

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;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Dianne Leeson
Member of the Commission



Professor Richard Mackay, AM
Member of the Commission

Sydney

11 May 2021

SCHEDULE 1

Application Number:	SSD-10431
Applicant:	Sydney Intermodal Terminal Alliance (SIMTA), as Qube Holdings Limited
Consent Authority:	Independent Planning Commission of NSW
Site:	Moorebank Avenue, Moorebank Lot 1 DP 1197707 and Lot 100 DP 1049508
Development:	Moorebank Precinct West Stage 3 (MPW Stage 3) , comprising: <ul style="list-style-type: none">• Progressive subdivision of the MPW site into nine allotments, including:<ul style="list-style-type: none">○ proposed lots 5, 6 and 7 to be used for future warehousing and distribution facilities○ proposed lots 8, 9 and 10 to be used for (temporary) works compound area, and future development as part of SSD 5066○ proposed lot 11 to be primarily used as a biodiversity conservation area, inclusive of maintenance roads, the

- development perimeter roads and stormwater management functions, to the west of the MPW development site adjacent to the Georges River
- proposed lot 12 to be used as an interstate freight terminal
 - proposed lot 13 to be used as part of the rail corridor (known as the School of Military Engineering Rail Corridor) to allow the completion of construction and operation of the IMEX freight terminal (approved as part of MPE Stage 1 SSD 6766) and subsequent operation of the rail link under SIMTA's development arrangement with Moorebank Intermodal Company (MIC).
- Importation of unconsolidated clean fill for compaction up to final land level, and structural fill for warehouse pad competition.
 - Establishment of a temporary works compound area in the southern portion of the MPW site, including:
 - main construction, operation and maintenance compound in eastern portion of proposed lot 10 (approximately 20,000m²), including staff amenities, offices and training rooms, staff kitchen and café facilities
 - hardstand, laydown and materials stockpile areas in eastern portion of proposed lot 8 (approximately 20,000m²) and proposed lot 9 (approximately 25,000m²)
 - materials storage area and car parking (approximately 20,000m²) in western portion of proposed lot 10.
 - Ancillary development, including:
 - temporary and permanent access roads
 - earthworks
 - fencing and preliminary establishment facilities
 - utilities installation/connection
 - stormwater and drainage infrastructure
 - signage and landscaping.

DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AHD	Australian height datum
Applicant	SIMTA, as Qube Holdings Limited, or any person carrying out any development to which this consent applies
Approved disturbance area	The area identified as such on the development layout
ARI	Annual Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCC	Community Consultative Committee
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including importation of fill and fill placement, bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Liverpool City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm 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 Submissions
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Moorebank Precinct West – Stage 3 Environmental Impact Statement – (SSD 10431)</i> , prepared by Aspect Environmental Pty Limited dated 24 April 2020, 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	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the development
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Finished surface level	16.6 m AHD
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
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 <i>Note: “material harm” is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department’s website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Appendix 3
Material harm	Is harm that: 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 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 9.39 of the EP&A Act
MPE	Refers to the following developments: <ul style="list-style-type: none"> • Moorebank Intermodal Precinct East – Stage 1 (SSD 6766) • Moorebank Intermodal Precinct East – Stage 2 (SSD 7628) • any subsequent modifications associated with the above developments
MPW	Refers to the following developments: <ul style="list-style-type: none"> • Moorebank Intermodal Precinct West – Concept Proposal & Stage 1 Works (SSD 5066) • Moorebank Intermodal Precinct West – Stage 2 (SSD 7709) • Moorebank Intermodal Precinct West – Stage 3 (SSD 10431) • any subsequent modifications associated with the above developments.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction
PFAS	Per- and poly-fluoroalkyl deposit
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)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Relic	Has the same meaning as the definition of the term in Part 1 of the <i>Heritage Act 1977</i>
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
Riparian corridor	The riparian corridor determined under Moorebank Intermodal Precinct West – Stage 2 (SSD 7709) conditions of consent
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 Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
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

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.

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) generally in accordance with the EIS and Response to Submissions;
 - (d) generally in accordance with the management and mitigation measures in **Appendix 3**;
 - (e) in accordance with the approved subdivision plans in the table below:

Plan of Subdivision prepared by LandPartners Pty Ltd		
Dwg No.	Name of Plan	Date
SY073909.013.2.1	Plan of Subdivision of Lot 1 in DP1197707 and Lot 100 DP1049508, sheet 01 of 03	01/07/2020
SY073909.013.2.1	Plan of Subdivision of Lot 1 in DP1197707 and Lot 100 DP1049508, sheet 02 of 03	01/07/2020
SY073909.013.2.1	Plan of Subdivision of Lot 1 in DP1197707 and Lot 100 DP1049508, sheet 03 of 03	01/07/2020

- 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;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- 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) to A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) to A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. Nothing in this consent permits the removal of vegetation. All vegetation removed on the site must be undertaken in accordance with the requirements of MPW Stage 2 (SSD 7709).
- A7. Only VENM, ENM, or other imported fill material approved in writing by EPA is to be placed on the site.
- A8. Importation of imported fill must not exceed a total of 13,000m³ of material per day across this development, MPW Stage 2 (SSD 7709) and MPE Stage 2 (SSD 7628) on the same day.

- A9. Prior to physical commencement of work under this consent, the Applicant is required to modify the following development consents by replacing “22,000 m³” wherever occurring with “13,000 m³” in:
- (a) condition A9 of SSD 7709; and
 - (b) condition B56(a) of SSD 7628.
- A10. The total volume of uncompacted fill to be imported for compaction up to final land level must not exceed 280,000m³. This volume is additional to the 1,600,000m³ of uncompacted fill permitted to be imported to site under the MPW Stage 2 (SSD 7709) consent, and may only be imported once importation of the volume permitted under the MPW Stage 2 (SSD 7709) consent is complete.
- A11. The total volume of structural fill to be imported for warehouse pad completion under this consent must not exceed 540,000m³. Prior to the importation of structural fill for any given area of the site, the Applicant is to provide the ER and the Planning Secretary with a report prepared by a suitably qualified and experienced engineer outlining the volume of structural fill it proposes to both receive and emplace on that given area of the site. The Applicant may not at any time possess on site a volume of structural fill material that exceeds the volume that the Applicant proposes to be emplaced on site in the next 6 months.
- A12. In addition to the other conditions of this consent, nothing in this consent permits the Applicant to stockpile or otherwise receive imported fill material beyond the amounts or volumes permitted under this or any other development consent, or place fill above the final land level or finished surface levels permitted under this or any other development consent.
- A13. Only one crushing plant is to operate at any one time across the MPW site (i.e. under either MPW Stage 2 consent or the conditions of this consent). Any crushing plant operated as part of MPW Stage 3 can only be operated once any existing crushing plant operated as part of MPW Stage 2 (SSD 7709) has been decommissioned.
- A14. For the avoidance of doubt, nothing in this consent enables the finished surface level of any filled section of the site to exceed 16.6 m AHD.
- A15. Prior to the commencement of fill importation or fill placement, the Applicant is to engage a suitably qualified and independent person or persons to conduct an audit of:
- (a) the amount of fill (whether unconsolidated, consolidated or structural) brought to the site to date;
 - (b) where fill has been used on site, including an aerial plan clearly indicating the location and boundary of the placed fill relevant to its respective consent;
 - (c) for what purpose all fill has been used;
 - (d) how all fill use is justified under existing development consents applying to the land; and
 - (e) current site levels.
- The suitably qualified and independent person or persons are to be approved by the Planning Secretary prior to the conduct of the audit. Fill importation or fill placement must not commence until the Planning Secretary approves the audit.
- A16. Prior to the commencement of fill importation, the Applicant is to prepare a Fill Importation Management Plan for the approval of the Planning Secretary. The Fill Importation Management Plan must:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) include details of how the Applicant will comply with the requirements of the conditions of this consent relating to fill importation and fill placement;
 - (c) require any fill imported on site to be logged/tracked per truck load;
 - (d) provide a conversion rate for the conversion of fill in cubic metres to and from tonnes;
 - (e) include a template for an Imported Fill Tracking Register, to be throughout the construction period, that includes:
 - (i) date and time in and time out of trucks importing fill to the site;
 - (ii) details of truck registration and haulage company;

