



Moorebank Precinct West Stage 3 Environmental Impact Statement Scoping Report

Sydney Intermodal Terminal Alliance		
Moorebank Precinct West Stage 3 Scoping Report		
Author		Carolyn Stanley _____
Checker		Ibrahim Awad _____
Approver		Richard Johnson _____
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Acronyms, Key Terms and Definitions

Term	Description
AEP	Annual exceedance probability
AHD	Australian Height Datum
Boot Land	Residual Commonwealth owned land to the east of the MPE site between the site boundary and the Wattle Grove residential area which also forms part of the MPW site
CAQMP	<i>Construction Air Quality Management Plan</i>
CCCS	<i>Construction Community Communication Strategy</i>
CEMP	<i>Construction Environmental Management Plan</i>
CFFMP	<i>Construction Flora and Fauna Management Plan</i>
CHMP	<i>Construction Heritage Management Plan</i>
CNVMP	<i>Construction Noise and Vibration Management Plan</i>
CSWMP	<i>Construction Soil and Water Management Plan</i>
CTAMP	<i>Construction Traffic Impact Assessment Management Plan</i>
DA	Development Application
DNSDC	Defence National Storage and Distribution Centre
DP&E	NSW Department of Planning and Environment
EA	Environmental Assessment
EEC	Endangered Ecological Communities
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Reg	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	NSW Environmental Protection Agency
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
ESA	<i>Environmental Site Assessment</i>

GFA	Gross Floor Area
IMT	Intermodal Terminal
IMEX	Import Export (freight facility)
IPC	Independent Planning Commission
Liverpool LEP	<i>Liverpool Local Environmental Plan 2008</i>
LoS	Level of Service
MIC	Moorebank Intermodal Company
Moorebank Precinct	Includes MPE Project and MPW Project
MPE Project	The SIMTA Moorebank Intermodal Facility at Moorebank, as approved by the concept plan (MP_10_0913)
MPE Site	Includes the Moorebank Precinct East site and the rail corridor i.e. the entire site area which was approved under the concept plan approval
MPW Project	The development of an intermodal facility, associated commercial infrastructure (warehousing), a rail link, and associated works as approved by the Concept Plan (SSD-5066) and modified by MPW Stage 2 (SSD 7709)
MPW Stage 3	MPW Stage 3 (i.e. the Proposal)
MPW Site	The former School of Military Engineering site to the immediate west of the MPE site, across Moorebank Avenue i.e. the entire site area which was approved under the concept plan approval
NML	Noise Management Levels
OCMP	<i>Operational Construction Management Plan</i>
OEMP	<i>Operational Environmental Management Plan</i>
OFFMP	<i>Operational Flora and Fauna Management Plan</i>
ONVMP	<i>Operation Noise and Vibration Management Plan</i>
OSD	On-site detention
OTAMP	<i>Operational Traffic and Transport Assessment Management Plan</i>
PAC	Planning Assessment Commission

PAD	Potential archaeological deposits
PCT	Plant Community Type
PFOS/PFAS	Perfluoroalkyl and polyfluoroalkyl substances
ppb	Parts per billion
The Proposal	MPW Stage 3, including establishment of a construction and operation compound and materials storage areas, subdivision of the MPW site, and ancillary works
Proposal Site	Area on which the Proposal is to be developed
RMS	Roads and Maritime Service
SEARs	Secretary's Environmental Assessment Requirements
SIMTA	Sydney Intermodal Terminal Alliance
SME	School of Military Engineering
SSD	State Significant Development
SSFL	Southern Sydney Freight Line
TEC	Threatened Ecological Communities
TEU	Twenty-foot equivalent unit or a standard shipping container
WSUD	Water Sensitive Urban Design

1. Executive Summary

This Scoping Report has been prepared on behalf of Sydney Intermodal Terminal Alliance (SIMTA) for the purpose of attaining the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development of Moorebank Precinct West Stage 3 (MPW Stage 3) from the Department of Planning, Industry & Environment. The SEARs will inform the development of an Environmental Impact Statement (EIS) in accordance with Clause 3, Schedule 2 of the *Environmental Planning & Assessment Regulation 2000* (EP&A Reg) to support a State Significant Development (SSD) application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The MPW Stage 3 proposal (the 'Proposal') comprises the construction and operation of Stage 3 of the MPW Project as consistent with the approved concept plan (SSD-5066). This includes allowance for:

- Establishment of a construction compound to facilitate site development works for MPW Stages 2 and 3 and future stages of the MPW development;
- Progressive subdivision of the MPW site into nine allotments for warehousing and distribution facilities, biodiversity conservation, interstate intermodal terminal facility (IMT); rail corridor for completion and operation of the import/export (IMEX) freight terminal and rail link; and
- Ancillary works including access roads, earthworks, utilities, stormwater and drainage, signage and landscaping.

The Proposal forms a key part of the NSW Freight and Ports Strategy and is critical to accommodating Sydney's future freight needs as well as relieving heavy freight truck traffic and congestion from Port Botany to the outer western and south-western suburbs of Sydney. The MPW Project also plays a key role in realising the transport infrastructure development policy aspirations and commitments of National and State governments.

The key potential environmental impacts resulting from the Proposal are expected to relate to:

- Traffic and transport;
- Noise and vibration;
- Visual amenity, and
- Stormwater and landscaping.

These environmental impacts have in general already been previously assessed as part of the broader MPW Concept Plan and MPW Stage 2 environmental impact assessments which have largely covered the Proposal works. The Proposal does not introduce any new or additional works not already anticipated and assessed in the studies prepared in support of MPW Stage 1 and MPW Stage 2. Therefore, additional assessment to support MPW Stage 3 will predominantly involve assessment and/ or revision of the existing documentation to reflect the changes in the internal design, planning and progressive construction and operation of the approved Concept Plan and to verify that earlier predictions remain accurate. The proposed MPW Stage 3 works would intend to be subject to the existing *Construction Environmental Management Plan* (CEMP) and *Operational Environmental Management Plan* (OEMP) and sub-plan documentation prepared and approved for MPW Stage 2, with

adjustments, where required, to reflect the nature, scale and extent of interface with MPW Stage 2.

Schedule 4 of the Concept Plan Approval included a comprehensive list of conditions that must be met in future development application. SIMTA considers that these conditions are a suitable starting point for the assessment of this Proposal. SIMTA requests that the SEARs be consistent with the requirements of the MPW Stage 2 Conditions of Approval and Schedule 4 of the Concept Plan Approval, so as to enable a consistent approach in the application and consideration of these SEARs in the EIS, revised design and associated technical reports.

2. Introduction

2.1 Overview of the Proposal

MPW Concept Plan and Stage 1 Early Works Approval (State Significant Development (SSD) 5066) was granted under what was then Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to develop the Moorebank Precinct West (MPW), which is located on the western side of Moorebank Avenue, Moorebank.

The greater MPW Project involves:

- The development of intermodal freight terminal facilities (IMT) linked to Port Botany, the interstate and intrastate freight rail network;
- Associated commercial infrastructure i.e. warehousing;
- A rail link connecting the MPW site to the Southern Sydney Freight Line (SSFL); and
- A road entry and exit point from Moorebank Avenue.

The development of the MPW site as an IMT and warehousing facility is now well progressed. The site has been mostly cleared, remediated and prepared for the construction of MPW Stage 2 (SSD 7709), as approved by the Independent Planning Commission (IPC) on 11 November 2019. An overview plan of the approved MPW Stage 2 development is shown in Figure 2-1.

This Proposal represents the third stage of development for the MPW site, as per the Concept Approval. The key components of the Proposal are:

1. Establishment of a construction compound to facilitate approved site development works for the MPW site (as per the MPW Concept Plan and Stage 1 Early Works Approval (SSD 5066), MPW Stage 2 Approval (SSD 7709)) and future MPW site development, and includes hardstand, laydown and materials stockpile areas, access roads, and utilities and services;
2. Progressive subdivision of the MPW site to create nine (9) allotments for the purpose of creating separate lots for the IMT, warehousing, and biodiversity conservation allotment (being proposed lots 5 to 13 inclusive); and
3. Ancillary works to facilitate establishment, access and servicing of the proposed application.

An indicative layout of the Proposal is shown in Figure 2-2.

A more detailed description of the Proposal is provided in Section 4 of this report.

2.2 Proposal Timeline

Construction for MPW Stage 3 development works is expected to commence shortly after the revised *Construction Environmental Management Plan* (CEMP), CEMP sub-plans, and other required documentation in accordance with Conditions of Approval have been approved. MPW Stage 3 works may be undertaken concurrently with MPW Stage 2 and/or other approved development works. MPW Stage 3 construction works are expected to be completed within 12 to 18 months of commencement.

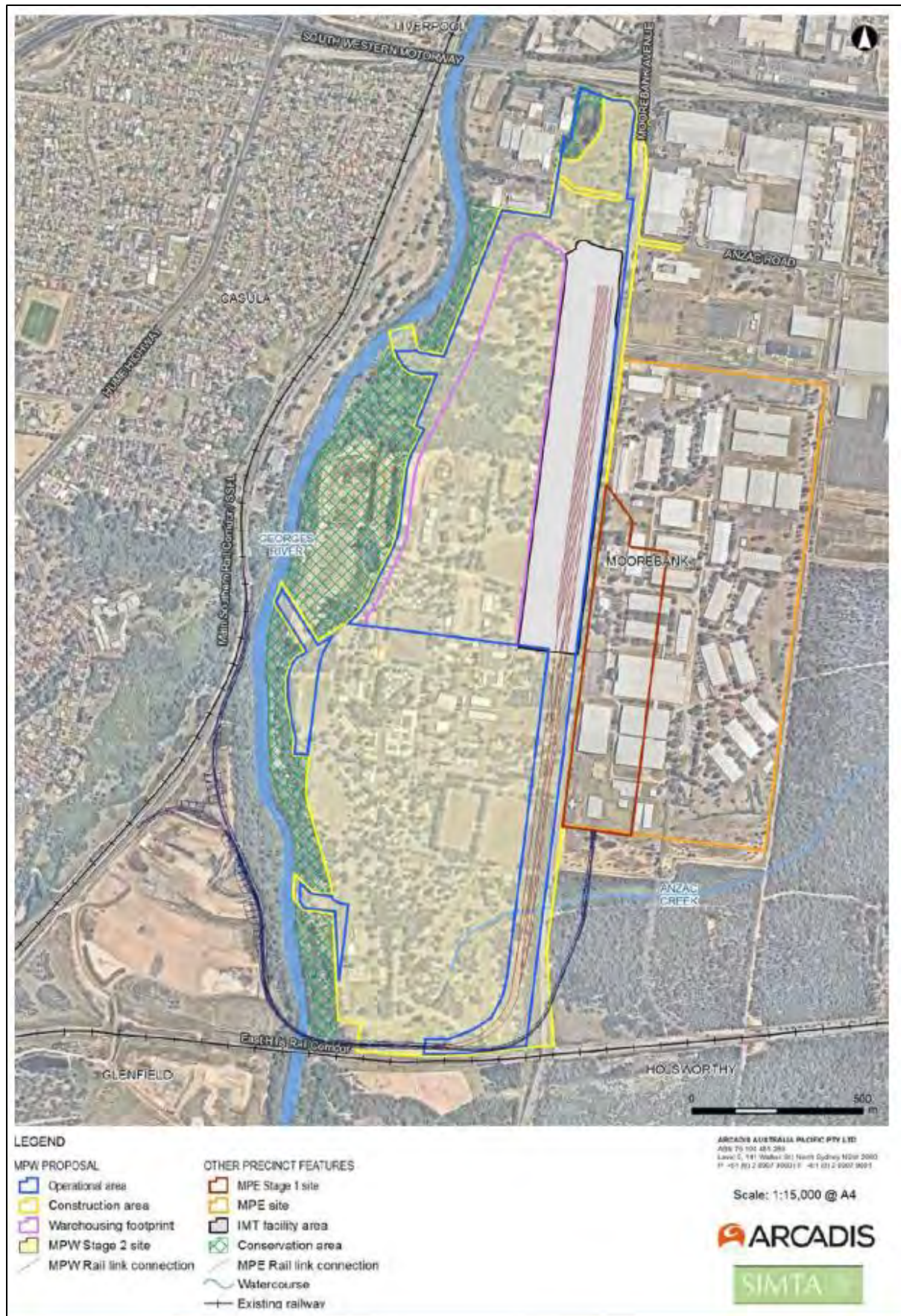


Figure 2-1: Extent of MPW Stage 2 construction area, warehousing footprint and operational area (Arcadis, 2016).

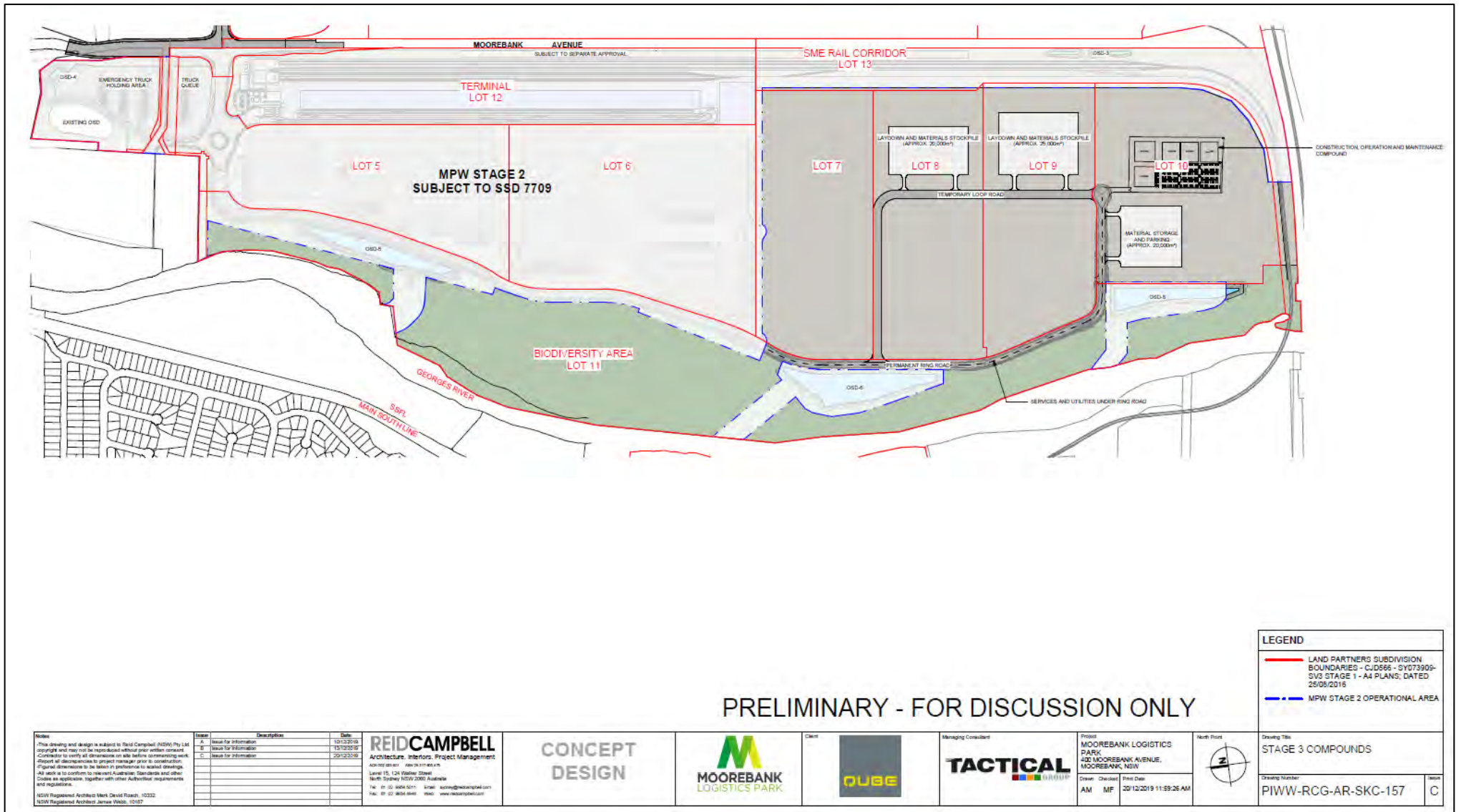


Figure 2-2: Proposed MPW Stage 3 development works (Reid Campbell, 2019)

2.3 Planning Approval Pathway Overview

The Proposal represents the third development application for the MPW Project.

The MPW Concept Plan and Stage 1 Approval (SSD 5066) was granted on 3 June 2016, under what was then Part 4, Division 4.1 of the EP&A Act for the MPW Project and included the following:

- Concept Proposal: use of the site as an intermodal facility, including a rail link to the SSFL, warehouse and distribution facilities, and associated works; and
- Early Works (Stage 1): demolition of buildings including services termination and diversion; rehabilitation of the excavation/ earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.

Because the Proposal forms part of the development approved under the MPW Concept Plan, it is SSD in accordance with clause 12 of *State Environmental Planning Policy (State and Regional and Development SEPP) 2011*.

This Scoping Report has been prepared in support of the SSD application and approval process and to satisfy Clause 3, Schedule 2 of the EP&A Regulation, commencing with the request of SEARs for the proposed MPW Stage 3 development works.

It is noted that the subdivision element of the Proposal is non-compliant with Liverpool LEP 2008 minimum lot size requirements (see Section 4.1.2). Consequently, the development application shall seek consent to amend the LEP to allow the subdivision as proposed to be undertaken. Concurrently, the EIS shall also seek to modify MPW Concept Plan Approval SSD 5066 to remove Condition E26(a) which requires consistency with the minimum lot size requirements of the LEP.

2.4 The Applicant and Capital Investment Value

On 4 June 2015, Moorebank Intermodal Company (MIC) (a Federal Government Business Enterprise), with the approval of the Commonwealth Government, entered into an agreement with SIMTA, whereby SIMTA will obtain all future approvals as well as construct and operate the remaining stages of the MPW Project, as approved under the Concept Plan. Under the agreement, MIC will oversee the development, providing both funding (for some elements) and land for the MPW Project.

The applicant for this Proposal is therefore SIMTA on behalf of MIC. SIMTA, a consortium comprising Qube Holdings and Aurizon, has national experience in logistics delivery, property management and a strong commitment to stakeholder engagement. Combined, the SIMTA members currently own or operate eight IMT facilities across Australia.

The capital investment value for the Proposal, consistent with the definition provided in the EP&A Reg, is approximately \$35 million AUD (excluding GST).

3. Site Context

3.1 Regional Context

The Proposal site is located approximately 27 km south-west of the Sydney Central Business District (CBD) and approximately 26 km west of Port Botany (refer to Figure 3-1).

The Proposal site is situated within the Liverpool Local Government Area, in Sydney's South West Sub-Region, approximately 2.5 km from the Liverpool City Centre.

The M5 Motorway provides the main road link between the Proposal site and the key employment and industrial areas within the West and South Western Sydney Sub-Regions. The M5 Motorway connects with the M7 Motorway to the west, providing access to the Greater Sydney Metropolitan Region and the NSW road network. Similarly, the M5 Motorway is the principal connection to Sydney's north and north-east via the Hume Highway.

The Proposal site freight catchment area can be broadly defined as Sydney's Industrial West, Liverpool Local Government Area and Sydney South West; an area bordered by the M4/Great Western Highway to the north; the Hume Highway to the east; and the Northern Road to the west.



Figure 3-1: Moorebank Precinct - regional context (Reid Campbell, 2016).

3.2 Local Context

The Proposal site is located approximately 17 km south of the Parramatta CBD, 5 km east of the M5/M7 Interchange, 2 km from the Main North-South Rail Line and SSFL, and 600 m from the M5 Motorway (refer to Figure 3-2).

