic flows on Moorebank Avenue or the adjoining State road network during construction activities.
- B5. A construction zone will not be permitted on Moorebank Avenue without the express approval of RMS.
- B6. All demolition and construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping.
- B7. All vehicles are to enter and leave the site in a forward direction.
- B8. All trucks entering or leaving the site with loads must have their loads covered and must not track dirt onto any public road.

#### Road Safety Audit

- B9. Prior to commencement of any importation of site fill, the Applicant must undertake a Road Safety Audit for heavy vehicle movements associated with the importation of fill, for construction vehicle swept paths in and out of the development site via the proposed temporary construction access points along Moorebank Avenue, and for motorists and construction vehicle movements along Moorebank Avenue during the staged road upgrade works identified in condition B13.

The Road Safety Audit is to be prepared by an independent TfNSW accredited road safety auditor in accordance with the relevant Austroads guidelines to identify any safety issues. The Road Safety Audit must consider road safety issues for the proposed construction access arrangements and affected vehicle movements during upgrade works on Moorebank Avenue.

The Applicant must recommend corrective actions for the identified safety issues and propose appropriate traffic management measures (i.e. temporary traffic signals and other traffic management measures) in consultation and with the approval of the relevant Council, TfNSW and RMS.

#### Site Access and Layout Design Plans

- B10. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads requirements.

Prior to commencement of construction on permanent infrastructure a plan must be submitted to the Secretary and RMS for approval, which shows that the proposed development complies with this requirement.

- B11. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with *AS2890.1-2004 Parking facilities Off-street car parking*, *AS2890.6-2009 Parking facilities Off-street parking for people with disabilities* and *AS2890.2-2002 Parking facilities Off-street commercial vehicle facilities* for heavy vehicle usage.

- B12. The development is to be designed so that:

- (a) all vehicles are wholly contained on site before being required to stop;
- (b) adequate parking for heavy vehicles is provided on-site to accommodate any potential delays in schedule time;
- (c) all loading and unloading of materials is carried out on-site; and
- (d) site roads accommodate buses, bus infrastructure and cyclist use for employees.

#### Road Infrastructure Upgrades

- B13. The Applicant is to undertake the following upgrades, in accordance with the specified timing requirements, as set out in **Table 1**.

**Table 1: Required Upgrades and Specified Timing Requirements**

Upgrade	Specified Timing Requirements		
	Upgrade requirements	Required timing for 100% design approval by RMS	Required timing for completion of upgrade
<b>Moorebank Avenue / M5 Motorway intersection</b>	<ul style="list-style-type: none"> <li>• Indicative layout to be provided by Applicant, subject to design development and approval by RMS</li> </ul>	To be obtained prior to the issue of the first Occupation Certificate for warehousing	Prior to issue of the first Occupation Certificate for warehousing in excess of 100,000m <sup>2</sup> , or no later than December 2020, or a later date as agreed with the Secretary of Transport for NSW

<b>Newbridge Road / Moorebank Avenue intersection</b>	<ul style="list-style-type: none"> <li>Indicative layout to be provided by Applicant, subject to design development and approval by RMS</li> </ul>	To be obtained prior to the issue of the first Occupation Certificate for warehousing	By December 2022
<b>Moorebank Avenue / Heathcote Road intersection</b>	<ul style="list-style-type: none"> <li>As strategically described for intersection I-5 Moorebank/Heathcote Road (page 76, MPE Stage 2 EIS Operational Traffic and Transport Impact Assessment)</li> <li>Heathcote Road bus jump lane must be retained or a bus jump lane of equivalent length replaced by the Applicant.</li> <li>Indicative layout provided by Applicant, subject to design development and approval by RMS</li> </ul>	To be obtained prior to the issue of the first Occupation Certificate for warehousing	By December 2022
<b>Moorebank Avenue Upgrade</b> , being the upgrade of Moorebank Avenue to four lanes between Anzac Avenue and the IMEX Terminal Main access point	<ul style="list-style-type: none"> <li>Indicative layout provided by Applicant, subject to design development and approval by RMS</li> </ul>	To be obtained prior to the issue of the first Construction Certificate for warehousing	Prior to an Occupation Certificate for activity exceeding 30% of the MPE Stage 2 development, i.e. 100,000m <sup>2</sup> warehousing

- B14. A Works Authorisation Deed(s) (WAD) with RMS is to be executed by the Applicant for the infrastructure listed in condition B13 prior to the issue of the first Occupation Certificate for warehousing.
- B15. Traffic Control Signal (TCS) plans must be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The designs submitted to RMS must be in accordance with *Austrroads Guide to Road Design* in association with relevant RMS supplements (available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)).
- B16. RMS fees for administration, plan checking, civil works inspections and project management must be paid by the Applicant prior to the commencement of works. The Applicant may be required to dedicate land for the maintenance of the traffic control lights. Further details will be included in the WAD process.
- B17. The proposed road upgrade, road raising and widening works by the Applicant along Moorebank Avenue must be designed to meet RMS requirements, and endorsed by a suitably qualified person(s). The design requirements must be in accordance with *Austrroads* guidelines and other Australian Codes of Practice.
- B18. The works associated with traffic lights and road upgrade works detailed in condition B13 are to be designed and delivered at no cost to TfNSW or RMS unless otherwise agreed by TfNSW and RMS.
- B19. The Applicant is responsible for all works required by public utility adjustment/relocation works necessitated by the road infrastructure upgrade works and as required by the various public utility authorities and/or their agents.
- B20. All works/ regulatory signposting associated with the road infrastructure upgrades must be approved by RMS.

#### **Moorebank Avenue Public Road Dedication**

- B21. The Applicant is to procure the dedication as public road under the *Roads Act 1993* of part of the existing Moorebank Avenue (i.e. part of Lot 2 DP 1197707) and any associated land required for the road widening or upgrades between the southern boundary of the Defence Joint Logistics Unit site (Lot 3 DP 1197707) and Anzac Avenue.
- B22. The Applicant is to procure the dedication as “temporary public road” under the *Roads Act 1993* of the balance of the existing Moorebank Avenue (and any associated land required for the road widening or upgrades) that is owned by the Commonwealth and is not required to be dedicated under condition B21.
- B23. The Moorebank Avenue road dedications required by conditions B21 and B22 must occur prior to the earlier of the following:
- the first Construction Certificate for any road works on Moorebank Avenue; or
  - the issue of the first Construction Certificate for warehousing on the MPE Stage 2 site.
- B24. The Applicant must pay all costs incurred by Council and/or RMS in relation to conditions B21 and B22 above.

## Operating Traffic

B25. 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 any public road; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## Operational Traffic and Access Management Plan

B26. The Applicant must prepare an **Operational Traffic and Access Management Plan** to the satisfaction of the Secretary. The Plan is to be developed in consultation with the relevant Council, TfNSW and RMS. The plan must be approved by the Secretary prior to the commencement of operation.

The Plan must be prepared by a suitably qualified and experienced person(s), and must:

- (a) demonstrate how the development will be managed during operation to meet the requirements of this development consent;
- (b) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
- (c) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;
- (d) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times;
- (e) set out procedures for collecting the information required to prepare the **Biannual Trip Origin and Destination Report** required under condition B28;
- (f) incorporate the Workplace Travel Plan as required under condition B29;
- (g) include a driver's code of conduct that requires:
  - (i) compliance with specified travelling speeds;
  - (ii) drivers to adhere to specified transport routes including no access from Cambridge Avenue; and
  - (iii) drivers to implement safe driving practices.
- (h) include a program to monitor the effectiveness of these measures.

B27. The Operational Traffic and Access Management Plan required by condition B26 B26 must be implemented by the Applicant for the duration of operations.

B28. The Applicant is to prepare a **Biannual Trip Origin and Destination Report** each six months (in a format agreed with TfNSW and RMS) that advises:

- (a) the number of actual and standard twenty foot equivalent shipping containers despatched and received during the period;
- (b) the number of days in the period that the truck gate was open for despatching trucks 24 hours a day, 7 days a week and detail any exceptions to this and advise actual hours of operation;
- (c) a record of every vehicle entry by class, date and time;
- (d) the despatch location or origin address to a postcode level; or
- (e) as otherwise agreed.

The report is to be submitted to the Department and to TfNSW and RMS within one month of completion throughout operation of the project, starting six months from the commencement of operation, unless otherwise agreed by the Secretary, TfNSW and RMS.

To protect the Applicant's commercial-in-confidence sensitivities, but deliver an accurate picture to where containers and goods were being delivered, the requirements of this condition may be 'rounded' to a level agreed between the Applicant and TfNSW.

## Workplace Travel Plan

B29. Prior to the issue of any Occupation Certificate, the Applicant must prepare a **Workplace Travel Plan** to the satisfaction of the Secretary.

The Workplace Travel Plan must form part of the Operational Traffic and Access Management Plan required by condition C3, 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;
- (c) describe pedestrian and bicycle connections and linkages to and from the site from Moorebank Avenue and within the site including between warehouses and the freight village;
- (d) describe end of trip facilities available on-site which are to include under cover bike storage, showers and change facilities - the layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*; and
- (e) include the results of negotiations with the relevant agencies/ authorities as required to facilitate the staged delivery of the public transport infrastructure including:
  - (i) construction of a covered bus drop off/ pick up facility within the site to encourage the use of buses for employees;
  - (ii) review and rationalisation of the locations of Route 901 bus stops in the vicinity of the site to match the proposed northern terminal entry location and enhance accessibility;
  - (iii) peak period and SIMTA shift work responsive express buses to /from the site and Liverpool Station via Moorebank Avenue and Newbridge Roads with frequency dependent on the development of the site;
  - (iv) peak period express buses to/ from the site and Holsworthy rail station via Anzac Road, Wattle Grove Drive and Heathcote Road with frequency dependent on the development of the site;
  - (v) potential to extend the Route 901 bus through the site via the light vehicle road and increasing peak period bus service frequencies to better match the needs of existing and future employees of the locality with frequency dependent on the extent of development of the site; and
  - (vi) changes to existing bus stop locations and the identification of new bus stop locations if required.

B30. The Applicant must ensure that the **Workplace Travel Plan** is implemented for the life of the development.

#### **CONCRETE BATCHING PLANT**

B31. The applicant must prepare must prepare a **Concrete Batching Plant Management Plan** to the satisfaction of the Secretary. The plan must be approved by the Secretary prior to the establishment of Concrete Batching Plant and form part of the CEMP required by condition C1.

The Plan must be prepared by a suitably qualified and experienced person(s) and detail the establishment and operation of the Plant including:

- (a) demonstrate how the development will be managed during construction to meet the requirements of this development consent;
- (b) a description of the works proposed to be undertaken;
- (c) a description of the plant, equipment and materials to be used and/or stored on each site, including dangerous and hazardous goods;
- (d) a summary of the potential environmental impacts associated with the establishment and operation of the facility;
- (e) details of the mitigation, monitoring and management procedures specific to the plant that would be implemented to minimise environmental and amenity impacts during both site establishment and operation;
- (f) include a program to monitor the effectiveness of these measures;
- (g) details of how waste is to be managed in association with the operation of the Plant;
- (h) detail any licenses required to discharge waste from the plant; and
- (i) mechanisms for the monitoring, review and amendment of the Ancillary Facilities Management Plan.