- (iii) source of imported fill;
 - (iv) material type and classification;
 - (v) details of the statement of compliance with relevant approval criteria;
 - (vi) volume of imported fill in tonnes;
 - (vii) location of stockpiled imported fill;
 - (viii) location of final destination of imported fill; and
 - (ix) details of any sampling performed for purposes of certification.
- A17. Fill importation must not commence until the Planning Secretary approves the Fill Importation Management Plan. The Applicant is to implement the Fill Importation Management Plan as approved by the Planning Secretary from time to time.
- A18. The Applicant must fill out the Imported Fill Tracking Register throughout the entire construction period. All details recorded in the Imported Fill Tracking Register must be provided to the Department and NSW EPA upon the request of an investigation officer and authorised officer.
- A19. The Applicant must engage an independent person to verify the Imported Fill Tracking Register on a weekly basis, and prepare and submit weekly reports on this verification to the Department and NSW EPA upon the request of an investigation officer and authorised officer.
- A20. No construction (including but not limited to clearing and maintenance access, stockpiling or other earthworks) is permitted within the riparian corridor and signs must be provided along the adjacent boundary fence to this effect.
- A21. No works in the riparian corridor outside the site are permitted under this approval and signs must be provided along the adjacent boundary fence to this effect.

Prescribed Conditions

- A22. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- A23. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A24. 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 for information or 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

- A25. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design 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 (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the

strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and

- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or 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).

- A26. Any strategy, plan or program prepared in accordance with condition A25, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A27. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design 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.
- A28. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.
- A29. Nothing in the conditions of this consent permits the staging of construction works.

Note 1: Staging of subdivision is permitted — see for example Part D of Schedule 2 of this consent.

Note 2: Nothing in this condition precludes the phasing of works, such as that outlined in Appendix D of the Response to Submissions.

Structural Adequacy

- A30. 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: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Design and Construction for Bush Fire

- A31. New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas or NASH National Standard Steel Framed Construction in Bushfire Areas (as updated) as appropriate and section 7.5 of Planning for Bush Fire Protection 2019.
- A32. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019.
- A33. The entire site must be managed as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

Note: See condition B190 of MPW Stage 2 (SSD 7709).

Subdivision Certificate

- A34. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the *Environmental Planning and Assessment Act 1979* in relation to the issue of a Subdivision Certificate.

For the purposes of this approval, the issue of a Subdivision Certificate is restricted to the subdivision defined by Condition A2.

Note: Part D of Schedule 2 of this consent provides conditions that are required to be met prior to the issue of a subdivision certificate.

Applicability of Guidelines

- A35. 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.
- A36. 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.

Monitoring and Environmental Audits

A37. 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, Site audit report 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

A38. At least 48 hours before the commencement of construction 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) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) notification of any non-compliances with the conditions of this consent made under condition A42;
 - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

Compliance

A39. 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.

Incident Notification, Reporting and Response

A40. The Planning Secretary must be notified through the major projects portal 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.

A41. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 4**.

Non-Compliance Notification

A42. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the

Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

- A43. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A44. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A45. Within three months of:
- (a) the submission of a compliance report under condition A48;
 - (b) the submission of an incident report under condition A41;
 - (c) the submission of an Independent Audit under condition C42;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A46. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and Certifier for information (where relevant) 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.

Compliance Reporting

- A47. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A48. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A49. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A50. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.

Certified Drawings

- B2. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

Protection of Public Infrastructure

- B3. Prior to the commencement of construction, the Applicant must:
- 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
 - prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B4. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Community Consultative Committee

- B5. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction and for at least six months following the completion of construction.
- B6. The CCC may request that the information or documents referenced in condition A37 (including but not limited to any plan, strategy or program in relation to incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing) is to be presented to the CCC by the Applicant.
- B7. The Planning Secretary may consider a request to expand an existing MPW or MPE CCC to cover the MPW Stage 3 development and to satisfy condition B5.

Notes:

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

Community Communication Strategy

- B8. No later than two weeks before the commencement of construction, or within another timeframe agreed with the Planning Secretary, a **Community Communication Strategy** must be submitted to the Planning Secretary for approval. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- identify people to be consulted during the design and construction phases;
- set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage, flood emergency warning, stormwater impacts on watercourses and lighting.

B9. The Planning Secretary may consider a request to expand an existing MPW Community Communication Strategy to cover the MPW Stage 3 development and to satisfy condition B8.

Environmental Representative

- B10. Works must not commence until the Environmental Representative (ER) approved by the Planning Secretary under the MPW Stage 2 (SSD 7709) consent has also been engaged by the Applicant to act as the ER in accordance with the conditions of this consent.
- B11. The Applicant may appoint an additional person to act as ER, where that person is endorsed by the ER and is a suitability qualified and experienced person who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of applications for either MPW or MPE, and is independent of the construction and design personnel for the project and those involved in delivery of it.
- B12. For the duration of the works until 6 months after the completion of construction, or as agreed with the Planning Secretary, the approved ER must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
 - (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents required under this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written submission to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents required under this consent to ensure implementation is being carried out in accordance with the document and the terms of this consent;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits, but not Independent Audits required under condition C44 of this consent;
 - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 - (h) consider any minor amendments to be made to the CEMP or CEMP sub-plans that require updating, or amendments of an administrative nature, and are consistent with the

conditions of this consent and the most recent version of the CEMP or CEMP sub-plan approved by the Planning Secretary, and if satisfied that such an amendment is necessary, approve the minor amendment; and

- (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Department's *Environmental Representative Protocol (2018)* under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.

B13. The Applicant must provide all documentation requested by the ER in order for the ER to perform their functions specified in condition B12 (including preparation of the ER monthly report), as well as:

- (a) the complaints register (to be provided on a monthly basis); and
- (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject works).