Most of the land surrounding the Proposal site is owned by either the Commonwealth or SIMTA and comprises:

- The MPE site, owned by SIMTA and previously operating as the Department of Defence National Storage and Distribution Centre (DNSDC). The Department of Defence vacated the site and relocated to the Defence Joint Logistics Unit to the immediate north of the MPE site;
- The MPW site, formerly the School of Military Engineering (SME), on the western side of Moorebank Avenue directly adjacent to the MPE site. The SME was relocated as part of the Moorebank Units Relocation Project into the Holsworthy Military Reserve to the south of the Sydney Trains East Hills Rail Corridor;
- The Holsworthy Military Reserve, to the south of the MPE site on the southern side of the Sydney Trains East Hills Rail Corridor; and
- Residual Commonwealth Land (known as the Boot Land), to the immediate east and south of the MPE site between the site boundary and the Wattle Grove residential area and Sydney Trains East Hills Rail Corridor respectively (Lot 4, DP 1199707).

Several residential suburbs are located near the Proposal site including:

- Wattle Grove – approximately 1.3 km to the east;
- Moorebank - approximately 2.5 km to the north-east;
- Casula - approximately 1 km to the west; and
- Glenfield – approximately 2 km to the south-west.

The Proposal site is located near a number of industrial precincts, including Moorebank Industrial Area (including but not limited to the Yulong, Amiens and ABB sites) and Warwick Farm to the north, Chipping Norton to the north-east, Prestons to the west, and Glenfield and Ingleburn to the south-west.

The Moorebank Industrial Area is the closest industrial precinct, comprising around 200 ha of industrial development, the majority of which is located to the north of the M5 Motorway between Newbridge Road, the Georges River and Anzac Creek. The Moorebank Industrial Area supports a range of industrial and commercial uses, including freight and logistics, heavy and light manufacturing, offices and business park developments.

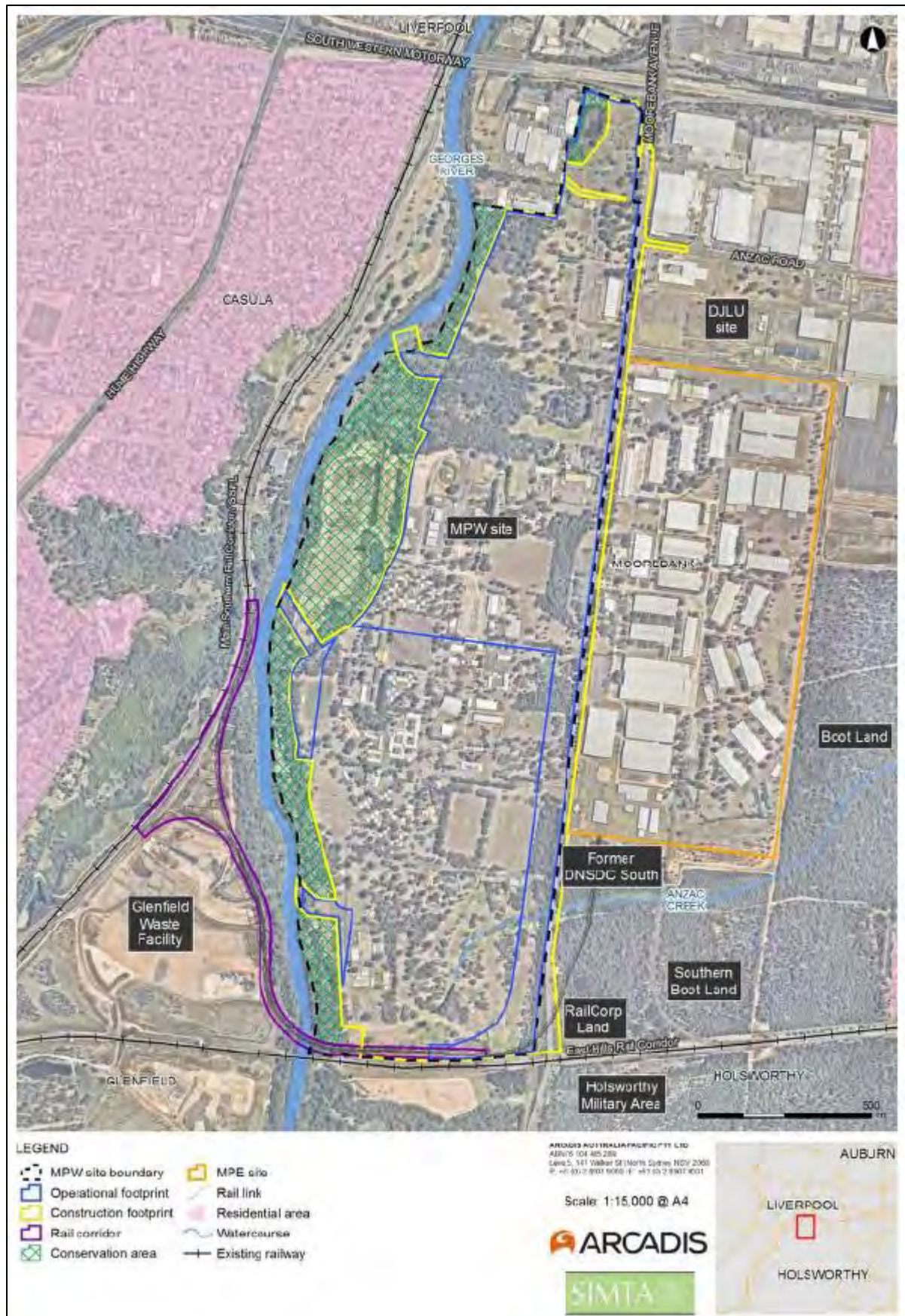


Figure 3-2: MPW Project – local context (Arcadis, 2016)

3.3 Site Description

The Proposal site includes nearly 200ha of Commonwealth land to the south of the M5 Motorway and west of Moorebank Avenue. It is generally bounded by the Georges River to the west, Moorebank Avenue to the east, the East Hills Railway Line to the south and the M5 Motorway to the north. It is located on Moorebank Avenue, Moorebank and forms Lot 1 in Deposited Plan (DP) 1197707, which is wholly owned by MIC. The Proposal site also contains Lots 100 and 101 DP1049508, which are located north of Bapaume Road and west of Moorebank Avenue.

The key existing features of the Proposal site are detailed below.

- Relatively flat topography, with the western edge flowing down towards the Georges River, which forms the western boundary. The natural MPW site landform has already been altered under previously approved consents for site development works.
- Construction offices to facilitate already approved site works.
- Earthworks and soil and fill material stockpiled across the site under previous consents.
- Several linked ponds located in the south-west corner of the Proposal site, within an area previously used as a golf course, that link to Anzac Creek which is an ephemeral tributary of the Georges River.
- An existing stormwater system comprising pits, pipes and open channels.
- Native vegetation scattered across the Proposal site and bordering the western edge of the site.
- A riparian area of the Georges River located on the west of the Proposal site contains a substantial corridor of native and introduced vegetation. The riparian vegetation corridor (generally 25 m wide) provides a wildlife corridor and a buffer for the protection of soil stability, water quality and aquatic habitats. This area has been defined as a conservation area as part of the MPW Concept Plan Approval, with retained heritage and biodiversity values (and will form its own allotment under the proposed subdivision scheme).
- A strip of land (up to approximately 250m wide) along the western edge of the Proposal site which lies below the 1% annual exceedance probability (AEP) flood level.
- Direct frontage to Moorebank Avenue, which is a publicly used private road south of Anzac Road, and a publicly owned and used road north of Anzac Road.
- The rail link (MPE Stage 1) which is located along the southern boundary of the Proposal site, linking the MPE site to the SSFL.

It should be noted that activities undertaken in accordance with the Early Works Conditions of Approval under the MPW Concept Plan Approval (refer to Section 3.4.2), and the EIS for MPW Stage 2 works have already addressed site requirements for Aboriginal heritage, non-indigenous heritage, biodiversity and contamination.

Further details on the existing environmental conditions of the Proposal site and surrounds is provided in Section 7.

3.4 MPW Project

The Proposal is Stage 3 of the MPW Project, and includes an intrastate freight rail IMT, associated warehouse and logistics facilities, a rail link connecting to the MPE site, and to the SSFL and Port Botany, and a road entry and exit point from Moorebank Avenue.

3.4.1 MPW Concept Plan

The MPW Concept Plan (SSD 5066) was granted approval on 3 June 2016 from the DP&E under the EP&A Act. A summary of the MPW Project (at full build) included:

- IMEX freight terminal - maximum capacity of 1.05 million TEU throughput per annum, servicing international IMEX freight movement between Port Botany and the MPW site or rail connection to the IMEX freight terminal on the MPE site (the IMEX freight terminal has now been relocated to the MPE site);
- IMT facility - maximum capacity of 500,000 twenty-foot equivalent units (TEU) throughput per annum, servicing trains and container freight movements by truck travelling to, from and between Sydney, regional and interstate destinations;
- Warehousing facilities - maximum of 300,000m² gross floor area (GFA) to service the IMEX and interstate terminals;
- Rail link connection between the MPW site and the SSFL, and between MPW and MPE;
- Conservation area, to maintain and enhance riparian vegetation on the western boundary of the site, along the Georges River; and
- Moorebank Avenue upgrade, including widening of the road to four lanes between Anzac Road and the M5 Motorway.

The MPW Concept Plan Conditions of Approval provide a detailed list of further investigations that should be undertaken prior to commencement of any action. The Conditions of Approval also provide direction to inform the future assessment of applications forming part of the MPW Project, which would then authorise the construction and operation of the MPW Project. The Conditions of Approval for the MPW Concept Plan are included at Appendix A.

3.4.2 MPW Stage 1, Early Works

Approval for the Early Works phase was granted as Stage 1 of the MPW Project (MPW Stage 1 Approval) within SSD 5066. Early Works, which are now largely completed, included the following:

- The demolition of existing buildings and structures;
- Service utility terminations and diversion/relocation;
- Removal of existing hardstand/roads/pavements and infrastructure associated with existing buildings;
- Rehabilitation of the excavation/earthmoving training area i.e. dust bowl;
- Remediation of contaminated land and hotspots, including areas known to contain asbestos, and the removal of:
 - Underground storage tanks;
 - Unexploded ordnance and explosive ordnance waste, if found; and
 - Asbestos contaminated buildings.
- Archaeological salvage of Aboriginal and European sites, including the CUST Hut and STRARCH Hanger1;

- Establishment of a conservation area along the Georges River, including seed banking and planting;
- Establishment of construction facilities (which included a construction laydown area, site offices, hygiene units, kitchen facilities, wheel wash and staff parking) and access, including site security; and
- Vegetation removal, including the relocation of hollow-bearing trees, however:
 - No vegetation clearing occurred within the vegetation exclusion area; and
 - No Endangered Ecological Communities (EECs) or Threatened Ecological Communities (TECs) were removed.

3.4.3 MPW Stage 2

MPW Stage 2 (SSD 7709) was approved by the IPC (under Part 4 Division 4 of the EP&A Act) on 11 November 2019. The approval authorises the construction of an IMT facility, warehousing and a rail link connection. Specifically, the consent covers the following key development components:

- IMT facility including:
 - Infrastructure to support a container freight throughput volume of 500,000 TEUs per annum;
 - Installation of nine rail sidings and associated locomotive shifter;
 - Capacity to receive trains up to 1,800 m in length;
 - Truck processing, holding and loading areas;
 - Container storage area serviced by manual handling equipment; and
 - Administration facility, engineer's workshop and associated car parking.
- Rail link including:
 - Construction of the rail link connection, which links the sidings within the IMT facility to the rail link (which were approved as part of the MPE Stage 1 consent); and
 - The operation of the rail link connection and the rail link (from the rail link connection to the SSFL).
- Warehousing area, including construction of approximately 215,000m² GFA of warehousing, plus ancillary offices, with associated warehouse access roads;
- Upgraded intersection on Moorebank Avenue, which would provide site access and egress and construction of an internal road; and
- Ancillary works, including vegetation clearing, earthworks (including the importation of 1,600,000 m³ fill), utilities installation/connection, signage and landscaping.

Construction for MPW Stage 2 development works is expected to commence once the preparation of the CEMPs and other required documentation have been approved.

4. The Proposal

4.1 Description of the Proposal

The Proposal represents Stage 3 of the MPW Project. The key components of the Proposal are:

- Construction of a construction compound in the southern portion of the MPW site.
- Progressive subdivision of MPW site into nine (9) allotments; and
- Ancillary works including access roads, earthworks, utilities installation/connection, stormwater and drainage infrastructure, signage and landscaping.

An overview of the Proposal is shown in Figure 2-2. This layout has been designed to be consistent with the MPW Concept Plan Approval and would be developed further and included as part of the EIS for the Proposal.

4.1.1 Construction Compound

4.1.1.1 Design concept

The design aspects of the construction compound include:

- The main construction compound (approximately 20,000 m²) to be located in the south-eastern portion of the MPW site (eastern portion of proposed Lot 10), including provision for the construction, operation and maintenance for residual early works (MPW Stage 1), MPW Stage 2, and prospective works for MPW balance of site.
- Hardstand, laydown and materials stockpile areas in the eastern portion of proposed Lot 8 (approximately 20,000 m²) and proposed Lot 9 (approximately 25,000 m²) to support MPW Stages 1 and 2, and future MPW construction, operations and maintenance;
- A materials storage area and car parking (approximately 20,000 m²) in the south western portion of the MPW site (western portion of proposed Lot 10);
- Permanent access road and temporary loop road (generally located in the south-eastern portion of the MPW site);
- Associated office, staff amenities, meeting and training rooms, staff kitchen and canteen facilities (to be located within the compound area in the eastern portion of proposed Lot 10);
- Services and utilities for the compound and storage areas to be located within the permanent loop road;
- Appropriate landscaping, and stormwater and drainage works; and
- Appropriate signage for business and operation purposes.

Construction equipment, and heavy and light vehicles would access the compound area via the permanent road adjacent to the western MPW site boundary and proposed temporary loop road, with main MPW site access off Moorebank Avenue in the northern portion of the MPW site. Light vehicles would park in the allocated parking area on proposed Lot 10, and construction and heavy vehicles would progress to the materials stockpile, hardstand, and/or compound areas, as required.

The proposed compound design is consistent with the intent of the original Concept Plan approval, in that it will not compromise the intent for the site to be an integrated intermodal facility.

4.1.1.2 Construction Compound Works

The Proposal will involve the following construction activities in relation to the establishment of the construction compound, hardstand, laydown, parking, and materials stockpile and storage areas:

- Establishment of main site compound that incorporates site offices, amenities, meeting and training rooms, car parking and kitchen/canteen facilities, workshops, storage, car parking and access roads;
- Construction of hardstand in the eastern portion of proposed Lots 8 and 9 to be used for laydown and materials stockpiles areas;
- Construction of concrete and asphalt batch plants; crushing plants and material processing sites;
- Preparation of stockpile sites for materials, temporary spoil storage and mulch;
- Installation of security fencing, gates, signage and lighting;
- Where required for MPW site development works, importation of clean general fill (VENM/ENM), engineered fill materials and other construction materials.
- Construction of temporary (for construction) and permanent (for operation) stormwater and drainage structures including adjustments to existing drainage structures.
- Demolition, removal, adjustment, relocation and installation of utilities, where required.
- Vegetation clearing.
- Soil erosion and sediment control works.
- Installation of lighting and landscaping treatments.

The location and size of supporting construction facilities would be further refined, as required, and reflect progression of construction. In progressively confirming these facilities, existing and proximate land uses, potential environmental impacts and amenity impacts on the surrounding community would be taken into account, having consideration for the criteria established for construction and operational facilities identified under SSD 7709 (Conditions of Approval B184 to B188).

4.1.2 Subdivision

4.1.2.1 Subdivision Overview

It is intended that the Proposal site would be progressively subdivided as part of this application into nine (9) new allotments. The proposed subdivision will maintain connectivity across the intermodal precinct including vehicle and pedestrian access between all intermodal elements, utility services and drainage. It would permit tenancing of individual

warehouses by enabling the lease of buildings and facilitating the establishment of easements.

Whilst proposed Lots 8, 9 and 10 are intended to initially be used to establish the construction compound, the future intended lot use is for warehousing and distribution, in accordance with the approved MPW Concept Plan.

In addition to satisfying the requirements of Condition E26 of the MPW Concept Plan Approval, the SSD application for the Proposal will:

1. Provide a subdivision plan and supporting documentation detailing all common land, access roads and services, including drainage works, required to maintain internal connections and interdependencies between the individual intermodal functions within the development site;
2. Identify the entity(s) responsibility for the delivery and ongoing maintenance within the subdivided intermodal site; and
3. Provide details of the overarching operational management of the site following subdivision, within an updated OEMP and/or OEMP sub-plans.

The proposed subdivision is consistent with the intent of the original Concept Plan approval, in that it will not compromise the intent for the site to be an integrated intermodal facility.

4.1.2.2 Previous Consent Conditions

SSD 5066 MOD 1

Modification of Development Consent SSD 5066 (SSD 5066 MOD 1) was granted 30 October 2019 by the Minister for Planning. In addition to other provisions, SSD 5066 MOD 1 consent modification included conditions regarding the “*ability to subdivide the site as part of a future development application*”; Conditions of Approval E26 provides specific conditions in relation to future MPW site subdivision applications.

MPE SSD 7628

Although not directly applicable to the MPW site, SSD 7628 authorises subdivision of the adjoining MPE site subject to conditions. It is anticipated that future environmental assessment requirements for subdivision of the MPW site should consider, and be consistent with, MPE SSD 7628 Conditions of Approval.

A summary of relevant Conditions of Approval in relation to the proposed subdivision is provided in Table 4-1.

Table 4-1: Summary of relevant Conditions of Approval in relation to subdivision – previous consents.

Condition of Consent	Comment
SSD 5066 MOD 1 – Schedule 4, Condition E26	
<i>E26: Any future Development Application for subdivision must:</i>	The proposed subdivision plan is inconsistent with the minimum lot size specified in the Liverpool LEP.
<i>a) Demonstrate compliance with the minimum lot size</i>	At the same time it submits a development application for the Proposal, SIMTA proposes to lodge an application to modify the MPW Concept Plan Approval to delete condition E26(a).

Condition of Consent	Comment
<i>specified in the Liverpool Local Environmental Plan;</i>	
b) <i>Demonstrate compliance with Condition 15 of this consent;</i>	<p>Condition 15 of consent SSD 5066 MOD 1 states:</p> <p><i>The warehousing and distribution facilities must only be used for activities associated with freight using the intermodal terminal facility unless otherwise approved in a subsequent Development Application.</i></p> <p>There is no intent under this application to use warehousing and distribution facilities for any purpose other than as associated with freight using the IMT facility.</p>
c) <i>Include a subdivision plan showing completed estate works including but not limited to site services, internal roads, maintenance access roads, pedestrian paths, landscaping, lighting of common areas, provision for emergency services including for firefighting, onsite detention basins and stormwater treatment systems;</i>	<p>A subdivision plan will be provided with the SSD application showing proposed estate works including:</p> <ul style="list-style-type: none"> • Site services; • Internal roads; • Maintenance access roads; • Pedestrian paths; • Landscaping; • Lighting of common areas; • Provision for emergency services including for firefighting; • Onsite detention basins and stormwater treatment systems. <p>Additionally, details regarding easements will be provided.</p>
d) <i>Include a detailed management and maintenance program for estate infrastructure; and</i>	<p>The OEMP and OEMP sub-plans will be revised, where required, to detail operational maintenance and management of the site following subdivision.</p>
e) <i>Nominate a single entity responsible for implementation of the management and maintenance program.</i>	<p>As the Applicant, SIMTA will be responsible for allocation of responsibility for the implementation of MPW site's management and maintenance program.</p>
MPE SSD 7628 – comment on relevant Conditions of Approval for MPE Site Subdivision	
<p>Subdivision Certificate:</p> <p><i>Before granting any Subdivision Certificate, the Certifying Authority must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with and the relevant estate works (including but not limited to site services, internal roads, pedestrian paths, landscaping, lighting of common areas, emergency services including bushfire mitigation, OSD and</i></p>	<p>In accordance with SSD 5066 MOD 1, Clause e26(c), a subdivision plan will be provided with the SSD application showing proposed estate works.</p>

Condition of Consent	Comment
<i>Water Sensitive Urban Design elements) have been completed.</i>	
Easements: Appropriate easements will be provided on the subdivision plan.	Easement details for access, services, drainage and overhead powerlines will be provided. Easements will maintain internal connectivity and interdependencies between the individual intermodal functions within the development site. Where required, a Section 88B instrument will be prepared detailing the creation of all relevant easements, restrictions and covenants.
Utilities and Services: Relevant approvals will be obtained from service providers.	Relevant approvals for utilities and services will be obtained from service providers as part of MPW Stage 3 ancillary works.
Management: A Precinct Operational Environmental Management Plan (OEMP) must be prepared for the site.	The MPW Stage 2 OEMP will be revised to accommodate the overarching operational management of the MPW site, in accordance with relevant Conditions of Approval for this SSD application.
Incident Notification: Appropriate Incident Notification procedures are required to be prepared to address potential incidents.	Incident Notification procedural requirements will be prepared to address potential incidents.

