

DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA12/1380
Description of development	"Tough Mudder" Athletic Endurance Event to be held on 13 April & 14 April 2013
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ N/A

DETAILS OF THE APPLICANT

Name & Address	Mullane Planning Consultants 12 Mount Street GLENBROOK NSW 2773
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NOTES

1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 10 DP 615085
Property Address: 1041-1117 Mulgoa Road MULGOA NSW 2745

DECISION OF CONSENT AUTHORITY

Was a Commission of Inquiry held for the development? NO

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates 07 March 2013
Date the consent expires 07 March 2016
Date of this decision 07 March 2013

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

OTHER APPROVALS

APPROVAL BODIES:

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Heritage Office of NSW	18 February 2013	5045436	2	Heritage Act 1977

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval detailed in Attachment 1 of this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 2: Conditions of Consent issued by Penrith City Council.

RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.
3. If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

4. An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer	Belinda Borg Senior Environmental Planner
Contact telephone number	(02) 4732 7505

SIGNATURE

Name	Belinda Borg
Signature	

For the Development Services Manager

ATTACHMENT 1: GENERAL TERMS OF APPROVAL

As delegate of the NSW Heritage Council, I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the NSW Heritage Council informs Penrith City Council that the following terms of approval are proposed to be granted:

- 1) All work shall be carried out in accordance with the following documentation provided with the application:
 - a) Heritage Impact Statement;
 - b) Statement of Environmental Effects, Mullane Planning Consultants, 20/12/2012;
 - c) Site plan of 'Tough Mudder' race track and obstacle list; and
 - d) Rehabilitation Plan.

Site Protection & Works:

- 2) Significant built elements (including the house, stables, bridges, retaining walls, fences, culverts and other associated built structures throughout the landscape) are to be adequately protected from potential damage during the event. Protection systems must ensure historic fabric is not damaged or removed.
- 3) Any built fabric (including fence railings) that are removed during the event are to be restored to original position within two (2) weeks of the event.
- 4) Significant landscape elements and vegetation are to be adequately protected from potential damage during the event. Protection systems must ensure historic landscape elements are not damaged or removed.
- 5) If any damage occurs during the event, the site should be returned to the state it was in prior to the event through the laying of new ground cover within two (2) months of the damage occurring.
- 6) The Applicant must ensure that if substantial intact archaeological deposits and/or state significant relics are uncovered, activity must cease in the affected area(s) and the Heritage Council of NSW must be notified.
- 7) Should any Aboriginal 'objects' be uncovered by the activity or disturbance of the area, activity is to stop immediately and the Office of Environment and Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Compliance:

- 8) Photographs are to be taken of the land being excavated prior to the event and again following land remediation. These photographs are to be forwarded to the NSW Heritage Council within two (2) weeks of the conclusion of the event.
- 9) Photographs are to be taken of any built fabric (fence railings) being removed prior to the event and following reinstatement. These photographs are to be forwarded to the NSW Heritage Council within two (2) weeks of the conclusion of the event.

- 10) Following the determination of the development application by Penrith City Council, an application under Section 60 of the NSW *Heritage Act 1977* must be submitted to and approved by the NSW Heritage Council prior to works commencing.

ATTACHMENT 2: CONDITIONS OF CONSENT

1. This consent permits the running of a two day "Tough Mudder" Athletic Endurance Event on 13 & 14 April 2013. Should the applicant wish to operate any future events on the site, a separate application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.
2. The maximum number of participants and spectators involved in the "Tough Mudder" Athletic Endurance Event is limited to 15,000 people. Evidence of compliance is to be provided to Penrith City Council within three (3) weeks of the event concluding.
3. The maximum number of people to be accommodated within the camping area is limited to 800 people. Evidence of compliance is to be provided to Penrith City Council within three (3) weeks of the event concluding.
4. All entertainment and trading including the operation of a PA and speaker system is to cease at 7.00pm on the day of the event (to allow background noise levels to be achieved prior to midnight).

Notwithstanding the above, food and beverage outlets servicing the camping area are to cease trade at 9.00pm on Saturday 13 April 2013.