#### **SOILS, WATER QUALITY AND HYDROLOGY**

##### **Geotechnical**

B32. A **Site Specific Earthworks Specification** must be prepared by a suitably qualified and experienced person(s) in accordance with the Geotechnical Interpretive Report prepared by Golder Associates, dated 11 November 2016.

B33. Prior to construction of permanent built works, a geotechnical engineer must prepare a works-as-executed report detailing encountered geotechnical conditions and how residual geotechnical constraints can be accommodated within the structural designs for the development. The structural design must be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

B34. Prior to early works, fill importation or any other surface disturbance, the Applicant must prepare a **Soil and Water Management Plan** (SWMP) to the satisfaction of the Secretary. The plan must form part of the CEMP required by condition C1 and must include:

- (a) measures to verify the properties of fill imported to the site (see condition (b));
- (b) plans showing limits of clearing, filling and other earthworks and vegetation to be retained and protected;
- (c) plans showing temporary access points and haul roads within the site for fill stockpiling and placement;
- (d) plans showing the location of stockpiled fill and other materials and storage areas (see condition (c));
- (e) measures to minimise dust, erosion and prevent migration of soil off site and migration into constructed and natural drainage lines (see condition B40);

- (f) details on design and maintenance of temporary stormwater drainage infrastructure including sediment basins and temporary diversion channels around temporary work obstructions to allow low and normal flows to safely bypass the work areas and to separate clean and dirty water flows (see condition B40);
- (g) details of existing stormwater infrastructure to be retained, including upgrades to meet design criteria, and design and maintenance of proposed new infrastructure (see conditions B41 and B48);
- (h) evidence that agreement has been obtained:
  - (i) to discharge stormwater through adjacent sites;
  - (ii) for any necessary upgrade works to be constructed;
  - (iii) for undertaking maintenance activities; and
  - (iv) evidence that an easement has been obtained or is currently in place to discharge water through adjacent sites;
- (i) confirmation that the stormwater drainage systems in adjacent sites are designed, or can be upgraded to accept flows from the MPE site, including provision of scour protection at discharge points;
- (j) demonstrate no impact on Anzac Creek flood levels or flood extents due to filling of the MPE site;
- (k) demonstrate no change to stormwater flows directly entering proposed biodiversity offset areas;
- (l) demonstrate no deterioration in the quality of stormwater discharged from the site into proposed biodiversity offset areas; and
- (m) demonstrate that stormwater leaving the site meets the design water flow and water quality criteria (see condition B44 water quality monitoring).

B35. Evidence must be provided that a drainage easement is in place to discharge stormwater through the MPW site and that drainage infrastructure within the MPW site to the Georges River has been repaired or upgraded to the satisfaction of the Secretary prior to completion of construction of the temporary MPE Stage 2 sediment basins.

### Spoil Management

- B36. The Applicant must ensure that only VENM or ENM, or other material approved in writing by EPA is brought onto the site.
- B37. Prior to the commencement of importation of spoil, the Applicant must prepare a **Spoil Management Plan** to the satisfaction of the Secretary. The Spoil Management Plan must incorporate detailed information on the handling and transport of spoil, including stock pile management. The Spoil Management Plan is to be prepared separate to, but consistent with the CEMP required by conditions C1 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) include:
    - (i) a protocol for recording the volume, type and source of fill imported to site and vehicle registrations on a daily basis;
    - (ii) quality assurance and quality control measures to ensure compliance with condition B36;
    - (iii) a protocol for dealing with unexpected finds including material contamination; and
    - (iv) independent auditing by a suitably qualified and experienced specialist.
  - (c) be consistent with Volume 1 of *Managing Urban Stormwater: Soils and Construction* ('the Blue Book') (Landcom 2004) and include:
    - (i) Details on and the location of fill sorting, crushing and stockpiling;
    - (ii) Plans and details on the progressive formation of stockpiles, placement and stabilisation of placed fill;
    - (iii) Stockpiles not to exceed 10m in height with stockpiles over 4m in height to be benched, with maximum of 1V:3H slopes;
    - (iv) Monitoring of stockpile moisture content and stockpile watering;
    - (v) Stabilisation of stockpiles if not worked on for more than 10 days; and
    - (vi) Stabilisation of placed fill if construction does not commence within 10 days.
- B38. The handling of spoil during construction of the development is to be conducted in accordance with the Spoil Management Plan.
- B39. Permanent fill batters to adjacent lands to be a maximum of 1V:4H and details to be provided on methods of slope stabilisation.

### Erosion and Sediment Control Plan

- B40. Prior to commencement of early works and fill importation an **Erosion and Sediment Control Plan** must:
- (a) be prepared by a suitably qualified person;
  - (b) be prepared in accordance with Volume 1 of *Managing Urban Stormwater: Soils and Construction* ('the Blue Book') (Landcom 2004), *Managing Urban Stormwater: Soils and Construction – Installation of Services*, Volume 2A (OEH 2008) and *Managing Urban Stormwater: Soils and Construction – Main Road Construction*, Volume 2D (OEH 2008). The plan must consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage. The plan must show:
    - (i) location and extent of all necessary sediment and erosion control measures for the site;
    - (ii) catchment plan;
    - (iii) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s);

- (iv) all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
  - (v) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems;
  - (vi) identification and management of any stormwater run-on to the site from adjacent sites;
  - (vii) location of any temporary stockpiles (soil, spoil, top soil or otherwise) and accompanying sediment and erosion control measures;
  - (viii) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds; and
  - (ix) a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.
- (c) be implemented prior to commencement of early works, fill importation and construction (and any substages of these phases) and be updated as relevant to changing early works; fill importation, stockpiling and placement, and construction activities.

### Stormwater Management Plan

B41. Prior to commencement of early works and fill importation, an amended **Stormwater Management Plan** must be submitted to the Secretary for approval. The plans must be prepared by a suitably qualified person, and independently reviewed, to ensure it meets the following criteria for:

- (a) Drainage:
- (i) convey flows from low order events (up to and including the 10% AEP event from the main part of the site within the formal drainage system, with flows from rarer events (up to the 1% AEP event) conveyed in controlled overland flow paths;
  - (ii) show the location and width of controlled overland flow paths; and
  - (iii) provide levels to AHD confirming building floor levels are a minimum of 150 mm above the maximum design flow path levels.
- (b) Water Sensitive Urban Design:
- (i) incorporate water sensitive urban design principles, be generally in accordance with relevant Council policies, plans and specifications
  - (ii) ensure that adequate overland flow paths have been provided in the event of stormwater system blockages and flows in excess of the 1% ARI rainfall event;
  - (iii) ensure on site detention basins are visually unobtrusive and ensure public safety;
  - (iv) ensure rainwater harvesting is provided for each warehouse;
  - (v) ensure adequate site area has been provided for stormwater treatment; and
  - (vi) ensure design of stormwater treatment systems minimises the risk of failure.
- (c) Water quantity:
- (i) on site detention is to be provided to attenuate peak flows from the development such that both the:
    - 1 in 1 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 1 year ARI event
    - 1 in 100 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 100 year ARI event;
  - (ii) no new drainage infrastructure work within the Defence Joint Logistics Unit (DJLU) site;
  - (iii) all on site detention basins to have maximum batter slopes of 1V:4H;
  - (iv) siting and design of on site detention basins to eliminate/ minimise excavation within the southern ordinance burial pits; and
  - (v) maintenance access to be provided to each on site detention basin.
- (d) Connection to natural creeklines:
- (i) on site detention basin outlets to natural drainage lines must be constructed of natural materials to facilitate natural geomorphic processes and to include vegetation as necessary (gabion baskets and gabion mattresses are not acceptable).
- (e) Stormwater Quality
- (i) have a stormwater quality treatment train comprised of gross pollutant traps and biofiltration/ bioretention systems designed to meet the following criteria compared to a base case if there were no treatment systems in place:
    - reduce the average annual load of total nitrogen by 45%;
    - reduce the average annual load of total phosphorus by 65%; and
    - reduce the average annual load of total suspended solids by 85%.
  - (ii) all stormwater quality elements are to be modelled in MUSIC as per the NSW MUSIC Modelling Guide.
  - (iii) all stormwater quality elements are to be installed upstream of stormwater detention basins, unless it can be demonstrated that biofiltration/ bioretention systems within the OSD basins will not suffer damage from design flows and can be maintained to achieve the water quality criteria.
  - (iv) the area of biofiltration / bioretention systems is to be at least 1% of the catchment draining to the system, to ensure there is no short-circuiting of the system.
  - (v) bioretention systems which are greater than 1,000m<sup>2</sup> in area, are to be divided into cells with no individual cell greater than 1,000m<sup>2</sup>.
  - (vi) all filter media used in stormwater treatment measures must:

- be loamy sand with an appropriately high permeability under compaction and must be free of rubbish, deleterious material, toxicants, declared plants and local weeds, and must not be hydrophobic;
- have an hydraulic conductivity = 100-300 mm/hr, as measured using the ASTM F1815-06 method
- have an organic matter content less than 5% (w/w).

A copy of the independent review must be submitted with the Plan. A statement from the reviewer confirming their independence and declaring any actual, potential or perceived conflicts of interest must be provided as part of the reporting of the findings and recommendations of the review.

B42. The amended numerical models are to be submitted to the Secretary with the Stormwater Management Plan.

#### **Water Quality Monitoring Plan**

B43. A **Stormwater Monitoring Program** must be prepared in consultation with Council and OEH prior to operation and must be implemented for 5 years following completion of construction to monitor performance of the stormwater treatment system. The Stormwater Monitoring Program must form part of the Biodiversity Monitoring Strategy required by condition B105, prepared with reference to *Using the ANZECC Guidelines and Water Quality Objectives* in NSW (DEC, 2006).

B44. The Stormwater Monitoring Program must:

- (a) assess water quality and quantity performance for construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and
- (b) include sampling locations and the frequency of sampling including wet weather sampling.

#### **Stormwater Infrastructure Operation and Maintenance Plan**

B45. Conversion of any construction stage sediment and erosion control measures into permanent stormwater quality treatment elements must only occur once the civil works (roads and drainage) have been completed for the site to ensure the treatment measure is not compromised by sediment runoff.

B46. All permanent stormwater infrastructure must be constructed in accordance with the Stormwater Management Plan approved by the Secretary and properly maintained on an ongoing basis.

B47. Written signoff from the design engineer(s) responsible for the construction drawings is to be provided to the Secretary certifying that the system has been constructed in accordance with the construction drawings or, where modified, this has not adversely affected the performance of the system.

B48. Prior to operation, the Applicant must prepare a **Stormwater Infrastructure Operation and Maintenance Plan** to manage the operation and maintenance of stormwater infrastructure on-site and off-site, to the satisfaction of the Secretary. The plan must form part of the OEMP required under condition C3 and must be implemented for the life of the assets and include:

- (a) the entity responsible for management and maintenance of the assets;
- (b) quarterly inspections and inspections after major rainfall events;
- (c) schedule for routine checking, cleaning and servicing of all devices/ systems in accordance with the manufacturer's and/or designer's recommendations;
- (d) records of all maintenance activities undertaken;
- (e) results of water quality monitoring;
- (f) investigation, management and mitigation of water quality target exceedances; and
- (g) annual independent auditing.

B49. Assets to be managed under the **Stormwater Infrastructure Operation and Maintenance Plan** must include the channel through the MPW site to the Georges River unless the maintenance of this infrastructure is included in an operational environmental management plan approved by the Secretary for the MPW site.