4.1.2.3 Lot Size

The Liverpool Local Environmental Plan (Liverpool LEP) 2008 requires a minimum lot size of 120 ha across the MPW site. This is reiterated in Condition E26a) of the Concept Approval SSD 5066 MOD 1 which states:

Any future development application for subdivision must:

- a) Demonstrate compliance with the minimum lot size specified in the Liverpool Local Environmental Plan.*

The proposed subdivision layout that is the subject of this application would result in the 189.39 ha site being subdivided into nine (9) lots, with lot areas between 12.28 ha (proposed Lot 13) and 38.91 ha (proposed Lot 11). The proposed lot layout is therefore non-compliant with the Liverpool LEP 2008 minimum lot size requirements.

Division 4.7 of the EP&A Act outlines the planning control provisions for SSD. Clause 4.38 *Consent for State Significant Development* states (emphasis in bold added):

4.38 Consent for State significant development

(cf previous s 89E)

(1) The consent authority is to determine a development application in respect of State significant development by:

- (a) granting consent to the application with such modifications of the proposed development or on such conditions as the consent authority may determine, or*
- (b) refusing consent to the application.*

Note.

Section 380AA of the Mining Act 1992 provides that an application in respect of State significant development for the mining of coal can only be determined if it is made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.

(2) Development consent may not be granted if the development is wholly prohibited by an environmental planning instrument.

(3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

(4) If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent—

(a) Division 5.1 does not apply to that other part of the proposed development, and

(b) that other part of the proposed development is taken to be development that may not be carried out except with development consent.

Section 4.38(3) of the EP&A Act gives the consent authority the power to grant consent to the Proposal notwithstanding that the subdivision element of the Proposal is prohibited by the minimum lot sizes in the Liverpool LEP.

The EIS for the Proposal will include justification as to why, as a matter of merit, consent should be granted to the Proposal notwithstanding non-compliance with the minimum lot size.

At the same time it submits a development application for the Proposal, SIMTA proposes to lodge an application to modify the MPW Concept Plan Approval SSD 5066 MOD 1 to delete condition E26(a).

4.1.2.4 Proposed subdivision layout

A plan of the proposed subdivision lot layout is provided in Figure 2-2 and Figure 4-1. Table 4-2 provides details regarding the proposed lot sizes and descriptions.

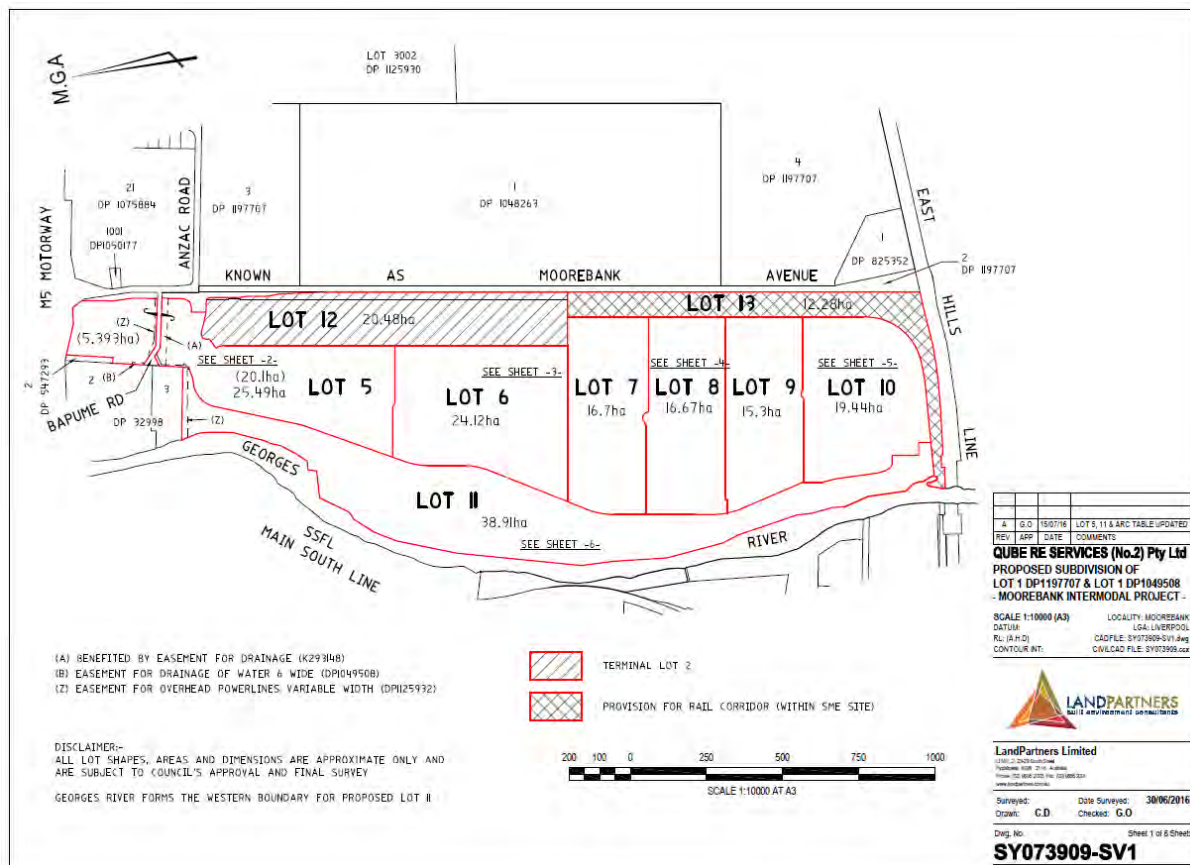
Table 4-2: Proposed subdivision lots of MPW site.

Proposed Lot Number	Approximate Size (ha)	General Description
5	25.49	Northern portion of the MPW site, to be used for warehousing and distribution facilities in accordance with the approved Concept Plan and the MPW Stage 2 Consent.
6	24.12	Central portion of the MPW site, to be used for warehousing and distribution facilities in accordance with the approved Concept Plan and the MPW Stage 2 Consent.

Proposed Lot Number	Approximate Size (ha)	General Description
7	16.7	Central portion of the MPW site, to be used for warehousing and distribution facilities in accordance with the approved Concept Plan and a future development consent.
8	16.67	Southern portion of the MPW site, to be used for hardstand, laydown and material stockpile area to support the construction compound, and for access to the compound via a temporary loop road. The future intention of the lot use is for warehousing and distribution facilities in accordance with the approved Concept Plan and a future development consent.
9	15.3	Southern portion of the MPW site, to be used for hardstand, laydown and material stockpile area to support the construction compound. The future intention of the lot use is for warehousing and distribution facilities in accordance with the approved Concept Plan.
10	19.44	Southern portion of the MPW site, to be used for the establishment of the construction compound, materials and store area, and car parking. Access to the compound will be constructed near the northern lot boundary. The future intention of the lot use is for warehousing and distribution facilities in accordance with the approved Concept Plan and a future development consent.
11	38.91	Adjacent to the western boundary, to be used as a biodiversity conservation area to the west of the MPW site on the Georges River.
12	20.48	Adjacent to the north-eastern boundary of the MPW site, to be used as an interstate/intrastate IMT in accordance with the MPW Stage 2 Consent.
13	12.28	Adjacent to the south-eastern boundary of the MPW site, to be used as part of the rail corridor (known as the SME Rail Corridor) to allow the completion of construction 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 MIC.

Easement details for access, services, drainage and overhead powerlines will be provided as part of the EIS. Easements will maintain internal connectivity and interdependencies between the individual intermodal functions within the development site.

Where required, a Section 88B instrument will be prepared detailing the creation of all relevant easements, restrictions and covenants.



4.1.3.2 Access Roads

A permanent ring road will be constructed, continuing south from the access road near the MPW site's western boundary, and approved as part of MPW Stage 2, to the southern portion of the MPW site. The permanent ring road will provide direct access to the construction compound, the material storage and parking area (on proposed Lot 10), and the hardstand, laydown and materials stockpile area on proposed Lot 9. A permanent turnaround point will be constructed at the end of the permanent ring road.

A temporary loop road will be constructed from the permanent ring road, to provide access to the hardstand, laydown and materials stockpile area on proposed Lot 8, and additional access to proposed Lot 9.

4.1.3.3 Earthworks

Earthworks will be undertaken, as required, to regrade the site to facilitate construction of the compound and associated areas, roads, stormwater and drainage infrastructure, and for installation of services and utilities.

4.1.3.4 Services and Utilities Relocation, Installation and Connection

Relocation of existing utilities and services infrastructure will be undertaken as required. Installation and connection to the public utility and services networks; including water, sewer, electricity, and telecommunications will be established to support the construction and operation of the Proposal site.

Services and utilities to service the compound and storage areas will be included in the permanent ring road accessway.

Services and utilities connections for proposed Lots 8, 9 and 10 will service the compound, materials storage and hardstand areas. It is envisaged that proposed Lots 5, 6 and 7, which are intended to be used for warehousing and distribution facilities, would progressively be brought online with services and utilities.

4.1.3.5 Stormwater and Drainage

The Proposal would include the installation of stormwater, drainage and flooding infrastructure. Key features of this infrastructure are likely to include:

- On-site detention basins located along the western boundary of the construction footprint, adjacent to the conservation area. Basins will manage water volumes being discharged into the Georges River and to reduce sediment in the water;
- Stormwater infrastructure (e.g. pits and pipes) to collect and transport stormwater runoff from the Proposal site and into nominated detention basins and discharge points;
- Stormwater drain(s), including an open channel traversing the site from east to west, to discharge stormwater runoff from the Proposal site to discharge points along the Georges River.

4.1.3.6 Signage and Landscaping

Appropriate signage for business and operation purposes will be installed, to safely direct movement around the site, and particularly within the compound areas.

Landscaping will be undertaken to establish vegetation to improve visual amenity, manage erosion and sediment transport and surface stormwater flows, and improve the ecological value of the site.

4.2 Proposal Need and Justification

4.2.1 Strategic Justification

The MPW Project, which includes this Proposal, is an identified part of the *NSW Freight and Ports Strategy* due to its essential role in meeting Sydney's future freight needs. The MPW Project is closely aligned to achieving effective delivery of National and State government transport infrastructure commitments and policy objectives including:

- National strategic planning and policy framework:
 - *Australian Infrastructure Plan*, 2016
 - *National Infrastructure Priority List and Update*, 2009 and 2016
 - *National Land Freight Strategy Discussion Paper and Update*, 2011 and 2012
 - *National Ports Strategy*, 2011
- NSW strategic planning and policy framework:
 - *'Navigating the Future' NSW Ports' 30 year Master Plan*, 2015
 - *A Plan for Growing Sydney*, 2014
 - *State Infrastructure Strategy and Update*, 2012 and 2014
 - *NSW Freight and Ports Strategy*, 2013
 - *NSW Long Term Transport Masterplan*, 2012
 - *NSW 2021: A plan to make NSW number one*, 2011
 - *Draft Subregional Strategy for the South West Subregion*, 2009
 - *Railing Port Botany's Containers*, 2005.

In recent years, there has been a significant year on year increase in container trade growth at Port Botany, with more than two million twenty-foot containers currently passing through the port annually. Growth in container throughput at Port Botany is expected to continue as evidenced by the removal of the container throughput cap in 2012. It has been identified in government policy and strategies that to support future growth, more freight needs to be moved to and from Port Botany by rail. If the current rail mode share is not improved, truck traffic at Port Botany could increase by up to four times its current level by 2030.

The MPW Project is considered the most viable alternative to meet that timeline and increase the capacity required in the area. The Moorebank Precinct has been identified in both Federal and State strategies as the best location for an IMT facility to service the industrial areas of south-western Sydney that has the appropriate proximity to main arterial road networks and a dedicated freight line.

The NSW Government and the Port Authority of NSW have a shared objective of increasing freight movements by rail and of improving the efficiency of port-related freight movements across the infrastructure network.

The objectives of the MPW Project are identified in the MPW Concept Plan Approval. The objectives of this Proposal, which are generally consistent with those of the MPW Project, are to support:

- Australian Government objectives (2010):
 - Boost national productivity over the long term through improved freight network capacity and rail utilisation.
 - Create a flexible and commercially viable facility and enable open access for rail operators and other terminal users.
 - Minimise impact on Defence’s operational capability during the relocation of Defence facilities from the Moorebank site.
 - Attract employment and investment to west and south-western Sydney.
 - Achieve sound environmental and social outcomes that are considerate of community views.
 - Optimise value for money for the Commonwealth having regard to the others stated Project objectives.
- MIC constitutional objectives (2012):
 - To facilitate the development of a freight IMT at Moorebank, including an IMEX facility, an interstate freight terminal capable of catering for 1,800 m trains and ancillary facilities by optimising private sector investment and innovation in the development, construction and operation of the intermodal terminal.
 - To facilitate the operation of a flexible and commercially viable common user facility which will be available on reasonably comparable terms to all rail operators and other terminal users.
 - To ensure the IMT operates with the aim of improving national productivity through an efficient supply chain, increased freight capacity and better rail utilisation.
 - To operate on commercially sound principles having regard to the Australian Government’s long-term intention to sell its interest in the Company (MIC).

SIMTA supports the MIC objectives with a view to implementing them as part of this third stage. Together, MIC and SIMTA are tasked with delivering an IMT which realises the economic benefits of rail distribution, including reduction of truck vehicle kilometres and net travel time savings while acting in an environmentally and socially responsible manner with due regard to local communities’ views. Ultimately, this would result in an IMT which is to be designed, developed and operated in such a way that would minimise negative impacts on nearby residents and businesses, and the surrounding environment.

4.2.2 Proposal Justification

The Proposal would facilitate development works within the MPW site which would support infrastructure development to increase rail share for the Sydney freight distribution network. The MPW site, once operational, would also support the construction of infrastructure to meet the catchment demand for rail freight movements to the regions of South West and Western Sydney, in accordance with National and State government transport infrastructure commitments and policy objectives.

As approved site development works in the northern portion of MPW progress, space available for the existing construction compound and materials storage will become further constrained. Ongoing warehouse tenant enquiries have been strong, and construction of warehousing to accommodate tenants within proximity of the existing construction compound is expected to further reduce available compound and materials storage space.

It is intended that the proposed construction compound in the south eastern portion of the site would replace the existing approved construction compound facility located within the northern portion of the MPW site, and is better placed to more efficiently enable further construction works in accordance with approved (MPW Concept Plan, Early Works, and MPW Stage 2), and future MPW site development works (subject to future approvals).

The proposed construction compound will provide operations and maintenance support for already approved MPW site works, and in a future development application, to facilitate the construction of the residual 85,000 m² warehousing GFA representing the balance of approved warehousing GFA in the MPW Concept Plan.

The proposed subdivision is consistent with the intent of the original MPW Concept Plan approval. The subdivision, comprising nine allotments for warehousing and distribution facilities, biodiversity conservation, interstate IMT; rail corridor for completion and operation of the IMEX freight terminal and rail link, will separate operational portions from construction portions of the site. Additionally, the subdivision works will separate the functions of the IMT and tenanting of individual warehouses and will establish a separate biodiversity conservation area adjacent to the Georges River.

Ancillary works will establish permanent and temporary road access to the new construction compound and will provide service and lighting to the compound and materials stores areas, and the offices, amenities, kitchen/canteen facilities, and meeting and training rooms.

5. Statutory Planning and Approvals

In accordance with the Concept Plan Approval and the State and Regional Development SEPP, development consent for the Proposal is to be sought under Part 4, Division 4.7 of the EP&A Act (refer to Section 2.3). As a result, the Proposal for the MPW Stage 3 works would require a Development Application (DA) for SSD submitted to DPIE, with an EIS to be prepared.

Approval (SSD 7709) has been granted for MPW Stage 2 works including the construction and operation of a multi-purpose IMT facility (that enables interstate and intrastate freight distribution and port shuttle (IMEX) movements), warehousing and a rail link connection. Given that the MPW Stage 2 consent applies to the entire MPW site, some of the environmental assessment carried out in respect of MPW Stage 2 might be relevant to Stage 3.

A summary of the Commonwealth, State and local government legislation which are relevant to the Proposal, the relevant potential environmental impacts, and the approvals or assessments required for this Proposal in relation to the legislation, are summarised in Table 5-1.

Table 5-1: Legislation applicable to the Proposal.

Legislation	Associated Environmental Concerns	Approval or Assessment Required
Commonwealth		
EPBC Act	Impacts to Matters of National Environmental Significance, particularly disturbance to listed threatened species, ecological communities and/or migratory species, and impact(s) on Commonwealth land	<p>The MPW Project was declared a controlled action by the Commonwealth Minister of the Environment as it will be undertaken by, or on behalf of the Commonwealth and will result in impacts to listed threatened species.</p> <p>Approval was granted for the MPW Project by the Commonwealth Minister for the Environment on 27 September 2016. Subject to the implementation of the EPBC Conditions of Approval, no additional assessment or approval is required under the EPBC Act for this Proposal.</p>
State		
EP&A Act EP&A Regulation <i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP) <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (State and Regional Development SEPP)	Planning approval pathway determination and any potential impacts on the environment	<p>Concept Plan Approval (SSD 5066) for the MPW Project was granted on 3 June 2016 by the DP&E.</p> <p>Approval for the Proposal is sought under Part 4, Division 4.7 (SSD) of the EP&A Act (refer to Section 2.4).</p>

Legislation	Associated Environmental Concerns	Approval or Assessment Required
<i>Protection of the Environment Operations Act 1997 (POEO Act)</i>	Impacts of the operation of the Proposal relating to air quality, noise emissions and discharge of polluted water	The Proposal does not include activities listed under Schedule 1 of the POEO Act. Therefore an Environmental Protection Licence (EPL) would not be required for the Proposal.
<i>Contaminated Land Management Act 1997 (CLM Act)</i> <i>State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55)</i>	Disturbance of contaminated land and potential for further soil contamination	<p>The Concept Plan Approval included <i>Phase 1</i> and <i>Phase 2 Environmental Site Assessments</i> (ESAs) for the IMT facility site and a <i>Phase 1 ESA</i> for the rail link connection, and preparation of Site Audit Statements. Activities under the Early Works (Stage 1) consent remediated the majority of the existing onsite contamination.</p> <p>Contamination across the entire MPW site is addressed as part of the MPW Stage 1 and Stage 2 Consents.</p> <p>Subject to alignment and demonstrated consistency with the Site Audit Statements, <i>Contamination Management Plan</i>, and CEMP prepared for the MPW site, and requirements issued under MPW Stage 2 Conditions of Approval B161, B163, B171, B172, and B175, the site will be confirmed as suitable for the proposed development such that no further contamination assessment is required under SEPP 55.</p>
<i>National Parks and Wildlife Act 1974 (NPW Act)</i>	Disturbance of any objects or places of Aboriginal Heritage significance	<p>Under Section 4.41 of the EP&A Act development applications assessed as SSD do not require an Aboriginal Heritage Impact Permit (under section 90 of the NPW Act).</p> <p>The MPW Concept Plan Approval included an Aboriginal Heritage Impact Assessment for the MPW site. Activities under the Early Works consent included Aboriginal Heritage salvage works.</p> <p>Subject to alignment and demonstrated consistency with the <i>Aboriginal Cultural Heritage Salvage Report</i> prepared for the MPW site, requirements and recommendations of the CEMP sub-plan <i>Construction Heritage Management Plan</i>, and requirements issued under MPW Stage 2 Conditions of Approval B148 and B149, no further heritage assessment is necessary.</p>
<i>Biodiversity Conservation Act 2016 (BC Act)</i>	Disturbance to listed threatened species and ecological communities	The MPW Concept Plan Approval undertook an <i>Ecological Impact Assessment</i> that included the Proposal site and surrounds. Activities under the Early Works consent removed vegetation outside of identified exclusionary zones.