5. The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
6. The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
7. Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety or Security issues in conjunction with other local Penrith stakeholders should the need arise.
8. Access to car parking area, spectator areas, the base camp and sanitary facilities for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
9. The temporary tent structures, stages and obstacles, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia. A Structural Engineer's Certificate is to be submitted to Council prior to the event, certifying the structural adequacy of the structures.
10. The event structures, including obstacles, are to be inspected by Penrith City Council at least 48 hours before the event operates for the public. Fees for the inspection are to be paid, as detailed in Penrith City Council's Fees and Charges, and will be invoiced accordingly.
11. The event shall be managed in accordance with the requirements of Schedule 3A - Places of Public Entertainment of the Environmental Planning and Assessment Regulation 2000.
12. Portable fire extinguishers shall be provided in all areas in accordance with Australian Standard AS 2444-2001, with certification submitted to Council prior to the event.
13. Two NSW Rural Fire Service Category 1 fire trucks are to be provided on the site, one at the eastern end and the other at the western end.
14. Appropriate fire fighting equipment and trained staff are to be located at Obstacle 15 (referred to as the Firewalker) at all time that the obstacle is in operation.
15. Access to the site for the NSW Fire Brigades/ Rural Fire Service/ NSW Ambulance Service is to be made available at all times during the operation of the event.

16. In the event that a helicopter needs to attend the site for a medical emergency, instructions are to be provided that overhead power lines are within the site and due care is to be taken when responding to the emergency.
17. A photographic record of the approved camping area and base camp area is to be prepared and submitted to Penrith City Council a minimum of two (2) weeks before the event. Photographs are to be taken after the event and forwarded to Council within 28 days after the conclusion of the event.
18. Alcohol must not be brought in to the event, but must only be purchased on site from the licensed vendors.
19. Immediately prior to the participants taking part in the event, an audio address must be provided relating to the presence of animals being located on the site, any possible threats from the animals and action to be taken in the event that a participant come across animal during the event are to be outlined.

Transport Management Plan

20. The event has been determined to be a Class 1 Event under the "*Guide to Traffic and Transport Management for Special Events*", and that all conditions and requirements specified in the Guide must be complied with prior to the event.
21. The Traffic Management Plan submitted by the event applicant detailing the proposed traffic diversions for the event to be held on 13 and 14 April 2013 has been endorsed. The subsequent Traffic Control Plans incorporating all traffic devices must be implemented in accordance with the Traffic Management Plan.
22. A Transport Management Plan including a Risk Management Plan must be lodged by the event applicant with the Roads and Maritime Services for concurrence, prior to the event. A copy of the Roads and Maritime Services Traffic Management Centre's approval must be submitted to Council prior to the event.
23. The event organisers are to obtain separate approval from the NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
24. The applicant must submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million, prior to the event. In addition, the applicant indemnifies Council in writing against all claims for damage and injury which may result from the proposed event.
25. A detailed series of Traffic Control Plans shall be prepared by a qualified and certified professional and submitted to Council, the Roads and Maritime Services and NSW Police prior to the event.
26. The event organisers must arrange to place barricades and traffic cones and provide Roads and Maritime Services accredited Traffic Controllers where required by the endorsed Traffic Management Plan. Where the Traffic Management and Traffic Control Plans indicate Traffic Controllers are to be used, all Traffic Controllers must have current Roads and Maritime Services certification.
27. The event organisers must provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000 and the NSW Occupational Health & Safety Regulations 2001.
28. The event organisers must advertise the proposed traffic diversions in local newspapers and other media as described in the Traffic Management Plan, a minimum of two weeks prior to the event.
29. The event organisers must notify ambulance and fire brigade (NSW Fire Brigade and Rural Fire Service) and State Emergency Services of the proposed event and submit a copy of the notification to Council prior to the event.

30. The event organisers must notify private bus companies and coach organisations and taxi companies of the proposed event and submit a copy of the notification to Council prior to the event.
31. The event organisers shall ensure that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulation 2000.
32. All works as part of this approval are conducted at no cost to Council.
33. The event organisers are to ensure that foliage is cleared near both the access driveways to site in order to improve sight distances for exiting vehicles.
34. The event organisers are to ensure that access driveway and access driveway aprons are sealed with a spray seal or similar in order to minimise rubble spilling onto Mulgoa Road. The minimum length of the seal is to be 50m, measured from the property boundary to Mulgoa Road.

