



New South Wales Government
Independent Planning Commission

28 November 2019

Mr Chris Ritchie
Director, Key Sites Assessments
Department of Planning, Industry and Environment

By email: [REDACTED]

Cc: [REDACTED]

Dear Mr Ritchie

Qantas Flight Training Centre (SSD-10154) (Application)

Thank you for your ongoing assistance and correspondence to assist with the Commission's determination of the above Application.

The Commission has made some suggested amendments to the Department's recommended conditions (tracked changes document included at **Attachment A**). The Commission would be grateful if the Department could review these suggestions and advise of any workability issues or unintended consequences.

The Commission has also been provided with advice from Bayside Council in relation to recommended conditions (**Attachment B**). Can you please review Bayside Council's comments and advise the Commission on Council's recommended conditions.

The Commission would appreciate a response to this by close of business **Thursday 28 November 2019**.

If you have any questions, please contact Casey Joshua, Senior Planning Officer, on [REDACTED] or at casey.joshua@ipcn.nsw.gov.au.

Yours sincerely

Helen Mulcahy
Director - Planning
Independent Planning Commission

Attachment A: Proposed condition amendments

Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4 5(a) of the *Environmental Planning and Assessment Act 1979*, 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; 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 2019 File E.19/5315

SCHEDULE 1

Application Number: SSD-10154
Applicant: Airways Limited
Consent Authority: Independent Planning Commission
Site: Lot 2 & 4 DP 134489, Lot B, DP 164829, part of Lot 1 DP 20274, and part of Lot 133 DP 659434
297 King Street Mascot
Development: Construction and operation of a flight training centre, multi-deck car park and ancillary structure

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DEFINITIONS

Applicant	Qantas Airways Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	Demolition and the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Bayside Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submission, including the works and activities comprising the construction and operation of a flight training centre, multi-deck car park and associated infrastructure as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of material, excavation for installation of drainage and services, to prepare the site for construction
EES	Environment, Energy and Science (formerly Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement on State Significant Development 154: Qantas Flight Training Centre</i> , prepared by Urbis Pty Ltd dated May 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the Telecommunications Act 1997
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or

	Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Night	The period from 10pm to 7am on Monday to Sunday, and 10pm to 7am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The operation of the flight training centre, multi-directional taxi and associated infrastructure
PCA	Principal Certifying Authority, in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
RTS	Response to Submissions titled ‘ <i>Response to Submissions and Amended Project Report for State Significant Development 10154 – Qantas Flight Training Centre</i> ’ prepared by Urbis Pty Ltd dated August 2019
RTS Addendum	Addendum to the Response to Submissions titled ‘ <i>Addendum Response to Submissions and Amended Project Report – Qantas Flight Training Centre SSD_10154</i> ’ prepared by Urbis Pty Ltd, dated 31 October 2019
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1

TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

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SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

LIMITS OF CONSENT

Lapsing

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

NOTIFICATION OF COMMENCEMENT

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

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A8. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent no. 1667 dated 29/04/1988 for the use of the site as a car park, in accordance with the EP&A Regulation.
- A9. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A8, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building work. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:

Commented [J11]: Ambiguous – the reference to “that date” may be interpreted to mean “the date from which it operates” rather than five years after. Maybe change “before that date” to “within that five year period”.

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A11. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A12. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A13. If approved by the Planning Secretary, updated strategies, plans or programs supersede previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A14. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths and Sydney Water's stormwater channel/pipe);
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Council and Sydney Water where it affects Sydney Water's assets).
- A15. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A16. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

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

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

COMPLIANCE

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

CONTRIBUTIONS TO COUNCIL

- A19. Before the issue of a construction certificate for any part of the development, a contribution under section 7.11 of the EP&A Act of \$680,612.14 (adjusted on a quarterly basis from the date of this consent, to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council.

