

Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites Assessments

Sydney

7/5/2020

SCHEDULE 1

Application Number:	SSD-10366
Applicant:	Bunnings Group Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	Proposed Lot 3 of the Bringelly Road Business Hub (Lot 11 DP 29104)
Development:	Construction and operation of a large format retail facility for hardware and building supplies, and garden centre (Bunnings Warehouse), including: • warehouse • covered outdoor nursery • bagged goods store • timber trade sales area • café • office and amenities • car parking • landscaping.

DEFINITIONS

Applicant	Bunnings Group Limited, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifier	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates.
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	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.
Council	Liverpool City 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 activities as described in Schedule 1, the EIS and response to submissions, as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
EES	Environment, Energy and Science Directorate of the Department
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement (SSD 10366) Construction of a new Hardware and Building Supplies and Garden Centre including Car Parking and Signage</i> , prepared by Sutherland & Associates Planning, dated October 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
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6 pm to 10 pm
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: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - 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)

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
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The use of large format retail facility for hardware and building supplies, and garden centre upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of 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, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW 2010)
Response to submissions	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 titled <i>Response to Submissions (SSD 10366)</i> , prepared by Sutherland & Associates Planning dated January 2020
Road Safety Audit	Road Safety Audit titled <i>Concept Design Road Safety Audit</i> , prepared by SECA solution dated April 2020
Site	The land defined in Appendix 1
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

LIMITS OF CONSENT

Lapsing

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

NOTIFICATION OF COMMENCEMENT

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

STRUCTURAL ADEQUACY

- A12. 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.

Notes:

- 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

- A13. 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.

OPERATION OF PLANT AND EQUIPMENT

- A14. 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

- A15. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A16. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A17. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- A18. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A19. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A20. 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 Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises within the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises within the development demonstrated through an agreement with a carrier.
- A21. Before the issue of an Occupation Certificate for any stage of the development, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A22. Before the issue of the Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- A23. 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.
- A24. 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, 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;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence 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.

Road Works and Access

- B3. Prior to the issue of a Construction Certificate for the road works, the Applicant must prepare and submit to Council, a detailed design of the access road to the existing roundabout at Skyline Crescent. The design must:
- (a) incorporate the corrective actions outlined in the Road Safety Audit;
 - (b) incorporate any corrective actions outlined in the findings of a further "Detailed Design Road Safety Audit" that has been carried out in accordance with TfNSW's Guidelines for Road Safety Audit Practices; and
 - (c) be in accordance with the Austroads Road Design Guide with a requirement for the first 6 metres of the ramp to be at a grade of 5% or less, with the remainder of the ramp to achieve a grade of approximately 10%.
- B4. Prior to the commencement of construction works on Skyline Crescent, the Applicant must obtain any necessary Road Occupancy Permits/ Road Opening Permits from the roads authority.
- B5. Prior to the commencement of operation, the Applicant must complete the roadworks for the development, including the vehicle crossings connecting to Skyline Crescent and any other works in a public road, in accordance with Council's specifications and to the satisfaction of the roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

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.

Operating Conditions

- B7. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;

- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Work Place Travel Plan

- B8. 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:
- (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) establish mode share targets for staff and visitors for occupation and outline robust actions to achieve these targets;
 - (d) appoint a Travel Plan Coordinator to oversee the implementation of the Travel Plan;
 - (e) nominate the party/parties responsible for implementing the actions in the Travel Plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets;
 - (f) include an annual monitoring, reporting and review process, supported by a Travel Survey to determine if mode share targets and other actions of the Travel Plan are being achieved; and
 - (g) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- B9. 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.

Bicycle Parking

- B10. A total of six (6) fixed bicycle hoops (or similar) to be provided at the front of the store in a location close to a main entrance point, in accordance with the applicable design standards contain in AS 2890.3: 2015 *Bicycle parking facilities* (Standards Australia, 2015), to the satisfaction of the Certifier.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

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

Erosion and Sediment Control

- B12. Prior to the commencement of any construction or other surface disturbance 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

- B13. 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

- B14. 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);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that water discharged from the site comply with Council's water quality standards prior to being discharged downstream into Bedwell Park Wetland;

- (e) provide water quality treatment works designed using MUSIC modelling software and verify the performance of the water quality treatment works using Council's MUSIC-link; and
- (f) 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.

FIRE PROTECTION AND MANAGEMENT

Asset Protection Zones

- B15. At the commencement of construction, and in perpetuity, the Applicant must manage the site as an Inner Protection Area as outlined in Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Services' publication 'Standards for asset protection zones'.

Design and Construction

- B16. The Applicant must ensure the building and building elements in the development comply with the 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate, or the specified bushfire attack levels (BAL) under Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. The Applicant must also ensure:
- (a) internal access roads comply with section 4.2.7 of Planning for Bush Fire Protection 2006;
 - (b) the provision of water, electricity and gas complies with section 4.1.3 of Planning for Bush Fire Protection 2006; and
 - (c) landscaping shall comply with the principles of Appendix 5 of the Planning for Bush Fire Protection 2006.