B14. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition A37. The Applicant must:

- (a) facilitate and assist the Planning Secretary in any such audit; and
- (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

Outdoor Lighting

B15. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Environmental Management Plan Requirements

B16. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Notes:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

B17. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B8;

- (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;
 - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (d) mitigation, monitoring and management procedures specific to the crushing plant that would be implemented to minimise environmental and amenity impacts;
 - (e) sustainability measures and practices to be implemented during the construction process;
 - (f) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (g) information regarding the recycling and disposal locations;
 - (h) confirmation of the contamination status of the development areas of the site based on the validation results;
 - (i) **Construction Traffic and Access Management Sub-Plan** (see condition B20);
 - (j) **Construction Noise and Vibration Management Sub-Plan** (see condition B21);
 - (k) **Construction Soil and Water Management Sub-Plan** (see condition B22); and
 - (l) **Flood Emergency Response Sub-Plan** (see condition B23).
- B18. The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary.
- B19. The Applicant may elect to prepare the CEMP (and relevant sub-plans) required under condition B17 as a standalone document, or as updated versions of CEMP documents already approved by the Planning Secretary as part of the MPW Stage 2 (SSD 7709) consent. In the event the Applicant elects to prepare the CEMP (or sub-plan) as an updated version of an existing approved document, the Applicant must clearly identify how the document has been updated to satisfy the conditions of this consent, as well as how it continues to satisfy the conditions of the consent under which it was originally approved, and seek the Planning Secretary's approval of the updated CEMP (or sub-plan) under both condition B17 and that other consent.
- B20. The **Construction Traffic and Access Management Sub-Plan (CTAMSP)** must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of concurrent construction and/or operation traffic to and from the combined MPW site and the MPE site, and potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (d) detail access and parking arrangements;
 - (e) include a Heavy Vehicle Route Plan detailing:
 - (i) origin of imported fill;
 - (ii) destination of spoil
 - (iii) heavy vehicle routes to and from the site within the Campbelltown and Liverpool Local Government Areas (LGAs), including compliance with conditions of this consent; and
 - (iv) management system for oversized vehicles.
 - (f) detail procedures for notifying residents and the community of any potential traffic disruptions.
- B21. The **Construction Noise and Vibration Management Sub-Plan (CNVMSP)** must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;

- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) include strategies that have been developed with the Community Consultative Committee (CCC) for managing high noise generating works;
- (e) identify work areas, site compounds and internal access routes;
- (f) identify the type and number of plant and equipment expected on site at the same time;
- (g) include a complaints management system that would be implemented for the duration of the construction;
- (h) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B17;
- (i) an **Out-of-hours Work Protocol** for the assessment, management and approval of works associated with the importation and placement of fill, outside of the hours identified in condition C3. The **Out-of-hours Work Protocol** must:
 - (i) provide evidence of how feedback from the CCC has been incorporated to develop the Out-of-hours Work Protocol;
 - (ii) specify what works are proposed out-of-hours;
 - (iii) provide details and clear justification for why the works must be done out-of-hours (reasons other than convenience must be provided);
 - (iv) detail an assessment of out-of-hours works against the relevant NMLs and vibration criteria;
 - (v) provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments; and
 - (vi) include proposed notification arrangements.

B22. The Applicant must prepare a **Construction Soil and Water Management Sub-Plan (CSWMSP)** and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert,
- (b) detail measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book' and the relevant requirements of the conditions of this consent;
- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
- (e) detail all off-site flows from the site; and
- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.

B23. The **Flood Emergency Response Sub-Plan (FERSP)** must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
- (c) include details of:
 - (i) the flood emergency responses for construction 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, and users/visitors.

B24. A **Driver Code of Conduct** must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:

- (a) minimise the impacts of earthworks and construction on the local and regional road network;
- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

Unexpected Contamination Procedure

B25. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. Where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

Per- and Polyfluoroalkyl Substances (PFAS) Contamination

B26. Should the Applicant identify a potential risk to off-site receptors due to PFAS contamination, the Applicant must contact the EPA as soon as practicable and notify the CCC to discuss requirements for community consultation and the management of identified risks.

B27. Prior to the commencement of construction, the Applicant must describe to the EPA the measures that must be implemented to ensure that the long term risk of increased PFAS contamination as a result of tree root penetration is minimised. These measures to reflect those in the LTEMP and any update to the LTEMP (in relation to landscape planting and maintenance), as referred to at conditions C39 and C40.

Construction Parking

B28. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Soil and Water

B29. Prior to the commencement of construction, the Applicant must describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

B30. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Flood Management

B31. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:

- (a) flood warning and notification procedures for construction workers on site;
- (b) evacuation and refuge protocols; and
- (c) the Flood Emergency Response Sub-Plan required under condition B23.

Roadworks and Access

B32. The Applicant must ensure that access points to the site are as approved under MPW Stage 2 (SSD 7709).

B33. Prior to the commencement of construction, the Applicant must submit design plans to the Certifier which demonstrate that the proposed internal roads comply with Table 6.8b of *Planning for Bush Fire Protection 2019*.

Construction Access arrangements

- B34. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (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 versions of AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage;
 - (b) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2;
 - (c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (d) all vehicles are wholly contained on site before being required to stop;
 - (e) all vehicles must enter and leave the site in a forward direction;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed; and
 - (h) heavy vehicles used for haulage of imported fill must not use Cambridge Avenue during construction and operation of the development.

Temporary Construction Works Compound Area

- B35. Prior to the commencement of construction, the Applicant must submit revised **Construction Layout Drawings** to the Planning Secretary for approval. The revised Construction Layout Drawings must show the final layout of key elements of the Temporary Construction Works Compound Area at **Appendix 1** and demonstrate the siting of the:
- (a) main construction, operation and maintenance compound, including staff amenities, offices and training rooms, staff kitchen and café facilities (approximately 20,000m²);
 - (b) hardstand, laydown and materials stockpile areas (approximately 20,000m² and 25,000m²);
 - (c) materials storage area and car parking (approximately 20,000m²); and
 - (d) provision for a permanent access road and temporary loop road.

PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C4. Construction activities may be undertaken outside of the hours in condition C3 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers;
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works; or
 - (e) where they are undertaken in accordance with an **Out-of-Hours Work Protocol** under condition B21(i).
- C5. Notification of such construction activities as referenced in condition C4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- C7. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

No Obstruction of Public Way

- C8. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- C9. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). 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 identified in the approved Construction Noise and Vibration Management Sub-Plan.
- C10. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3.
- C11. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to minimise noise impacts on surrounding noise sensitive receivers.

Vibration Criteria

- C12. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C13. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C12.
- C14. The limits in conditions C12 and C13 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub-Plan, approved as part of the CEMP required by condition B17 of this consent.

Air Quality

- C15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C16. 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.
- C17. The Applicant must ensure dust emissions generated by the development do not cause exceedances of the following criteria at private property not associated with the development:
- (a) 2 g/m²/month maximum increase in deposited dust level; and
 - (b) 4 g/m²/month maximum deposited dust level.

Prevention of Odours

- C18. The Applicant must ensure the development does not cause or permit the emission of any odour, which may be offensive odour (as defined in the POEO Act) outside of the premises (as defined in the POEO Act).

Soil and Water

- C19. All erosion and sediment control measures must be effectively implemented and maintained at design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in

accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Land Disturbance, Earthworks and Importation of Fill

C20. 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 source, volume and type of fill imported to, and material removed from, the site; and
- (c) make these records available to the Certifier, Department or EPA upon request.