OPERATION OF PLANT AND EQUIPMENT

- A20. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and

- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A22. Before the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate,
- the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A23. The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition A22 to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- A24. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A25. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 2004*.
- A26. Before the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to the development to enable fibre to be connected;
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities of the development demonstrated through an agreement with a carrier.
- A27. The Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A28. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and footings and levels have been constructed as approved, must be submitted to the PCA.

APPLICABILITY OF GUIDELINES

- A29. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as of the date of this consent.
- A30. However, consistent with the conditions of this consent and without adding any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

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

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PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements for construction staff;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures;
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes; and
 - (h) demonstrate that access via King Street to the Australian Rail Track Corporation rail corridor will not be impeded during construction.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Intersection Works

- B3. Prior to commencement of the construction works associated with Stage 1 of the multi-use car park, the Applicant must, at its own cost, upgrade the intersection of Qantas Drive and Lancastrian Road, including lengthening the right-turn bay along Qantas Drive to at least 100 metres. The upgrade works are to meet the specifications and requirements of TfNSW.

Works Authorisation Deed

- B4. Prior to commencement of construction works on Qantas Drive, a Works Authorisation Deed (WAD) must be executed between the Applicant and TfNSW, enabling the Applicant to undertake 'private financing and construction' works on Qantas Drive.

Traffic Verification Study

- B5. Within six months of the completion of the intersection upgrade works on the Qantas Drive and Lancastrian Road intersection required under Condition B3, the Applicant must submit a traffic verification study to TfNSW and the Planning Secretary. The study must:
- (a) be undertaken by a suitably qualified and experienced traffic consultant and be prepared in consultation with TfNSW;
 - (b) include vehicle movements and queue length surveys for all movements at the Qantas Drive/Lancastrian Drive intersection for a week-long period during the morning peak periods; and
 - (c) include a description of feasible mitigation measures to be implemented in the event the vehicle queue length exceeds the capacity of the right turn bay.

Parking

- B6. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Photo Recognition System

B7. Prior to commencement of operation, the Applicant must install a photo recognition system for vehicles at the King Street access points to minimise the potential for vehicle queuing within King Street.

Operating Conditions

B8. The Applicant must ensure:

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

Work Place Travel Plan

B9. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must be a part of the CEMP required by condition C5 and must:

- (a) be prepared in consultation with TfNSW;
- (b) outline facilities and measures to promote public transport usage such as car share schemes and employee incentives; and
- (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B10. The Applicant must not commence operation of any part of the development until the Work Place Travel Plan is approved by the Planning Secretary.

B11. The Applicant must implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

SOILS, WATER QUALITY AND HYDROLOGICAL

Imported Soil

B12. The Applicant must:

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

Erosion and Sediment Control

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

Discharge Limits

B14. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Water Licences

B15. Should any works intercept the groundwater, the Applicant must ensure any licences or permits for the Development are obtained under the *Water Act 1912* and/or the *Water Management Act 2000*.

Stormwater Management System

B16. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s) in consultation with Sydney Water;
- (b) be generally in accordance with the conceptual design in the EIS;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Flood Management

- B17. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP and OEMP required by Conditions C2 and C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
 - (c) include details of:
 - (i) the flood emergency responses for both construction and operation phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors.
- B18. The Applicant must:
- (a) not commence construction until the Flood Emergency Response Plan required by condition B17 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.
- B19. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of the board.
- B20. Any structures below the 1% Annual Exceedance Probability plus 500 mm of the board must be constructed from flood compatible building components.
- B21. Plans demonstrating no impact on adjacent properties as a result of overland flow paths are to be provided to the Certifying Authority prior to issue of any Construction Certificate for the site.

