

Mr Richard Johnstone
Pacific National
c/- Mr Guy Evans
Urbanco
PO Box 546
PYRMONT NSW 2009

Our ref: SSD 7308

By email: guy.evans@urbanco.com.au

Dear Mr Johnstone

**St Marys Intermodal (SSD 7308)
Revised Planning Secretary's environmental assessment requirements (SEARs)**

I refer to correspondence regarding the SEARs for the above-mentioned proposal, and your submission of a revised preliminary environmental assessment for the proposal. The existing SEARs for the proposal were issued on 23 October 2015.

It is understood that the Applicant has updated the proposed design of the proposal, as described in the revised preliminary environmental assessment, and seeks to extend the SEARs to allow for future submission of an Environmental Impact Statement.

The Department has reviewed the revised preliminary environmental assessment in consultation with agencies, including Penrith City Council, Office of Environment and Heritage, Transport for NSW and Roads and Maritime Services. It is considered that changes to the proposal and broader planning policy require the existing SEARs to be revised.

Please find attached the revised SEARs for the proposal. Copies of agency correspondence are also enclosed for your information.

Should you have any further queries, please contact Dominic Crinnion on (02) 9274 6495 or via email at Dominic.Crinnion@planning.nsw.gov.au.

Yours sincerely

 23 October 2018

Karen Haragon
Director
Social and Other Infrastructure Assessments
as delegate of the Planning Secretary

Encl: Revised SEARs, Agency correspondence

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 7308
Proposal Name	St Marys Intermodal
Location	Forrester Road, St Marys
Applicant	Pacific National
Date of Re-Issue	23 October 2018
General Requirements	The Environmental Impact Statement (EIS) must be prepared in accordance with, and meet the minimum requirements of Clause 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i> (the Regulation) and include the following: • detailed description of the development, including: ◦ need for the proposed development ◦ justification for the proposed development ◦ likely staging of the development- including construction, and operational stage/s ◦ likely interactions between the development and existing, approved and proposed operations in the vicinity of the site ◦ plans of any proposed building works ◦ a terminal operating plan (including a methodology for determining capacity) ◦ details of any ancillary logistics functions to be undertaken on site (e.g. empty container park, container repairs). • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments. • risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment. • detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: ◦ a description of the existing environment, <u>using</u> sufficient baseline data ◦ an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes • a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage and significant risks to the environment. • a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS. Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with development. The EIS must also be accompanied by a report from a qualified quantity surveyor providing:

	• a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived • an estimate of the jobs that will be created by the future development during the construction and operational phases of the development • certification that the information provided is accurate at the date of preparation.
Key issues	The EIS must address the following specific matters: 1. Statutory and Strategic Context Address the statutory provisions contained in all relevant environmental planning instruments, including: • <i>Biodiversity Conservation Act 2016</i> • <i>State Environmental Planning Policy (State & Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2017</i> • <i>State Environmental Planning Policy No. 64 - Advertising and Signage</i> • <i>State Environment Planning Policy No. 55 - Remediation of Land</i> • <i>Sydney Regional Environmental Plan No. 30 - St Marys</i> • Draft State Environmental Planning Policy (Remediation of Land) • Draft State Environmental Planning Policy (Environment) • <i>Penrith Development Control Plan 2014.</i> <i>Permissibility</i> Detail of the nature and extent of any prohibitions that apply to the development. <i>Development Standards</i> Identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards. 2. Policies Address the relevant planning provisions, goals and strategic planning objectives in the following: • NSW State Priorities • A Metropolis of Three Cities - The Greater Sydney Region Plan • Western City District Plan • Future Transport Strategy 2056 and supporting plans • NSW Freights and Ports Plan 2018-2023 • Commonwealth's draft National Ports Strategy and National Freight Strategy • State Infrastructure Strategy 2018 - 2038: Building Momentum • Sydney's Cycling Future 2013 • Sydney's Walking Future 2013 • Sydney's Bus Future 2013 • Austroads Guidelines for Planning and Assessment of Road Freight Access in Industrial Area • Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development • Crime Prevention Through Environmental Design (CPTED) • Greater Sydney Commission's Western City District Plan • Penrith Development Control Plan 2014. 3. Staging