Security and Safety

35. The applicant must provide a combination of security personnel and paid Policing for the duration of the event. This includes a number of security guards on the site determined in conjunction with Penrith Police and agreed to by Penrith City Council **2 weeks prior to the event.**

Potable Water Supply

36. The potable water supply shall be maintained in accordance with the *Australian Drinking Water Guidelines* 2004 and the *NSW Health Private Water Supply Guidelines* 2008. A residual of 0.2 to 0.5 mg/L free chlorine must be maintained in the water supply at all times.
37. Residual chlorine must be measured and recorded at the supply, delivery of water to storage tanks, and at the end use. Additional chlorine must be added if residuals cannot be maintained in accordance with NSW Health guidelines. Stored water shall be tested and results recorded a minimum of every 2 hours. Records must be available for Council's Environmental Health Officers to inspect at all times.
38. Potable water shall be supplied to all drinks stations, camping grounds, food stalls, refreshment facilities, toilets, showers, rinse stations, hand basins and wash up sinks. Storage tanks shall be installed on stable ground in a secured area where the water supply cannot be contaminated or tampered with. Fencing and security shall be provided for the water storage tanks and supply.
39. The supply of water shall be completed in accordance with the *NSW Guidelines for Water Caters* (NSW Health & NSW Food Authority 2012). The carter must have approval or licensing from Sydney Water or other Water Authority to take water from their supply and the event coordinator must notify Council before the event where water is being sourced from.

Waste and Wastewater

40. Temporary sanitary facilities shall be provided for the event in accordance with Table F2.3 of the Building Code of Australia.
41. Adequate waste and recycling facilities are to be located around the base camp, track and camping area to cater of waste disposal. Separate waste and recycling facilities are to be provided for the food and refreshment business. Bins are to be located as to not cause pollution and are be frequently emptied.
42. The provisions of toilets for the event (including camping) are to comply with Clause 34 of Chapter 5 in the Emergency Management Practice Manual, prepared by the Attorney General's Department. Toilets and wastewater facilities are to be located in a suitable area in close proximity to the camping.

43. All toilet and wastewater facilities are to be operated and located in a suitable location so not to cause water pollution either through direct flow into the dams, tributaries or through stormwater drainage system.
44. In the event wastewater enters the dams, tributaries or stormwater system, immediate action is to be taken to minimise any environmental or public health impacts. In addition Council is to be notified of the incident within 24 hours.
45. Any wastewater discharge or spill is to be cleaned up immediately with the waste being disposed of by a licensed waste contractor.
46. All toilets and wastewater facilities are to be maintained in a clean manner for the duration of the event. The facilities are to be pumped out at a frequency deemed necessary to maintain cleanliness.

Wastewater from the toilet and showers is to be disposed of in a lawful manner at an appropriately licensed waste facility.
47. A wastewater discharge point is to be provided for food businesses by the event manager for all sullage, greywater and wastewater. No wastewater is to be discharged to the environment. All wastewater is to be transported and disposed off at a lawful and licensed facility. Copies of receipts are to be provided to Council.
48. Hay bales, logs and other materials used as part of the event are to be disposed of in a lawful manner at an appropriately licensed waste facility **within 7 days at the end of the event**.

Toilets and Showers for Food handlers

49. Toilets must be provided for all food handlers and maintained in a hygienic condition. These toilets must be separate to other event toilets and not available to competitors or spectators or officials. The toilets must be located in the immediate vicinity of the food stalls.
50. Toilets shall be supplied with a hand wash station or facility that shall have warm water through a single outlet and be provided with soap and paper towel dispensers.
51. Showers shall be supplied for any food handlers who will be staying overnight at the event.

Camping

52. Catering shall be provided for campers by an approved food business as per the requirements of the Food Act 2003.
53. Details of the camping ground and facilities shall be provided to Council at least two weeks before the event. This shall include details of the location of the camping tents, food services, sanitary facilities including toilets, hand basins, showers, washing up facilities, waste management and wastewater disposal.
54. Camping is to be located on cleared exotic grassland only and is not to impact on regenerating vegetation or derived native grassland.
55. There are to be no fires associated with the camping. Cooking facilities are not to be provided on site for the campers.

Food

56. Penrith City Council requires all food businesses attending this event to apply to Council for an approval to sell food. This application must be submitted to Council a **minimum of two weeks before the event** to allow Council sufficient time to assess the applications. Late applications will not be considered or approved. Council will provide the event organiser with a list of approved food businesses prior to the event.