AIR QUALITY

Dust Minimisation

- B22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B23. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads must have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clear;
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

NOISE

Hours of Work

- B24. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and external construction works	Monday – Sunday	7 am to 7 pm
Internal construction works	Monday – Sunday	24 hours
Operation	Monday – Sunday	24 hours

- B25. The Applicant must ensure any:
- (a) impact pile driving is only undertaken between 9 am – 12 pm and between 2 pm – 5 pm, Monday to Sunday; and
 - (b) bored piling is only undertaken between 7 am – 7 pm, Monday to Sunday.
- B26. Works outside of the hours identified in condition B24 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B27. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

Construction Noise Management Plan

- B28. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling in close proximity to sensitive receivers including the Travelodge Hotel;
 - (d) include strategies that have been developed with the community and nearby businesses for managing high noise generating works;
 - (e) describe the consultation undertaken to develop the strategies in condition B28(c) and
 - (f) include a complaints management system that would be implemented for the duration of construction.
- B29. The Applicant must:
- (a) not commence construction of any relevant works until the Construction Noise Management Plan required by condition B28 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B30. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) the EES must be contacted immediately.
- B31. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HAZARDS AND RISK

Consultation with Jemena and Qenos

- B32. Prior to the commencement of construction, the Applicant must:
- (a) consult with Jemena and Qenos to ensure the development does not impact on the operation of Jemena and Qenos owned pipeline infrastructure; and
 - (b) submit to the Planning Secretary, evidence of any findings and outcomes of the consultation with Qenos and Jemena.

Dangerous Goods

- B33. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*, at all times.

Bunding

- B34. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (DECC, 2007).

WASTE MANAGEMENT

Construction Waste Management Plan

- B35. Prior to the commencement of construction, the Applicant must prepare a Construction Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:
- detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - be implemented for the duration of construction works.
- B36. The Applicant must:
- not commence construction until the Construction Waste Management Plan is approved by the Planning Secretary.
 - implement the most recent version of the Construction Waste Management Plan approved by the Planning Secretary.

Statutory Requirements

- B37. All waste materials removed from the site must only be directed to a waste management facility premises lawfully permitted to accept the materials.
- B38. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA 2014) and disposal of all wastes to a facility that may lawfully accept the waste.
- B39. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B40. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B41. The collection of waste generated during operation of the development must be undertaken between 7am to 10pm Monday to Friday.

CONTAMINATION

Unexpected Finds

- B42. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure as part of a Contamination Management Plan to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be managed in accordance with the direction of the Site Auditor, with the disposal location and results of testing to be submitted to the Planning Secretary, prior to its removal.

Site Auditor

- B43. Prior to the commencement of any earthworks on site, the Applicant must engage a Site Auditor accredited under the Contaminated Land Management Act 1997 NSW Site Auditor Scheme. Prior to the commencement of construction, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Section B Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site can be made suitable for its intended industrial land use subject to the implementation of a Contamination Management Plan in the CEMP.
- B44. Prior to occupation, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Section A Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended industrial land use. The Section A Site Audit Statement is to be submitted to Council prior to the issue of an Occupation Certificate.

Commented [J13]: On an ordinary reading, I think earthworks would be part of construction. Is it intended that "commencement of earthworks" precede "commencement of construction" in this condition?

Commented [J14]: TBC

VISUAL AMENITY

Landscaping

- B45. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan in consultation with Council to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with conditions C5. The plan must:

- (a) detail the species to be planted on-site which are to include a diversity of local provenance plant species from the Eastern Suburbs Banksia Scrub in the Sydney Bioregion where available;
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.

B46. The Applicant must:

- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
- (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B45 for the life of the development.

Lighting

B47. The Applicant must ensure the lighting associated with the development:

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

Signage and Fencing

B48. All signage and fencing must be erected in accordance with the development plans included in the DA.

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

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PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Erosion and Sediment Control Plan (see Condition B2);
 - (c) Construction Noise Management Plan (see Condition B28);
 - (d) Construction Waste Management Plan (see Condition B35);
 - (e) Community Consultation and Complaints Handling;
 - (f) Flood Emergency Response (see Condition B1);
 - (g) Contamination Management Plan (see Conditions B41 and B43); and
 - (h) Cultural heritage induction materials.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

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

- (ii) resolve any disputes that may arise;
- (iii) respond to any non-compliance;
- (iv) respond to emergencies; and
- (c) provide details of traffic management, including vehicle access arrangements;
- (d) include the following environmental management plans:
 - (i) Landscape Management Plan (see Condition B46);
 - (ii) Flood Emergency Response (see Condition B17); and
 - (iii) Waste Management.