C21. Land disturbance and land filling activities across the site must be undertaken:

- (a) in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time; and
- (b) with no disturbance (including vegetation clearing) of another area (other than the construction of erosion and sediments control measures and associated drainage for the separation of clean and dirty water) until:
 - (i) a C-factor of 0.05 has been achieved on the previous phase; and
 - (ii) at least 75% of the permanent stabilisation works have been implemented for the previous phase; and
 - (iii) at least 95% of all the permanent stabilisation works on any other previously disturbed area have been implemented.

Note 1: For the purposes of this condition, permanent stabilisation works include established grass cover.

Note 2: For the avoidance of doubt, the site incorporates land across Moorebank Precinct West shown in Appendix 1, and subject of either MPW Stage 2 consent or this development.

C22. Stockpiling of imported fill is not permitted for longer than 6 months before placement.

C23. Stockpiles must:

- (a) not exceed 10 m in height;
- (b) be benched over 4 m in height;
- (c) have maximum of 1V:3H slopes; and
- (d) be stabilised if not worked on for more than 10 days.

C24. Placed fill must be stabilised if construction does not commence within 10 days.

C25. The design of fill batters must ensure stability, mitigate visual impacts, provide for maintenance activities and demonstrate that there are no impacts on adjacent lands, including biodiversity offset areas and the riparian corridor.

Disposal of Seepage and Stormwater

C26. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

C27. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Unexpected Finds Protocol – Aboriginal Heritage

C28. In the event that surface disturbance identifies an Aboriginal Object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal

community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- C29. If any unexpected Relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW must be contacted. Depending on the possible significance of the Relic, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

Waste Storage and Processing

- C30. All waste generated during construction 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.
- C31. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C33. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C34. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- C35. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Audit Statement

- C36. The Applicant must ensure that the Site Audit Report and Section A Site Audit Statement prepared under condition B169 of MPW Stage 2 (SSD 7709) are implemented for the duration of construction and operation of the development.
- C37. Upon completion of importation and placement of fill on any part of the site (inclusive of all fill imported and/or placed under the conditions of this consent, as well as under SSD 7709), and prior to construction of permanent built surface works on that part of the site under any planning approval, the Applicant must submit to the Planning Secretary a Site Audit Report/s and Section A Site Audit Statement/s submitted in accordance with condition B171 of MPW Stage 2 (SSD 7709).
- C38. The requirements of condition C37 may be satisfied by the submission of a Site Audit Report/s and Section A Site Audit Statement/s in accordance with condition B171 of MPW Stage 2 (SSD 7709).

Long Term Environmental Management Plan

- C39. The Applicant must ensure that the Long Term Environmental Management Plan/s (LTEMP) prepared under condition B172 of MPW Stage 2 (SSD 7709) is/are implemented for the duration of construction and operation of the development.
- C40. Any future update to the final approved LTEMP under MPW Stage 2 (SSD 7709) must be prepared in consultation with a NSW EPA accredited Site Auditor. Evidence that the Site Auditor agreed to the updates made to the LTEMP/s prepared under conditions B172 of MPW Stage 2 (SSD 7709) must be submitted to the Planning Secretary.

Independent Environmental Audit

- C41. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

- C42. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C43. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice to the Applicant of the date or timing upon which the audit must be commenced.
- C44. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C42 of this consent, or condition C43 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C45. Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C46. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

PART D PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

Staging of Subdivision

- D1. This consent allows staging of subdivision provided that, prior to the issue of the first Subdivision Certificate, the Applicant provides a **Subdivision Staging Plan** to the Planning Secretary for approval. The Subdivision Staging Plan must clearly identify each stage of the subdivision and the relevant estate works that relate to each stage (including but not limited to site services, internal roads and stormwater drainage).
- D2. If the Planning Secretary approves a Subdivision Staging Plan under condition D1, the Applicant must:
- (a) carry out the subdivision in accordance with the approved Subdivision Staging Plan; and
 - (b) prior to the issue of a Subdivision Certificate for any stage of the subdivision, all subdivision works and relevant estate works identified in the approved Subdivision Staging Plan for that stage must be completed.

Any update of the approved Subdivision Staging Plan required under condition D1 must be provided to the Planning Secretary for approval, prior to issue of a Subdivision Certificate for the relevant stage. If an updated Subdivision Staging Plan is approved, the Applicant must comply with the requirements of (a) and (b) in relation to that approved updated plan.

Works as Executed Plans

- D3. Prior to the issue of a Subdivision Certificate, detailed works as executed drawings must be prepared and endorsed by a Registered Surveyor, which show that the relevant estate works (including but not limited to site services, internal roads and stormwater drainage) have been completed. The works as executed drawings must be submitted to the Certifier prior to the issue of a Subdivision Certificate.

Statement of Compliance

- D4. Prior to the issue of a Subdivision Certificate, a Statement of Compliance shall be provided to the Certifier demonstrating that the proposed subdivision is consistent with relevant conditions of any relevant planning approval/development consent (to the extent that they are relevant and required for that stage), including but not limited to MPW Concept Proposal & Stage 1 (SSD 5066), MPW Stage 2 (SSD 7709) and the conditions of this consent.

Easements

- D5. The Applicant must create and display on the Subdivision Plan those particular easements as required, inclusive of the requirements of conditions D6-D7 of this consent. The easements must include those easements described for the whole of the MPW site included in Appendix A of the *Moorebank Precinct West - Stage 3 - Response to Submissions Report (SSD 10431)* (Aspect Environmental, July 2020).
- D6. The drainage easements must be consistent with the final drainage details approved by the Planning Secretary as part of MPW Stage 2 (SSD 7709) and the conditions of this consent.
- D7. The access easements must be consistent with the final access details approved by the Planning Secretary as part of MPW Stage 2 (SSD 7709) and the conditions of this consent.
- D8. As part of the Subdivision certification process and prior to lodgement of the Subdivision Plan at the NSW Land Registry Services (LRS), the Applicant must prepare a section 88B instrument as a component of the Subdivision Plan for the creation of all relevant easements, restrictions and covenants. The Subdivision Plan shall provide to the Certifier and the Planning Secretary evidence that all easements required by this approval, have been lodged for registration or registered at the NSW Land Registry Services.

Telecommunications

- D9. Prior to the issue of a Subdivision Certificate for the development, the Applicant is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to applicable lots and/or premises 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 demonstrated through an agreement with a carrier.

D10. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

Sydney Water Compliance Certificate

D11. Prior to the issue of any Subdivision Certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing to the site under section 73 of the *Sydney Water Act 1994*.

Operational Management

D12. Prior to the issue of any Subdivision Certificate, a Precinct Operational Environmental Management Plan (OEMP) for the MPW Site must be prepared and submitted to the Planning Secretary for approval. The OEMP must:

- (a) specify that SIMTA, as Qube Holdings Limited, or another nominated single entity named in the OEMP, retains sole responsibility for delivery and ongoing maintenance of estate works (including but not limited to site services, internal roads, stormwater drainage, pedestrian paths, landscaping, lighting of common areas, emergency services including bushfire mitigation, OSD and Water Sensitive Urban Design elements) across the entirety of the Site; and
- (b) prescribes the management and maintenance measures applicable to the estate works described at (a) above.