Bush Fire Emergency Management

- B17. Prior to the commencement of operation, the Applicant must prepare and maintain a Bush Fire Emergency Management and Evacuation Plan which is consistent with NSW Rural Fire Services' publication Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

AIR QUALITY

Dust Minimisation

- B18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B19. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B20. The Applicant must install and operate equipment in line with best practice.

Odour Management

- B21. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE

Hours of Work

- B22. The Applicant must comply with the hours detailed in Table 1.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation	Monday – Friday Saturday, Sunday and Public Holidays	6 am to 10 pm 6 am to 7 pm

- B23. Works outside of the hours identified in condition B22 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

- B24. 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.

HAZARDS AND RISK

- B25. The Applicant must store all chemicals, fuels and oils used on-site 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, fuels and oils are liquids.
- B26. In the event of an inconsistency between the requirements B25(a) and B25(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- B27. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- B28. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or 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.

Waste Storage and Processing

- B29. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

Statutory Requirements

- B30. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B31. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B32. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B33. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

VISUAL AMENITY

Landscaping

- B34. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site. The plan must:
- (a) detail the species to be planted on-site;
 - (b) include a diversity of native trees, shrubs and groundcover species from the local native vegetation community;
 - (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works;

- (d) detail how the landscaping on-site will comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006; and
- (e) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.

Lighting

B35. 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

B36. All signage and fencing must be erected in accordance with the development plans included in the EIS.

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

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B37. 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.

B38. 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

B39. 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, recorded and, if necessary, excavated by a suitably qualified and experienced expert and in accordance with the requirements of the EES NSW Heritage Division.

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) 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; and
 - (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 a Compliance Report under condition C12;
 - (b) the submission of an incident report under condition C7;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- 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.

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 to 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. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C8. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au 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.

Compliance Reporting

- C11. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary.
- C12. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C13. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

- 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.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

Job No.	Drawing No.	Rev.	Date	Title
Architectural Drawings by Michael Carr Architects Pty Ltd				
18139	TP-00	P1	16/09/2019	Site Context Map
18139	TP-01	P5	19/09/2019	Site Plan
18139	TP-02	P4	16/09/2019	Overall Floor Plan
18139	TP-03	P3	16/09/2019	Roof Plan
18139	TP-04	P3	16/09/2019	Elevations
Civil Plans prepared by Costin Roe				
	CO1194.06 – DA10	C	16/09/2019	Drawing List & General Notes
	CO1194.06 – DA20	C	16/09/2019	Erosion & Sediment Control Plan
	CO1194.06 – DA25	C	16/09/2019	Erosion & Sediment Control Details
	CO1194.06 – DA41	F	04/11/2019	Stormwater Drainage Plan Sheet 1
	CO1194.06 – DA42	F	04/11/2019	Stormwater Drainage Plan Sheet 2
	CO1194.06 – DA45	C	16/09/2019	Stormwater Drainage Details Sheet 1
	CO1194.06 – DA46	C	16/09/2019	Stormwater Drainage Details Sheet 2
	CO1194.06 – DA51	E	30/10/2019	Finished Levels Plan Sheet 1
	CO1194.06 – DA52	F	30/10/2019	Finished Levels Plan Sheet 2
Landscape Plans prepared by John Lock & associates Landscape Architecture				
	2612 LP-01	C	25/10/2019	Landscape Plan
	2612 LP-02	C	25/20/2019	Landscape Elevations
	2612 LP-03	C	25/20/2019	Landscape Details

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Mitigation Measures
Environmental sustainability Implement the requirements of Section J of the BCA and the measures identified in this EIS.
Accessibility The detailed design will incorporate the accessible requirements of the BCA.
Traffic and transport - The developer will encourage a minimum of deliveries and other site traffic both during construction and operation phases. - Development construction activity will be staged over a suitable timeframe and in a suitable sequence to avoid clashes with peak hour traffic. - Compliance with AS 2890.1 and AS 2890.2 is required.
Acoustic The acoustic recommendations of the Noise, Vibration and Air Quality Report prepared by Wilkinson Murray will be implemented during construction and the management measures implemented during operation.
Air Quality The air quality recommendations of the Noise, Vibration and Air Quality Report prepared by Wilkinson Murray will be implemented during construction and the management measures implemented during operation.
Construction management A detailed Construction and Environmental Management Plan will be prepared by the appointed contractor prior to the commencement of works. The Plan will be prepared in accordance with the relevant applicable Australian Standards and Occupational Health and Safety requirements and will address the following matters: - site access controls, public safety, amenity and security; - working hours; - noise and vibration control; - material management, waste and material re-use; - construction traffic management; - dust suppressions; - tree protection; and - notification of surrounding properties
Operational Waste Management The measures identified in this EIS in relation to waste management will be implemented to maximise recycling throughout the operational activities of the development.
Water Sensitive Urban Design The stormwater management and water re-use initiatives for the project as identified in the Stormwater Concept Plan prepared by Costin Roe will be implemented during the construction of the development.
Bushfire Stuart Road is maintained as the Asset Protection Zone.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

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 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.
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.