Commented [J15]: Should this be B45

- C7. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C8. Within three months of:
- (a) the submission of an incident report under condition C10;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- C9. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- C10. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Commented [J16]: I think this is meant to be part of condition C8, not a separate condition C9

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C11. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must include the development number (including the development application number and the name of the development, if any), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C12. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any potential non-compliance with these conditions of consent.
- C13. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is potentially non-compliant with, the way in which it does not comply and the reasons for the potential non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C14. A potential non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Commented [J17]: An applicant is not in a position to determine non-compliance, only a potential non-compliance. It is up to a Court or a regulatory authority to determine if there has been an actual non-compliance

Commented [J18]: To be confirmed

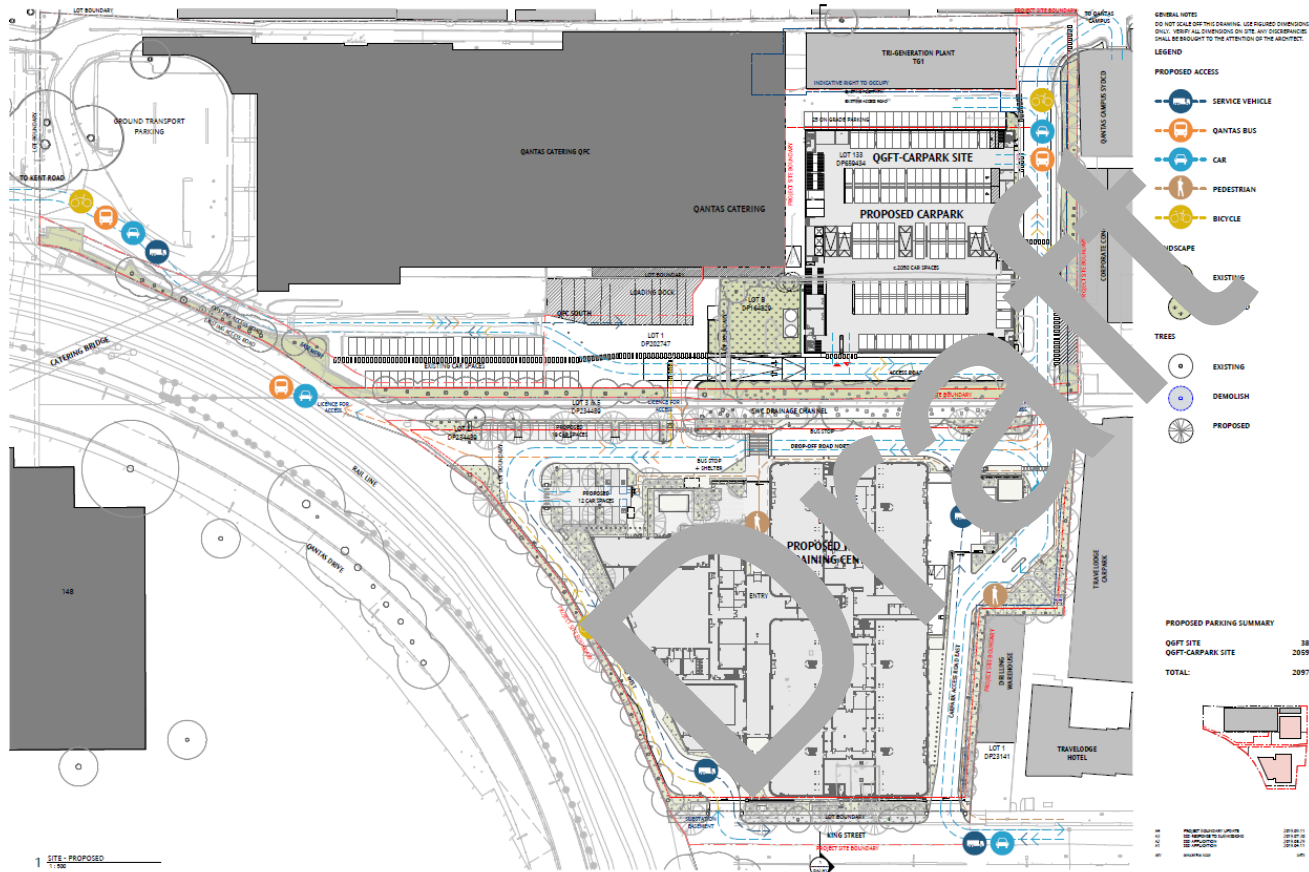
ACCESS TO INFORMATION

- C15. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;

- (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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APPENDIX 1 DEVELOPMENT LAYOUT PLANS



noxongiffen
 1 SITE - PROPOSED
 1:1000



QANTAS GROUP FLIGHT TRAINING CENTRE
 207 KING STREET MASQD

1:1000 @ A1, 50M @ A4

PLAN - PROPOSED
 SITE

PRELIMINARY
 NOT FOR CONSTRUCTION

A4
 NGA-S1822-DWG-DA2.40

Figure 2: Flight Training Centre Site Plan

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DO NOT SCALE OFF THIS DRAWING, USE FIGURED DIMENSIONS
 ONLY VERIFY ALL DIMENSIONS ON SITE AND DISCREPANCIES
 SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT



Figure 3: Car Park Elevations (North and East)

Figure 4: Car Park – Elevations (South and West)

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[Ensure this is included when conditions finalised]

Commented [J19]: Note

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WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing the requirements below, and any further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventive 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.

Attachment B: Bayside Council comments dated 28 November 2019

26th November 2019



Our Ref: F18/679