B50. The annual independent audit must be undertaken by a suitably qualified WSUD professional. The audit is to verify the condition of the treatment system(s), verify and document that the system(s) is working as intended, verify the system(s) has been cleaned adequately, verify there is no excessive build-up of material in the system(s) and identify any issues with the treatment system(s) which require rectification for the system(s) to adequately perform its intended function.

#### **Flood Management**

B51. Before the commencement of construction, the Applicant must prepare a **Flood Emergency Response Plan** to the satisfaction of the Secretary. The Plan must form part of the CEMP and OEMP required by conditions C1 and C3 and must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Secretary;
- (c) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007) (as may be updated or replaced from time to time);

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

B52. The Applicant must:

- (a) not commence construction until the Flood Emergency Response Plan required by condition B51 is approved by the Secretary; and
- (e) implement the most recent version of the Flood Emergency Response Plan approved by the Secretary for the duration of the development.

## AIR QUALITY

### Dust Minimisation

- B53. Best practice reactive and proactive management measures must be implemented to minimise dust generated during all works authorised by this consent.
- B54. Deposited dust must not exceed an increase of 2g/m<sup>2</sup>/month or maximum of 4g/m<sup>2</sup>/month at the closest off site sensitive receiver.
- B55. During construction:
- (a) fill importation must not exceed 22,000m<sup>3</sup> per day;
  - (b) exposed areas and stockpiles must be watered regularly to minimise dust emissions;
  - (c) water carts must be used to control dust emissions from vehicles travelling on unpaved surfaces, and graders and dozers pushing fill material;
  - (d) grader and bulldozer travel routes and the fill material being handled must be suitably moist;
  - (e) water must be used as appropriate to maintain moisture in the fill material being bulldozed, such that dust emissions would be halved relative to not applying the water;
  - (f) water may be applied prior to fill being delivered to site, provided that the same effect is achieved as in (e) above;
  - (g) all trucks entering or leaving the site with loads must have their loads covered;
  - (h) trucks associated with the development must not track dirt onto public roads;
  - (i) public roads used by trucks associated with the development must be kept clean; and
  - (j) land stabilisation works must be carried out progressively on site to minimise exposed surfaces.

### Construction Air Quality Management Plan

- B56. The Applicant must prepare a **Construction Air Quality Management Plan (AQMP)** to the satisfaction of the Secretary. The AQMP must be prepared by a suitably qualified and experienced person(s). The Construction AQMP must form part of the CEMP required by condition C1. The AQMP must include:
- (a) a **Construction Air Quality Monitoring Program**;
  - (b) identification of sources (including stockpiles and open work areas) and quantify airborne pollutants;
  - (c) best practice reactive and proactive control measures that will be implemented for each emission source including measures to prevent the emission of visible dust from the site as listed in condition B55;
  - (d) provisions for the implementation of additional mitigation measures in response to issues identified during monitoring and reporting;
  - (e) for all emission sources at the site:
    - (i) key performance indicator(s);
    - (ii) monitoring method(s);
    - (iii) location, frequency and duration of monitoring;
    - (iv) record keeping;
    - (v) complaints register;
    - (vi) response procedures; and
    - (vii) compliance monitoring.

B57. Air quality monitoring must be undertaken during early works, fill importation and construction.

### Operational Air Quality Management Plan

- B58. The Applicant must prepare an **Operational AQMP** to the satisfaction of the Secretary for the entire precinct (MPE + MPW), unless this has been prepared and approved under an approval for the MPW site. The AQMP must be prepared by a suitably qualified and experienced person(s) and must form part of the OEMP required by condition C3. The AQMP must include:
- (a) identification of sources and quantify airborne pollutants;
  - (b) best practice reactive and proactive control measures that will be implemented for each emission source;

- (c) provisions for the implementation of additional mitigation measures in response to issues identified during monitoring and reporting;
- (d) for all emission sources associated with site operations:
  - (i) key performance indicator(s);
  - (ii) monitoring method(s);
  - (iii) location, frequency and duration of monitoring;
  - (iv) record keeping;
  - (v) complaints register;
  - (vi) response procedures; and
  - (vii) compliance monitoring.

B59. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

B60. Equipment must be installed and operated in accordance 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 under this consent.

## CONSTRUCTION NOISE AND VIBRATION

### Noise monitoring

B61. Prior to early works, the Applicant must undertake noise monitoring in accordance with INP to verify RBLs for the closest sensitive receivers.

B62. Prior to early works and fill importation, the Applicant must submit a **Noise Monitoring Report** detailing the results of background noise monitoring, any resulting adjustment of NMLs for the development and any additional noise mitigation measures to be include in the CEMP required under condition C1.

B63. Continuous noise monitoring at sensitive receivers must be undertaken during early works, fill importation, construction and for at least 12 months following occupation of the entire site.

### Construction Hours

B64. The construction hours detailed in **Table 2** must be complied with, except where they may be undertaken under condition B65.

**Table 2: Hours of Work**

Activity	Day	Time
Early works and Construction	Monday – Friday	7 am to 6 pm
	Saturday	7 am to 1 pm
Moorebank Avenue upgrade	Monday – Friday	7 am to 6 pm
	Saturday	7 am to 1 pm

B65. Except as permitted by an EPL, activities resulting in high noise impact (including impulsive or tonal noise emissions) must only be undertaken:

- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

*Note:*

*For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work that is the subject of this condition.*

B66. Works may be undertaken outside the hours detailed in **Table 2** in the following circumstances:

- (a) for the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons;
- (b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;
- (c) where different construction hours are permitted or required under an EPL in force in respect of construction, in which case these construction hours must be complied with;
- (d) where they are undertaken in accordance with an **Out-Of-Hours Work Protocol** detailing the assessment, management and monitoring of noise as part of the Construction Noise and Vibration Management Plan.

B67. The Applicant must prepare an Out-Of-Hours Work Protocol for any work undertaken outside the hours specified in condition B64 or outside the circumstances specified under condition B66. An **Out-Of-Hours Work Protocol** must provide for the assessment, management and monitoring of out of hours work noise including:

- (a) where works are shown to be inaudible at the nearest sensitive receivers and vibration levels do not exceed those stipulated by Table 2.2 and Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006);
- (b) where a negotiated agreement has been arranged with affected receivers;
- (c) where noise can be shown to satisfy the noise management levels specified in the *Interim Construction Noise Guideline* (ICNG, DECC, 2009) at non-residential land uses; or
- (d) where works are undertaken as part of an **Extended Hours Work Plan** approved as part of the **Out-Of-Hours Work Protocol**.

- B68. An **Extended Hours Work Plan** will be prepared for any construction undertaken during the extended hours detailed in **Table 3** as required by condition B67(d). The **Extended Hours Work Plan** must provide for:
- (a) a three month assessment period, commencing at the start of extended hours construction works;
  - (b) implementation of the Construction Noise and Vibration Management Plan;
  - (c) noise monitoring at a representative number of sensitive receivers (including closest and furthest) to confirm the predicted noise levels;
  - (d) targeted consultation with the noise affected sensitive receivers;
  - (e) notification of the relevant Council, local residents and other affected stakeholders and sensitive receivers of the timing and duration at least 48 hours prior to the commencement of the works.
  - (f) construction work timeframes and methods for investigation of noise complaints;
  - (g) submission of monthly complaints reports to the Department for the life of extended hours activities;
  - (h) continual refinement of mitigation measures based on consultation with the noise affected sensitive receivers;
  - (i) implementation of work practices set out in section 5.2 of the ICNG;
  - (j) a final summary report submitted to the Secretary at the end of the assessment period in subcondition (a), detailing the outcomes of the assessment period, the resolution of complaints during the assessment period, and demonstrate the acceptability of works outside standard hours.

**Table 3:** Extended Hours of Work

Activity	Day	Time
Early works and Construction (not including high noise impact, piling, spoil placement, rock breaking, concrete batching)	Monday – Friday	6 am to 7 am
		6 pm to 10 pm
	Saturday	1 pm to 5 pm

- B69. The Applicant must comply with all written directions of the Secretary arising from the review of the final summary report required under condition B68.
- B70. Construction must be carried out in accordance with the construction noise management levels and requirements detailed in the *INCG* (DECC, 2009).
- B71. All reasonable and feasible noise mitigation measures must be implemented in addition to the management and mitigation measures in **APPENDIX B** with the aim of achieving the following construction Noise Management Levels (NMLs) and vibration criteria:
- (a) construction noise management levels established using the *INCG* (DECC 2009);
  - (b) vibration criteria established using the *Assessing Vibration: a Technical Guide* (DECC 2006) (for human exposure); and
  - (c) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration effects of vibration on structures* (for structural damage).
- B72. Any construction activities identified as exceeding the construction noise management levels and/or vibration criteria must be managed in accordance with the **Construction Noise and Vibration Management Plan (CNVMP)** required by condition B76. All feasible and reasonable noise mitigation and management measures must be implemented and any activities that could exceed the construction NMLs must be identified and managed in accordance with the CNVMP.

*Note: The INCG identifies ‘particularly annoying’ activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.*

### Construction Traffic Noise

- B73. Construction traffic movements on public roads must aim to limit any increase in existing road traffic noise levels to no more than 2 dB LAeq,period, where ‘period’ is defined in the EPA’s *Road Noise Policy* (RNP) for both day and night. All feasible and reasonable noise mitigation and management measures must be implemented to achieve this limit.
- B74. The Applicant is to ensure that construction contractor’s vehicles operate so as to minimise impacts. Measures that could be used include:
- (a) toolbox talks;

- (b) contracts that include provisions to deal with unsatisfactory noise performance for the vehicle and/or the operator; and
- (c) specifying non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.

B75. Use of compression brakes for construction vehicles associated with the project that are on site or on nearby roads is not permitted (e.g. Anzac Road).

### Construction Noise and Vibration Management Plan

B76. A **Construction Noise and Vibration Management Plan (CNVMP)** must be prepared for the development to the satisfaction of the Secretary. The plan must form part of the CEMP required by C1 and detail how construction noise and vibration impacts will be minimised and managed. The Plan must be consistent with the guidelines contained in the ICNG (DECC, 2009). The plan must be developed in consultation with the EPA and include:

- (a) identification of the work areas, site compounds and access points;
- (b) identification of the type and number of plant and equipment expected on site at the same time;
- (c) identification of sensitive receivers (including heritage structures if relevant) and relevant construction noise and vibration goals applicable to the project as stipulated in condition B70;
- (d) details of construction activities and an indicative schedule for construction works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;
- (e) an **Out-of-hours Work Protocol** as referenced in condition B67 for the assessment, management and approval of works outside standard construction hours, for the Secretary's approval. The **Out-of-hours Work Protocol** must:
  - (i) detail assessment of out-of-hours works against the relevant noise and vibration criteria;
  - (ii) provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments;
  - (iii) include proposed notification arrangements; and
  - (iv) include an **Extended Hours Work Plan** as required by condition B68.
- (f) identification of feasible and reasonable measures to be implemented to minimise and manage construction noise impacts, including, but not limited to, acoustic enclosures, erection of noise walls (hoardings), respite periods;
- (g) management of the number of trucks accessing the site;
- (h) a truck driver protocol addressing designated routes, acceptable delivery hours, speed limits on site, no engine braking in the vicinity or on site, no extended periods of engine idling, avoiding queuing in or around the site and limiting the need for reversing on site;
- (i) identification of feasible and reasonable procedures and mitigation measures to ensure relevant vibration criteria are achieved, including applicable buffer distances for vibration intensive works, use of low vibration generating equipment/ vibration dampeners or alternative construction methodology, and pre- and post- construction dilapidation surveys of sensitive structures where vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria);
- (j) a description of how the effectiveness of mitigation and management measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported, and, if any exceedance is detected, how any non-compliance would be rectified;
- (k) noise and vibration monitoring procedures (routine and complaints triggered monitoring);
- (l) a community consultation and complaints handling procedure; and
- (m) mechanisms for the monitoring, review and amendment of this plan.