	• Provide details regarding the staging of the proposed development (if any). 4. Site Suitability • Provide detail regarding the suitability of the site to accommodate the proposal. 5. Ecologically Sustainable Development (ESD) • Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Regulation) will be incorporated in the design and ongoing operation phases of the development. 6. Air Quality • Provide a quantitative assessment of the potential air quality, dust and odour impacts, including modelling of peak and cumulative impacts taking into account predicted increases in local traffic. • Provide an assessment of construction related impacts and proposed mitigation measures and safeguards to control dust generation and to minimise impacts on nearby receptors.
	<i>Relevant Policies and Guidelines:</i> • Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2016)
	7. Traffic and Transport • Provide a Traffic Impact Assessment (TIA) that identifies upgrades and other mitigation measures required to achieve the objective of not exceeding the capacity of the following intersections : - Dunheved Road and Northern Road - Parker Street and Great Western Highway - Werrington Road and Great Western Highway - Glossop Street and Great Western Highway - Mamre Road and Great Western Highway - Mamre Road and M4 Western Motorway - Carlisle Avenue and Great Western Highway - Aurora Drive and Debrincat Avenue. • The TIA must include, but is not limited to including, the following: - take into account the Guide to Traffic Generating Development (Roads and Maritime Services). Transport for NSW should be consulted on the proposed traffic generation rates - provide details of the proposed access to the site, including emergency vehicle access arrangements, from the road network including intersection location, design and sight distance - service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times) - details of proposed access arrangements, including car and bus pickup/drop-off facilities and impacts on public transport, pedestrian and bicycle networks, including pedestrian crossing and refuges and speed control devices and zones - provide detailed plans of the proposed layout of the internal road network and parking on site in accordance with the relevant Australian Standards - accurate details of the current daily and peak hour vehicle, public transport, pedestrian and cycle movement and existing traffic and transport facilities provided on the road network located adjacent to the proposed development - provide accurate daily and peak traffic forecasts , including vehicle, public transport, pedestrian and bicycle trips, generated