Legislation	Associated Environmental Concerns	Approval or Assessment Required
		<p>Subject to alignment and demonstrated consistency with the CEMP sub-plan <i>Construction Flora and Fauna Management Plan</i>, OEMP sub-plan <i>Operational Flora and Fauna Management Plan</i> prepared for the MPW site, and requirements issued under MPW Stage 2 Conditions of Approval B153, B156, B159 and B160, no additional impacts on biodiversity values are likely to arise as a result of the Proposal.</p> <p>In accordance with section 7.9(2) of the BC Act, SIMTA therefore asks that the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have a significant impact on biodiversity values and accordingly, the development application for the Proposal does not need to be accompanied by a biodiversity development assessment report.</p>
<i>Noxious Weeds Act</i> 1993 (NW Act)	Spread and impact of weed	<p>Subject to alignment and demonstrated consistency with relevant plans prepared for the MPW Site and requirements issued under MPW Stage 2 Conditions of Approval B83, no further assessment is necessary.</p>
<i>Fisheries Management Act</i> 1994 (FM Act)	Disturbance to aquatic flora and fauna	<p>Under Section 4.41 of the EP&A Act, development applications assessed as SSD do not require a permit under section 201, 205 or 219 of the FM Act.</p> <p>Subject to alignment and demonstrated consistency with relevant stormwater, ecological, CEMP and OEMP plans prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B35, no further assessment is necessary.</p>
<i>Water Act</i> 1912 (Water Act) <i>Water Management Act</i> 2000 (WM Act)	Disturbance of groundwater aquifers impacts to flooding behaviour and/or water quality of surrounding water bodies	<p>Under Section 4.41 of the EP&A Act, development applications assessed as SSD do not require a permit under section 89, 90 or 91 of the WM Act.</p> <p>The MPW Concept Plan Approval included a <i>Surface Water Assessment</i> which included the Proposal site, and assessed potential impacts on surrounding water bodies.</p> <p>Subject to alignment and demonstrated consistency with relevant water management plans prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B4 to B38, no further water management assessment is required. Appropriate stormwater design reports and drawings will be prepared prior to the</p>

Legislation	Associated Environmental Concerns	Approval or Assessment Required
		<p>establishment of the construction compound in accordance with MPW Stage 2 Conditions of Approval B4.</p> <p>Further, the subdivision plan will provide details of drainage works to show internal connections and interdependencies between the individual intermodal functions within the development site are maintained.</p> <p>Where required, the CEMP sub-plan <i>Construction Soil and Water Management Plan</i> will be updated.</p>
<i>Roads Act 1993</i> (Roads Act)	Impacts of the construction and/or operation of the Proposal on traffic flows and works to public and private roads	<p>In accordance with Section 4.42 of the EP&A Act consent under Section 138 of the Roads Act cannot be refused if it is necessary for the carrying out of a SSD authorised by a development consent.</p> <p>The EIS for the Proposal would consider the Roads Act with an application to be made post determination of the Proposal, as required.</p>
<i>Heritage Act 1977</i> (Heritage Act)	Disturbance to any object that is of state or local heritage significance	<p>Under Section 4.41 of the EP&A Act, development applications assessed as SSD do not require a permit under section 139 of the Heritage Act.</p> <p>The Concept Plan Approval included a <i>European Heritage Impact Assessment</i> for the impacts of the MPW Project. Activities under the Early Works consent included non-indigenous heritage management and salvage works.</p> <p>Subject to alignment and demonstrated consistency with the <i>Non-Indigenous Cultural Heritage Management Plan</i>, the CEMP sub-plan <i>Construction Heritage Management Plan</i> prepared for the MPW site, and requirements issued under MPW Stage 2 Conditions of Approval B150 and B151, no further heritage assessment is necessary.</p>
<i>Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act)	Waste management and potential opportunities for diversion of waste from landfill	<p>A <i>Waste and Resource Management</i> assessment was undertaken for the MPW Project as part of the Concept Plan Approval. Activities under the Early Works consent included the demolition of buildings, and selected vegetation clearance which would reduce the construction waste generated for the Proposal.</p> <p>Subject to alignment and demonstrated consistency with the CEMP sub-plan <i>Construction Demolition and Waste Management Plan</i>, the OEMP prepared for</p>

Legislation	Associated Environmental Concerns	Approval or Assessment Required
		the MPW site, and requirements issued under MPW Stage 2 Conditions of Approval B180 to B183 and B187, no further waste assessment is necessary.
<i>Rural Fires Act 1997</i> (Rural Fires Act)	Bushfire management/prevention and ensuring the site is suitably protected from the threat of bushfires	<p>Under Section 4.41 of the EP&A Act development applications assessed as SSD do not require a bush fire safety authority (under section 100B of the Rural Fires Act).</p> <p>An assessment of the MPW Project against the relevant factors for bushfire risk was undertaken within the <i>Hazards and Risks Assessment</i> prepared as part of the application for Concept Plan Approval. Activities under the Early Works consent included the demolition of buildings, and selected vegetation clearance which may reduce the overall level of bushfire risk.</p> <p>Subject to alignment and demonstrated consistency with the <i>Emergency Response Plan</i> and the <i>Bushfire Emergency and Evacuation Management Plan</i> prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B194 and B195, no further bushfire assessment is necessary.</p>
<i>State Environmental Planning Policy No. 33- Hazardous and Offensive Development</i> (SEPP 33)	Management of hazardous and dangerous goods	<p>A <i>Hazard and Risks Assessment</i> was prepared for the MPW Project as part of the application for Concept Plan Approval.</p> <p>Subject to alignment and demonstrated consistency with the CEMP prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B176 to B179, no further hazard risk assessment is necessary.</p>
<i>State Environmental Planning Policy No. 64- Advertising and Signage</i> (SEPP 64)	Location and design of signage and impact on the surrounding visual environment	<p>A <i>Visual Impact Assessment</i> was undertaken as part of the assessment for Concept Plan Approval. Activities under the Early Works consent included the demolition of buildings, and selected vegetation clearance which would alter the visual environment of the MPW site.</p> <p>The EIS will discuss potential visual impacts of the Proposal on the surrounding area (including the potential impacts of signage associated with the operation of the Proposal). Landscape drawings will be revised where required to mitigate visual impacts.</p>

Legislation	Associated Environmental Concerns	Approval or Assessment Required
		Mitigation of visual impacts will be in consistent with relevant Landscape Drawings, and MPW Stage 2 Conditions of Approval B57.
Greater Metropolitan regional Environmental Plan No 2 – Georges River Catchment	Drainage and site runoff including potential impacts on water quality and flooding of the Georges River Catchment	<p>The Concept Plan Approval included a <i>Surface Water Assessment</i> for the Proposal site and impacts on surrounding water bodies. Activities under the Early Works consent included the demolition of buildings, and selected vegetation clearance which may have changed the existing drainage patterns on the Proposal site.</p> <p>Subject to alignment and demonstrated consistency with the <i>Soil and Water Management Plan</i> and CEMP sub-plan <i>Construction Soil and Water Management Plan</i> prepared for the MPW site, and requirements issued under MPW Stage 2 Conditions of Approval B30, no further water management assessment is necessary.</p>
Local		
<i>Liverpool Local Environment Plan 2008</i> (Liverpool LEP)	Impact on the environment and the built form of the Liverpool Local Government Area	The Concept Plan Approval assessment included consideration of the Liverpool LEP. This would be further considered as part of the EIS for the Proposal.
<i>Liverpool Development Control Plan 2008</i> (Liverpool DCP)	Impact on the environment and the built form of the Liverpool Local Government Area	The Concept Plan Approval assessment included consideration of the Liverpool DCP. As the project is SSD under Part 4, Division 4.1 of the EP&A Act, consideration of the Liverpool DCP is not required.

6. Consultation

6.1 MPW Project Consultation

During the preparation of the MPW Concept Plan EIS and Stage 2 EIS, consultation was carried out with the following parties, in accordance with the Commonwealth EIS Guidelines under the EPBC Act and the SEARs issued for the Concept Plan under the EP&A Act (Table 6-1):

Table 6-1: Consultation undertaken during preparation of MPW Concept Plan and MPW Stage 2 EIS process.

Authority	Relevant Agency
Commonwealth	<ul style="list-style-type: none"> • Commonwealth Department of the Environment • Department of Finance • Department of Defence • Department of Infrastructure and Regional Development
State	<ul style="list-style-type: none"> • NSW Environment Protection Authority • NSW Office of Environment and Heritage • NSW Department of Primary Industries, including the Department of Fisheries and Office of Water • NSW Department of Planning and the Environment • NSW Rural Fire Service • NSW Health • Sydney Ports • NSW Rural Fire Service • NSW Department of Industry • Sydney Ports Corporation
Local	<ul style="list-style-type: none"> • Liverpool City Council • Campbelltown City Council • Western City Regional Organisation of Councils
Service and infrastructure providers	<ul style="list-style-type: none"> • Infrastructure Australia • Infrastructure NSW • Transport for NSW • NSW Roads and Maritime Services • Australian Rail Track Corporation • Sydney Trains • Sydney Water • Australian Trucking Association • Endeavour Energy • Jemena • Optus • Telstra • AGL • APA Group.
Local community and specialist groups	<ul style="list-style-type: none"> • Registered Aboriginal Parties • Adjacent landowners • Nearby residents

Consultation with government agencies and service and infrastructure providers continued throughout the public exhibition period of the MPW Concept Plan EIS, the preparation of the Submissions Report and as part of the PAC inquiry and assessment. This consultation included direct meetings to discuss key aspects and concerns associated with the MPW Project and responding to written submissions received during public exhibition.

Consultation was undertaken through a range of mediums including emails, phone conversations, face-to-face meetings, workshops and letter submissions. The EIS was placed on public exhibition in accordance with Section 89F of the EP&A Act.

6.2 Proposed MPW Stage 3 Consultation

The Proposal represents a further stage of the design, construction methodology, operational procedures, and environmental assessment for the MPW Project under the MPW Concept Plan Approval. As such, SIMTA recognises the importance of continuing to engage with Commonwealth, State and Local Government stakeholders, the community, Registered Aboriginal Parties, and special interest groups. As part of the MPW Precinct development process, these agencies have been consulted on an ongoing basis, and a feedback loop is provided as part of the submission process.

We understand that, similar to the *Construction Community Communication Strategy (CCCS)* already in place for the MPE site, the process to establish and implement a CCCS for the MPW site is currently underway. The CCCS for MPE was established in accordance with MPE Project Approvals to provide the overarching mechanism to facilitate communication between MPE Project managers and contractors, Liverpool City Council and key stakeholders. The MPE CCCS:

- a) Provides details of key components of the Project, including Project delivery phases for construction and operations;
- b) Provides objectives and targets for communication and engagement activities under the CCCS;
- c) Provides compliance matrices for Project Conditions of Consent in relation to community involvement;
- d) Identifies key roles and responsibilities associated with the CCCS;
- e) Describes incident management procedures;
- f) Summarises available Project tools, including telephone, email and website contact details with regards to community communication, notification, advertisements, signage, information sessions, stakeholder meetings, reporting, training, and other information tools;
- g) Provides identification and contact details for key stakeholders, including level of engagement;
- h) Outlines potential impacts to stakeholders from construction activities and provides mitigation and management measures to be implemented to address identified impacts;
- i) Outlines the community communication process, including committee selection, notification timing and approvals process, out-of-hours work protocol, high noise activities and traffic disruptions, complaints and enquiries, and media management; and

- j) Summarises monitoring and review requirements regarding Project community and stakeholder interactions.

The MPE CCCS will be updated as required and implemented for the duration of construction activities. An operational CCS will be prepared and implemented during operation of the MPE Project and for 24 months following commencement of operation.

It is envisaged that, either the existing MPE CCCS could be revised and extended to include the MPW Project, to operate as an overarching Moorebank Precinct CCCS, or CCSs similar to those prepared for MPE will be prepared and implemented for the construction and operation stages of the MPW Project in accordance with MPW Stage 2 SSD 7709 Conditions of Approval A31. The CCCS would be revised, as required, to accommodate the proposed Stage 3 works, or any future Approval. The community consultative committee formed for MPW, once established, will be notified throughout the course of the application, with consultation to be guided by the overarching stakeholder engagement principles that have been used to inform previous consultation.

7. Key Environmental Issues

A summary of the key environmental issues relating to the Proposal's construction and operation have been identified based on investigations and environmental assessments undertaken as part of the MPW Concept Plan Approval and Stage 2 environmental assessments. These assessments were for approval of the entire MPW Project, which was originally proposed to have a maximum throughput capacity of 1.05 million TEU per annum (IMEX), 500,000 TEU throughput per annum (Interstate), and 300,000 m² GFA of warehousing.

In consideration of this, the impacts identified in the MPW Concept Plan Approval and MPW Stage 2 documentation (i.e. the EIS, Response to Submissions Report and Supplementary Response to Submissions Report) considered a greater level of potential environmental impact than that which is expected to result from this Proposal. Furthermore, the Proposal does not include any new or additional works that were not already considered within the footprint and within the scope of the assessments already completed for the MPW site.

Given that the MPW Stage 2 Consent applies to the entire MPW site, some of the environmental assessment carried out in respect of MPW Stage 2 is likely to continue to be relevant to Stage 3.

In the event that the Proposal EIS identifies new and additional environmental impacts, then the CEMP and OEMP and/or sub-plans will be progressively revised and updated to ensure these are mitigated.

Proposed subdivision works are non-intrusive, and so no environmental impacts are anticipated. Potential environmental impacts arising from the establishment of the construction compound and ancillary works are addressed in the following sections.

7.1 MPW Stage 3 EIS Structure

The MPW Stage 3 EIS would be prepared with regard to the SEARs that are issued pursuant to SIMTA's request in relation to the Proposal. In addition to this, and more specifically, the EIS and associated design and technical specialist reporting would be prepared to address the future assessment requirements specified in Schedule 4 of the MPW Concept Plan Approval (SSD 5066) Conditions of Approval as relevant to the Proposal, including condition E24 as related to the Building Code of Australia:

All future Development Applications will demonstrate compliance with the Building Code of Australia, as relevant.

It is anticipated that the SEARs will replicate and be consistent with, the future assessment requirements specified in Schedule 4 of the SSD 5066 Conditions of Approval. Additionally, future assessments should be aligned and consistent with relevant MPW Stage 2 Conditions of Approval.

The EIS will follow the previous EIS structure. Further discussion on potential key environmental issues and likely assessment requirements to be addressed in the EIS is provided in the following sections.

7.2 Traffic and Transport

7.2.1 Existing Environment

A *Traffic, Transport and Accessibility Impact Assessment* report was prepared by Parsons Brinkerhoff (2014) as part of the MPW Concept Plan EIS. The report identified the following key traffic and transport-related characteristics relating to the existing environment at the Proposal site and within the surrounding area.

7.2.1.1 Road Network

The existing road network surrounding the Proposal comprises National and State roads, local roads owned and maintained by Liverpool City Council, and private roads owned and maintained by the Department of Defence. Liverpool City Council local roads include Moorebank Avenue (between the M5 Motorway and Anzac Road), Anzac Road and Bapaume Road, each of which has a speed limit of 60 kilometres per hour (km/h). Privately owned roads include Moorebank Avenue south of Anzac Road, and roads within the Proposal site, some of which connect to Moorebank Avenue i.e. Chatham Avenue.

The Proposal site is close to several major roads (Figure 7-1), including:

- The M5 Motorway (State Road¹), extending from Botany to Casula. The M5 Motorway is the key link between Port Botany and the Hume Highway and M7 Motorway in Sydney's south and south-west. The M5 Motorway is the most significant road connection that links the Proposal site to the surrounding major road network and interstate road transit routes.
- M7 Motorway (privately operated toll road), extending from Casula to Seven Hills. The M7 Motorway links Sydney's greater west to the M5, M4 and M2 Motorways, thereby linking Sydney's road network to regional and interstate road networks to the south, west and north of Sydney.
- Hume Highway (south) (National Road), extending from Casula to Campbellfield in Victoria. The Hume Highway is the major road transport link between Sydney and Melbourne.
- Anzac Road (local road), is an east-west local road that connects Moorebank Avenue and Heathcote Road. It provides access to Moorebank Business Park and the residential area of Wattle Grove. This is generally a two-lane undivided road. At the intersection with Moorebank Avenue, Anzac Road is owned by the Department of Defence.
- Newbridge Road (State Road), is an east-west road that provides access to Canterbury Road and Liverpool. In proximity to the MPW site it is a six lane, divided road that is maintained by Roads and Maritime Services (RMS).
- Heathcote Road (State Road), is an arterial road that connects Heathcote to Liverpool in a north-westerly direction. From Sandy Point to Moorebank, Heathcote Road ranges between a two-lane, undivided road and a four lane, divided road. It is

¹ State Road until the Camden Valley Way Interchange (northbound traffic) and the Hume Highway on-ramp (southbound traffic) where it is classified as a National Road.

generally used by local and commercial traffic including, the Department of Defence at Holsworthy and is maintained by RMS.

- Cambridge Avenue (local road), is a local road which connects Moorebank Avenue from the south to Macquarie Fields through to Campbelltown. It is generally a two-lane road (one lane each direction). Cambridge Avenue is owned and maintained by Campbelltown City Council. Cambridge Avenue crosses the Georges River via a low-level narrow bridge and is subject to flooding.
- Moorebank Avenue (State Road/local road²), is currently a two-lane undivided road (one lane on each direction) between Cambridge Avenue and M5 South West Motorway (adjacent to the site) and four lane undivided road (two-lane on each direction) north of the M5 South West Motorway. This road provides a north-south link between Liverpool and Glenfield. It also forms a grade separated interchange with the M5 South West Motorway. Moorebank Avenue between M5 and Anzac Road is owned and maintained by Liverpool City Council. Moorebank Avenue between Anzac Road and Cambridge Avenue is a private road on Commonwealth land.