B77. Blasting is not permitted on the site.

### OPERATIONAL NOISE AND VIBRATION

#### Hours of Operation

B78. The permitted hours of warehouse and distribution operation are detailed in **Table 4**.

**Table 4: Hours of Operation**

Activity	Day	Time
Operation	Monday to Sunday	24 hours

#### Operational Noise Limits

B79. Noise generated by operation of the development inclusive of MPE Stage 1 operations must not exceed the noise limits in **Table 5**.



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

Location (residential receivers)	Day $L_{Aeq,15\text{ minute}}$	Evening $L_{Aeq,15\text{ minute}}$	Night $L_{Aeq,15\text{ minute}}$	Night $L_{A1, 1\text{ minute}}$
Casula	35 dB	35 dB	35 dB	45 dB
Glenfield	35 dB	35 dB	35 dB	45 dB
Wattle Grove	35 dB	35 dB	35 dB	45 dB

**Notes:**

To determine compliance with the  $L_{Aeq,15\text{ minute}}$  noise limits, noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.

To determine compliance with the  $L_{A1,1\text{ minute}}$  noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).

The noise emission limits identified above apply under meteorological conditions of:

- (i) wind speeds of up to 3 m/s at 10 metres above ground level; or
- (ii) 'F' atmospheric stability class.

**Review of Sleep Disturbance Impacts**

- B80. The Applicant must prepare a **Review of Sleep Disturbance Impacts** based on detailed design, including:
- (a) an assessment of how often noise events occur, the time of day they occur and whether there are any times of day when there is a clear change in the noise environment;
  - (b) confirm the operational  $L_{Amax}$  predictions of the final design; and
  - (c) consider appropriate noise mitigation measures where required.
- B81. The Review of Sleep Disturbance Impacts must be prepared in consultation with the EPA and to the satisfaction of the Secretary and must be submitted to the Secretary within six months of commencement of construction, unless otherwise agreed by the Secretary.

**Operational Noise Management Plan**

- B82. An **Operational Noise Management Plan** must be submitted to the Secretary for approval and form part of the OEMP required under condition C3. The report must be prepared by a suitably qualified and experienced person(s) and include:
- (a) an outline of management actions to be taken to address any potential non-compliances with the limits specified in **Table 5**;
  - (b) a description of contingency measures to be implemented in the event management actions do not reduce noise levels to a compliant level; and
  - (c) identification of additional feasible and reasonable measures to those proposed in the documents specified under condition A2, that would be implemented with the objective of meeting the criteria outlined in the *NSW RNP* (EPA, 2011), when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

**Mechanical Plant and Other Equipment**

- B83. Prior to construction of the freight village and each warehouse, the Applicant must submit to the Secretary a Noise Assessment for Mechanical Plant and other noisy equipment to demonstrate that plant has been selected to meet the overall operational noise limits specified in **Table 5**.
- B84. The Applicant must carry out noise monitoring of mechanical plant and other noisy equipment for a minimum period of one week where valid data is collected following occupation of each warehouse. The monitoring program must be carried out by a suitably qualified and experienced person(s) and a Monitoring Report for Mechanical Plant must be

submitted to the Secretary within two months of occupation or each tenancy to verify predicted mechanical plant and equipment noise levels.

### **Operational Noise Report**

- B85. Within 12 months of occupation of the first warehouse, 50% occupation of the site and 100% occupation of the site, or as otherwise agreed by the Secretary, the Applicant must undertake operational noise monitoring to compare actual noise performance of the project against predicted noise performance, and prepare an Operational Noise Report to document this monitoring. The Report must include, but not necessarily be limited to:
- noise monitoring to assess compliance with the predicted operational noise levels and the noise limits specified in **Table 5**;
  - a review of the operational noise levels in terms of criteria and noise goals established in the *NSW RNP* (EPA, 2011);
  - sleep disturbance impacts compared to those determined in documents specified under condition A2;
  - impacts associated with annoying characteristics such as prominent tonal components, impulsiveness, intermittency, irregularity and dominant low-frequency content;
  - methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
  - details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared;
  - any required recalibrations of the noise model taking into consideration factors such as actual traffic numbers and heavy vehicle proportions; and
  - an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all feasible and reasonable mitigation measures.
- B86. The Applicant must provide the Secretary and the EPA with a copy of the Operational Noise Report within 60 days of completing the operational noise monitoring referred to in (a) above or as otherwise agreed by the Secretary.
- B87. To ensure the operational noise impacts are appropriately managed, the following measures apply:
- use of best practice plant; and
  - preparation of a risk assessment to determine if non-tonal reversing alarms can be fitted as a condition of site entry. Alternatively, site design may include traffic flow that does not require or precludes reversing of vehicles.

### **Heavy Vehicles**

- B88. For the duration of operation heavy road freight vehicles are not permitted to use Moorebank Avenue south of the East Hills Railway corridor. A main gate monitoring system (e.g. CCTV) must be installed to identify heavy vehicles turning left from the terminal site onto Moorebank Avenue, or turning right from Moorebank Avenue to the terminal site. The Secretary may at any time request the Applicant to provide a heavy vehicle monitoring report for the prior 12 month period.

### **Continuous improvement**

- B89. For the duration of operation, the Applicant must:
- continue to implement all reasonable and feasible best practice noise mitigation measures;
  - continue to investigate ways to reduce the noise generated by the development, including maximum noise levels which may result in sleep disturbance; and
  - report on these investigations and the implementation and effectiveness of these measures in the Annual Review to the satisfaction of the Secretary.

## **HERITAGE**

### **Archival Recording**

- B90. Prior to Early Works and Fill Importation, archival recording of the entire former DNSDC site must be undertaken in accordance with the Non-Indigenous Heritage Assessment (artefact, 2016) by a suitably qualified and experienced person(s).

### **Heritage Management Plan**

- B91. Prior to commencement of Early Works and Fill Importation, the Applicant must prepare a **Heritage Management Plan**, to the satisfaction of the Secretary. The plan must form part of the CEMP required by C3 and must:
- be prepared by suitably qualified and experienced person(s);
  - be prepared in consultation with NSW Heritage Division, Council, relevant landowners and stakeholders including the Moorebank Heritage Group (MHG) and Department of Defence.
- B92. The **Heritage Management Plan** must include:
- plans/strategies to monitor, mitigate and manage the effects of the development on identified PADs;
  - measure to ensure site workers receive suitable heritage inductions prior to carrying out any activities which may cause impacts to heritage, and that suitable records are kept of these inductions;

- (c) a program and description of the measures/procedures to be implemented for:
  - (i) undertaking surface surveys and archaeological investigations (where subsurface disturbance is proposed) of any items of heritage significance;
  - (ii) protecting heritage items located outside the disturbance area from the impacts of the development;
  - (iii) managing any new heritage items discovered during the development; and
  - (iv) additional archaeological excavation and recording of any significant heritage deposits uncovered during demolition.

#### **Archaeological Monitoring and Recording**

- B93. Prior to commencement of Early Works and Fill Importation, archaeological monitoring and recording must be undertaken at potential archaeological deposits (PADs) V and W in accordance with the Non-Indigenous Heritage Assessment (artefact 2016) by a suitably qualified and experienced archaeologist with Excavation Director Criteria qualifications.
- B94. The results must be reported to the Secretary within one month of completion of monitoring and recording at PADs V and W, along with recommendations for further monitoring at additional sites, if significant archaeological deposits are encountered.
- B95. Fill importation must not commence within 10 metres of PADs V and W until the results of any further monitoring and recording, along with any additional Non-Indigenous Heritage management measures, are submitted to the Secretary and included in an updated **Heritage Management Plan** to the satisfaction of the Secretary.

#### **Unexpected Finds Protocol**

- B96. Before commencement of construction, the Applicant must prepare an **Unexpected Finds Protocol** for the development in consultation with the Registered Aboriginal Parties, OEH and the NSW Heritage Division and must implement the Protocol in accordance with its terms.

#### **Discovery of Human Remains or Aboriginal Objects or Places**

- B97. If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and OEH, and work must not recommence in the area until authorised by NSW Police and OEH.
- B98. If any Aboriginal object or Aboriginal place is identified on site, or suspected to be on site:
  - (b) all work in the immediate vicinity of the object or place must cease immediately;
  - (i) a 10m buffer area around the object or place must be cordoned off; and
  - (j) OEH must be contacted immediately.
- B99. Work in the immediate vicinity may only recommence if:
  - (a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place; or
  - (b) an **Aboriginal Cultural Heritage Management Plan** is prepared in consultation with the Registered Aboriginal Parties and OEH to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Secretary; or
  - (c) OEH is satisfied as to the measures to be implemented in respect of the object or place and makes a written direction in that regard.

#### **Heritage Interpretation Plan**

- B100. Prior to commencement of operation, the Applicant must prepare a **Heritage Interpretation Plan** based on the recommendations contained in the Heritage Interpretation Strategy (artefact, 2017) approved under MPE Stage 1. The plan must be prepared for the entire Moorebank Intermodal Precinct (MPE and MPW sites).
- B101. The plan must form part of the OEMP required by condition C3 and must:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with NSW Heritage Division, Council, relevant landowners and stakeholders including the Moorebank Heritage Group (MHG), Department of Defence, as well as the Relevant Aboriginal Parties (RAPs) should themes relating to Aboriginal heritage be included for interpretation; and
  - (c) be approved by the Secretary prior to the commencement of operation.

#### **BIODIVERSITY**

- B102. The Applicant must:
  - (a) ensure that no more than 4.69 hectares of native vegetation is cleared for the development; and
  - (b) minimise:
    - i. the impacts of the development on hollow-bearing trees
    - ii. the clearing of native vegetation and key habitat within the approved disturbance footprint.

B103. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Applicant must retire biodiversity credits of a number and class specified in **Tables 6 and 7** below, and provide evidence to the satisfaction of the Secretary. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects, and can be achieved by

- (a) acquiring or retiring credits under the BioBanking scheme established under the then *Threatened Species Conservation Act 1995*
- (b) making payments into an offset fund that has been established by the NSW Government; or
- (c) providing suitable supplementary measures.

**Table 6: Ecosystem credit requirements**

Site	Plant community type	Area to be impacted	Credits required
MPE Stage 2 (excluding Moorebank Avenue site)	<b>Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)</b>	0.1 ha	4
MPE Stage 2 (excluding Moorebank Avenue site)	<b>Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion (ME002)</b>	0.05 ha	3
Moorebank Avenue site	<b>Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)</b>	3.73 ha	167
Moorebank Avenue site	<b>Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005)</b>	0.22 ha	6
Moorebank Avenue site	<b>Forest Red Gum - Roughbarked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney (ME018)</b>	0.59	17

**Table 7: Species credit requirements**

Species	Impacted individuals	Credits required
<b>Nodding Geebung (<i>Persoonia nutans</i>)</b>	12	924
<b><i>Hibbertia puberula</i> subsp. <i>puberula</i></b>	110	4400
<b>Small-flower Grevillia (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)</b>	79	1106

B104. Notwithstanding condition B102, the Applicant:

- (a) may elect to retire biodiversity credits in conjunction with the retirement of biodiversity credits for other developments on the MPE or MPW developments, prior to the commencement of construction of this development, or at another time agreed by the Secretary; and
- (b) is not required to retire credits for biodiversity impacts that it has already offset under another development consent, pending the provision of evidence of what credits were retired to offset which development.