D13. The Applicant must:

- (a) not commence subdivision of the development until the OEMP is approved by the Planning Secretary; and
- (b) carry out the operation of 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.

Note: Nothing in this condition precludes the Applicant from construction of permanent built surface works.

D14. The requirement to comply with the OEMP is to be registered on title.

Evacuation and Emergency Planning

D15. Prior to issue of a Subdivision Certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared by a suitably qualified and experienced person(s), and be consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

PART E DURING OPERATION

Community Communication Strategy

- E1. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

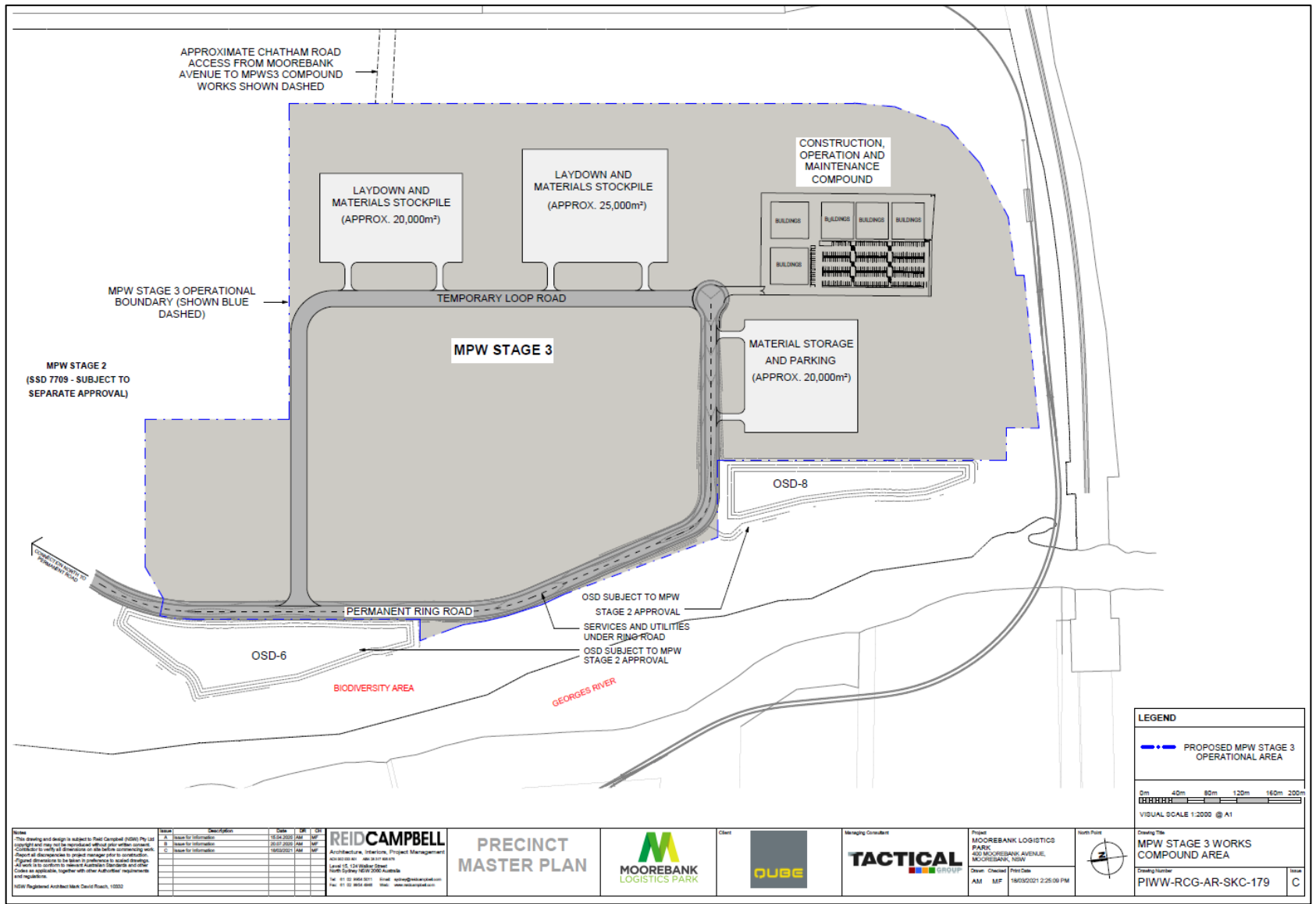
Discharge Limits

- E2. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Dangerous Good

- E3. 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.

APPENDIX 1 TEMPORARY CONSTRUCTION WORKS COMPOUND AREA



APPENDIX 2 ADVISORY NOTES

General

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.

Legal Notices

AN2. Any advice or notice to the consent authority must be served on the Planning Secretary.

AN3. Water, electricity and gas are to comply with Planning for Bush Fire Protection 2019.

Utilities and Services

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN5. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Occupancy Licence

AN6. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows on public roads during construction activities.

SafeWork Requirements

AN7. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Handling of Asbestos

AN8. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN9. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 3 APPLICANT'S REVISED MANAGEMENT AND MITIGATION MEASURES

1. FINAL COMPILATION OF MITIGATION MEASURES

Environmental Management Measures were prepared as part of the MPW Concept Plan Approval and revised for the MPW Stage 2 Approval as Final Compilation of Mitigation Measures (FCMM) to inform the CEMP, OEMP and sub-plans. Relevant MPW Stage 2 FCMM will continue to apply to MPW Stage 3, and have been reviewed and further revised, as required, for relevance to this Proposal.

Table 1: MPW Stage 3 Final Compilation of Mitigation Measures (FCMM)