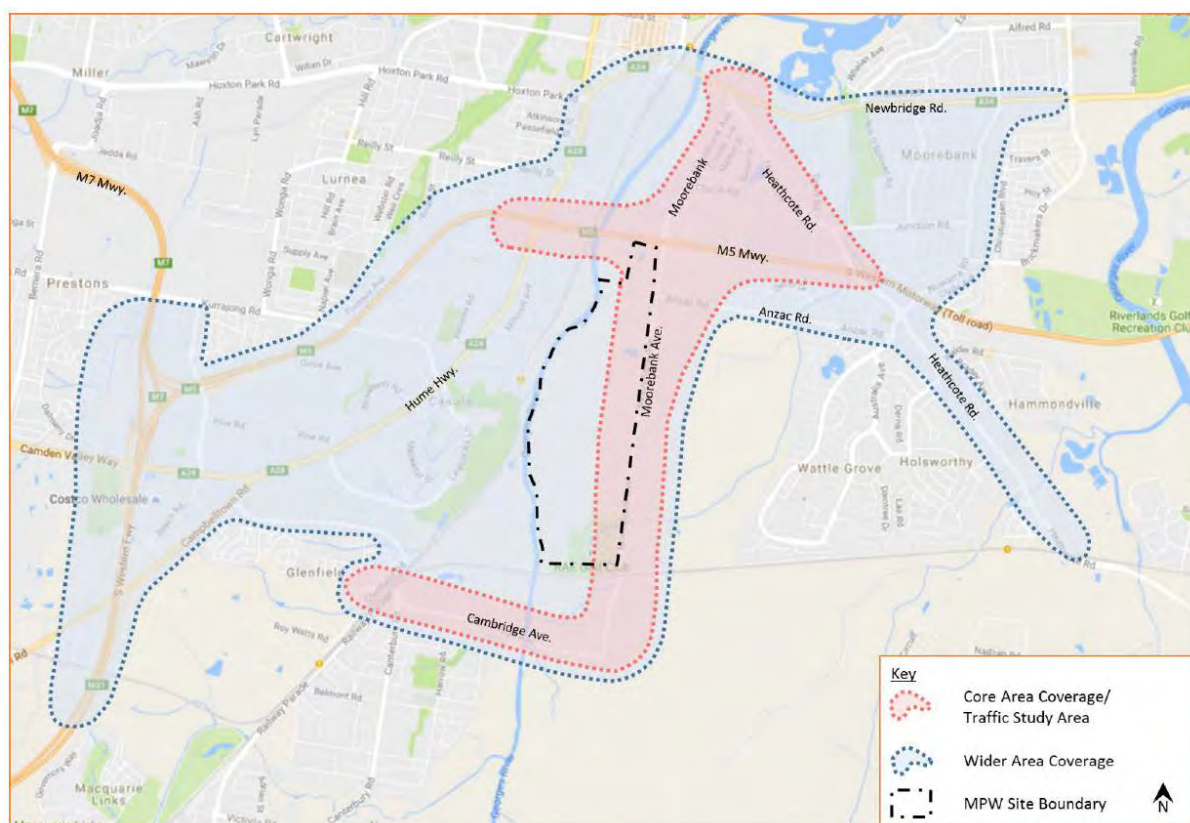


Figure 7-1: MPW Stage 2 traffic study area (Arcadis, 2016)

7.2.1.2 Rail Network

The SSFL, along with the Main South Railway Line, is located on the western side of the Georges River. The East Hills Railway Line is located to the south of the Proposal site. The SSFL operates over 36 kms between Birrong and Macarthur in southern Sydney, providing a

² Moorebank Avenue between M5 and Anzac Road is owned and maintained by Liverpool City Council. Moorebank Avenue between Anzac Road and Cambridge Avenue is a private road on Commonwealth land.

dedicated rail line for freight services, allowing passenger and freight services to operate independently in this area. The SSFL, amongst other industrial sectors, provides access to Port Botany and connects to the greater regional rail network, throughout NSW and Australia.

7.2.1.3 Other Public and Active Transport Infrastructure

The following public transport and access routes are located in the vicinity of the Proposal Site:

- Bus - presently only one route, Route service 901 operated by Veolia, which services the area in the vicinity of the Proposal site via Moorebank Avenue. The 901 bus service operates once every half hour during peak periods, and hourly outside of peak periods.
- Rail services - The Proposal site is located near the junction of the Main Southern and East Hills Railway Line, with three rail stations located within three to four kilometres from the Proposal site.
- Cycling:
 - The *NSW Bike Plan* (June 2010) identified bike routes (to be constructed) around Liverpool on Moorebank Avenue, Heathcote Road and Newbridge Road and
 - *Sydney's Cycling Future* (Transport for NSW, 2014) committed to completing missing links in the existing bicycle network to the Liverpool CBD. This would include improving bicycle access to the Liverpool City Centre from the south by completing the missing sections of the off-road walking and cycling corridor along Glenfield Creek, between Casula and Liverpool. This improved access would integrate with the cycling routes proposed in the *Liverpool Bike Plan* (Liverpool Council, 2009).

7.2.2 Recent Environmental Assessments

7.2.2.1 MPW Concept Plan

The *Traffic, Transport and Accessibility Impact Assessment* (PB, 2014), prepared for the MPW Concept Plan EIS aimed to analyse how future traffic conditions and the surrounding traffic network would be impacted by the MPW Project, during both construction and operation. The objective was to ensure that the traffic conditions resulting from the MPW Project would not be “significantly worse” than traffic conditions without the MPW Project.

The key findings of the assessment were:

- The MPW Project would generate approximately 13,884 car and truck movements a day, i.e. 9,642 trips to the MPW site and 6,942 trips from the MPW site, when fully operational in 2030.
- Within the Moorebank study area the following intersections were identified as operating unsatisfactorily without development at the Project site: (i.e. a Level of Service (LoS) of F):
 - Moorebank Avenue and Bapaume Road intersection would operate unsatisfactorily during both the AM and PM peak hours from 2015 onwards;
 - Moorebank Avenue and Anzac Road intersection would operate unsatisfactorily in the PM peak in 2030;
 - Moorebank Avenue and the Defence Support Access intersection would operate poorly in the PM peak from 2016 and in the AM peak from 2028;

- Moorebank Avenue and the DNDSC Access intersection (i.e. the access into the MPE Site) would operate poorly in the PM peak from 2023; and
- Moorebank Avenue and Chatham Avenue intersection would operate poorly in the AM and PM peaks from 2023.
- Overall, only a minor contribution to congestion is predicted throughout the road network due to the traffic generated by the MPW Project. Furthermore, there are no significant intersection performance changes between the 'with' and 'without' the MPW Project scenarios. This is because the network in 2030 is generally predicted to be congested based on general background traffic growth predictions.

7.2.2.2 MPW Stage 2 Construction Traffic Impact Assessment

The *Construction Traffic Impact Assessment* (Arcadis, 2016) prepared for the MPW Stage 2 EIS aimed to include an overview of proposed construction works, provide an assessment of potential traffic impacts on the road network during construction stages of the MPW Project, and identified mitigation measures to address impacts.

The key findings of the assessment were:

- The MPW Stage 2 site would generate between 6 and 740 truck movements daily, with the highest truck movements occurring in works period C and between 30 and 350 car movements daily, with the highest car movements occurring in works period E.
- Peak construction period would occur during the overlap in works period C, D, E and F with during the AM peak hour 481 vehicles travelling to and from the site.
- Traffic impacts included:
 - A 10% increase in traffic volume at the M5 Motorway/Moorebank Avenue interchange during peak construction periods
 - A 20% increase in background traffic volumes of Moorebank Avenue during construction.
- Construction traffic impact along Moorebank Avenue was anticipated to be small and the impact on key intersections would be small.
- A *Construction Traffic Management Plan* was required to detail the management controls that were to be implemented to avoid or minimise impacts to traffic, pedestrian and cyclist access and the amenity of the surrounding landscape.
- Construction traffic associated with MPW Stage 2 would have minimal impacts on the performance of the existing M5 Motorway/Moorebank Avenue interchange, Bapaume Road/Moorebank Avenue intersection and Anzac Road/Moorebank Avenue intersections. Further, the construction traffic would not adversely affect Moorebank Avenue and Cambridge Avenue.

The impact of the construction of the Proposal is anticipated to be minor and appropriate management plans would be applied during construction to mitigate the impact. The outcomes and recommendations of the *Construction Traffic Impact Assessment*, together with the relevant MPW Stage 2 Conditions of Approval and further identified environmental impacts requiring mitigation will inform further revisions to the *Construction Traffic Impact Assessment* Management Plan (CTAMP) for the MPW site.

7.2.2.3 MPW Stage 2 Operational Traffic and Transport Impact Assessment

The *Operational Traffic and Transport Assessment* (Arcadis, 2016) written for the MPW Stage 2 EIS aimed to include an overview of traffic impact and assessed intersections and road network impacts using evidence-based traffic modelling to identify appropriate mitigation measures to address these impacts.

The key findings of the assessment were:

- The MPW Stage 2 Proposal was expected to generate approximately 1,458 truck trips (2-way) and 2,670 car trips (2-way) to and from the precinct each weekday.
- The highest traffic increase due to the MPW Stage 2 Proposal for 2019 was forecast on Moorebank Avenue (17%) as well as Anzac Road (1.9%). The analysis indicated minor traffic increase (less than 0.5%) along Moorebank Avenue (south of Anzac Road) and Cambridge Avenue attributable to the Proposal.
- The highest traffic increase at an intersection for 2019 was forecast at Moorebank Avenue/Anzac Road (20 to 26% during peak hour) as well as the M5 Motorway/Moorebank Avenue intersection (11 to 14%).
- The Moorebank Avenue/Anzac Road intersection and the M5 Motorway/Moorebank Avenue intersection were predicted to be operating at unacceptable LoS F without the proposal in 2029 and therefore upgrading the intersections was considered required to improve their performance. Other intersections were determined to continue to operate at acceptable levels and did not require upgrades.
- Other facilities included in the assessment included: 983 car parking spaces, 127 bicycle parking spaces and lockers and 15 shower/changing cubicles.
- The assessment determined that consultation was required by SIMTA with bus providers and Transport for NSW regarding the provision of public and active transport.
- Mitigation measures included:
 - Upgrading the Moorebank Avenue/Anzac Road intersection; and
 - Recommendations for network improvements due to background traffic for the M5 Motorway/Moorebank Avenue intersection, M5 Motorway/Hume Highway intersection, Moorebank Avenue/Newbridge Road intersection, Moorebank Avenue/Heathcote Road intersection and M5 Motorway/Heathcote Road intersection.

The outcomes and recommendations of the *Operational Traffic and Transport Assessment*, together with the relevant MPW Stage 2 consent will inform revisions to the *Operational Traffic and Transport Assessment Management Plan* (OTAMP).

7.2.3 Potential Impacts

The Proposal has the potential to result in similar operational traffic and transport impacts, albeit to a lesser extent, to those previously identified and addressed in MPW Stage 2 assessments.

The OTAMP will soon be developed for MPW Stage 2 to address and mitigate the operational traffic and access impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where traffic and access impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional

operational traffic and access impacts, then the OTAMP will be progressively revised and updated to ensure these impacts are mitigated.

7.2.4 Further Assessment Required

The EIS for the Proposal would include a review of previous traffic assessments to identify and assess potential impacts of the Proposal on the surrounding road network, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. This review would be in accordance with the future environmental assessment requirements outlined in Schedule 4 of the Concept Plan Approval Conditions of Approval:

- *E10. Development Applications for either the IMEX or interstate terminal will include documentation demonstrating how Condition 14 of this approval has been satisfied. (Terms of approval - 14. Operations on the site cannot commence until a rail connection to the SSFL is operational).*
- *E11. All future Development Applications will include a Traffic Impact Assessment based on background growth models developed by RMS for the Liverpool/Moorebank area (if applicable).*
- *E12. All future Development Applications will demonstrate how the main access to the site has been designed to prevent heavy vehicles associated with the facility from using Moorebank Avenue south and should be accompanied by a detailed engineering drawing(s).*

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CTAMP and OTAMP will be updated to address and mitigate identified environmental impacts.

Traffic and Transport Assessments will be consistent with relevant MPW Stage 2 Conditions of Approval B85 to B124.

7.3 Noise and Vibration

7.3.1 Existing Environment

A *Noise and Vibration Impact Assessment* was undertaken by SLR Consulting (2014) as part of the MPW Concept Plan EIS. This assessment identified the following key characteristics relating to the existing noise environment at the MPW site and within the surrounding area:

- The suburbs of Casula, Wattle Grove, North Glenfield and Moorebank are the closest communities to the MPW site and include sensitive receptors that have the potential to be impacted by noise generated by the MPW Project. Sensitive receptors assessed as part of the MPW Concept Plan EIS are shown in **Error! Reference source not found..**
- The MPW site is located at an approximate ground level height of 15 metres above Australian height datum (AHD) and immediately to the east of the Georges River and floodplain. There is steep relief on either side of the floodplain, between the MPW Site and the surrounding suburbs. The nearest receptors in Wattle Grove and Glenfield are predominantly at the same ground level height as the main IMT site proposed for the MPW Project, with the exception of some receptors up to five meters above the

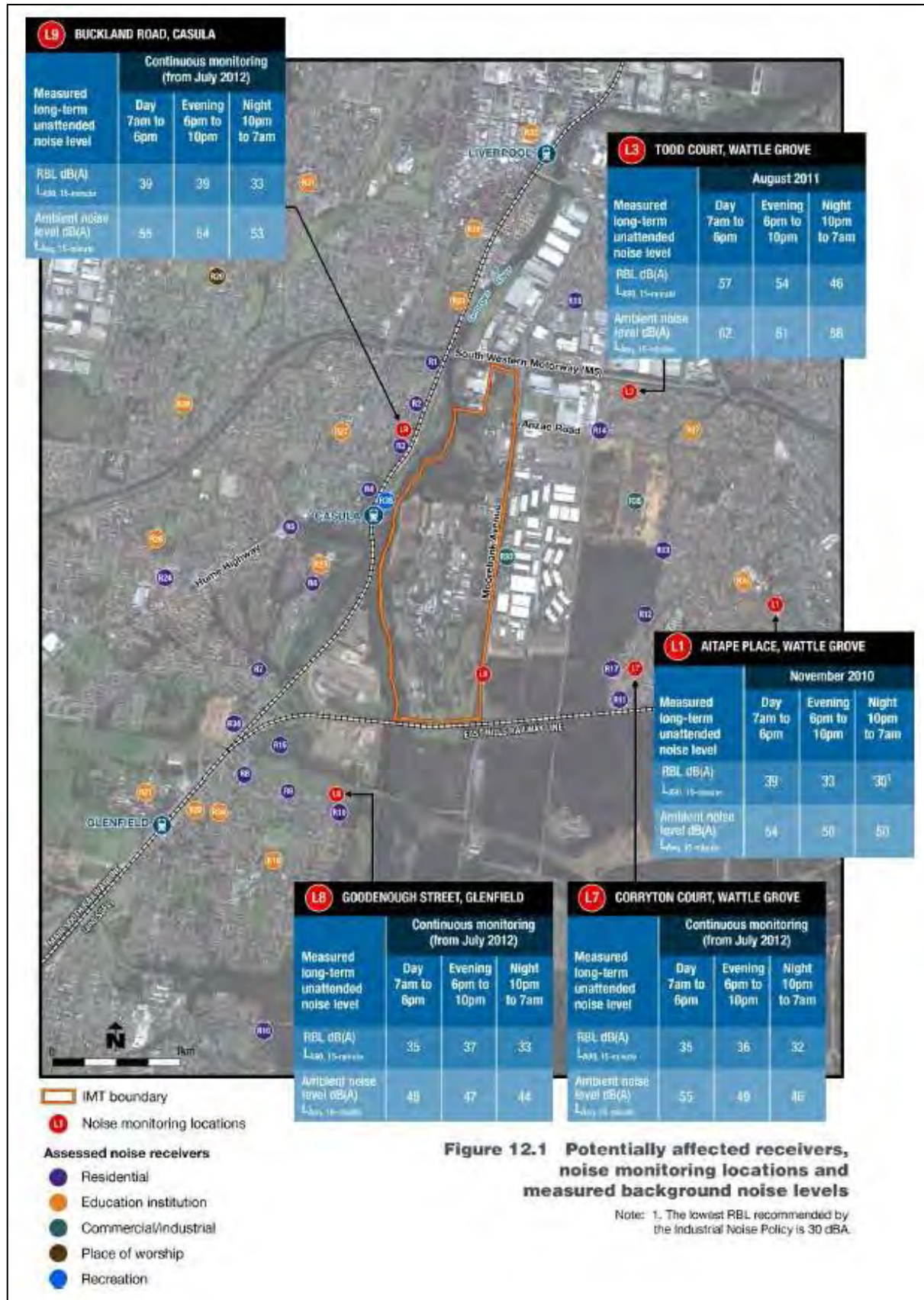


Figure 7-2: Potentially affected receivers, noise monitoring locations and measured background noise levels (SLR Consulting, 2014).

residual level of the main IMT site. At Casula, the nearest receptors are approximately 10 m to 30 m above the residual ground level of the main IMT site.

7.3.2 Recent Environmental Assessments

7.3.2.1 MPW Concept Plan

The *Noise and Vibration Impact Assessment* (SLR Consulting, 2014) undertaken for the MPW Concept Plan EIS established background noise levels by utilising 20 months of noise monitoring data from the MPW site and surrounding areas.

The MPW Project works were expected to comply with relevant Noise Management Levels (NMLs) during construction activities. Operational noise levels for the MPW Project were generally expected to increase throughout its progressive development phases. Noise levels at various receptors differed depending on the concept layouts and proximity of each receiver to prominent noise sources e.g. rail mounted gantry cranes, trucks transporting containers, side picks, in-terminal transport vehicles and rail freight.

Rail noise from the operation of the rail link connection was expected to comply with the RING criteria.

Road traffic noise from the MPW Project on the M5 Motorway, Moorebank Avenue and Anzac Road was expected to either comply with or have a negligible exceedance of the RNP noise criteria during the daytime and night-time at the nearest receptors, and therefore would not trigger a requirement for road noise mitigation.

7.3.2.2 MPW Stage 2

A *Noise Impact Assessment* was conducted in October 2016, as part of the EIS for MPW Stage 2 (Wilkinson Murray).

This assessment concluded that operational levels of the development complied with the relevant criteria in relevant guidelines and policies. This was maintained despite the concurrent operation of the development with MPE Stage 1. Although the development had the potential to increase road noise levels along the M5 Motorway, Moorebank Avenue and Anzac Road, it was predicted that the amount would be well below under 2 dB, and therefore remain in accordance with *NSW Road Noise Policy*, and hence required no mitigation measures.

During construction of MPW Stage 2, possible exceedance of noise limits at most affected receivers were found to be effectively mitigated through the implementation of the *Construction Noise and Vibration Management Plan* (CNVMP), the main features of which include:

- Identification of nearby residences and other sensitive land uses;
- Approved hours of work;
- Controls on construction activities, including work areas, equipment and duration;
- Controls on work practices (generic and specific) that will be applied to minimise noise and vibration;
- Selection of plant and processes with reduced noise emissions;
- A complaints handling process;
- Noise and vibration monitoring procedures;
- Community consultation required for identified high impact works;

- Induction and training provided to relevant staff and sub- contractors outlining their responsibilities with regard to noise; and
- Procedure for approval of any works undertaken outside of the following hours:
 - Standard hours of 07:00 am to 18:00 pm Monday to Friday, and 08:00am to 13:00 pm Saturday; and
 - Out of hours (OOH) work periods of OOH Period 1 is 6:00am – 7:00am weekdays; OOH Period 2 is 6:00pm – 10:00pm weekdays; OOH Period 3 is 7:00am – 8:00am Saturday; and OOH Period 4 is 1:00pm – 6:00pm Saturday.

The assessment concluded that the noise and vibration impacts associated with the construction and operation of the MPW Stage 2 Project were not expected to either degrade the existing acoustic environment or generate significant acoustic impacts to nearby sensitive receivers.

7.3.3 Potential Impacts

The Proposal has the potential to result in similar construction and operational noise and vibration impacts, albeit to a lesser extent, to those previously identified and addressed in MPW Stage 2 assessments.