	by the project during construction and operation, including details of heavy vehicle transport routes to the State Road networks and types of vehicles - o provide an assessment of the predicted impacts of this traffic on road safety and the capacity of the road and bus network, including consideration of cumulative traffic impacts at key intersections using a traffic network traffic model pre-agreed with Transport for NSW and Roads and Maritime. Undertake detailed model analysis to confirm network operation and identify intersection upgrade requirements - o the impact of the proposed development on existing and future public transport infrastructure within the vicinity of the site in consultation with Roads and Maritime Services and Transport for NSW and identify measures to integrate the development with the transport network - o include detailed plans of any proposed road upgrades, infrastructure works or new roads required for the development - o the adequacy of public transport, pedestrian and bicycle networks and infrastructure to meet the likely future demand of the proposed development - o the proposed active transport access arrangements and connections to public transport services - o an assessment of road and pedestrian safety adjacent to the proposed development and the details of required road safety measures - o measures to maintain road and personal safety in line with CPTED principles - o consider the constructability constraints of proposed intersection upgrades such as vehicle swept paths, geometry and sight lines, and avoidance of removal of bus lanes - o details of travel demand management measures to minimise the impact on general traffic and bus operations and to encourage sustainable travel choices and details programs for implementation - o the proposed car and bicycle parking provision, including end-of-trip facilities, which must be taken into consideration of the availability of public transport and the requirements of Council's relevant parking codes and Australian Standards - o proposed bicycle parking facilities in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance. • Demonstrate how the development will facilitate freight transport objectives, meet freight infrastructure requirements and address impacts to local and regional road and rail transport networks, including forecast origin and destination of containers within the proposed catchment of the terminal. • Include the identification of any dangerous goods likely to be transported on arterial and local roads to/from the site and, if necessary, the preparation of an incident management strategy. • Consider the implications of the Western Sydney Corridors, including the Outer Sydney Orbital. • Provide detailed design and engineering drawings of the rail sidings and connection(s) to the Main West Rail Line, prepared by an Asset Standards Authority Authorised Engineering Organisation. • Consider how the proposed terminal will connect to the Main West Rail Line, including accommodation of proposed network enhancements to the Main West rail line, in consultation with TfNSW. • Consider potential enhancements of the rail corridor between Penrith and St Marys.
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	• Provide details of the train operating plans, including likely rail routes and destinations, train size and configuration, service frequency, anticipated train path requirements, expected ramp up periods and peak demand. • Demonstrate engagement with and confirmation from TfNSW and all relevant rail networks owners regarding train path availability and future network enhancements which may be required to support the proposed operations and maintain sufficient capacity for other rail network users over the life of the project. • Demonstrate consultation with stakeholders including TfNSW, Sydney Trains and Roads and Maritime Services to discuss aspects including, but not limited to: ◦ train configuration - requirements should include an agreed assessment of performance (schedule) and standards ◦ path availability - references to specific times of day and with and understanding of how paths may need to change in the future. • In relation to construction traffic, provide: ◦ assessment of cumulative impacts associated with other construction activities (if any) ◦ assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity ◦ details of construction program detailing the anticipated construction duration and highlighting significant milestone stages and events during the construction process ◦ details of anticipated peak hour and daily construction vehicles movements to and from the site ◦ details of access arrangements of construction vehicles, construction worker to and from the site, emergency vehicles and service vehicles ◦ details of temporary cycling and pedestrian access during construction ◦ details of proposed construction vehicle access arrangements at all stages of construction and traffic and transport impacts during construction, including cumulative impacts associated with other construction activities, and how these impacts will be mitigated for any associated traffic, pedestrian, cyclists, parking and public transport, including the preparation of a draft Construction Traffic Management Plan to demonstrate the proposed management of the impact (which must include vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolition/construction activities). 8. Aboriginal Heritage • The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011). • Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have
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	a cultural association with the land must be documented in the ACHAR. - Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH. <i>Note: A due diligence report is not an adequate assessment for the purposes of these requirements.</i> 9. Non-Aboriginal Heritage - The EIS must identify if there are any listed or potential heritage items within the proposed project area. If any listed or potential heritage items are likely to be affected, a Heritage Impact Assessment (HIA) must be prepared by a suitably qualified and experienced heritage consultant as part of the EIS. The HIA should assess how the development would impact on St Marys Railway Station Group and any places of heritage significance in or surrounding the SSD site. - A historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines 'Assessing Significance for Historical Archaeological Sites and 'Relics' 2009. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. In the event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations. 10. Noise and Vibration - Provide a quantitative assessment of potential construction, operational and transport noise and vibration impacts, including potential impacts on nearby noise sensitive receivers. - Provide details and justification of the proposed noise mitigation and noise monitoring measures. - Provide an assessment of the impact on human health of 24-hour operations and predicted increases in traffic volumes. <i>Relevant Policies and Guidelines:</i> - Noise Policy for Industry (EPA 2017) - Interim Construction Noise Guidelines (DECC 2006) - Assessing Vibration: A Technical Guideline (DEC 2006) - Rail Infrastructure Noise Guideline (EPA 2013) - Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning 2008). 11. Soil and Water - The EIS must describe background conditions for any water resource likely to be affected by the development, including: - existing surface and groundwater - hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations - Water Quality Objectives including groundwater as appropriate that represent the community's uses and values for the receiving waters
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	0 indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. • The EIS must assess the impacts of the development on water quality, including: 0 the nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction 0 identification of proposed monitoring of water quality • The EIS must assess the impact of the development on hydrology, including: 0 water balance including quantity, quality and source 0 effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas 0 effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems 0 impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches) 0 changes to environmental water availability, both regulated/licensed and unregulated/rules based sources of such water 0 mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options 0 identification of proposed monitoring of hydrological attributes. • Detail the proposed stormwater and wastewater systems, including the capacity of onsite detention systems, and measures to treat, reuse or dispose of any water, measures to avoid and reduce offsite impacts, and details of operational management and maintenance (frequency and responsibilities). • Detail measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles. • Consider impacts of potential disturbance of acid sulfate soils.
	<i>Relevant Policies and Guidelines:</i> • Managing Urban Stormwater - Soils & Construction Volume 1 (Landcom 2004) • Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2016) • Guidelines for development adjoining land and water managed by DECCW (OEH 2013) • Water Quality Objectives (as endorsed by the NSW Government (http://www.environment.nsw.gov.au/ieo/index.htm)) • Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions (OEH and EPA 2017) • Guidelines for Fresh and Marine Water Quality (ANZECC 2000) and/or local objectives, criteria or targets endorsed by the NSW Government
	12. Flooding