An Application to sell food forms are available on Council's website:

www.penrithcity.nsw.gov.au

Note: A person selling food or operating stalls or mobile vans used for selling food for human consumption, including produce, fruit and vegetables, drinks, or pre-packaged food, is deemed to be a 'food business' under the Food Act 2003. This includes not-for-profit organisations.

57. Prior to the operation of the food business at this event all food businesses must notify the NSW Food Authority of their details including:

- Contact details for the food business, including the name and address of the business and the proprietor of the business.
- The nature of the food business.
- The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

58. A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by each individual food business prior to the event. The certificate must be available at the day of the event for inspection by Council's Environmental Health Officers.

59. The proprietor of the food business shall ensure that the requirements of the following legislation, codes, and guidelines are met at all times:

- NSW Food Act 2003
- NSW Food Regulation 2010
- The Australian and New Zealand Food Standards Code
- Guidelines for Temporary Events (NSW Food Authority 2012), and
- Mobile food vending vehicles: *Operation, construction and food handling guidelines* (NSW Food Authority 2009)

60. Coolrooms must be supplied by the event organisers for all food vendors and power must be maintained to these coolrooms. The event coordinator is to liaise with food businesses as to their coolroom and storage needs. Cool room temperatures must be routinely monitored and temperatures recorded. An alarm system must be provided to ensure correct temperatures are maintained overnight.

61. Food premises, stalls or food vending vehicles must have a temperature measuring device onsite that is capable of measuring to $\pm 1^{\circ}\text{C}$. Food products are required to be stored in vermin and insect proof storage areas. All foods are to be protected and covered.

Skin Penetration

62. A Skin Penetration Plan must be submitted to Council for approval a **minimum of three weeks before the event**. The plan must demonstrate how any skin penetration procedures will meet the requirements of the NSW Public Health Act 2010 and Public Health Regulation 2012.
63. Tattoo premises and tattoo artist must comply with the requirements of the Tattoo Parlour Act 2012 and be registered with the Department of Fair Trading. Tattoo and body art practitioners must comply with the Children and Young Persons (Care and Protection) Act 1998.
64. In accordance with section 38(2) of the Public Health Act 2010 and clause 31 of the Public Health Regulation 2012 all tattooists and body art practitioners attending the event

must notify Penrith City Council before the event through filling in the NSW Ministry of Health skin penetration notification form and submitting the form to Penrith City Council.

Note: Skin penetration includes tattooing, hair removal (waxing) and ear, nose and body piercing.

Noise

65. All noise including (but not limited too) noise from the PA systems at the obstacles, start and finish lines and music from the band shall not exceed 5dB(a) above the background noise level when measured at the boundaries of the premises over a 15 minutes period. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Where any non compliance with the condition has been identified by Council, Council may require a noise impact assessment to be undertaken on the activity. The noise impact assessment is to be prepared by a suitably qualified consultant and must take into consideration and directions provided by Council.

66. Noise testing is to be conducted during the event at the receiver locations used to determine the Rating Background Levels for the north, south, east and west boundaries of the "Fernhill Estate."

This monitoring is to be undertaken a minimum of twice during the daytime period and twice during the evening period at each of those locations. Daytime and Evening are periods as defined by the NSW Industrial Noise Policy. In addition the noise testing is to have consideration to Amenity and Intrusive Noise as defined in the Industrial Noise Policy.

Should the noise testing identify any amenity and/or intrusive noise related concerns, then these are to be communicated to the event organiser as soon as possible and immediate action must be taken to resolve these concerns. Details of this compliance noise testing and any concerns raised and action taken are to be included in the Event Acoustic Report.

The noise readings are to be measured at all points in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000.

67. The services of a suitably qualified consultant is to be engaged to conduct noise testing during the event and provide an Event Acoustic Report to be submitted to Penrith City Council **within twenty eight (28) days of the event.**

The Event Acoustic Report is to comply with Australian Standard AS1055 Acoustics - Description of measurement of environmental noise and New South Wales Environment Protection Authority Industrial Noise Source Policy 2000.