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
0	General Environmental Management				
0A	<p>Pre-construction works would be undertaken subject to the preparation of an Environmental Work Method Statement (EWMS) or equivalent. Pre-construction works include the following:</p> <ul style="list-style-type: none"> • survey; fencing; investigative drilling, excavation or salvage • establishment of site compounds and construction facilities • installation of environmental mitigation measures • utilities adjustment and relocation • other pre-construction activities • Works as described in section 3 of this EIS. 	Pre Construction	Y	N/A	Y
0B	<p>The Construction Environmental Management Plan (CEMP) and sub-plans prepared for MPW Stage 2 (listed below) will be amended, where required, to accommodate MPW Stage 3 conditions:</p> <ul style="list-style-type: none"> • Construction Traffic and Access Management Plan (CTAMP) • Construction Noise and Vibration Management Plan (CNVMP), prepared in accordance with the Interim Construction Noise Guideline • Cultural Heritage Assessment Report/Management Plan • Construction Air Quality Management Plan • Construction Soil and Water Management Plan (CSWMP), prepared in accordance with Managing Urban Stormwater, 4th Edition, Volume 1, (2004) • Erosion and Sediment Control Plan • Construction Emergency Response Plan 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> Bushfire Risk Management Strategy Community Communication Strategy Flora and Fauna Management Plan (FFMP). 				
1	Traffic and Transport				
1A	<p>A Construction Traffic and Access Management Plan (CTAMP) prepared for MPW Stage 2 details management controls to be implemented to avoid or minimise impacts to traffic, pedestrian and cyclist access, and the amenity of the surrounding environment would be amended, where required, to accommodate MPW Stage 3 conditions. The following key initiatives, included in the MPW Stage 2 CTAMP, continue to apply to MPW Stage 3:</p> <ul style="list-style-type: none"> Restriction of haulage routes through signage and education to ensure, where possible, that construction vehicles do not travel through nearby residential areas to access the Proposal site, in particular Moorebank (Anzac Road) or the Wattle Grove residential areas Inform local residents (in conjunction with the Community Communication Strategy) of the proposed construction activities and road access restrictions that the construction traffic must adhere to and establish communication protocols for community feedback on issues relating to construction vehicle driver behaviour and construction related matters Installation of specific warning signs at entrances to the construction area to warn existing road users of entering and exiting construction traffic Distribution of day warning notices to advise local road users of scheduled construction activities Installation of appropriate traffic control and warning signs for areas identified where potential safety risk issues exist The promotion of car-pooling for construction staff and other shared transport initiatives during the pre-construction phase Facilitating emergency vehicle access to the site Management of the transportation of materials to maximise vehicle loads and therefore minimise vehicle movements Minimising the volumes of construction vehicles travelling during peak periods Monitoring of traffic on Moorebank Avenue during peak construction periods to ensure that queuing at intersections does not unreasonably impact on other road users. 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
1B	Importation of fill to site during construction of the Proposal is to not exceed a total of 22,000 m ³ of material per day. This limit is to be further reduced by an amount equivalent to any fill being imported to the MPW Stage 2 (SSD 7709) and MPE Stage 2 (SSD 7628) on the same day such that the combined importation of fill to the MPW site and MPE site does not exceed 22,000 m ³ on any given day.	Construction	Y	N/A	Y
2	Noise and Vibration				
2A	A Construction Noise and Vibration Management Plan (CNVMP) prepared for MPW Stage 2 will be further amended, as required, to accommodate MPW Stage 3 conditions.	Construction	Y	N/A	Y
2B	The ambient noise monitoring surveys undertaken within Casula, Wattle Grove and Glenfield would be continued throughout the construction of the Proposal (with annual reporting of noise results up to two years beyond the completion of the Proposal).	Construction	Y	N/A	Y
2C	In the event of any noise or vibration related complaint or adverse comment from the community, noise and ground vibration levels would be investigated. Remedial action would be implemented where feasible and reasonable.	Construction	Y	N/A	Y
3	Air Quality				
3A	A Construction Air Quality Management Plan prepared for MPW Stage 2 (and based on the <i>Air Quality Management Plan</i>) includes the following key initiatives which will continue to apply to MPW Stage 3: Procedures for controlling/ managing dust: <ul style="list-style-type: none"> • Clearing, site preparation and excavation: <ul style="list-style-type: none"> ○ Deploy water carts periodically during construction to ensure exposure areas and topsoils/subsoil are kept moist. ○ Work practices would be modified to manage/control dust by limiting clearing, stripping and spoil handling during periods of adverse weather (hot, dry and windy conditions) and when dust is seen leaving the site. • Haulage and heavy plant and equipment movements <ul style="list-style-type: none"> ○ Water carts would be operated on all unsealed internal roadways and travel routes. ○ All vehicles on-site would be confined to a designated route with a speed limit of 30km/hr enforced. 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> ○ Trips and trip distances should be controlled and reduced where possible, for example by coordinating delivery and removal of materials to avoid unnecessary trips. ○ Dirt track-out should be managed using shaker grids and / or wheel cleaning. Dirt that has been tracked onto public roads would be cleaned as soon as practicable. ○ All trucks delivering fill or leaving the site with spoil material would have their load covered. ● Wind erosion <ul style="list-style-type: none"> ○ Wind erosion from exposed ground would be limited by avoiding unnecessary topsoil clearing and limiting to the minimum footprint required. ○ Wind erosion from temporary stockpiles would be limited by minimising the number of work faces on stockpiles and through temporary stabilisation (compaction of surface, water sprays, seeding, veneering). <p>Roles, responsibilities and reporting requirements:</p> <ul style="list-style-type: none"> ● During construction, environmental management would be the responsibility of the construction contractor. The Construction Manager (CM) would be responsible for the day to day construction activities of the Proposal site, including the implementation of dust controls. <p>Construction dust monitoring:</p> <ul style="list-style-type: none"> ● Visual checks would be made daily and reported on an environmental inspection report. The visual checks would: <ul style="list-style-type: none"> ○ Inspect and report on excessive dust being generated at source (wheel generated dust, scrapers/graders, dozers, excavators, wind erosion). ○ Inspect and report on water cart activity and effectiveness. ○ Inspect and report on dust leaving the site. 				
3B	Vehicle movements would be limited to designated entries and exits and haulage routes.	Construction	Y	N/A	Y
4	Biodiversity				

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
4A	Following detailed design and before construction, detailed flora and fauna mitigation measures would be developed and presented as part of the CEMP. These detailed measures would incorporate the measures listed below: <ul style="list-style-type: none"> • general impact mitigation • staff/contractor inductions • identification of exclusion zones • weed control • pest management • monitoring. 	Construction	Y	N/A	Y
4B	The vegetation exclusion zones would be marked on maps, which would be prepared by the contractor/s, and would also be marked on the ground using high visibility fencing (such as barrier mesh).	Pre-construction and Construction	Y	N/A	Y
4C	The design of temporary site fencing and any overhead powerlines would consider the potential for collision by birds and bats and minimise this risk where practicable.	Detailed design & Pre-construction	Y	N/A	Y
4D	Erosion and sediment control measures would be used to minimise sedimentation of streams and resultant impacts on aquatic habitats and water quality. The erosion and sediment controls to be included to avoid, minimise and mitigate against the potential for construction of the Proposal to result in erosion and sedimentation impacts will be determined in consideration of the erosive potential of locally occurring soils, and the characteristics of the clean general fill to be imported as part of construction of the Proposal.	Pre-construction and Construction	Y	N/A	Y
4E	The CEMP (or equivalent) would include detailed measures for minimising the risk of introducing weeds and pathogens for construction related vehicles and equipment.	Construction	Y	N/A	Y
5	Stormwater and Flooding				
5A	A Construction Soil and Water Management Plan (CSWMP) and Erosion and Sediment Control Plan (ESCP), or equivalent, have been prepared for MPW Stage 2, and where required, amended in accordance with MPW Stage 3 conditions. The CSWMP and ESCPs would be prepared in accordance with the principles and requirements of the Blue Book and based on the Preliminary ESCPs provided in the Stormwater and Flooding Assessment	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<p>Report. The following aspects have been addressed within the SWMP and ESCPs, and would continue to apply to MPW Stage 3</p> <ul style="list-style-type: none"> • Minimise the area of soil disturbed and exposed to erosion • Priority should be given to management practices that minimise erosion, rather than to those that capture sediment downslope or at the catchment outlet • Divert clean water around the construction site or control the flow of clean water at non-erodible velocities through the construction area • Provision of boundary treatments around the perimeter of construction areas to minimise the migration of sediment offsite • Permanent or temporary drainage works would be installed as early as practical in the construction program to minimise uncontrolled drainage and associated erosion • Stockpiles would be located away from flow paths on appropriate impermeable surfaces, to minimise potential sediment transportation. Where practicable, stockpiles would be stabilised if the exposed face of the stockpile is inactive more than ten days, and would be formed with sediment filters in place immediately downslope • Disturbed land would be rehabilitated as soon practicable • The wheels of all vehicles would be cleaned prior to exiting the construction site where excavation occurs to prevent the tracking of mud. Where this is not practical, or excessive soil transfer occurs onto paved areas, street cleaning would be undertaken when necessary. • A requirement to inspect all permanent and temporary erosion and sedimentation control works prior to and post rainfall events and prior to closure of the construction area. Erosion and sediment control structures must be cleaned, repaired and augmented as required. • Where required, sediment basins and their outlets would be designed to be stable in the peak flow from at least the 10-year • ARI time of concentration event. Sediment basins should be sized to accommodate the 5 day, 80th percentile storm event, with sufficient size and capacity to manage Type F soils. Sediment basins must be regularly cleaned to maintain the design capacity. Prior to discharge from sediment basins, water would be tested for the following parameters to identify construction impacts: <ul style="list-style-type: none"> ○ pH 				