#### **Baseline Monitoring Program**

B105. Prior to early works, a baseline monitoring program must be prepared in consultation with OEH and DPI to define pre-development conditions for water quality, invertebrates and fish assemblages. The results of this monitoring program are to be used to:

- (a) develop a **Biodiversity Monitoring Strategy** to identify any changes between upstream and downstream sites as a result of the construction and operation of the development; and
- (b) set the stormwater water quality and quantity performance criteria referred to in condition B41.

B106. Any unavoidable indirect impacts as identified through the Biodiversity Monitoring Strategy required under condition B105, e.g. impacts of change hydrology on vegetation in boot land/ biobank site must be identified and measures to address this must be developed in consultation with OEH and implemented to the satisfaction of the Secretary. Measures may include additional offsetting.

#### **Construction Flora and Fauna Management Plan**

- B107. Prior to clearing of native vegetation, the Applicant must prepare a **Construction Flora and Fauna Management Plan (CFFMP)** in consultation with OEH. The CFFMP must form part of the CEMP required by condition C1 and must include the following:
- (a) measures to minimise the loss of key fauna habitat, including tree hollows;
  - (b) measures to minimise the impacts on fauna on site, including conducting fauna pre-clearance surveys prior to vegetation clearing and building demolition;
  - (c) controlling weeds and feral pests;
  - (d) an Unexpected Finds Procedure detailing procedures and management measures to be implemented in the event that flora and fauna is uncovered in any area not identified in the updated Biodiversity Assessment (BAR);
  - (e) to ensure biodiversity values not intended to be impacted are protected. These measures may include barriers and mapping of protected/ 'no-go' areas; and
  - (f) a program to monitor the effectiveness of the measures in the CFFMP.

B108. Prior to removing/clearing any vegetation, pre-clearing surveys and inspections for threatened species, populations and ecological communities must be undertaken to confirm the on-site location of those entities. The surveys and inspections, and any subsequent relocation of species and associated management measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist.

Methodologies must be incorporated into the **Construction Flora and Fauna Management Plan** required under condition B107. The agreement of OEH, whichever is the relevant agency, is required for any proposed amendments to the location or reclassification of threatened species, populations and ecological communities as identified in the updated BAR.

#### **Operational Flora and Fauna Management Plan**

- B109. Prior to operation, the Applicant must prepare an **Operational Flora and Fauna Management Plan (OFFMP)** in consultation with OEH. The **OFFMP** must form part of the **OEMP** required by condition C3 and must include measures to ensure biodiversity values not intended to be impacted are protected, including but not limited to:
- (i) weed control;
  - (ii) feral animal control;
  - (iii) pathogen management procedures;
  - (iv) monitoring; and
  - (v) rehabilitation actions.

B110. Bushfire asset protection zones are to be contained wholly within the site boundary and management of the inner protection zone and must not impact on the Boot Land.

#### **HAZARDS AND RISKS**

##### **Dangerous Goods**

- B111. The Applicant (the operator/occupant of each premises) must store and handle all chemicals, fuels and oils, including Dangerous Goods as defined in the *Australian Code for the Transport of Dangerous Goods by Road & Rail*, in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.
- In the event of an inconsistency between the requirements listed above, the most stringent requirement shall prevail to the extent of the inconsistency.
- B112. The Applicant (the operator/occupant of each premises) must ensure compliance with the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management* – technical bulletin (EPA, 1997 and that for liquids, a minimum bund volume of 110% of the volume of the largest single stored volume within the bund is required.

B113. The quantities of Dangerous Goods present at any time within each premises or transported from and to the development must be kept below the screening threshold quantities listed in the Department's *Hazardous and Offensive Development Guidelines Application Guidelines Applying SEPP 33* (January 2011).

B114. Prior to occupation of each premises and in each instance of occupation by a new occupant, a report must be submitted to the Secretary confirming that the premises will be operated so as to comply with the requirements of conditions B111 and B113.

Notes:

*The total quantity of DG within a warehouse must be considered as part of the screening, not the size of one container and separation distances must be based on the Applying SEPP 33 guideline.*

### **Emergency Response Plan**

B115. Six months prior to operation, the Applicant must prepare an **Emergency Response Plan**, in consultation with FRNSW and NSW Police Force.

The Emergency Response Plan must include, but not be limited to:

- (a) protocols and procedures to be followed during emergency situations associated with the operation of the project (including fires and explosions). The protocols and procedures are to take into account the needs of people with a disability or who may experience access problems in emergency situations;
- (b) details of traffic management measures to be implemented during emergencies, where appropriate, to minimise the potential for escalation of the emergency;
- (c) design and management measures to address the potential environmental impacts of an emergency situation, including measures for containment of contaminated fire-fighting water, fuel spills and gaseous combustion products; and
- (d) details of a training and testing program to ensure that all operational staff are familiar with the Emergency Response Plan.

### **WASTE MANAGEMENT**

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

B116. All waste generated by the project must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* EPA 2014.

B117. Prior to the commencement of early works, the Applicant must prepare a **Construction and Demolition Waste Management Plan** for the development to the satisfaction of the Secretary. The plan must form part of the CEMP required by condition C1 and must detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations.

B118. The Applicant must:

- (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Secretary; and
- (b) carry out the development in accordance with the most recent version of the Construction and Demolition Waste Management Plan approved by the Secretary.

#### **Operational Waste Management**

B119. Prior to the commencement of operation, the Applicant must prepare a **Waste Management Plan** for the development to the satisfaction of the Secretary. The Waste Management Plan must form part of the OEMP required by condition C3 and be prepared in accordance with condition C7. 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 Guidelines Part 1: Classifying Waste (EPA, 2014) (as may be updated or replaced from time to time);
- (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 B.

B120. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site or be deposited on or otherwise enter neighbouring public or private properties.

#### **Statutory Requirements**

B121. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B122. 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).

- B123. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal unless it satisfies these conditions.
- B124. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B125. The collection of waste generated during operation of the development must be undertaken between 7 am to 10 pm Monday to Friday.

#### **PESTS, VERMIN AND NOXIOUS WEED MANAGEMENT**

- B126. The Applicant must:
- (a) take all reasonable steps to manage pests and vermin on the site;
  - (b) manage declared noxious weeds on the site in accordance with the requirements of the *Noxious Weeds Act 1993*; and
  - (c) inspect the site on a regular basis, no less than every 3 months, to ensure that these measures are working effectively, and that pests, vermin or noxious 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, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.*

#### **CONTAMINATION**

- B127. The Applicant must provide the NSW EPA with a copy of all reports to date relating to the assessment of per- and poly-fluoroalkyl substances including perfluorooctanoate (PFAS) undertaken for the Site.
- B128. Prior to the commencement of early works or construction on site, the Applicant must engage a Site Auditor accredited under the EPA *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B129. Prior to the commencement of early works or construction on site, an appropriate assessment of PFAS must be prepared by a suitably qualified and experienced consultant in accordance with the *Designing Sampling Programs for Sites Potentially Contaminated by PFAS* (EPA 2016). A copy of this assessment must be provided to the NSW EPA and the appointed Site Auditor. In any instance where contamination is identified as migrating from the site, off-site investigation is required to be undertaken.
- B130. Should PFAS contamination be identified at the Site, a suitably qualified and experienced consultant must prepare a plan in consultation with the Site Auditor detailing the proposed remediation and/or management measures to address the on-site and off-site impacts. The plan must be approved by the appointed Site Auditor.
- B131. Should the Applicant identify a potential risk to off-site receptors due to PFAS contamination, the Applicant must contact the NSW EPA as soon as practicable to discuss requirements for community consultation.
- B132. The Applicant must submit to the Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW *Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme* (3<sup>rd</sup> edition, 2017), which demonstrates that the site is suitable for its intended land use.
- B133. Should off-site PFAS contamination be identified, the Applicant must contact the NSW EPA as soon as practicable to discuss potential long-term management options.
- B134. Prior to any demolition on the site, and entry and any subsurface activities within the southern burial pits, an **UXO, EO and EOW Site Assessment Survey** must be undertaken by an UXO contractor listed on the Defence Panel of suitably qualified UXO consultants and contractors and submitted to the Secretary.
- B135. Prior to early works and fill importation, a **Contamination Management Plan** must be prepared to the satisfaction of the Secretary and form part of the CEMP required under condition C1. The Contamination Management Plan is to be based on the Environmental Management Plan prepared by GHD (2016) and results of the UXO, EO and EOW Site Assessment Survey and must take into account additional risks posed by the proposed works and in particular:
- (a) excavation within the southern burial pits;
  - (b) removal/remediation of underground storage tanks;
  - (c) disturbance of soil containing asbestos material; and
  - (d) demolition of buildings containing asbestos materials.
- B136. The Contamination Management Plan must include:
- (a) an **UXO, EO and EOW management and remediation plan**, prepared by a qualified person(s) listed on the Defence Panel;
  - (b) an **Asbestos Management Plan**; and
  - (c) **Unexpected Finds Procedure**.

The Contamination Management Plan must be approved by a NSW EPA Accredited Site Auditor prior to submission to the Secretary.

B137. Following demolition, a supplementary UXO, EO and EOW Site Assessment Survey is to be undertaken and an updated Contamination Management Plan is to be prepared to the satisfaction of the Secretary to address any additional contamination issues identified. Remediation works must only be carried out by suitably qualified and experienced contractor(s) including a contractor listed on the Defence Panel in the case of UXO, EO and EOW.

## **URBAN DESIGN, VISUAL AMENITY AND LANDSCAPE**

### **Urban Heat Island Mitigation Strategy**

B138. Prior to commencement of permanent built surface works and/or landscaping, or as otherwise agreed by the Secretary, an **Urban Heat Island (UHI) Mitigation Strategy** must be prepared and submitted to the Secretary for approval. The UHIMS must be prepared by a suitably qualified and experienced person(s).

The **UHI Mitigation Strategy** must

- (a) review the current architectural details, building layout, landscaping provision, shading provision, landscape irrigation, stormwater water detention and WSUD, as well as building and paving material specifications;
- (b) make recommendations to mitigate the UHI effects generated by the development including but not limited to:
  - (i) provision of WSUD elements;
  - (ii) street tree planting;
  - (iii) landscape coverage and screening;
  - (iv) use of building material including reflectivity;
  - (v) use of pavement material including reflectivity; and
  - (vi) heat generation from operations; and
- (c) details of where and how recommendations from the **UHI Mitigation Strategy** have been incorporated into the:
  - (i) updated final Development Layout Plans and WSUD Plans required by conditions A22 and A23;
  - (ii) updated final architectural details required by condition A24;
  - (iii) UDLP required by condition B139;
  - (iv) CEMP required by condition C1; and
  - (v) OEMP required by condition C3.