68. Noise generated by the activity after 10pm is not to exceed the Sleep Disturbance Criteria provided in the Environmental Protection Authorities Industrial Noise Policy. In the event that the continuous noise monitoring detects any exceedance, the noise levels are to be reduced immediately.
69. The use of a PA system, band or any other amplified music is not permitted in conjunction with the camping activities on the site.
70. A noise complaint hotline by the event organisers is to be made available to the surrounding area in case noise nuisance occurs. Any complaints are to be reported to the event manager and where necessary action is to be taken to resolve the noise nuisance. The event manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level produced.
71. In the event of on going noise complaints relating to the development being received by Council, the owner and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

Operation Management Plan

72. Prior to the event commencing an updated Operational Management Plan is to be submitted to Penrith City Council. The report is to include, but not limited to the following information:
- Event Emergency Management Plan including First Aid and Medical Plan
 - Emergency Access and Evacuation Plan
 - Communication Plan detailing signage to be installed within the site, including warning signs relating to the obstacles
 - Alcohol Management Plan
 - Security Management Plan
 - Adjoining Residents Action Plan
 - Food and Refreshment Arrangements
 - Accessibility Compliance Plan
 - Amenities Plan
 - Waste
 - Camping Area Management Plan
 - Medical management plan specifically relating to the Camping Area
 - Water Supply Management Plan
 - Power Supply and Lighting Plan.

Note: The Event Emergency Management Plan is to include a list of the Wardens for the event, the chain of command and interaction with the emergency services who will be present for the event, and a sequence of events to detail the actions that would be taken in the event of an emergency.

All emergency services and key agencies involved in providing services for this event should also be provided with a copy of the site plan no later than Monday 1 April 2013. This includes Penrith Local Area Command, NSW Ambulance, Sydney West Area Health Service, Rural Fire Service and any other appropriate authorities.

73. Records should be kept of all incidents at the event, and should include details such as the date, location and time of incident, description of incident, contact details of person involved, and action taken.

Environmental Management Plan

74. **3 weeks before any works commence on site**, an Environmental Management Plan (EMP) for the site shall be submitted to Penrith City Council for consideration and approval.

The EMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

- address all environmental aspects of the development's construction and operational phases, and
- address relevant conditions of the this approval; and
- recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- Soil and water management

- Dust suppression
- Litter control
- Noise control
- Waste management
- Management of toilet and wastewater facilities to ensure cleanliness
- Environmental impacts of the construction, use and dismantling of each obstacle

- Rubbish removal along the track and at the start/finish area
- Remediation of the track and obstacles to original form
- Wet weather considerations
- Emergency response and spill contingency.

Provisions are to be included detailing the intent of the disposal of soil and water used during the event. This is also to include the disposal of the water used for the "Arcitc Enema" obstacle.

Council will not withhold its consent to the Environmental Management Plan provided the above-mentioned matters are reasonably addressed.

The relevant aspects of the approved EMP shall be implemented during the relevant phase(s) of the development.

Employment of Environmental Consultant

A suitably qualified environmental consultant shall be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved EMP prior to commencement of works. Details of the environmental consultant, including contact details, employed to oversee the development shall be submitted to Penrith City Council with the 'Notification of Commencement' 2 days before any works are to commence on site.

75. **Water sampling by a suitably qualified consultant is to be undertaken prior to and within 7 days after the event.** Details on the proposed water monitoring program must be included in the EMP and must outline the methodology and site selection. However, the sampling sites should be selected to demonstrate that the event has minimal impact on water quality. At a minimum the sampling should be located at sites situated both above and below the location of the proposed course as well as in the pond.

76. The sites below the course should be located at the property boundary to the western side of Mulgoa Road in Littlefields Creek and at the drainage line or pond located approximately 550m to the north of Littlefields Creek (immediately south east of Car Park # 1). A control site in upper Littlefield's Creek should be selected upstream of the underwater tunnels obstacles. If there is no permanent water in a creek / drainage channel, then an appropriate permanent water body (e.g. lake / pond) should be selected in consultation with Council. Parameters monitored may include but should not be limited to include:
 - pH
 - Turbidity
 - Electrical Conductivity
 - Dissolved Oxygen
 - Total Suspended Solids
 - Total Dissolved Solids
 - Faecal Coliforms

A report on the water monitoring program must be submitted within 28 days after the event. The report must include details on the results from the water sampling program and address any significant changes determined to be as a result of the event.