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> ○ Turbidity / TSS ○ Oil and grease. 				
5B	Proposal site exits would be fitted with hardstand material, rumble grids or other appropriate measures to limit the amount of material transported offsite.	Construction	Y	N/A	Y
5C	<p>The following measures would be considered during the development of construction methodology for the Proposal to mitigate flooding impacts:</p> <ul style="list-style-type: none"> • For all site works, provide temporary diversion channels around temporary work obstructions to allow low and normal flows to safely bypass the work areas • Locate site compounds, stockpiling areas and storage areas for sensitive plant, equipment and hazardous materials above an appropriate design flood level outside of the PMF extent, to be determined based on the duration of the construction work. 	Construction	Y	N/A	Y
5D	<p>To minimise potential flood impacts during construction of the Proposal, the following measures would be implemented and documented in the CSWMP prepared for MPW Stage 2, and will continue to apply to MPW Stage 3:</p> <ul style="list-style-type: none"> • The existing site catchment and sub-catchment boundaries would be maintained as far as practicable • To the extent practicable, site imperviousness and grades should be limited to the extent of existing imperviousness and grades under existing development conditions • Smaller detention storages that provide adequate rainfall runoff mitigation during partial construction/site development would be considered • Temporary structures used to convey on site run-off during construction would be designed to accommodate flows during prolonged or intense rainfalls. 	Construction	Y	N/A	Y
5E	A Construction Emergency Response Plan has been prepared and implemented for the construction phase of MPW Stage 2 to allow work sites to be safely evacuated and secured in advance of flooding occurring at the MPW site. The plan has been prepared in consultation with the State Emergency Service.	Construction	Y	N/A	Y
5F	<p>Stockpile sites established during construction are to be managed in accordance with relevant stockpile management principles and procedures already in place for the site. Mitigation measures may include:</p> <ul style="list-style-type: none"> • In order to accept fill material onto site, material characterisation reports/certification 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<p>showing that the material being supplied is VENM/ENM must be provided.</p> <ul style="list-style-type: none"> • Each truck entering the MPE Stage 3 Proposal site will be visually checked and documented to confirm that only approved materials that are consistent with the environmental approvals are allowed to enter the site. • Only fully tarped loads are to be accepted by the gatekeeper. • Environmental Assurance of imported fill material will be conducted to confirm that the materials comply with the NSW EPA Waste Classification Guidelines and the Earthworks Specification for the MPW site. The frequency of assurance testing will be as nominated by the Environmental assessor/auditor. • All trucks accessing the site for the purpose of clean general fill importation would enter and exit via the existing MPW Stage 3 construction access point(s). • Ingress and egress to the stockpiling areas would be arranged so that the reversing of trucks within the site is minimised. • Stockpiles would not exceed ten-metres in height from the final site levels, with battered walls at gradients of 1V:3H. • For any stockpile heights greater than 4 m, benching would be implemented. • Where reasonable and feasible, and to minimise the potential for erosion and sedimentation of stockpile(s), stockpile profiles would typically be at angle of repose (the steepest angle at which a sloping surface formed of loose material is stable) with a slight concave slope to limit the loss of sediments off the slope, or through the profile and the formation of a toe drain. • The top surface of the stockpile(s) would be slightly sloped to avoid ponding and increase run off. • Topsoil stockpiles would be vegetated to minimise erosion. • Stockpiles would be protected from upslope stormwater surface flow through the use of catch drains, berms, or similar feature(s) to divert water around the stockpile(s). • A sediment control device, such as a sediment fence, berm, or similar, would be positioned downslope of the stockpile to minimise sediment migration. • Any water seepage from stockpiles would be directed by toe drains at the base of the stockpiles toward the sediment basins or check dams and away from the emplacement or extraction working face. 				

