

# Development Consent

## Section 4.16 of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as delegate of the Minister for Planning and Public Spaces under delegation executed on 14 September 2011 and pursuant to clause 8(a) of the *State Environmental Planning Policy (Three Ports) 2013*, 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

2021

File: EF21/9124

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### SCHEDULE 1

**Application Number:**

DA-110646

**Applicant:**

Port of Newcastle Operations Pty Ltd

**Consent Authority:**

Minister for Planning and Public Spaces

**Site:**

Lot 152 DP 1202468

Raven Street, Kooragang

**Development:**

Construction and operation of a warehouse and distribution centre, comprising two adjoining units with associated office facilities, landscaping, car parking, driveways and manoeuvring areas.

## TABLE OF CONTENTS

<b>DEFINITIONS</b> .....	<b>III</b>
<b>PART A ADMINISTRATIVE CONDITIONS</b> .....	<b>5</b>
Obligation to Minimise Harm to the Environment.....	5
Terms of Consent.....	5
Limits of Consent.....	5
Notification of Commencement.....	5
Evidence of Consultation.....	5
Staging, Combining and Updating Strategies, Plans or Programs.....	5
Protection of Public Infrastructure.....	6
Structural Adequacy.....	6
Compliance.....	6
Contributions to Council.....	6
Operation of Plant and Equipment.....	6
Easements.....	6
External Walls and Cladding.....	6
Utilities and Services.....	7
RAAF Base Williamstown – Protected Airspace.....	7
Work as Executed Plans.....	7
Applicability of Guidelines.....	7
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS</b> .....	<b>8</b>
Traffic and Access.....	8
Soils, Water Quality and Hydrology.....	8
Air Quality.....	9
Noise.....	9
<b>ACID SULFATE SOILS</b> .....	<b>10</b>
Aboriginal Heritage.....	10
Historic Heritage.....	10
Hazards and Risk.....	10
Waste Management.....	10
Contamination.....	10
Visual Amenity.....	10
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b> .....	<b>12</b>
Environmental Management.....	12
Construction Environmental Management Plan.....	12
Revision of Strategies, Plans and Programs.....	12
Reporting and Auditing.....	13
Access to Information.....	13
<b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS</b> .....	<b>14</b>
<b>APPENDIX 2 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS</b> .....	<b>15</b>

## DEFINITIONS

<b>Applicant</b>	Port of Newcastle Operations Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Newcastle 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, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the SEE and Response to Submissions, for the construction and operation of a warehouse and distribution centre, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>ENM</b>	Excavated Natural Material
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>

<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Response to Submissions (RTS)</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled ' <i>Raven Street Warehouse and Distribution Centre – DA-110646 Response to Submissions</i> ', prepared by EJE Architecture, dated 13 August 2021
<b>SEE</b>	Statement of Environmental Effects titled ' <i>Proposed Warehouse and Distribution Centre</i> ', prepared by ADW Johnson, Revision C, dated 21 May 2021, submitted with the application for consent for the development
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

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

**TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the SEE and Response to Submissions; and
  - (d) in accordance with the Development Plans in Appendix 1.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), 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 for the construction of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary.
- A7. If the construction of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

**EVIDENCE OF CONSULTATION**

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

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

- A9. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A12. Before the commencement of construction of the development, 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.
- A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

#### **STRUCTURAL ADEQUACY**

- A14. 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**

- A15. 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**

- A16. Before the issuing of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

*Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.*

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

- A17. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

#### **EASEMENTS**

- A18. An easement to drain water 2.0 metres wide, over the existing stormwater pipeline within the adjacent property (Lot 151 DP 1202468) is to be created pursuant to the *Conveyancing Act 1919*. The easement is to be in favour of Lot 152 DP 1202468 and created prior to the issue of an occupation certificate for the development.

#### **EXTERNAL WALLS AND CLADDING**

- A19. The external walls of all buildings must comply with the relevant requirements of the BCA.
- A20. Prior to the issuing of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
- (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A21. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## **UTILITIES AND SERVICES**

- A22. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A23. Before the issuing of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) must provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the premises in the development demonstrated through an agreement with a carrier.
- A24. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre ready facilities are fit for purpose.

## **RAAF BASE WILLIAMTOWN – PROTECTED AIRSPACE**

- A25. Prior to the use of mobile equipment or structures with a height exceeding 30 metres above ground level, the Applicant must receive approval from the Air Base Command Post – RAAF Base Williamtown in accordance with *The Operation of Cranes and Tall Structures in the Vicinity of Newcastle Airport* (Department of Defence, 2013).

*Note: For further enquiries contact RAAF Base Williamtown on 02 4034 788 or [WLM.ABCP@defence.gov.au](mailto:WLM.ABCP@defence.gov.au).*

## **WORK AS EXECUTED PLANS**

- A26. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **APPLICABILITY OF GUIDELINES**

- A27. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A28. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s),
  - (b) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (c) detail heavy vehicle routes, access and parking arrangements;
  - (d) 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;
  - (e) include a program to monitor the effectiveness of these measures; and
  - (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Roadworks and Access

- B3. The Applicant must ensure:
- (a) all vehicles are permitted to conduct left-turn movements only when entering the site from Raven Street, and left-turn movements only when departing the site;
  - (b) 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 designed in consultation with Council and constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and *AS 2890.6:2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009);
  - (c) 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;
  - (d) the vehicular entrance and exit driveways and the direction of traffic movements within the site are clearly indicated by means of reflectorised signs and pavement markings; and
  - (e) all vehicles enter and exit the site in a forward direction.