Contact: Howard Taylor – [REDACTED]

Casey Joshua
Senior Planning Officer
Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
SYDNEY NSW 2001

Dear Ms Joshua,

RE: Qantas Flight Training Centre (SSD-10154) – Department of Planning, Industry and Environment's assessment

Thank you for your email and letter dated 22nd November 2019 requesting Council to review the Department of Planning, Industry and Environment's (Department) assessment report and recommended conditions, in connection with the proposed Qantas Flight Training Centre.

Council notes that the Independent Planning Commission (the Commission) provided feedback in relation to the Department's assessment, in particular, the resolution of issues raised in Council's submission to the Department dated 11th July 2019 as noted on page 18 of the Department's assessment report.

In a letter to the Department dated 2nd September 2019, Council responded to the applicant's response to submissions, as noted at pages 20-21 of the Department's assessment report, identifying a number of outstanding issues requiring further resolution.

Council staff have undertaken a review of the Department's assessment report and conditions, and consider that the issues raised in the letter have been satisfactorily resolved, with the exception of the following:

Landscape architecture

Council acknowledges the inclusion of condition B43 in relation to landscaping, however, the condition appears only to relate to landscaping works on-site with no reference to landscaping within the public domain.

Council reiterates its request for the inclusion of condition requiring the applicant to submit a Public Domain Frontage Works Application to Council in consultation with Council staff.

Development Engineering

Attachment 1 to Council's letter of 2nd September 2019 recommended conditions requiring the applicant to submit a Civil Frontage Works Public Domain Plan to Council. Council reiterates its request for this condition to be included.

Traffic impacts

Council's letter of 2nd September 2019 noted the applicant's addendum traffic report 'Response to Traffic Matters Raised in Submissions' dated 31st July 2019 prepared by Colton Budd Rogers and Kafes Pty Ltd, and requested a condition requiring 'a peer review of the traffic response to determine an appropriate monetary contribution, if any, toward the King Street/ O'Riordan Street intersection upgrade works.' Council re-iterates its request for this condition to be included.

If you require further clarification, please do not hesitate to contact Council's Urban Planner, Howard Taylor, on [REDACTED] or via email: [REDACTED]

Yours faithfully


Clare Harley
Manager Strategic Planning

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