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> Newly formed stockpiles would be compacted (sealed off) using a smooth drum roller at the end of each working day to minimise water infiltration. Haul roads would be located alongside the stockpile to the work/tipping area. As per best practice, the catchment area of haul roads for surface water runoff would be approximately 2530 m lengths, facilitated by the provision of spine drains which would convey water from the haul road to toe drains at the base of the stockpile, and then to sediment basins. Temporary sediment basins would be established in accordance with the ESCP prepared for the site. Any imported clean general fill material that would be subject to stockpiling within the Proposal site for more than a 10-day period without being worked on, would be subject to stabilisation works, to minimise the potential for erosion. Where the material being stockpiled is less coarse or has a significant component of fines then surface and slope stabilisation would be undertaken. Methods for slope stabilisation may include one or a combination of the following: <ul style="list-style-type: none"> Application of a polymer to bind material together Application of hydro-seed or hydromulch Covering batters with mulch to provide ground cover. Covering batters with geofabric Use of a simple sprinkler system for temporary stockpiles, including use of radiating sprinkler nozzles to maintain fine spray over exposed surfaces. Other options identified by the Contractor. Topsoil stockpiles would be seeded with a grass/legume or nitrogen fixing species (such as acacia) to assist in erosion control and reduce loss of beneficial soil nutrients and micro-organisms. 				
6	Geology, Soils and Land Contamination				
6A	The CEMP prepared for MPW Stage 2 would be updated, as required to identify the actions to be taken should additional contamination be identified during the development of the site (i.e. an unexpected finds protocol).	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
6B	The CEMP would include the preparation of a site-wide UXO, EO, and EOW management plan (or equivalent) based on the UXO Risk Review and Management Plan (G-Tek, 2016). This plan would be implemented to address the discovery of UXO or EOW during construction, to ensure a safe environment for all staff, visitors and contractors.	Construction	Y	N/A	Y
6C	Findings within the Geotechnical Interpretive Report (Golder, 2016) prepared for MPW Stage 2 regarding excavations, earthworks, pavements and structural footings are to be considered during detailed design.	Detailed design	Y	N/A	Y
6D	In order to accept fill material onto site, the following will be undertaken: <ul style="list-style-type: none"> Material characterisation reports/certification showing that the material being supplied is VENM/ENM must be provided. Each truck entry will be visually checked and documented to confirm that only approved materials that are consistent with the environmental approvals are allowed to enter the site. Only fully tarped loads are to be accepted by the gatekeeper. Environmental Assurance of imported fill material will be conducted to confirm that the materials comply with the NSW EPA Waste Classification Guidelines and the Earthworks Specification for the MPW site. The frequency of assurance testing will be as nominated by the Environmental assessor/auditor. 	Construction	Y	N/A	Y
6E	The CEMP prepared for MPW Stage 2, and revised, as required, to accommodate MPW Stage 3 conditions, provides details on earthworks material criteria, handling and placement requirements, embankment and cutting formation (including foundation, batter and benching requirements), unsuitable material and bridging layer requirements, conformance testing methods and acceptance criteria (e.g. for material acceptance and compaction control).	Construction	Y	N/A	Y
6F	In areas where placement of fill would occur to final site levels, but hardstand and warehousing is not currently proposed, exposed surfaces would be stabilised using hydroseeding, or the application of a bitumen emulsion or a similar stabilisation method.	Construction	Y	N/A	Y
7	Hazard and Risk				
7A	The following measures have been included in the CEMP (or equivalent) to minimise hazards and risks: <ul style="list-style-type: none"> Procedures for safe removal of asbestos An Incident Response Plan that would include a Spill Management Procedure. 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
7B	Storage of flammable/ combustible liquids would be undertaken in accordance with AS 1940, with secondary containment in place in a location away from drainage paths.	Construction	Y	N/A	N/A
8	Visual Amenity, Urban Design and Landscape				
8A	<p>The following mitigation measures would be implemented, where reasonable and feasible, to minimise the visual impacts of the Proposal:</p> <ul style="list-style-type: none"> Existing vegetation around the perimeter of construction sites would be retained where feasible and reasonable The early implementation of landscape planting would be considered in order to provide visual screening during the construction of the Proposal Elements within construction sites would be located to minimise visual impacts as far as feasible and reasonable, e.g. setting back large equipment from site boundaries Construction lighting, on both ancillary facilities and plant and equipment, would be designed and located to minimise the effects of light spill on surrounding sensitive receivers, including residential areas and the proposed conservation area Design of site hoardings would consider the use of artwork or project information Regular maintenance would be undertaken of site hoardings and perimeter areas including the prompt removal of graffiti Where required for construction works, cut-off and directed lighting would be used and lighting location considered to ensure glare and light spill are minimised. 	Construction	Y	N/A	Y
8B	<p>The following initiatives would be implemented for mitigation of light spill:</p> <ul style="list-style-type: none"> Lighting would be designed to minimise impacts on surrounding existing and future residents and the proposed conservation zone The use of shields on luminaire lighting to minimise brightness effects would be considered Asymmetric light distribution-type floodlights would be selected as part of the proposed lighting design (i.e. the light is directed specifically to the task with minimal direct light spill to the surrounding area) Low reflection pavement surfaces would be considered to reduce brightness The quantity of light and energy consumption in parts of the Proposal site that are not active would be minimised, while retaining safe operation. 	Detailed design	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
9	Indigenous Heritage				
9A	An unexpected finds procedure would be included in the ACHAR and in place for the construction phase of the Proposal.	Construction	Y	N/A	Y
9B	If suspected human remains are located during any stage of the construction works, work would stop immediately and the NSW Police and the Coroner's Office should be notified. The Office of Environment and Heritage, RAPs and an archaeologist would be contacted if the remains are found to be Aboriginal.	Construction	Y	N/A	Y
9C	Consultation with RAPs would continue throughout the life of the Proposal, as necessary. Ongoing consultation with RAPs would take place throughout the reburial of retrieved artefacts and in the event of the discovery of any unexpected Aboriginal Objects.	Construction	Y	N/A	Y
10	Non-Indigenous Heritage				
10A	Naming of roads would consider previous School of Military Engineering (SME) street names.	Detailed Design	Y	N/A	Y
10B	Naming of roads (in addition to above) would consider commemoration of significant events and individuals related to the Moorebank Cultural Landscape.	Detailed Design	Y	N/A	Y
10C	An unexpected finds protocol is included within the CEMP prepared for MPW Stage 2, and will be revised, as required to accommodate MPW Stage 3 conditions. If unexpected finds are identified during works, the stop works procedure would be followed and a suitably qualified archaeological consultant would be engaged to assess the significance of the finds and the NSW Heritage Council notified. In this instance, further archaeological work or recording may be required.	Construction	Y	N/A	Y
11	Greenhouse Gas				
11A	The following initiatives would be implemented, where reasonable and feasible, for mitigation of GHG emissions during construction: <ul style="list-style-type: none"> • Construction works would be planned to minimise double handling of materials • Construction/transport plans would be incorporated within the CEMP to minimise the use of fuel during construction • Fuel efficiency of the construction plant/equipment would be assessed prior to selection, and where practical, equipment with the highest fuel efficiency and which uses lower GHG intensive fuel (e.g. biodiesel) would be used 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> On-site vehicles would be fitted with exhaust controls in accordance with the Protection of the Environment Operations (Clean Air) Regulation 2010, as required and appropriate. Regular maintenance of equipment would be undertaken to maintain good operations and fuel efficiency Where practicable, trucks removing waste from the site or bringing materials to the site would be filled to the maximum amount allowable, depending on the truck size and load weight, to reduce the number of traffic movements required <p>The mitigation measures, management strategies and abatement opportunities would be reviewed and considered where appropriate for incorporation into the CEMP to accommodate MPW Stage 3 conditions.</p>				
12	Waste				
12A	<p>The following mitigation measures would be implemented as part of the CEMP (or equivalent) for waste management:</p> <ul style="list-style-type: none"> Characterisation of construction waste streams in accordance with the NSW Waste Classification Guidelines Management of any identified hazardous waste streams Procedures to manage construction waste streams, including handling, storage, classification, quantification, identification and tracking Mitigation measures for avoidance and minimisation of waste materials Procedures and targets for re-use and recycling of waste materials. 	Construction	Y	N/A	Y
12B	Container disposal units would be provided in the area around the diesel re-fuelling station to dispose of used spills kits. These containers would be taken for disposal at an appropriately licensed facility.	Construction	Y	N	N
13	Bushfire				
13A	<p>A bushfire management strategy prepared for MPW Stage 2 will be considered for implementation, where reasonable and feasible, for mitigation of bushfire risk during construction of MPW Stage 3. The strategy would include:</p> <ul style="list-style-type: none"> Emergency response plans and procedures 	Construction	Y	N/A	Y

FCMM No.	Mitigation Measures	Implementation Stage	Applicability		
			Works compound	Subdivision	Ancillary Works
	<ul style="list-style-type: none"> All site offices and temporary buildings would have a minimum setback of 10 m to bushfire prone areas All site offices would be accessible via access roads suitable for firefighting appliances similar to NSW Rural Fire Service category 1 tankers. 				
14	Socio-Economic				
14A	A Community Communication Strategy prepared for MPW Stage 2 would be reviewed, as required, to accommodate MPW Stage 3 conditions.	Construction	Y	Y	Y
14B	Security at the Proposal site would include: <ul style="list-style-type: none"> Fencing around the perimeter of the Proposal site, A controlled site access system including electronic truck processing A controlled circuit television (CCTV) security system at key locations including site entrances and along boundaries. 	Construction			

APPENDIX 4 WRITTEN 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 Planning Secretary through the major projects portal 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 A40 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.