#### Parking

- B4. 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.

### SOILS, WATER QUALITY AND HYDROLOGY

#### Imported Soil

- B5. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Planning Secretary upon request.



## Erosion and Sediment Control

- B6. Prior to the commencement of any construction or other surface disturbance for the development, 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

- B7. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

## Stormwater Management System

- B8. Prior to the commencement of operation of the development, the Applicant must design, install and operate a stormwater management system for the development as described by the *Stormwater Summary* prepared by Northrop Consulting Engineers (and associated drawing set), Revision C dated 27 July 2021. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the RTS;
  - (c) designed in consultation with Council;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) 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.
- B9. The Stormwater Management System must include:
- (a) a minimum of 30 cubic metres of extended detention over the proposed drainage swale. The swale must be designed with a maximum 1% longitudinal grade and check dams at regular intervals in accordance with Section 4.4 of Council's *Stormwater and Water Efficiency for Development Technical Manual*.

## AIR QUALITY

### Dust Minimisation

- B10. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B11. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## NOISE

### Hours of Construction Work and Operations

- B12. 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 construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operations	7 Days	24 Hours

- B13. Works outside of the hours identified in condition B12 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**

B14. 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.

## **ACID SULFATE SOILS**

B15. The Applicant must implement the *Acid Sulfate Soil Management Plan* (ASSMP), prepared by Qualitest Laboratory (NSW) Pty Ltd, Revision 0, dated 8 February 2021. The ASSMP must form part of the CEMP in accordance with Condition C2.

## **ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

B16. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B17. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

## **HISTORIC HERITAGE**

### **Unexpected Finds Protocol**

B18. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the excavation permit issued by the OEH NSW Heritage Division.

## **HAZARDS AND RISK**

B19. The Applicant must ensure that dangerous goods quantities stored within the development or transported to and from the development remain below the screening threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33* at all times.

## **WASTE MANAGEMENT**

### **Waste Storage**

B20. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

## **CONTAMINATION**

### **Unexpected Finds**

B21. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

## **VISUAL AMENITY**

### **Landscaping**

B22. Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

- (a) detail the species to be planted on-site; and
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works.

B23. 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 B22 for the life of the development.

## **Lighting**

B24. The Applicant must ensure the lighting associated with the development:

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

## **Signage and Fencing**

B25. All signage and fencing must be erected in accordance with the development plans included in the SEE.

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

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

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

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
  - (b) Erosion and Sediment Control Plan;
  - (c) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of an incident report under condition C7;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.
- C6. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition C5, or such other timing as agreed by the Planning Secretary.

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

## **REPORTING AND AUDITING**

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

C7. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 2.

### **Non-Compliance Notification**

C8. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

C9. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **ACCESS TO INFORMATION**

C11. At least 48 hours before the commencement of construction of the development until the completion of all works under this consent (or such other time as agreed by the Planning Secretary), 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) a summary of the current stage and progress of the development;
  - (v) contact details to enquire about the development or to make a complaint;
  - (vi) a complaints register, updated monthly;
  - (vii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1 DEVELOPMENT LAYOUT PLANS**

<b>ARCHITECTURAL DRAWINGS PREPARED BY EJE ARCHITECTURE</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
A-000	D	24/05/2021	COVERSHEET
A-010	D	30/07/2021	OVERALL SITE PLAN
A-011	D	30/07/2021	DETAILED SITE PLAN
A-012	B	16/03/2021	SITE ANALYSIS
A-020	C	28/04/2021	NOTIFICATION PLAN
A-030	C	28/04/2021	SHADOW DIAGRAMS
A-050	A	16/03/2021	MATERIAL BOARD
A-100	H	30/07/2021	GROUND FLOOR PLAN
A-101	C	28/04/2021	ROOF PLAN
A-200	C	28/04/2021	ELEVATIONS
A-300	C	28/04/2021	SECTIONS
A-1000	A	NOT DATED	RENDER PERSPECTIVES
<b>CIVIL ENGINEERING DRAWINGS PREPARED BY NORTHROP</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
DA-C01.01	2	30/04/2021	COVER SHEET, DRAWING LIST & LOCALITY PLAN
DA-C02.01	2	30/04/2021	EROSION AND SEDIMENT CONTROL PLAN
DA-C02.02	2	30/04/2021	EROSION AND SEDIMENT CONTROL DETAILS
DA-C04.01	4	28/07/2021	CIVIL WORKS PLAN – SHEET 1
DA-C04.02	4	28/07/2021	CIVIL WORKS PLAN – SHEET 2
DA-C09.01	2	30/04/2021	CIVIL DETAILS
<b>LANDSCAPE PLANS PREPARED BY TERRAS LANDSCAPE ARCHITECTS</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
L00	C	21/05/2021	LANDSCAPE COVER PAGE
L01	B	19/03/2021	LANDSCAPE DESIGN REPORT
L02	C	05/05/2021	LANDSCAPE CONCEPT PLAN
L03	C	21/05/2021	PLANTING PALETTE

## **APPENDIX 2 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.