### **Urban Design and Landscape Plan**

B139. Prior to commencement of permanent built surface works and/or landscaping, or as otherwise agreed by the Secretary, an **Urban Design and Landscape Plan (UDLP)** must be prepared. The **UDLP** must be prepared by a suitably qualified and experienced person(s), in consultation with the relevant council(s). The **UDLP** must be approved by the Secretary. The UDLP must present an integrated urban and landscape design for the development, and must include, but not be limited to:

- (a) identification of design objectives, principles and standards based on -
  - (i) local environmental values,
  - (ii) urban design context,
  - (iii) sustainable design and maintenance,
  - (iv) community, visitor and worker safety, amenity and privacy, including 'safer by design' principles where relevant,
  - (v) relevant design standards and guidelines,
  - (vi) addressing the visual amenity and values of adjoining receivers,
  - (vii) minimising and addressing the footprint of the project (including at operational facilities), and
  - (viii) the urban design principles outlined in the documents referred to in condition A2;
- (b) landscaping and building design opportunities to mitigate the visual impacts of buildings and infrastructure particularly when viewed from Moorebank Avenue, Wattle Grove, and Casula);
- (c) details on the location of existing vegetation and proposed landscaping (including use of endemic and advanced tree species where practicable). Details of species to be replanted/revegetated must be provided, including their appropriateness to the area and habitat for threatened species. Where feasible and reasonable, top soil and vegetation to be removed must be reused;
- (d) details of pedestrian movement through the site and to surrounding areas for employees;
- (e) incorporate the following:
  - (i) a minimum landscaped width of 10m within the 18m setback from Moorebank Avenue;
  - (ii) the footprint of the warehouses along the eastern boundary must be reduced so that the car parking area and warehouse can be setback a minimum of 5m from the eastern internal road to provide visual screening of the building, and adequate landscape width to support canopy trees;
  - (iii) landscaping located around the car parking areas is to support sufficient canopy trees to provide visual screening to the warehouse buildings;
  - (iv) 15% of the site landscaped at ground level, 10% of which must include soft landscaping and not include land set aside for future access ways;
  - (v) minimum rate of 1 canopy tree per 30m<sup>2</sup> of landscaped area;
  - (vi) a 2.5 m wide landscaped bay every 6-8 car spaces incorporating canopy trees for shade;
  - (vii) perimeter site screening using advanced shrubs and canopy trees;



- (viii) perimeter and on site detention and biofiltration/bioretenion basin fences higher than 1.2m must be transparent and dark in colour but not constructed of chain wire.
- (f) include a planting schedule including details of the soil specification and depth and irrigation systems as well as tree and shrub species, expected mature height, pot sizes and planting densities) and deep soil areas containing soil (not spoil);
- (g) a description of the retaining walls, including the graphics such as sections, perspective views and material details;
- (h) details of the landscaped areas and solid fencing required to screen waste bin or other outside storage areas;
- (i) graffiti management commitments and provisions;
- (j) the sub-plans identified in condition B140;
- (k) details of where and how recommendations from the UDLP and sub plans have been incorporated into the:
  - (i) updated final Development Layout Plans and WSUD Plans required by conditions A22 and A23;
  - (ii) updated Architectural Details required by condition A24, including architectural elements to articulate building facades and minimise large expanses of blank walls
  - (iii) updated OEMP required by condition B63
- (l) details of how the principles of Ecologically Sustainable Development listed at condition B141, in particular rainwater capture and reuse and energy efficiency have been incorporated into the UDLP and final **Stormwater Management Plan** plans required by Condition B41
- (m) details how the **Heritage Interpretation Plan** required by condition B100 has been incorporated into the **UDLP**;
- (n) details of how the **UHI Mitigation Strategy** required by condition B138 has been incorporated into the **UDLP** and final Development Layout, **Stormwater Management Plan** and Architectural Details;
- (o) details of where and how recommendations from the **Flora and Fauna Management Plan** for adjoining offset area (condition B107) have been incorporated into the **UDLP**,
- (p) details of where and how recommendations from the **Bushfire Management Plan** (condition B143) have been incorporated into the **UDLP**,
- (q) details of where and how employee facilities including but not limited to secure bicycle parking, pedestrian paths, outdoor eating areas have been incorporated into the **UDLP**; and
- (r) evidence of consultation with the Relevant Council(s), prior to finalisation of the **UDLP**.

The **UDLP** must be implemented prior to occupation of the warehouse and freight village, unless otherwise agreed by the Secretary.

*Note:*

*The UDLP may be submitted in parts to address the built elements of the development and landscaping aspects of the development.*

B140. The **Urban Design and Landscape Plan** must include the following sub-plans:

- (a) a **Landscape Vegetation Management Sub Plan** to assist in the monitoring and maintenance of landscape elements required to be delivered as part of the approval. The Plan must be prepared and approved by the Secretary within twelve months of the date of this approval, unless otherwise agreed by the Secretary.

The Plan must provide details of the monitoring and maintenance procedures for the landscape vegetation elements, rehabilitated vegetation and landscaping (including weed and pathogen control) including performance indicators, identification of commitments, identification of the responsibilities of each entity involved in the management of the intermodal precinct including the overarching management responsibilities and obligations for common land and tenant responsibilities, timing and duration, as well as contingencies where rehabilitation of vegetation and landscaping measures fail.

The approved plan must be delivered prior to occupation of the warehouse and freight village.

- (b) a **Lighting Sub Plan** to assist in the control of lighting and reduce the visual impact of the 24 hour operational facility when viewed from residents within residential areas within the locality. The Plan must provide an assessment of the location, design specification and impacts of operational lighting associated with the development and measures proposed to minimise lighting impacts and standardise lighting design within the MPE development. The Plan must be prepared and approved by the Secretary. The Applicant must ensure that the lighting associated with the development:
  - (i) complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997);
  - (ii) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network; and
  - (iii) is designed to reduce light spill and mitigate the visual impact of the 24-hour facility when viewed from the residential areas in the locality and the Boot Land.
- (c) The **Lighting Sub Plan** must identify and provide details of the common and individual lighting throughout the development to reduce light spill and mitigate visual impact on the residential areas in the locality by:
  - (i) eliminating upward spill light;
  - (ii) directing light downwards, not upwards;

- (iii) using shielded fittings;
- (iv) avoiding 'over' lighting;
- (v) switching lights off when not required;
- (vi) using energy efficient bulbs;
- (vii) using asymmetric beams, where floodlights are used;
- (viii) ensuring lights are not directed towards reflective surfaces; and
- (ix) using warm white colours.

The approved plan must be delivered prior to occupation of the warehouse and freight village.

- (d) **Cycling and Pedestrian Access and Facilities Sub Plan** to assist in safe cycling and pedestrian connectivity through the MPE precinct by providing dedicated linkages between the warehouses, the freight freight village and Moorebank Avenue that will contribute to the quality and safety of the pedestrian and cyclist environment associated with the development. The Plan must be prepared by a suitably qualified and experienced person(s) and approved by the Secretary within twelve months of the date of this approval, unless otherwise agreed by the Secretary.

The Plan must be prepared by a suitably experienced and qualified person(s) in the design and provision of Cycling and Pedestrian Access and Facilities. The Plan must detail the construction, timing and responsibility for the delivery of Cycling and Pedestrian Access and Facilities and take into account the following considerations:

- (i) all relevant policies, guidelines and plans;
- (ii) provide details for the provision of safe and efficient pedestrian and cyclist access connectivity within the development and include integration with the existing and future pedestrian and cycling access in the locality;
- (iii) provide details of end of trip facilities available on-site at each warehouse which are to include under cover bike storage, showers and change facilities sufficient to accommodate the needs of the forecast number of employee,
- (iv) the layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*.

The approved plan must be delivered prior to occupation of the warehouse and freight village.

- (e) **Employee Outdoor Meal Break Area sub plan** to provide employee amenity associated with the development. The Plan must identify and facilitate the construction and establishment of employee outdoor meal break area and be prepared by a suitably experienced and qualified person(s) and submitted to the Secretary for approval.

The Plan must be prepared by a suitably experienced and qualified person(s) in the design and provision of outdoor open space. The Plan must detail the construction, timing and responsibility for the delivery and maintenance of an individual employee outdoor meal break areas for each warehouse and a communal employee/visitor eating area at the freight village and take into account the following considerations:

- (i) all relevant policies, guidelines and plans,
- (ii) the type of facilities to be provided having regard to forecast future employee and visitor needs,
- (iii) provide detail of the siting and design of outdoor eating areas including seating, lighting, paving, landscaping, screening, shading, vermin proof waste storage and security;
- (iv) include details of the maintenance and waste collection responsibilities.

Where it can be demonstrated to the satisfaction of the Secretary, that an outdoor break area cannot be accommodated on site for each warehouse, an internal eating/sitting area is to be provided within each warehouse and details provided within this subplan.

The approved plan must be delivered prior to occupation of the warehouse and freight village.

- (e) **Signage Sub Plan** to assist in the management of individual building, wayfinding and common directory signage associated with the development. The Plan must be prepared by a suitably experienced and qualified person(s). and submitted to the Secretary for approval.

The Plan must detail the design, illumination, construction, timing and responsibility for the delivery and maintenance of individual building and common directory signage and take into account the following considerations:

- (i) provision of wayfinding signage for internal streets to individual buildings and loading docks;
- (ii) individual building signage integration within building forms no higher than 3m above the finished ground;
- (iii) no general advertising;
- (iv) no form of moving or flashing signs;
- (v) no east or south facing illuminated building signage;
- (vi) details of the location and specifications of the common directory board;

- (vii) signs are to display corporate logos and company names and must not to occupy more than 10% of any façade or wall of building;
- (viii) internally illuminated signs are not permitted.

The approved common directory board and wayfinding signs plan must be delivered prior to occupation of the warehouse and freight village.

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B141. Warehouses and the freight village must be designed and operated to meet ESD principles including:

- (a) passive solar design;
- (b) use of energy efficient plant and equipment;
- (c) use of renewable energy sources;
- (d) cross-ventilation
- (e) selection of materials with lower energy manufacturing requirements;
- (f) use of locally sourced materials to reduce impacts associate with transport;
- (g) rainwater capture and reuse;
- (h) water efficient fixtures and fittings; and
- (i) waste minimisation and recycling.

#### BUSHFIRE MANAGEMENT

B142. Before the commencement of construction, the Applicant must ensure that a **Bushfire Emergency and Evacuation Plan** is prepared. The Plan must form part of the CEMP and OEMP required by conditions C1 and C3 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be consistent with the *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*, December 2014 and *Australian Standard AS3745 2010 Planning for Emergencies in Facilities*; and
- (c) a copy of the plan must be submitted to the Secretary, NSW Rural Fire Service, Council and the Certifying Authority prior to occupation.

B143. The entire site must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. An updated **Bushfire Management Plan** must be prepared by a suitably qualified person(s) having regard to the amended final plans and demonstrating that the bushfire asset protection zones can be contained wholly within the site boundary and that management of the inner protection zone will not impact on the Boot Land. The **Bushfire Management Plan** will be submitted to the Secretary prior to construction of permanent access or buildings, unless otherwise agreed by the Secretary.

B144. Public road access must comply with section 4.1.3(1) of *Planning for Bush Fire Protection 2006* except for the requirement for through-access.