The CEMP sub-plan CNVMP is currently being revised for MPW Stage 2 to address and mitigate the noise and vibration impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where noise and vibration impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional noise and vibration impacts, then the CNVMP / *Operation Noise and Vibration Management Plan* (ONVMP) will be progressively revised and updated to ensure these impacts are mitigated.

7.3.4 Further Assessment Required

The EIS for the Proposal would include a review of previous noise and vibration assessments to identify and assess potential impacts of the Proposal on sensitive receivers, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. This review would be in accordance with the future environmental assessment requirements outlined in Schedule 4 of the Concept Plan Approval Conditions of Approval:

Operational noise and vibration

E1. To ensure the operational noise impacts are appropriately managed, the following measures must be considered in future Development Applications:

- a) Best practice plant for both the IMEX and interstate terminal, including electronic automated container handling equipment or equipment with equivalent sound power levels;*
- b) The use of automatic rail lubrication equipment in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers;*
- c) Measures to ensure the rail cross sectional profile is maintained in accordance with ETN–01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel/rail contact position and hence to encourage proper rolling stock steering;*
- d) A noise barrier on the western side of the haul road;*

- e) *A detailed assessment of sleep disturbance impacts, including: how often noise events occur; the time of day when they occur; and whether there are any times of day when there is a clear change in the noise environment; and*
- f) *A risk assessment to determine if non-tonal reversing alarms can be fitted as a condition of site entry. Alternatively, site design may include traffic flow that does not require or precludes reversing of vehicles.*

E2. Development Applications for both the IMEX and interstate terminal will include a report to identify:

- a) *The extent of wheel squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed; effects of temperature and weather, etc.);*
- b) *The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;*
- c) *Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and*
- d) *Any monitoring system proposed to capture brake squeal.*

Locomotives

E3. Development Applications for the IMEX terminal will detail how the expected port shuttle locomotives incorporate available best practice technologies.

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CNVMP / ONVMP will be updated to address and mitigate identified environmental impacts.

Noise and Vibration Assessments will be consistent with relevant MPW Stage 2 Conditions of Approval B125 to B128, and B134 to B140.

7.4 Air Quality

7.4.1 Existing Environment

A *Local Air Quality Impact Assessment* was undertaken by Environ Australia Pty Ltd (2014) as part of the MPW Concept Plan EIS. Onsite air quality monitoring was carried out for a range of pollutants and compared with ambient air quality data at Liverpool and Chullora to quantify baseline (ambient) air quality. The following key characteristics were identified:

- The local air drainage profile of the area is likely to be affected by katabatic drift³.
- The annual wind distribution pattern for the OEH Liverpool monitoring station shows that the prevailing wind direction is from the west-south-west, with south-westerly

³ 'Katabatic drift' is the term used to describe the downward motion of cold air from a high point. This can result in plume entrapment (i.e. poor dispersion of airborne pollutants) and the potential to cause greater off-site impacts.

and westerly winds also occurring frequently. These winds dominate during autumn, winter and spring. Airflow from the east and south-east is more prevalent during summer. A smaller percentage of winds originate from all other directions, with the lowest frequency of winds originating from the north-eastern quadrant.

- Temperature data from Bankstown Airport indicates that January typically has the highest temperature, with a mean maximum of 28.2°C, while July is the coldest month with a mean maximum of 17.1°C. Rainfall data shows that February is usually the wettest month, with a mean monthly rainfall of 106 mm, while the driest month is usually September. The area annually experiences an average of 896 mm of rainfall per year.
- The average PM₁₀ concentrations recorded at the OEH Liverpool station between 2009 and 2013 were 20.4 µg/m³. This was below the NSW EPA criterion of 30 µg/m³.
- The average PM_{2.5} concentrations recorded at the OEH Liverpool station between 2009 and 2013 at the OEH Liverpool station was 7.64 µg/m³. This was below the *National Environment Protection (Ambient Air Quality) Measure* (NEPM) advisory reporting goal of 8 µg/m³.
- The average annual and maximum 1-hour NO₂ concentrations recorded at the OEH Liverpool station for 2013 were 11.6 parts per billion (ppb) and 56 ppb respectively. These figures were below the NSW EPA criteria of 30 ppb and 120 ppb respectively.
- The 15-minute average CO concentrations recorded at the OEH Liverpool station for 2013 were 9.2 parts per million (ppm)⁵. This was well below the NSW EPA criterion of 87 ppm.
- Ozone was omitted from the assessment as this is a secondary pollutant and would not constitute a direct emission from onsite sources. A regional approach was instead adopted for assessing ozone formation.

7.4.2 Recent Environmental Assessments

7.4.2.1 MPW Concept Plan

The *Local Air Quality Impact Assessment* (Environ Australia, 2014) undertaken for the MPW Concept Plan EIS included modelling to ascertain the impacts arising from the MPW Project upon local air quality.

The assessment examined four scenarios representing key development phases of the MPW Project (with the final period being the “full build” scenario). The pollutants assessed included particulate matter (PM₁₀ and PM_{2.5}) and combustion-related gaseous pollutants (NO_x and specifically NO₂, SO₂, CO, VOCs and PAHs).

Predictions were made at 38 sensitive receptor locations, representative of the local area.

⁴ During 2013, there were two recorded days showing exceedances of PM_{2.5} over the NEPM advisory reporting goal of 25 µg/m³, corresponding to reduction burns and bushfire events (one such exceedance measured 73.8 µg/m³). Removal of these two outliers from the data reduces the annual average PM_{2.5} concentration to 7.2 µg/m³, highlighting the influence of these events on ambient PM_{2.5} concentrations.

⁵ This concentration was calculated using an empirical equation derived from Hanna et al., 1977.

The following findings were made:

- Incremental air pollutant concentrations and dust deposition rates associated with all modelled scenarios were predicted to be within NSW EPA criteria and NEPM advisory reporting goals at all surrounding receptor locations;
- Taking elevated background airborne PM concentrations into account, no exceedance days were predicted for 24-hour average PM₁₀ and PM_{2.5} beyond those already recorded due to bushfire events in 2013;
- Exceedance of the annual average NEPM advisory reporting goal for cumulative PM_{2.5} was predicted for one receptor (R33). R33⁶ was the DNSDC facility, which is now the MPE site, located adjacent to the eastern boundary of the MPW site; and
- All incremental cumulative and gaseous pollutants assessed were below applicable NSW EPA assessment criterion for all scenarios.

Modelling was also undertaken to account for potential cumulative impacts of the MPW Project and the adjacent MPE site (including Stage 1 of the MPE Project). The following findings were made:

- Cumulative incremental (Moorebank IMT and SIMTA only) concentrations were below NSW EPA and NEPM advisory reporting goals at all surrounding receptor locations;
- Cumulative annual average (Moorebank IMT and SIMTA-only increment + background) PM_{2.5} concentrations did not exceed the NEPM advisory reporting goal at any sensitive receptors;
- No other cumulative (Moorebank IMT and SIMTA - only increment + background) pollutant exceedances were predicted for any scenario at any of the surrounding receptor locations; and
- Regarding regional air quality, the operation of the MPW Project would be expected to have a net positive impact by reducing freight transport by truck and reducing the overall emissions to the air shed.

7.4.2.2 MPW Stage 2

An *Air Quality Impact Assessment* was conducted in October 2016 (Rambol Environ Australia) for MPW Stage 2 EIS.

The assessment identified that the key emissions during construction include particulate matter generated during demolition, site clearing and earthworks. During operations the key emissions were associated with the combustion of diesel fuel.

The assessment found that the construction phase emissions of the project complied with all relevant assessment criteria. The predicted increase in annual average PM₁₀, PM_{2.5}, TSP and dust deposition was considered minor, when compared against existing background conditions. Cumulative predictions were also presented, and the results indicated that the construction for the MPW Stage 2 Proposal would result in no additional days over the criteria.

⁶ As R33 is now located within the MPE site it is no longer considered to be a sensitive receiver regarding air quality and is therefore not considered further in this assessment.

Figure 7-3: Nearest assessed receivers to the MPW Stage 2 Project site (Rambol Environ, 2016).

During the operational phase of the project the maximum increase in PM₁₀ and PM_{2.5} was considered to be minor in comparison to existing background conditions. When the background was considered, there were no additional exceedances of the short-term impact assessment criteria. The annual average background concentrations of PM_{2.5} already exceeded the NEPM reporting standard, therefore cumulative predictions were also above the standard at all receptors. It is noted, however, that the development resulted in a relatively minor increase in annual average PM_{2.5} (<0.4µg/m³ at all sensitive receptors). The

predicted NO₂, CO, SO₂ and VOC concentrations were well below the relevant impact assessment criteria.

The outcomes of this assessment were found to be consistent with previous assessments conducted for the Concept Approval, with the potential air quality impacts expected to be low risk. Proposed mitigation measures were considered sufficient in effectively managing off-site impacts of the development.

7.4.3 Potential Impacts

The Proposal has the potential to result in similar air quality impacts, albeit to a lesser extent, to those previously identified and addressed in MPW Stage 2 assessments.

The CEMP sub-plan *Construction Air Quality Management Plan* (CAQMP) is currently being revised for MPW Stage 2 to address and mitigate the air quality impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where air quality impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional air quality impacts, then the CAQMP and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.4.4 Further Assessment Required

The EIS for the Proposal would include a review of previous air quality assessments to identify and assess potential impacts of the Proposal on sensitive receivers, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. This review would be in accordance with the future environmental assessment requirements outlined in MPW Stage 2 Conditions of Approval.

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CAQMP/CEMP will be updated to address and mitigate identified environmental impacts.

Air Quality Assessments will be consistent with relevant MPW Stage 2 Conditions of Approval B46 and B47.

7.5 Biodiversity

7.5.1 Existing Environment

A detailed Ecological Impact Assessment (with an associated Biodiversity Offsets Strategy) was prepared by Parsons Brinckerhoff (2014) as part of the MPW Concept Plan EIS. This assessment identified the following ecological constraints and characteristics relating to the MPW site and within the surrounding area:

- The MPW site is located in an urban setting, comprising mainly residential, industrial and commercial land uses with a narrow open space riparian corridor associated with the Georges River running north to south along the western boundary.
- Vegetation has been selectively removed in the central areas of the MPW site. Native vegetation has largely been retained along the Georges River and along the south-eastern boundary of the MPW site. The vegetation communities in these areas are listed as threatened communities under the TSC Act. None are listed under the EPBC

Act, but they do have moderate to high value as potential habitat for threatened fauna and flora species.

- Four native vegetation types were mapped within the MPW site, which together are consistent with three TECs:
 - Riparian Forest and Alluvial Woodland; consistent with River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions, listed as an EEC under the TSC Act;
 - Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion, listed as a vulnerable ecological community under the TSC Act. This community is also listed as endangered under the EPBC Act; and
 - Castlereagh Swamp Woodland, listed as an EEC under the TSC Act.
- A total of 233 species of plant were recorded within the MPW site comprising 155 native species and 78 introduced species. The high number of native species recorded reflects the presence of areas on-site with near-natural levels of plant diversity, particularly in the Castlereagh Scribbly Gum Woodland along Moorebank Avenue and the Riparian Forest community along the Georges River. However, native species diversity is much lower in degraded patches of vegetation in the core of the MPW site.
- Two threatened species of plant were recorded: *Persoonia nutans* (listed as Endangered under the EPBC Act and TSC Act) and *Grevillea parviflora subsp. parviflora* (listed as Vulnerable under the EPBC Act and TSC Act). These plants were located in Castlereagh Scribbly Gum Woodland patches adjacent to Moorebank Avenue in the east of the MPW site.
- Of the 72 non-indigenous species of plant recorded, 12 are listed under the NW Act for the Liverpool noxious weed control area and nine of these species are listed as Weeds of National Significance (Australian Weeds Committee, 2010).
- A total of 92 species of fauna were recorded within the MPW site, comprising 87 native species and five introduced species. One threatened fauna species was recorded: Grey-headed Flying-fox, listed as Vulnerable under the EPBC Act and TSC Act. The MPW site is also likely to provide habitat for 24 additional threatened species of fauna not detected during surveys. It furthers an important role in the local and regional corridor network given its location adjacent to the Georges River and extensive areas of vegetation to the south.
- Five broad terrestrial fauna habitat types were identified on the MPW site based on field verification. These include:
 - Riparian vegetation along the Georges River;
 - Fragmented patches of shrubby woodland;
 - Highly disturbed areas containing large remnant trees;
 - Artificial wetlands and tall eucalypt forest with intact canopy; and
 - Georges River, Anzac Creek and surrounding damp areas were considered to offer habitat to a variety of fish and amphibian species, however these areas were considered to be of poor quality.
- The MPW site contains, and is bound by, significant barriers to fauna movement, including Moorebank Avenue, the SSFL, the East Hills Rail Corridor, M5 Motorway and chain-mesh fencing surrounding the MPW site. This would limit movement into and through the area to small terrestrial mammals, reptiles, amphibians, bats and birds.

7.5.2 Recent Environmental Assessments

7.5.2.1 MPW Concept Plan

The ecological assessment undertaken for the MPW Concept Plan EIS included a detailed review of existing information and flora and fauna field surveys. Impact significance assessments were undertaken for threatened species known or predicted to occur in the area. Terrestrial flora and fauna surveys were undertaken from 8-12 November 2010 to verify the results of the desktop assessment and enable completion of a hollow-bearing tree survey. Additional vegetation and habitat assessments were undertaken in May 2014 to quantify offsets likely to be required as a result of the MPW Project. Targeted threatened species surveys were undertaken in September 2014.

Early Works for the MPW Project included vegetation clearance in selected areas, to facilitate remediation and building/infrastructure demolition works (refer Section 3.4.2). Assessment of the Early Works activities did not identify that any TECs or threatened plant species would be removed, and that they were unlikely to result in a significant adverse impact on biodiversity.

The assessment identified that further stages of the MPW Project were likely to involve the removal of TECs/threatened species, along with further scattered native and introduced trees and shrubs within the MPW site.

Assessments of significance undertaken for the Ecological Impact Assessment found that no threatened species population or ecological community listed under either the EPBC Act or TSC Act were likely to be significantly impacted by the MPW Project.

A *Biodiversity Offset Strategy*, including a *Framework for Biodiversity Assessment* report, was prepared to support the Response to Submissions for the MPW Concept Plan (PB, 2015). The *Biodiversity Offset Strategy* included:

- An assessment of measures taken to avoid and minimise the direct and indirect impacts on biodiversity in accordance with the *Framework for Biodiversity Assessment*;
- The residual biodiversity impacts to be offset;
- Identified a proposed offset strategy specific to the Project;
- Identified the ecological values of the proposed offset areas an approach to residual offset requirements; and
- Outlined the compliance of the offset strategy with Commonwealth and state offsetting principles.

The *Framework for Biodiversity Assessment* report, which forms Appendix A of the *Biodiversity Offset Strategy* (which itself forms Appendix F of the MPW Concept Plan EIS Technical Paper 3 – Ecological Impact Assessment) described the biodiversity credits required to offset biodiversity impacts associated with the MPW Project.

7.5.2.2 MPW Stage 2

The *Biodiversity Assessment Report* (Arcadis, 2016) prepared to support the MPW Stage 2 EIS provided an assessment of the potential impacts to biodiversity considering the proposed development for the whole of the MPW Project site. The *Biodiversity Assessment Report* aimed to build on previous reports, and provided:

- A revised calculation of the biodiversity impacts within the MPW site;
- A separate calculation of additional impacts outside the MPW site as a result of additional design development for MPW Stage 2;
- Impact calculations prepared in accordance with the *Framework for Biodiversity Assessment*; and
- Consideration of impacts identified for the MPW Stage 2 Proposal included within the *Biodiversity Assessment Report*, and offset as part of the *Biodiversity Offset Strategy* which was prepared for the Moorebank Precinct under the MPW Concept Plan Approval.

The *Biodiversity Assessment Report* assessment methodology included:

- Database searches to identify threatened species, vegetation classifications, over-cleared landscapes (Mitchell landscapes) and wetlands;
- Literature review including soil landscapes, native vegetation conservation guidelines, and reports and assessments previously prepared for the Moorebank Precinct Project;
- Vegetation mapping, including review of classification, distribution and community classification; and
- Field assessment, including vegetation plot surveys and targeted threatened species surveys.

The *Biodiversity Assessment Report* determined that the MPW Project would remove 42.89 ha of native vegetation comprising three plant community types (PCTs) (Figure 7-4), being:

- Hard-leaved Scribbly Gum – Parramatta Red Gum healthy woodland of the Cumberland Plain, Sydney Basin (ME003);
- Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005); and
- Forest Red Gum – rough barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney (ME018).

These three PCTs are equivalent to TECs as listed under Commonwealth and/or State legislation.

Additionally, the proposed MPW Stage 2 works may potentially impact:

- Groundwater dependent ecosystems, such as the drawdown of groundwater from the root zone as a result of earthworks and geotechnical construction activities;
- The Georges River riparian corridor, due to the removal of vegetation for construction of sediment basin outlets in three locations; and
- Removal of vegetation for the construction of three basin outlets.

The potential impacts of the MPW Stage 2 Proposal were assessed to be largely similar in nature to the impacts considered and assessed for the MPW Concept Approval EIS.

The *Framework for Biodiversity Assessment* identified 13 threatened flora species as predicted flora species credit species, and 24 threatened fauna species as predicted ecosystem credit species. Eight threatened fauna species were identified by the *Framework for Biodiversity Assessment* credit calculator as predicted fauna species credit species.



Figure 7-4: Revised mapping of Plant Community Types (PCTs) on the Amended Development Site (Arcadis, 2019).

In accordance with SSD 7709 CoA B157, the required number of offset biodiversity credits must be retired prior to any impacts to threatened species or the ecological community. All required biodiversity offset credits against threatened species and communities for the MPW Stage 2 Project have been retired through biobanking credits generated both onsite and offsite, and so this approval condition has been met.

7.5.3 Potential Impacts

The Proposal has the potential to result in similar biodiversity impacts, albeit to a lesser extent, to those previously identified and addressed in MPW Stage 2 assessments.

The CEMP sub-plan *Construction Flora and Fauna Management Plan* (CFFMP) is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where ecological impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional ecological impacts, then the CFFMP and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.5.4 Further Assessment Required

The EIS for the Proposal would include a review of previously prepared biodiversity assessments to identify and assess potential impacts of the Proposal, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The review would be in accordance with Schedule 4 of the MPW Concept Plan Approval Conditions of Approval, and include consideration of:

E15. consider measures to improve the condition of the riparian corridor along the western bank of the Georges River (known as the 'hourglass land'); and

E16. include the following riparian corridor widths (measured from the top of bank): – A minimum of 40 metres wide along the terminal site.

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP sub-plan / CFFMP will be updated to address and mitigate identified environmental impacts.

Subject to alignment and demonstrated consistency with the CFFMP, and subsequent *Operational Flora and Fauna Management Plan* (OFFMP) prepared for the MPW Site and requirements issued under MPW Stage 2 Conditions of Approval B153, B156, B159 and B160, no further ecological assessment is considered to be necessary.

In accordance with section 7.9(2) of the BC Act, SIMTA therefore asks that the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have a significant impact on biodiversity values and accordingly, the development application for the Proposal does not need to be accompanied by a biodiversity development assessment report.