77. No activities are to result in water pollution in waterways located off site. Any water pollution occurring on the site is to be dealt with in accordance with the EMP.

78. All entry and egress points of waterways and water bodies are to be protected with the use of jute matting or other acceptable material to ensure that protection of the bank. No riparian or aquatic vegetation is to be removed as part of the event. Following the event, the jute matting is to be removed and disposed of in accordance with waste management strategy and the disturbed areas are to be remediated.
79. All waterways and water bodies located near disturbed areas, whether ephemeral or otherwise are to be appropriately protected with the use of sedimentation controls. Details on the proposed erosion and sedimentation controls are to be provided in the EMP regarding the location and type of sediment controls. At a minimum the following details shall included in the EMP:
- Property details (showing the route of the course and location of obstacles)
 - Location of all drink stations, car parks, temporary access roads toilets and showers
 - Contours / location of watercourses, drainage and water bodies (whether dry or otherwise)
 - Location and description of the proposed type of all sediment controls (A sediment curtain should be used in the *Underwater Tunnels Obstacle* to ensure that the water quality in the lake is protected as far as possible).
 - Details on proposed measures to restrict access by participants into bushland areas, protect EECs, Structural Root Zones (SRZ) of retained mature trees, and ensure that no sediment runs off into the bushland or on to derived native grasslands or regenerating vegetation as a result of the proposed activity

The erosion and sedimentation controls are to be maintained until such time the disturbed areas have been stabilised.

80. Recommendations from Section 5 of the GHD Preliminary Ecological Assessment for Tough Mudder are to be implemented in their entirety.
81. No trees are to be removed for the track, base camp, parking, obstacles, emergency helicopter landing areas or camping.
82. All work staff must clean machinery, tools and other equipment prior to departing the site in order to avoid the potential spread of weeds as well as other pathogens such as *Phytophthora cinnamomi* or Myrtle Rust. All work staff, if working in or near water bodies, should be aware of the protocols for limiting the spread of Chytrid fungus to frog species. Both Chytrid fungus and *Phytophthora cinnamomi* are Key Threatening Processes under threatened species legislation. This should be done accordance with the following guidelines:
- Best Practice Management Guidelines for *Phytophthora cinnamomi* in Sydney (Botanic Gardens Trust, 2008)
http://sydney.cma.nsw.gov.au/index.php?option=com_remository&Itemid=51&func=startdown&id=236
 - Hygiene Protocol for the Control of Disease in Frogs (DECC, 2008) -
<http://www.environment.nsw.gov.au/resources/nature/hyprfrog.pdf>
83. A suitably qualified Ecological Consultant shall be employed to supervise the location and installation of obstacles, water stations and track clearing, levelling, slashing and fencing to ensure that threatened species are avoided and the track and obstacles are micro-located to ensure absolute minimum impact of threatened species and communities. Details of the Ecological Consultant, including contact details and qualifications, employed to oversee the development shall be submitted to Penrith City Council with the 'Notification of Commencement' 2 days before any works are to commence on site. In this regard:
- Temporary fencing should be installed around the perimeter of the camping area prior to and during the event to restrict access to vegetation and other environmentally sensitive areas.

- Drink and Aid stations are to be located away from all vegetation, in already cleared and disturbed areas. Drink station 4 is to be re-located on the advice of the Ecological Consultant on site during installation.
 - Obstacle 7 "Trench Warfare" is to be re-located to a site of pasture grass away from any form of Endangered Ecological Community. This location is to be advised by the ecological consultant on site at time of installation.
 - Obstacle 18 "Cliffhanger" is to be re-located to a site of pasture grass away from remnant vegetation and any form of Endangered Ecological Community. This location is to be advised by the ecological consultant on site at time of installation.
84. All obstacle locations and disturbed areas that have experienced loss of ground cover or other vegetation as a result of the event is to be rehabilitated using native seed (including when seed spraying) or plants suitable to the local community and is to be of local provenance (western Sydney) only. No exotic plants or grasses are to be used. A list of suitable species is to be sought from a suitably qualified ecologist.
85. An Unexpected Finds Protocol is to be prepared by a suitably qualified consultant for the obstacles and base camp. The Unexpected Finds Protocol is to be submitted to Council prior to the event.
86. No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

87. Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the event site.

Name: Belinda Borg

Signature:
For the Development Services Manager