B145. The provision of water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

#### ANCILLARY FACILITIES

B146. Ancillary facilities that are not identified by description and location in the documents listed in A2 must not be constructed unless they satisfy the following criteria:

- (a) the facility is development of a type that would, if it were not for the purpose of the development, otherwise be exempt or complying development; or
- (b) the facility is located as follows:
  - (i) at least 50 metres from any waterway unless an erosion and sediment control plan is prepared and implemented so as not to affect water quality in the waterway in accordance with *Managing Urban Stormwater* series;
  - (ii) within or adjacent to land upon which the development is being carried out;
  - (iii) with ready access to a road network;
  - (iv) so as to avoid the need for heavy vehicles to travel on local streets or through residential areas in order to access the facility;
  - (v) on level land;
  - (vi) so as to be in accordance with the INCG (DECC 2009) or as otherwise agreed in writing with affected landowners and occupiers;
  - (vii) so as not to require vegetation clearing beyond the extent of clearing approved under other terms of this approval except as approved by the ER as minor clearing;
  - (viii) so as not to have any impact on heritage items (including areas of archaeological sensitivity) beyond the impacts identified, assessed and approved under other terms of this approval;
  - (ix) so as not to affect lawful uses of adjacent properties that are being carried out at the date upon which construction or establishment of the facility is to commence;

- (x) to enable operation of the ancillary facility during flood events and to avoid or minimise, to the greatest extent practicable, adverse flood impacts on the surrounding environment and other properties and infrastructure; and
- (xi) so as to have sufficient area for the storage of raw materials to minimise, to the greatest extent practicable, the number of deliveries required outside standard construction hours.

B147. Prior to establishment of any ancillary facility that is not identified by description and location in the documents listed in A2 that satisfies the criteria in condition B146, the Applicant must prepare and implement an **Ancillary Facilities Management Plan** which outlines the environmental management practices and procedures for the establishment and operation of the ancillary facility. The **Ancillary Facilities Management Plan** must be prepared in consultation with the relevant council and submitted to the Secretary for approval one month prior to installation of ancillary facilities. The **Ancillary Facilities Management Plan** must detail the management of the ancillary facilities and include:

- (a) a description of activities to be undertaken during construction (including scheduling of construction);
- (b) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the development; and
- (c) details of how the activities described in subsection (a) of this condition will be carried out to:
  - (i) meet the performance outcomes stated in the documents listed in conditions A2; and
  - (ii) manage the risks identified in the risk analysis undertaken in subsection (b) of this condition.

B148. Minor ancillary facilities comprising lunch sheds, office sheds, and portable toilet facilities, that are not identified in the documents listed in condition A2 and which do not satisfy the criteria set out in condition B146 of this approval must satisfy the following criteria:

- (a) have no greater environmental and amenity impacts than those that can be managed through the implementation of environmental measures detailed in the CEMP required under condition C1 of this approval; and
- (b) have been assessed by the ER to have:
  - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *INCG* (DECC 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts;
  - (ii) minimal environmental impact with respect to waste management and flooding; and
  - (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

B149. Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers for the duration of construction unless otherwise agreed with relevant Council(s), and affected residents, business operators or landowners.

B150. Boundary screening required under condition B149B149 must minimise visual, noise and air quality impacts on adjacent sensitive receivers.

## SUBDIVISION

B151. Prior to obtaining a subdivision certificate, the Applicant prepare and submit to the Secretary an updated **Final Subdivision Plan** of the land for approval.

The Applicant is to update the subdivision plan titled Qube Re Services (No. 2) Pty Ltd, prepared by Land Partners Limited, Version 2 dated 25 August 2016 included at Appendix I to the EIS to include the following revisions:

- (a) lot dimensions being detailed on the plan;
- (b) the access way running along the northern boundary of Lot 1 and 4 being deleted;
- (c) the creation of appropriate "Positive Covenants" and "Restrictions as to User", noting in particular the items below:
  - (i) access to proposed Lots 1,2 3 and 4 from the proposed intermodal being provided via a common internal road from Moorebank Avenue or easement;
  - (ii) to ensure ongoing internal access between all components of the intermodal development being the freight terminal, freight village and warehousing, all internal roads as shown on the layout plan titled Figure 4-2 Indicative Proposal warehousing layout, included in the Moorebank Precinct East - Stage 2 Proposal Response to Submissions Appendix I: Consolidated Proposal Description (dated September 2017) are to be shown as common land or as an easement with reciprocal right of way in respect of each proposed lot;
- (d) documentation being submitted with the Final Subdivision Plan for the Secretary approval, identifying the entity responsible for installation and ongoing maintenance of internal roads, utility services including fire hydrants, stormwater infrastructure, estate lighting, external fencing, common directory signs; and
- (e) documentation being submitted with the Final Subdivision Plan for the Secretary approval

B152. Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision of the site, are to be created over those lots in accordance with the *Conveyancing Act 1919*.

A copy of the proposed instrument identifying the easements is to be submitted to the Secretary for approval.

Documentary evidence of the proposed easements must be provided to, and be to the satisfaction of, the relevant certifying authority.

*Note: The form of the easement must be in accordance with Liverpool City Council's standard recitals for terms of easements, or the standard form of easements accepted by NSW Land and Property Information.*

B153. A plan of subdivision must not be registered until:

- (a) the Final Subdivision Plan required under condition B151 is approved by the Secretary; and
- (b) the works identified in the easements detailed in condition B152 are constructed.

The plan of subdivision to be registered is to be the Final Subdivision Plan approved by the Secretary under condition B151.

B154. To ensure that the intermodal development continues to be managed as a single operation, the lots created under the plan of subdivision must be held in the same ownership as the allotment containing the intermodal terminal unless documentation is submitted providing evidence to the satisfaction of the Secretary that the development can continue to be managed as a single entity notwithstanding a fragmented ownership pattern.

B155. A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development must be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "Preservation of Survey Infrastructure".

B156. Prior to the issuing of the subdivision certificate, the relevant Certifying Authority must ensure that each lot is connected to required services, drainage and utilities.

B157. The Applicant must submit written evidence of consent from the relevant electricity and gas network operator(s) demonstrating that satisfactory arrangements have been made to service the proposed development.

B158. The section 73 Compliance Certificate must be obtained from Sydney Water Corporation and submitted to the relevant certifying authority prior to issue of a subdivision certificate, and show that the development has met the detailed requirements of Sydney Water Corporation.

## **FOOD PREPARATION AREAS**

B159. All food premises must be designed, constructed and operated to meet legislative requirements and Australian Standards including:

- (a) the Australian New Zealand Food Standards Code including Food Safety Standard 3.2.2 *Food Premises and Equipment*;
- (b) AS 4674-2004: Design, construction and fit out of food premises;
- (c) AS 4322-1995: Quality and performance of commercial electrical appliances – Hot food storage and display equipment;
- (d) AS ISO 22000-2005: Food safety management systems-Requirements for any organisation in the food chain.

B160. The Applicant must obtain a certificate from a suitable qualified tradesperson, certifying that kitchen, food storage and food preparation areas have been fitted in accordance with *Australian Standard AS4674*. The Applicant must provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to occupation.

## **COMMUNITY ENGAGEMENT**

### **Community Consultative Committee**

B161. Before early works and fill importation a Community Consultative Committee (CCC) must be established for the Moorebank Intermodal Precinct (MPE and MPW) in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must function for the duration of construction and for at least 5 years following commencement of operation.

- Notes:*
- *The CCC is an advisory committee only.*
  - *In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

### **Community Communication Strategy**

B162. No later than one month before early works and fill importation, a **Community Communication Strategy** must be prepared and submitted to the Secretary for approval. The Community Communication Strategy is to provide

mechanisms to facilitate communication between the Applicant, the Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development. The Community Communication Strategy must:

- (a) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
- (a) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- (b) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works or manage traffic disruptions;
- (c) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (d) include a complaints procedure for recording, responding to and managing complaints, including:
  - (i) email, toll-free telephone number and postal address for receiving complaints;
  - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
  - (iii) 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
  - (iv) procedures for the resolution of any disputes that may arise during the course of the development.

B163. The Applicant must:

- (a) not commence construction until the Community Communication Strategy is approved by the Secretary;
- (b) implement the approved Community Communication Strategy for the duration of the development and for 24 months following the completion of operation.

B164. The Complaints Register must be provided to the Secretary within 7 days upon request, for the period detailed within the request.

**PART C**  
**ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- C1. Before the commencement of construction, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of the Secretary. The CEMP must:
- (a) identify the statutory approvals required to carry out the development;
  - (b) outline all environmental management practices and procedures to be followed during construction works associated with the development;
  - (c) describe all activities to be undertaken on the site during construction of the development, including a clear indication of construction stages;
  - (d) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (e) describe the roles and responsibilities for all relevant employees involved in construction works associated with the development; and
  - (f) include the management plans required under this approval, including:
    - (i) Construction Traffic and Access Management Plan;
    - (ii) Concrete Batching Plant Management Plan;
    - (iii) Soil and Water Management Plan;
    - (iv) Flood Emergency Response Plan;
    - (v) Construction Air Quality Management Plan;
    - (vi) Construction Noise and Vibration Management Plan;
    - (vii) Heritage Management Plan;
    - (viii) Construction Flora and Fauna Management;
    - (ix) Construction and Demolition Waste Management Plan;
    - (x) Contamination Management Plan; and
    - (xi) Bushfire Emergency and Evacuation Plan.
- C2. The Applicant must:
- (a) not commence construction until the CEMP is approved by the Secretary; and
  - (b) carry out the construction of the development in accordance with the most recent version of the CEMP approved by the Secretary, unless otherwise agreed by the Secretary.

**OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN**

- C3. Before the commencement of operations, a Precinct Operational Environmental Management Plan (OEMP) must be prepared to the satisfaction of the Secretary. The OEMP must:
- (a) be prepared by a suitably qualified and experienced expert;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals required to carry out the development;
  - (d) Identify the infrastructure to be managed under the Precinct OEMP which is to include pavements, stormwater detention and water quality treatment structures and devices; and landscaping.
  - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development including the overall responsibility for the operational environmental management of the freight village;
  - (f) describe the procedures to 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
  - (g) include the management plans required under this approval, including:
    - (i) Operational Traffic and Access Management Plan;
    - (ii) Workplace Travel Plan;
    - (iii) Stormwater Infrastructure Operation and Maintenance Plan;
    - (iv) Flood Emergency Response Plan;
    - (v) Operational Air Quality Management Plan;
    - (vi) Operational Noise and Vibration Management Plan;
    - (vii) Heritage Interpretation Plan;
    - (viii) Operational Flora and Fauna Management Plan;
    - (ix) Waste Management Plan;

- (x) Long-term Contamination Management Plan; and
- (xi) Bushfire Emergency and Evacuation Plan.

- C4. The Applicant must:
- (a) not commence operation of the development until the OEMP is approved by the Secretary; and
  - (b) operate the development in accordance with the most recent version of the OEMP approved by the Secretary, unless otherwise agreed by the Secretary.
- C5. Overall responsibility of the development, including the freight village environmental management during operation, must be by the entity responsible for the Precinct environmental management.

#### **OCCUPATION ENVIRONMENTAL MANAGEMENT PLAN**

- C6. Prior to occupation of individual warehouses, a **Warehouse OEMP** must be submitted to the Secretary for approval and must:
- (a) be generally in accordance with the precinct OEMP required under condition C3;
  - (b) demonstrate compliance with condition B113 regarding maintenance of quantities of dangerous goods below the screening threshold; and
  - (c) include auditing requirements.