7.6 Stormwater and Flooding

7.6.1 Existing Environment

A *Surface Water Assessment* was prepared by Parsons Brinkerhoff (2014) for the MPW Concept Plan EIS. This assessment identified the following drainage and flood characteristics relating to the MPW site and the surrounding area:

- The MPW site is largely developed comprising of low-rise buildings, including warehouses, administrative offices, residential buildings, access roads, open areas, landscaped fields and the Royal Australian Engineers Golf Course and Club.
- The site is within the Georges River catchment, with the majority of the area draining into the Georges River, which forms the western boundary of the MPW site.
- Stormwater on the MPW site is generally conveyed via pits, pipes and open channels in a north-westerly direction across the MPW site and discharged into the Georges River. Only one of the existing stormwater pipe networks discharges elsewhere into Anzac Creek (Figure 7-5 and Figure 7-6).
- The MPW site contains two open channels: one is a vegetated open channel in the north of the site adjacent to the ABB site, and the other is an open concrete-lined trapezoidal channel that flows westward through the site from the lowest point in Moorebank Avenue to the Georges River.
- Discharges within the RAE Golf Course, in the south-east corner of the MPW Site, drain by open channels to road culverts underneath Moorebank Avenue, which then discharge into Anzac Creek.
- Based on the local topography, a number of land areas surrounding the MPW site partially drain into the site through open channels, box culverts, natural drainage lines and overland flows during differing rainfall events. These land areas include:
 - DNSDC (MPE) site, east of the MPW site;
 - M5 Motorway, north of the MPW site;
 - Moorebank Business Park, north-east of the MPW site; and
 - ABB site, north of the MPW site.

Key surrounding water bodies to the MPW site and their characteristics include:

- Georges River – At the regional level the Georges River is the main receiving waterway for discharge from the MPW site. A *Flood Risk Assessment* associated with the MPW Project indicates that the MPW site has historically been affected by flooding from the Georges River as recently as 1988. The MPW site is most at risk of flooding in the lower terrace area of the eastern floodplain of the river. The peak 1% annual exceedance probability AEP (1 in 100-year ARI) levels range from 11.7 to 10.4 m AHD along the western boundary of the MPW site. An area of 23.6 ha (12% of the MPW site area) was declared as 'high flood risk'. It was calculated that the critical storm duration for flooding at the MPW site is 36 hours for the 1% AEP flood event, meaning that flooding from a critical storm would persist for a relatively long duration in the medium and high flood risk zones within the MPW site (**Error! Reference source not found.**).
- Amiens wetland – The Amiens site is located in the north-eastern corner of the MPW site and has an approximate local catchment area of 5.9 ha, which drains north towards the Amiens wetland waterbody. The wetland acts as an outlet-controlled detention basin for the M5 Motorway and adjacent catchment, which means that if

water levels in the Georges River are elevated, the basin will not release water until the levels are below the outlet pipe levels. Waters are discharged from the Amiens wetland via a piped connection to the Georges River.

- Anzac Creek and water bodies – The densely vegetated and linked permanent waterbodies that form the headwaters of Anzac Creek provide some degree of detention and water quality treatment for stormwater flows from the local catchment draining to Anzac Creek. However, Anzac Creek is heavily degraded and is generally in poor condition. It is predominantly in a low flow state with sluggish to minimal water movement, dependent on local rainfall. Given the effective conveyance of flood discharges and the relatively minor proportion of the MPW site draining to Anzac Creek (9%), the risk of flooding to the MPW site from Anzac Creek is considered negligible.
- Defence land ponds – The MPW site contains four small waterbodies that are most likely used for attenuation and/or water quality treatment. Discharge from these ponds overtops the pond outlets and flows through informal overland channels into the Georges River.

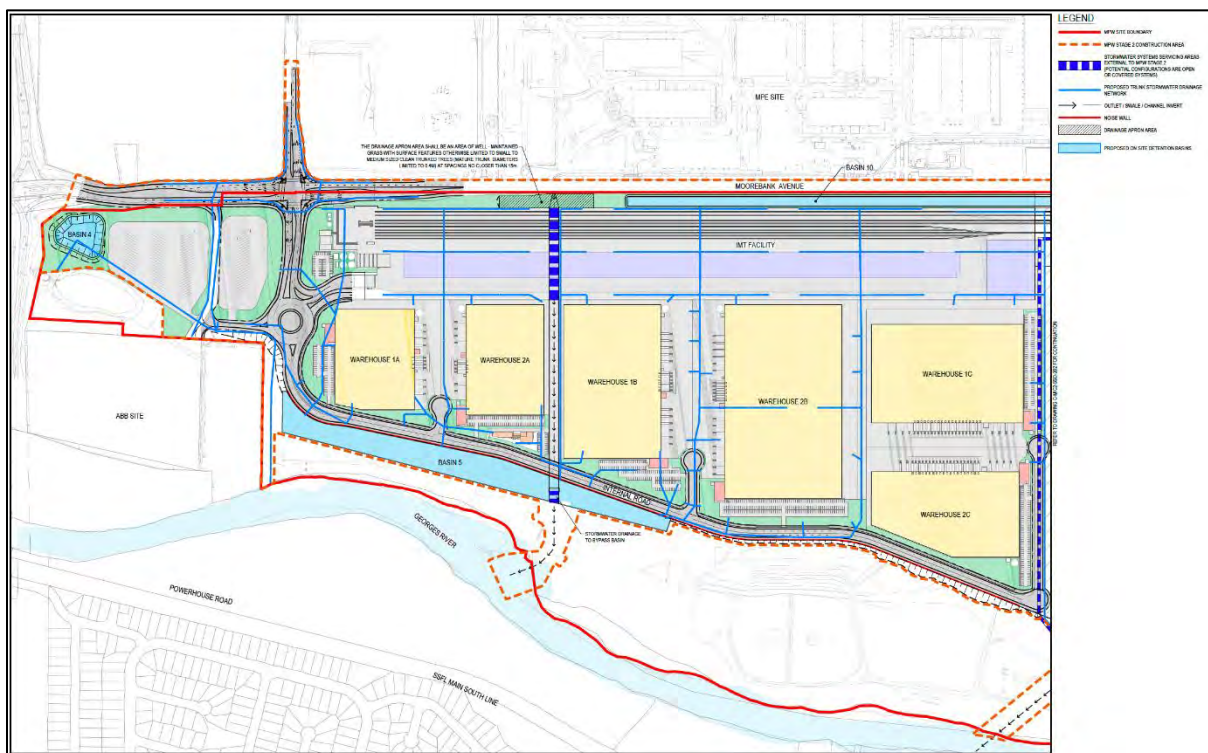


Figure 7-5: MPW Stormwater management system (Arcadis, 2016).

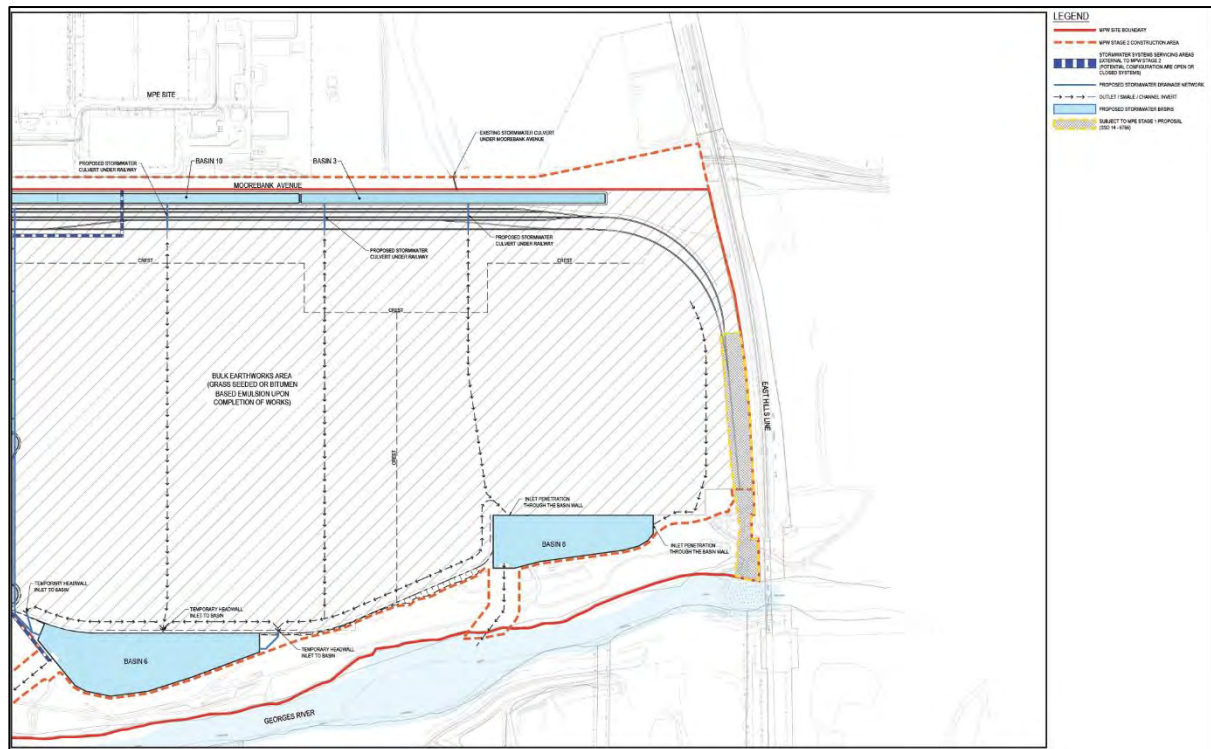


Figure 7-6: MPW Stormwater management system (Arcadis, 2016)

7.6.2 Recent Environmental Assessments

7.6.2.1 MPW Concept Plan

The *Surface Water Assessment* assessed the stormwater and flooding impacts created by the MPW Project for both Early Works (Stage 1 construction impacts) and the “full build” (operational) scenarios. The study included assessments on local and regional flooding impacts, local stormwater catchment impacts and surface water quality impacts created by the MPW Project. The assessment was based on conceptual scenarios assuming a ‘worst case’ scenario regarding disturbance of local surface water catchments during construction for Early Works activities, and during the “full build” operational scenario (using a conceptual stormwater management plan).

Key findings of the study were:

- The MPW Project would cause a substantial increase in the area of impervious surfaces, with subsequent risks for hydrology (flooding) and water quality. A drainage strategy was developed to manage this issue, including provision of overland flow paths across the site to detention basins and biofiltration systems/wetlands, from which treated water would be discharged to the Georges River through upgraded stormwater channels.
- Climate change is an additional consideration that may exacerbate flooding risks.
- During construction, the key activities that have the potential to affect stormwater quality and downstream waterbodies included the potential mobilisation and erosion of soils on the MPW site due to land disturbance. Accidental spills of chemicals and other hazardous construction materials, and uncontrolled discharge of contaminants to receiving waterways could also have an adverse impact on water quality unless carefully managed.

- Overall, the MPW Project was expected to provide water quality benefits for the Georges River, due to the proposed treatment of stormwater prior to discharge, which would lead to a reduction in the annual load of total suspended solids, hydrocarbons and total phosphorus discharged from the MPW site. This is predicted to be consistent with the objectives of the *ANZECC Water Quality Guidelines*.
- The MPW Project has the potential to interact with groundwater and lead to impacts such as lowering of the water table and contamination of groundwater. Potential impacts would be further considered during the development of the detailed design.

7.6.2.2 MPW Stage 2

The *Stormwater and Flooding Environmental Assessment* (Arcadis, 2016) prepared to support the MPW Stage 2 EIS aimed to address the flooding and stormwater management items for the MPW Stage 2 site.

The key findings of the assessment were:

- Potential adverse flood impacts along the Georges River were mitigated by limiting the Proposal site raising to areas above the 1% AEP.
- Due to the minor intrusion of fill that was proposed on the Georges River floodplain, the HEC-RAS modelling approach was considered adequate for determining potential flood impacts.
- The DRAINS modelling results indicated that the proposed drainage systems and OSDs would provide adequate system capacities and mitigate potential adverse flood impacts that may otherwise result from the Proposal.
- The existing stormwater conduit conveys flows from Moorebank Avenue to the Georges River. This system would require assessment of its integrity and structural adequacy to withstand the Early Works loadings if it is to remain. Alternatively, it could be realigned.
- During construction of the MPW Stage 2, to avoid potential adverse flood impacts on neighbouring property, flood mitigation measures are necessary to maintain existing condition flow regimes and distributions leaving the construction area.
- Hydraulic modelling of the OSD outlet channels would be required to facilitate the design of the channels and demonstrate their effectiveness with respect to energy dissipation and scour protection elements.
- Stormwater Quality Management for MPW Stage 2 includes:
 - Maintaining and improving existing water quality;
 - Protecting the aquatic environment of the downstream waterways including the Georges River;
 - Preventing bed and bank erosion and instability of waterways;
 - Providing sufficient flows to support aquatic environments and ecological processes; and
 - Incorporating a Water Sensitive Urban Design (WSUD) approach.
- Stormwater quality modelling was undertaken for the MPW Stage 2 which demonstrated that implementation of the WSUD measures identified, including the use of gross pollutant traps and rain gardens, would result in a 'neutral or beneficial effect' on water quality during operation.

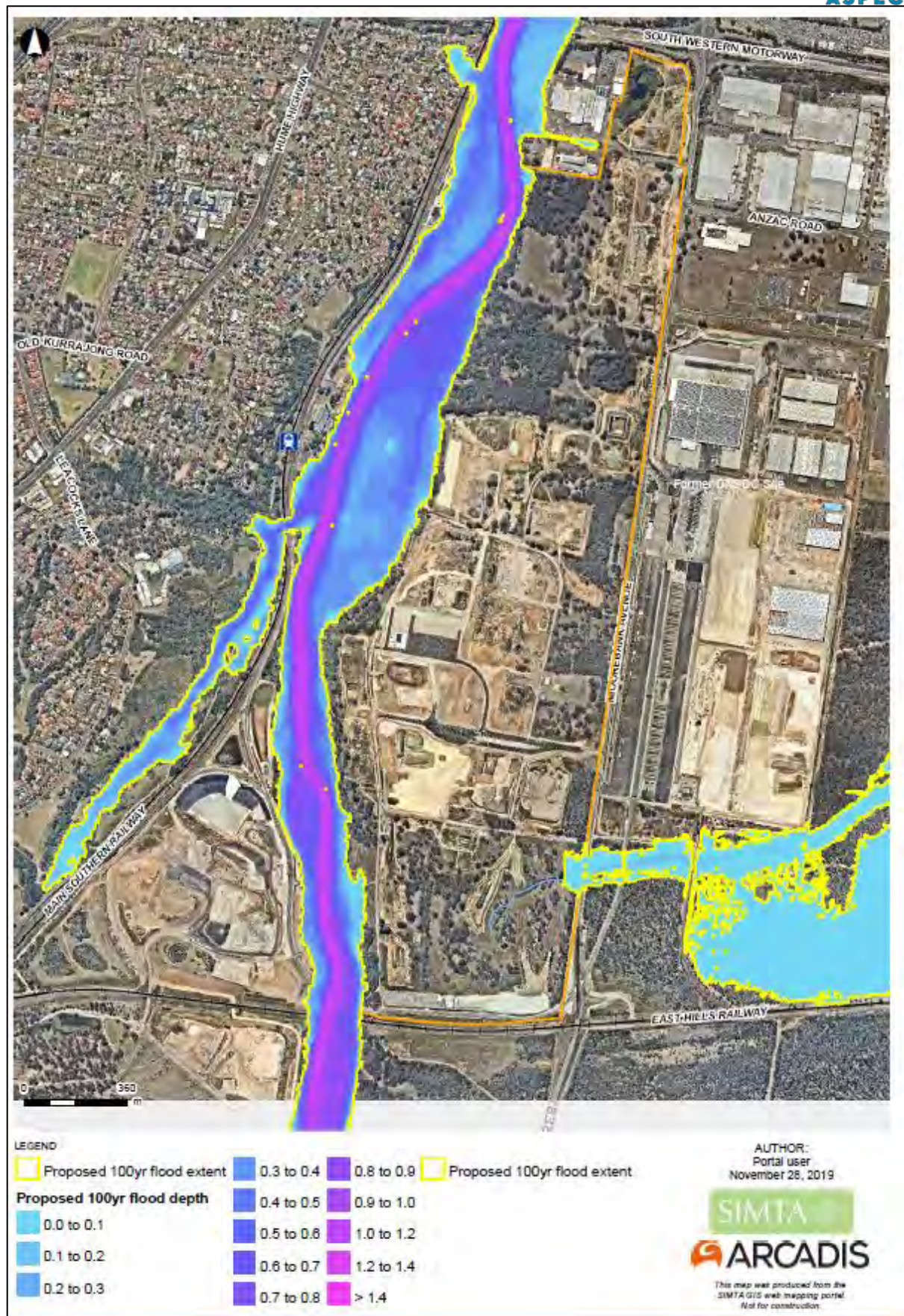


Figure 7-7: MPW Stage 2 - Proposed 100 yr flood extent (Arcadis, 2019)

7.6.3 Potential Impacts

The Proposal has the potential to result in similar stormwater and flooding impacts, albeit generally to a lesser extent, to those previously identified and addressed in the previous assessments.

The CEMP sub-plan *Construction Soil and Water Management Plan* (CSWMP) is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where stormwater and flooding impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional stormwater and flooding impacts, then the CSWMP and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.6.4 Further Assessment Required

The EIS for the Proposal would include a review of previously prepared stormwater assessments to identify and assess potential impacts of the Proposal, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The review would be in accordance with Schedule 4 of the MPW Concept Plan Approval Conditions of Approval, and include consideration of:

E21.

a) Assess impacts on surface and groundwater flows, quality and quantity, with particular reference to any likely impacts on Georges River and Anzac Creek;

b) Assess flooding impacts and characteristics, to and from the project (including rail link), with an assessment of the potential changes to flooding behaviour (levels, velocities and direction) and impacts on bed and bank stability, through flood modelling, including:

- i. Hydraulic modelling for a range of flood events.*
- ii. Description, justification and assessment of design objectives (including bridge, culvert and embankment design).*
- iii. An assessment of afflux and flood duration (inundation period) on property.*
- iv. Consideration of the effects of climate change, including changes to rainfall frequency and/or intensity, including an assessment of the capacity of stormwater drainage structures.*

E22. All future Development Application which includes construction in the vicinity of Amiens Wetland will include advice from an independent wetland expert to determine whether it is artificial or a natural lake basin, its significance, and any recommendations on mitigation measures (if appropriate).

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP sub-plan CSWMP will be updated to address and mitigate identified environmental impacts.

Subject to alignment and demonstrated consistency with relevant CSWMP prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B4 to B38, no

further water management assessment is considered to be required. Appropriate stormwater design reports and drawings will be prepared prior to the commencement of warehouse construction, in accordance with MPW Stage 2 Conditions of Approval B4.

Subdivision plans will provide details for drainage works to ensure internal connections and interdependencies between the individual intermodal functions within the development site are maintained.

7.7 Soil and Contamination

7.7.1 Existing Environment

A *Phase Two Environmental Site Assessment* (2014a) was prepared by Parsons Brinkerhoff and a *Post- Phase Two Environmental Site Assessment* (2015) was undertaken by Golders Associates for the MPW Concept Plan EIS. These assessments identified characteristics relating to soils and land contamination on the MPW site:

- The MPW site and surrounding area is underlain by tertiary fluvial deposits composed of clayey sand and clay to depths of 10 m in places. The SSFL rail corridor on the western side of the Georges River is underlain by quaternary fluvial deposits of medium grained sand, clay and silt.
- The quarrying activities undertaken on the western side of Georges River (the Glenfield Waste Facility) has altered the local geology of this area. A significant portion of the quaternary sand deposits have been removed and the resultant excavations filled with waste materials including construction and building materials, shredded car tyres and asbestos waste.
- There are two main aquifer systems on the MPW site; a perched system with alluvial soils, and a deeper aquifer from within the bedrock. Groundwater in the willower aquifer flows towards the Georges River;
- Fill material with a general depth between 0.5 m and 1 m below ground level (BGL) with maximum depths of over 3.2 m BGL at certain locations, is present around the MPW site as a result of site establishment and construction works undertaken during prior development on the MPW site. Asbestos cement fragments have been detected in surface soils on the MPW site.
- The recent alluvial soils within or close to the Georges River are characterised by high acid sulphate soils risk potential.