	• The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1 % AEP, flood levels and the probable maximum flood, or an equivalent extreme event. • The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the scenarios above, including the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change. • Modelling in the EIS must consider and document: 0 existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies. 0 the impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood. 0 impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories 0 relevant provisions of the Floodplain Development Manual (DIPNR 2005). • The EIS must assess the impacts on the proposed development on flood behaviour, including: 0 whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure 0 consistency with Council floodplain risk management plans 0 consistency with any Rural Floodplain Management Plans 0 compatibility with the flood hazard of the land 0 compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land 0 whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site 0 whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses 0 any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council 0 whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council 0 emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES 0 any impacts the development may have on the social and economic costs to the community as consequence of flooding.
	<i>Relevant Policies and Guidelines:</i> • Floodplain Development Manual (DIPNR 2005) • Updated South Creek Flood Study (WorlevParsons 2015)
	13. Contamination • Assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.
	<i>Relevant Policies and Guidelines:</i>

- Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP).

14. Waste

- Identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.
- A Waste Management Plan will need to be provided to address the construction and operational phases of the development.

15. Biodiversity Assessment

- Biodiversity impacts related to the proposed development (SSD 7308) are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BOAR). The BOAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), *Biodiversity Conservation Regulation 2017* (s6.8) and Biodiversity Assessment Method, including an assessment of the impacts of the proposal (including an assessment of impact prescribed by the regulations).
- The BOAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.
- The BOAR must include details of the measures proposed to address the offset obligation as follows:
 - the total number and classes of biodiversity credits required to be retired for the development/project
 - the number and classes of like-for-like biodiversity credits proposed to be retired
 - the number and classes of biodiversity credits proposed to be retired in accordance with the variation rules
 - any proposal to fund a biodiversity conservation action
 - any proposal to make a payment to the Biodiversity Conservation Fund.
- If seeking approval to use the variation rules, the BOAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
- The BOAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
- The BOAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the Biodiversity Conservation Act 2016.
- Where a Biodiversity Assessment Report is not required, engage a suitably qualified person to assess and document the flora and fauna impacts related to the proposal.

Note: Notwithstanding these requirements, the Biodiversity Conservation Act 2016 requires that State Significant Development Applications be accompanied by a Biodiversity Development Assessment Report unless otherwise specified under the Act.

16. Bushfire

- Address bushfire hazard and, if relevant, prepare a report that address the requirements for Special Fire Protection Development as detailed in Planning for Bushfire Protection 2006 (NSW RFS).

	17. Hazards and Risks • Complete a preliminary risk screening in accordance with State Environmental Planning Policy No.33 - Hazardous and Offensive Development and Applying SEPP 33 (DoP 2011). • Should preliminary screening indicate that the proposal is 'potentially hazardous,' a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DoP 2011) and Multi-Level Risk Assessment (DoP 2011). • If underground petroleum storage system/s are proposed, details of the design of proposed fuel storage must consider the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. <i>Relevant Policies and Guidelines</i> • Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 18. Utilities • Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation and easement requirements of the development for the provision of utilities including staging of infrastructure. 19. Contributions • Address Council's 'Section 94/94A Contribution Plan' and/or details of any Voluntary Planning Agreement, as required. 20. Landscape Design and Visual Assessment • Include detailed landscape and urban design plans, contextual analysis and visual impact analysis that support the development of the proposed architectural plans and spatial arrangements of works on the site. • Assess the visual impact of the project on views and vistas; streetscapes, key sites and buildings; heritage items including Aboriginal places and environmental heritage; and local community. • Details of any proposed visual amenity mitigation and management measures proposed.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups, special interest groups including local Aboriginal land councils and registered Aboriginal stakeholders and affected landowners. In particular you must consult with: • local, State or Commonwealth government authorities, including the: 0 Office of Environment and Heritage 0 Transport for NSW 0 Roads and Maritime Services 0 Department of Primary Industries 0 Fire and Rescue NSW 0 NSW Rural Fire Service 0 NSW Ports 0 Penrith City Council 0 Blacktown City Council. • service and infrastructure providers: 0 Australian Rail Track Corporation 0 Sydney Trains 0 Sydney Water

	0 Endeavour Energy 0 Jemena 0 Telstra 0 AGL Upstream Investments Pty Ltd. • specialist interest groups, including Local Aboriginal Land Councils • the public, including community groups and adjoining and affected landowners. The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within two years of the issue date of these SEARs, you must consult further with the Planning Secretary in relation to the preparation of the EIS.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified.