#### **MANAGEMENT PLAN REQUIREMENTS**

- C7. The Applicant must ensure that the environmental management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) a description of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures/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 management measures to be implemented to comply with the relevant statutory requirements, limits or performance measures/criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of any management measures (see (c) above);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences;
  - (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) incidents and non-compliances;
    - (ii) complaints;
    - (iii) non-compliances with statutory requirements; and
  - (h) a protocol for periodic review of the plan.

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

#### **Revision of Strategies, Plans and Programs**

- C8. At least one month prior to the commencement of a new phase of the development, the CEMP or OEMP and applicable subplans must be reviewed and submitted to the Secretary for approval.
- C9. Within three months of:
- (a) the submission of an annual review under condition C10;
  - (b) the submission of an incident or non-compliance notification under condition C13;
  - (c) the submission of an audit under condition C18;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Secretary under condition A2;

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

*Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the development.*



## ANNUAL REVIEW

- C10. Each year, the Applicant must submit a review the environmental performance of the development (including all tenants and occupants) to the to the Department. The review must:
- (a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;
  - (b) include a comprehensive review of the monitoring results and complaints records from the previous year, including a comparison of these against the:
    - (i) the relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) the monitoring results of previous years; and
    - (iv) the relevant predictions in the EIS, Submissions Report, Consolidated assessment clarification responses; Modification Assessment, or conditions of this consent;
  - (c) identify any non-compliance over the previous year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the development;
  - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the CCC and any interested person upon request.

## REPORTING

### Incident Notification, Reporting and Response

- C11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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.
- C12. A written incident notification addressing all requirements for such notification set out in Appendix D of this consent, must also be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 7 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 or, having given such notification, subsequently forms the view that an incident has not occurred.
- C13. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements for such reporting set out in Appendix D of this consent, and such further reports as may be requested.
- C14. Any written requirements of the Secretary or relevant public authority (as determined by the Secretary) which may be given at any point in time, to address the cause or impact of an incident must be complied with and within any timeframe specified by the Secretary or relevant public authority.
- C15. If statutory notification is provided to EPA as required under the POEO Act in relation to the development, such notification must also be provided to the Secretary within 24 hours after the notification was provided to EPA.

### Non-compliance Notification and Reporting

- C16. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within 7 days after the Applicant becomes aware of any non-compliance.
- C17. The 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, the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the non-compliance.

## AUDITING

### Independent Environmental Audit

- C18. Within one year of the commencement of any development under this consent, and every three years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) be carried out in consultation with the relevant agencies and the CCC;

- (c) assess the environmental performance of the development (and tenancies) and assess whether it is complying with the relevant requirements in this consent, and any strategy, plan or program required under this consent; and
- (d) review the adequacy of any approved strategy, plan or program required under this consent; and
- (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under this consent.

C19. Within three months of commencing an Independent Environmental Audit, or unless otherwise agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

#### ACCESS TO INFORMATION

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

- (a) make copies of the following 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) regular reporting on the environmental performance of the development in accordance with the reporting arrangements 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 make a complaint;
  - (viii) a complaints register updated on a monthly basis;
  - (ix) the Annual Reviews of the development;
  - (x) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xi) any other matter required by the Secretary; and
- (b) keep such information up to date, to the satisfaction of the Secretary.

#### COMPLIANCE MONITORING AND TRACKING

C21. The Proponent must prepare and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Compliance Tracking Program must be submitted to the Secretary for approval prior to the commencement of construction.

The Compliance Tracking Program must include, but not be limited to:

- (a) provision for the notification of the Secretary prior to the commencement of construction and prior to the commencement of operation of the development (including prior to each stage, where works are being staged);
- (b) provision for periodic review of the compliance status of the development against the requirements of this approval and the environmental management measures committed to in the documents referred to in condition A2;
- (c) provision for periodic reporting of compliance status to the Secretary, including but not limited to:
  - (i) a Pre-Construction Compliance Report prior to the commencement of construction,
  - (ii) quarterly Construction Compliance Reports, for the duration of construction, and
  - (iii) a Pre-Operation Compliance Report prior to the commencement of operation, and six monthly operational compliance reports;
- (d) a program for independent environmental auditing;
- (e) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- (f) provision for reporting environmental incidents to the Secretary during construction;
- (g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and (h) provision for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

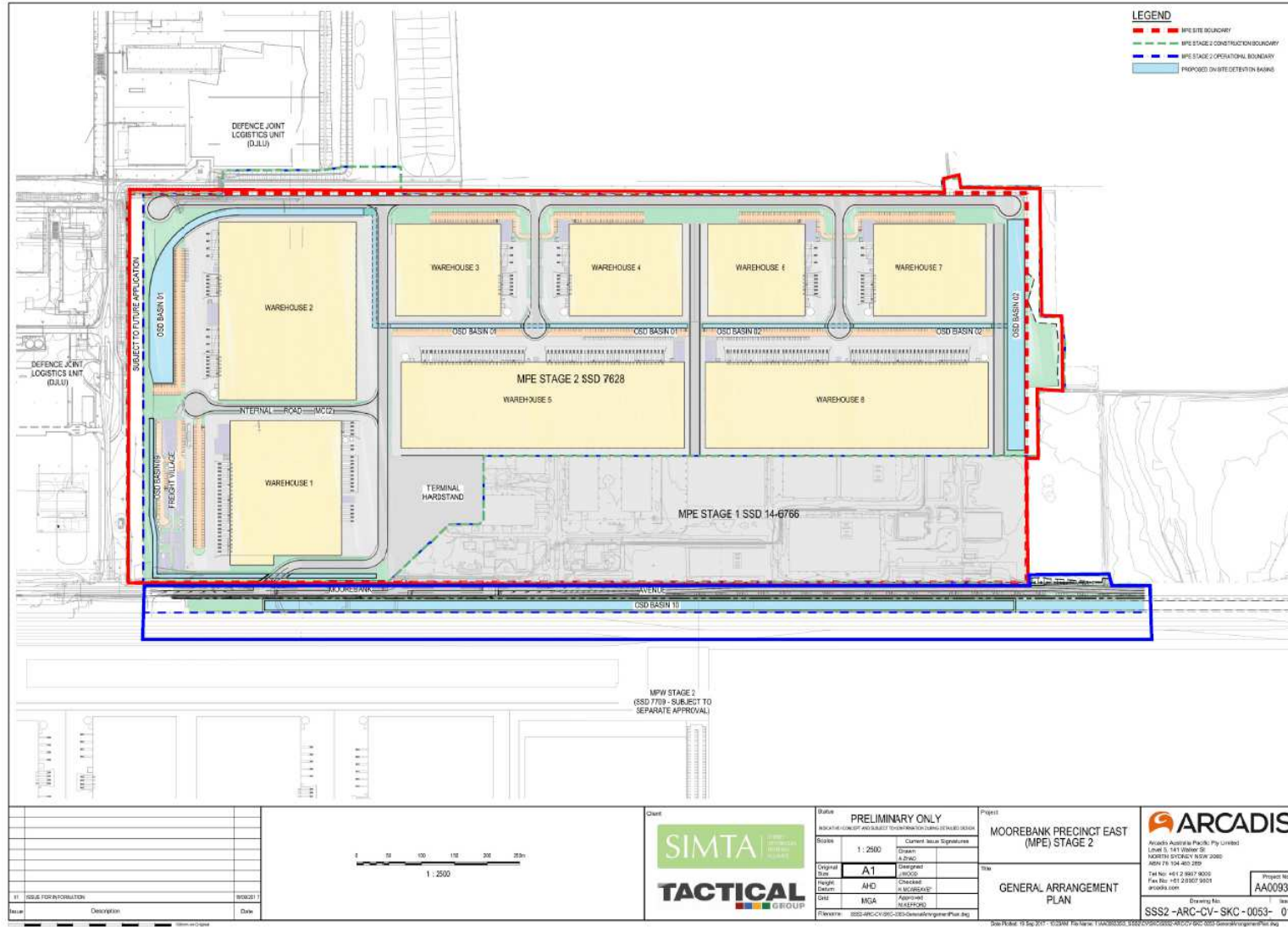
#### ENVIRONMENT REPRESENTATIVE

C22. A suitably qualified and experienced ER who is independent of the development must be nominated by the Applicant, approved by the Secretary and engaged for the duration of construction of the development in accordance with the *Environmental Representative Protocol* (DPE 2017). Additional ERs may be engaged for the purpose of this condition in which case the obligations to be carried out by an ER under the terms of this consent may be satisfied by any ER

that is approved by the Secretary. The details of nominated ER(s) must be submitted to the Secretary for approval no later than one month prior to the commencement of works, or within another timeframe agreed with the Secretary.

- C23. Construction must not commence until an ER nominated under C24 has been approved by the Secretary.
- C24. From commencement of any works until completion of construction, the approved ER must:
- (a) on behalf of the Applicant, receive and respond to communication from the Secretary in relation to the environmental performance of the development;
  - (b) consider and inform the Secretary on matters specified in the terms of this consent;
  - (c) consider and recommend any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
  - (d) review the following documents required to be prepared under the terms of this consent, ensure they are consistent with requirements in or under this consent and if so, endorse them prior to submission to the Secretary (if required to be submitted to the Secretary) or prior to implementation (if not required to be submitted to the Secretary):
    - (i) CEMP;
    - (ii) OEMP; and
    - (iii) the other plans and sub-plans required by these conditions, and referenced in conditions C1 and C3;
  - (e) regularly monitor the implementation of all documents required to be prepared under the terms of this consent to ensure implementation is being carried out in accordance with what is stated in the document and the terms of this consent;
  - (f) as may be requested by the Secretary, help plan, attend or undertake Department audits of the development including scoping audits, programming audits, briefings, and site visits, but not independent audits required under condition C18 of this consent;
  - (g) if conflict arises between the Applicant and the community in relation to the environmental performance of the development, attempt to resolve the conflict, and if it cannot be resolved, notify the Secretary;
  - (h) consider any minor amendments to be made to the CEMP, CEMP sub-plans and monitoring programs that comprise updating or are of an administrative nature, and are consistent with the terms of this consent and the CEMP, CEMP sub-plans and monitoring programs approved by the Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this consent; and
  - (i) prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly Environmental Representative Report detailing the ER's actions and decisions on matters for which the ER was responsible in the preceding month (or other timeframe agreed with the Secretary). The Environmental Representative Report must be submitted within seven (7) days following the end of each month for the duration of construction of the development, or as otherwise agreed with the Secretary.

# APPENDIX A SITE PLAN



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

**APPENDIX C**  
**INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

**WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a) identify the development and application number
- b) provide details of the incident (time, date, nature, duration and location of the incident)
- c) the nature, the estimated quantity or volume and the concentration of any pollutants involved, if known
- d) the circumstances in which the incident occurred (including the cause of the incident, if known)
- e) identify how the incident was detected
- f) identify when the Applicant became aware of the incident
- g) identify any actual or potential non-compliance with conditions of consent
- h) describe what immediate steps were taken in relation to the incident
- i) identify further action(s) to be taken in relation to the incident
- j) identify a contact for further communication regarding the incident and set out their contact details.

**INCIDENT REPORT REQUIREMENTS**

The Incident Report must include:

- a) a summary of the incident
- b) outcomes of an incident investigation, including identification of the cause/s 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
- d) details of any communication with other stakeholders regarding the incident.