Based on the history of the MPW site, there is potential for subsurface contamination to have occurred as a result of prior land uses including military training, demolition and reconstruction of buildings, use and storage of potentially harmful chemicals. The potential sources of contamination on the MPW site include:

- Buried and building wastes and waste stockpiles from onsite demolition activities over time containing hazardous materials such as asbestos;
- Leaks from the storage/use of hazardous chemicals as well as fuels and waste oils in areas like the bridging yard and engineering workshops;
- Residual contamination from long-term use of the site as a military training facility for activities like ammunitions training, bomb disposal and small arms firing ranges;
- Ongoing site operations including the use of heavy earthmoving plant and equipment; and

- Residual contamination from the detonation of explosives used in military training operations.

A number of potential contamination sources were also identified adjacent to the MPW site.

Overall, the potential contaminants of concern on the MPW site include:

- Asbestos;
- Trichloroethylene ;
- Perfluoroalkyl and polyfluoroalkyl substances (PFOS/PFAS);
- Unexploded ordnances;
- Polycyclic aromatic hydrocarbons;
- Total recoverable hydrocarbons; and
- Heavy metals.

7.7.2 Recent Environmental Assessments

7.7.2.1 MPW Concept Plan

The *Phase Two Environmental Site Assessment* (Parsons Brinkerhoff, 2014a) and *Post-Phase Two Environmental Site Assessment* (Parsons Brinkerhoff, 2015) consolidated knowledge from previous assessments to ground-truth and verify potential contamination issues affecting the MPW site, to inform a *Preliminary Remediation Action Plan* and *Validation Plan* outlining site remediation work to take place as part of Early Works, and contamination issues remaining for future development stages.

Contamination issues identified on the MPW site included:

- Several localised areas of soil contamination with concentrations of hydrocarbons, dissolved metals and heavy metals detected above the adopted commercial/industrial screening criteria.
- Soils with acid generating potential, potential acid sulphate soils.
- Several locations containing anthropogenic fill materials, containing building rubble, plastics, bricks, concrete and asbestos containing materials fragments, sheeting, pipes/conduit.
- Areas with potentially contaminating infrastructure (underground fuel storage systems, waste oil tanks and water separators).

Overall, the majority of the MPW site was considered to have a low risk of contamination or had contaminant concentrations below the adopted commercial/industrial screening criteria. UXO investigations concluded there was a very low potential for UXO occurrence on the MPW Site.

Remediation activities undertaken as part of Early Works are detailed in 3.4.2.

7.7.2.2 MPW Stage 2

The *Site Contamination Summary Report* (Golder Associates, 2016) prepared to support the MPW Stage 2 EIS aimed to summarise the known contamination risks based on the currently available information, provided an overview of the scheduled remediation works under the approved Early Works (Stage 1) MPW Concept Plan Approval and assessed the contamination risks which require remediation and/or management during the MPW Stage 2 Proposal.

The key findings of the report were:

- The majority of the contamination would have been remediated through the activities scheduled for completion as part of the Early Works (Stage 1).
- The exception to this are areas where active remediation cannot occur due to the presence of EECs and as such, this remediation has been delayed as it requires the vegetation to be cleared, which is not permitted under the MPW Concept Plan Approval. Therefore, it was proposed that these remediation works be completed as part of the MPW Stage 2 works.
- The remediation works proposed within MPW Stage 2 have been previously assessed and approved as part of the MPW Concept Approval. Therefore, the report, in combination with the documentation previously submitted and approved by the DPE under MPW Concept Approval, was intended to be the full extent of information provided with regard to remediation of contamination for the MPW Stage 2.
- The following documents will be implemented to manage contamination risks during construction phases of the project:
 - *Remediation Action Plan*;
 - *Acid Sulfate Soil Management Plan*;
 - CEMP;
 - *Remediation and Validation Reports*; and
 - *Long Term Environmental Management Plan*.
- Residual groundwater contamination, particularly PFAS impacts, was expected to exist on the site following the completion of the remediation and it was therefore expected that ongoing groundwater management, including a groundwater monitoring plan, would be implemented on the site at the conclusion of the MPW Stage 2 remediation activities.
- Based on the PFAS concentrations identified in the groundwater on the site, and the evidence presented in the current literature on the bioaccumulation risks associated with PFAS, there is a risk that a complete exposure pathway exists between the PFAS source areas identified on the site and ecological receptors within the Georges River. Further assessments will be completed as part of MPW Stage 2 including monitoring and risk assessment.

7.7.3 Potential Impacts

The Proposal has the potential to result in similar soil and contamination impacts, albeit generally to a lesser extent, to those previously identified and addressed in previous assessments.

The CEMP sub-plans CSWMP, *Contamination Management Plan*, and *Acid Sulfate Soils Management Plan* are currently being revised for MPW Stage 2 to address and mitigate the soil and contamination impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where soil, contamination, and/or acid sulfate soils impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of these management plans. Where the Proposal EIS identifies new and additional soil, contamination, and/or acid sulfate soils impacts, then the CSWMP, *Contamination Management Plan*, *Acid Sulfate Soils Management Plan* and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.7.4 Further Assessment Required

The EIS for the Proposal would include a review of previously prepared soil and contamination assessments to identify and assess potential impacts of the Proposal, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The review would be in accordance with Schedule 4 of the MPW Concept Plan Approval Conditions of Approval and include consideration of:

E21.

c) Identify and assess the soil characteristics and properties that may impact or be impacted by the project, including acid sulfate soils.

Include a contamination assessment in accordance with the guidelines made under the Contaminated Land Management Act 1997 and in consultation with the EPA for the subject site including the Glenfield Waste Facility.

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP sub-plans CSWMP, *Contamination Management Plan*, and/or *Acid Sulfate Soils Management Plan* will be updated to address and mitigate identified environmental impacts.

Subject to alignment and demonstrated consistency with the Site Audit Statements and CEMP prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B161, B163, B171, B172, and B175, no further contamination assessment is considered necessary.

7.8 Aboriginal Heritage

7.8.1 Existing Environment

An *Aboriginal Heritage Assessment* was prepared (Navin Officer Heritage Consultants, 2014) for the MPW Concept Plan EIS. Based on an Aboriginal archaeological sensitivity model and field surveys, the following key characteristics relate to identified Aboriginal heritage significance at the MPW site:

- A total of 16 Aboriginal sites or potential archaeological deposits (PADs) are located within or in close proximity to the MPW site (Figure 7-8: Archaeologically sensitive landforms, PADs, and investigated areas – MPW Stage 2 (Artefact Heritage, 2016). Figure 7-8). Of these sites:
 - Four are located directly adjacent to the MPW site, on the western bank of the Georges River. These sites would not be impacted by works associated with the MPW Project.
 - Twelve are located within the MPW site:
 - The MPW Project would likely directly impact nine of the identified sites (MA1, MA2, MA3, MA4, MA6, MA7, MA10, MA14 and PAD2).
 - The MPW Project would likely indirectly impact two of the identified sites (MA5, MA9).
 - The MPW Project would not impact on MA8.
- Areas of archaeological sensitivity were found in association with the Georges River and tertiary terraces adjacent to the river.

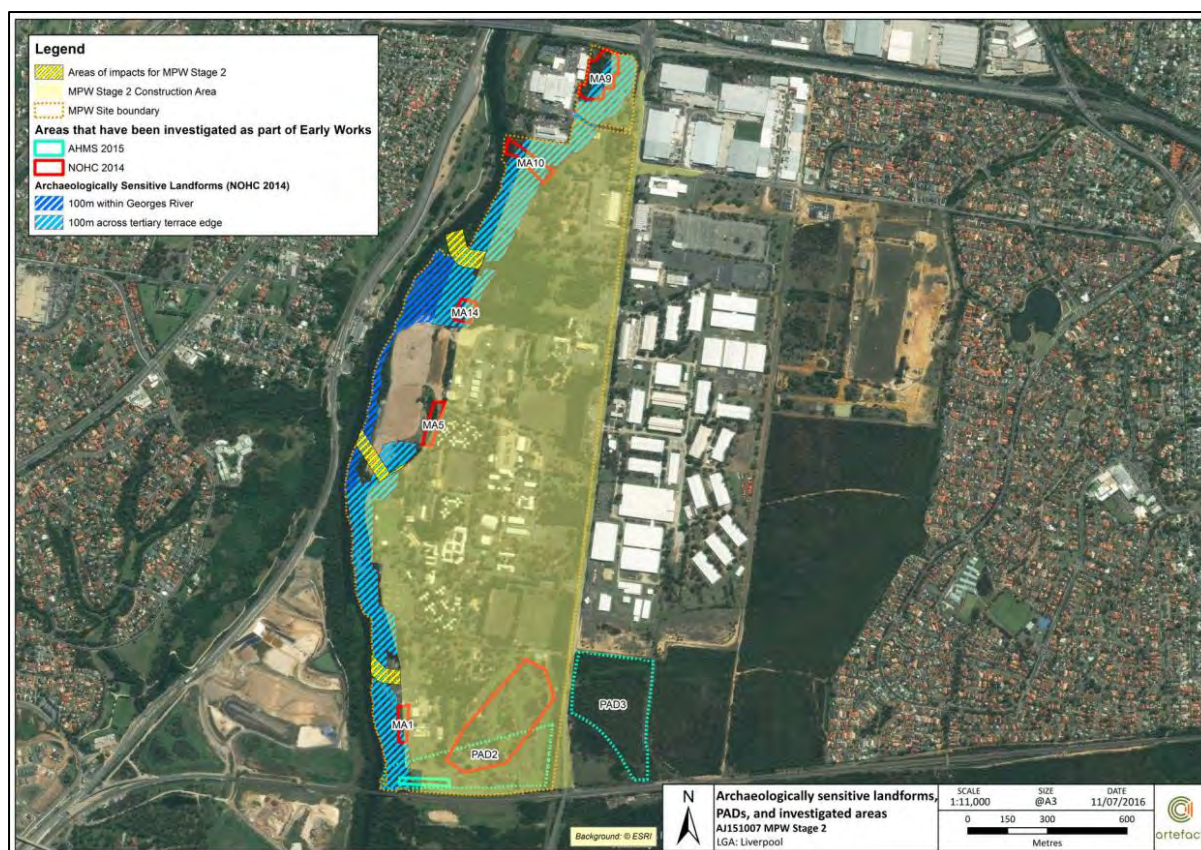


Figure 7-8: Archaeologically sensitive landforms, PADs, and investigated areas – MPW Stage 2 (Artefact Heritage, 2016).

7.8.2 Recent Environmental Assessments

7.8.2.1 MPW Concept Plan

An *Aboriginal Cultural Heritage Assessment* was undertaken for the MPW Concept Plan EIS.

An archaeological predictive model was created, informed by a detailed background analysis of previous archaeological investigations in the region, and a site survey was undertaken in conjunction with Aboriginal communities. Consultation, involving field survey participation was undertaken with the following registered Aboriginal parties:

- Tharawal Local Aboriginal Land Council;
- Cubbitch Barta Native Title Claimants Aboriginal Corporation;
- Darug Land Observations;
- Darug Custodian Aboriginal Corporation;
- Darug Aboriginal Cultural Heritage Assessments;
- Darug Aboriginal Landcare Incorporated;
- Banyadjaminga;
- Gandangara Local Aboriginal Land Council; and
- Tocomwall Pty Ltd.

Most of the Aboriginal sites identified were located adjacent to the Georges River. It was determined that impacts to Aboriginal sites would occur from direct ground disturbance, indirect ground disturbance (e.g. vehicle movements) and removal of trees which would mainly occur during the Early Works and MPW Stage 2 development phase. An interpretation strategy and salvage program was developed and undertaken for Early Works, while further investigations were recommended for a number of items impacted by future development

stages. The Aboriginal sites which were salvaged as part of Early Works are detailed in Section 3.4.2 and Figure 7-8.

7.8.2.2 MPW Stage 2

An *Aboriginal Heritage Impact Statement* was prepared (Artefact Heritage, 2016) as part of the EIS for MPW Stage 2.

As assessment of identified Aboriginal heritage artefact sites and identified potential archaeological deposits was undertaken as part of the concept approval, and consultation with registered Aboriginal parties for this impact statement was completed with regards to scar trees and areas of additional impact to the tertiary terrace within the conservation area.

The assessment also explored additions to the construction area within the Georges River conservation zone. The central and southern additions to the construction area were concluded to have a low potential for containing intact Aboriginal archaeological deposits, while the northern addition was found to have moderate archaeological potential.

The statement identified five additional requirements for mitigation on top of those previously identified in Concept Plan EIS. These included:

- Management of Scar Trees MA6 and MA7;
- Staged salvage excavation of MPW Stage 2 Terrace PSD;
- Staged salvage excavation of the tertiary terrace (between MA10 and MA14);
- Salvage excavation of MA19; and
- Salvage excavation of MA14.

Accordingly, recommendations were made relating to:

- Removal of scar portions of MA6 and MA7 by a qualified arborist and relocation to a property at Thirlmere;
- Staged salvage excavation in consultation with Registered Aboriginal Parties;
- Open area salvage excavation in Stage 2;
- Further investigations and consultation where changes to the MPW Stage 2 design occurred;
- Preparation of an *Aboriginal Cultural Heritage Assessment Report*; and
- Preparation of an Unexpected Finds Procedure to be included in the ACHAR for the construction phase of MPW Stage 2.

7.8.3 Potential Impacts

The Proposal has the potential to result in similar Aboriginal heritage impacts, albeit generally to a lesser extent, to those previously identified and addressed in recent assessments. Impacts related to the salvage of heritage items has been addressed in the previous approvals, as part of the Early Works.

The CEMP sub-plan *Construction Heritage Management Plan (CHMP)* is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where Aboriginal heritage impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional Aboriginal heritage impacts, then the *Construction*

Heritage Management Plan and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.8.4 Further Assessment Required

The EIS for the Proposal would include a review of previously prepared aboriginal heritage assessments to identify and assess potential impacts of the Proposal, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The review would be in accordance with Schedule 4 of the MPW Concept Plan Approval Conditions of Approval, and include consideration of:

E19. Include a consideration of the Aboriginal cultural value of the trees and options for avoiding impacts and ongoing conservation measures, including evidence of consultation with Aboriginal community representatives.

E20. Assess heritage impacts of the proposal. The assessment will:

a) Consider impacts to Aboriginal heritage (including cultural and archaeological significance), in particular impacts to Aboriginal heritage sites identified within or near the project should be assessed. Where impacts are identified, the assessment will demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures).

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP sub-plan CHMP will be updated to address and mitigate identified Aboriginal heritage impacts.

Subject to alignment and demonstrated consistency with the *Aboriginal Cultural Heritage Management Plan* prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B148 and B149, no further heritage assessment is considered necessary.

7.9 Non- Indigenous Heritage

7.9.1 Existing Environment

A *Non-Indigenous Heritage Assessment* was prepared (Navin Officer Heritage Consultants, 2014) as part of the MPW Concept Plan EIS. The assessment identified the following key characteristics regarding non-indigenous heritage significance at the MPW site and surrounding area:

- The MPW site is not on the Commonwealth Heritage List. The MPE site is locally listed in the Liverpool LEP 2008.
- The SME site (the southern portion of the MPW site) is included in the State Heritage Inventory Database (Database no. 1970180) as a complex group due to its listing on the Heritage Schedule of the Liverpool LEP 2008.
- A number of non-indigenous heritage items are located in vicinity of the MPW site, located in the national (Register of the National Estate), State (NSW State Heritage Register) and local heritage (Liverpool LEP 2008) registers (Figure 7-9), including:
 - Casula Powerhouse (former power station), in Casula (local listing).

- Two railway viaducts, in Casula (local listing).
- Glenfield Farm Group, including the homestead, barn (former dairy and stables), in Casula (National, state and local listing).
- Holsworthy Group, including powder magazine and former offices' mess, corporals club, internment camp, Holsworthy railway station lock-up/goal, in Moorebank (National and local listing).
- Kitchener House (formerly 'Arpafeelie'), Moorebank (National and local listing).

7.9.2 Recent Environmental Assessments

7.9.2.1 MPW Concept Plan

The *Non-Indigenous Heritage Assessment* (Artefact Heritage, 2014) investigated the significance and potential impact to non-indigenous heritage values within the MPW site during Early Works and subsequent development stages of the MPW Project.

The heritage and potential heritage items identified within the investigations are listed below:

Archaeological Features:

- MH1 - Explosive Detection Dog Cemetery and Memorial Recording.
- MH2 - Drainage ditches (military origin).
- MH3 - Portion of light rail (not in situ).
- MH4 - Portion of light rail (not in situ).
- MH5 - Large above ground concrete slab (military origin).
- MH6 - Commemorative garden.
- MH7 – Liverpool Golf Course.
- CUST Hut.
- RAAF STRARCH Hangar.
- Transport Compound Building 99 (B99).
- RAE Chapel elements remaining following the MUR Project.

Potential Archaeological Deposits (PADs):

- MHPAD 1: Site thought to be the location of WWI and WWII period quarters;
- MHPAD 2: Site corresponds to the former location of several WWII period buildings.

The following key recommendations were made with respect to the assessment:

- A non-indigenous heritage interpretation strategy would be developed for the MPW Project to address the tangible and intangible values of the MPW site, including consideration of commemorative signage within the area;
- An archaeological salvage program would be carried out for archaeological deposits that are directly affected by the MPW Project; and
- Consideration is to be given for items noted for archival recording above for adaptive reuse and/or relocation.

7.9.2.2 MPW Stage 2

A *Non-Indigenous Heritage Impact Assessment* was conducted (Artefact Heritage, 2016) as part of the EIS for MPW Stage 2. The report identified an additional heritage item that required consideration in further design and operation of the development:

- Moorebank Cultural Landscape.

This finding assumed that all other mitigation measures identified prior to the assessment were completed within the Early Works of the development.

Based on this, the assessment provided the following mitigation recommendations:

- Further detailed design incorporated the existing road names and places within the MPW Stage 2 Site to mitigate loss of significance to the Moorebank Cultural Landscape item. Continued commemoration of significant events and individuals would be considered through the naming of buildings and proposed for construction as part of the Proposal.
- The Unanticipated Discoveries Protocol (detailed in Appendix 7 of *Technical Paper 11 – European Heritage Impact Assessment* in Volume 8, MPW Concept Plan EIS) would be followed in the event that historical items or relics or suspected burials are encountered during excavation works.

7.9.3 Potential Impacts

The Proposal has the potential to result in similar non-indigenous heritage impacts, albeit generally to a lesser extent, to those previously identified and addressed in recent reports. Impacts related to the salvage of non-indigenous heritage items has been addressed during Early Works assessments, which involved the removal and/or potential salvage of many of the identified heritage sites.

The CEMP sub-plan CHMP is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where non-indigenous heritage impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional non-indigenous heritage impacts, then the *Construction Heritage Management Plan* and/or CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.9.4 Further Assessments Required

The EIS for the Proposal would include a review of previously prepared non-indigenous heritage assessments to identify and assess potential impacts of the Proposal, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The review would be in accordance with Schedule 4 of the MPW Concept Plan Approval Conditions of Approval, and include consideration of:

E20. Assess heritage impacts of the proposal. The assessment will:
b) Consider impacts to historic heritage. For any identified impacts, the assessment will:

- i. Outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures). Mitigation measures should include (but not be limited to) photographic archival recording and adaptive re-use of buildings or building elements on site).*
- ii. Be undertaken by a suitably qualified heritage consultant(s).*
- iii. Include a statement of heritage impact.*

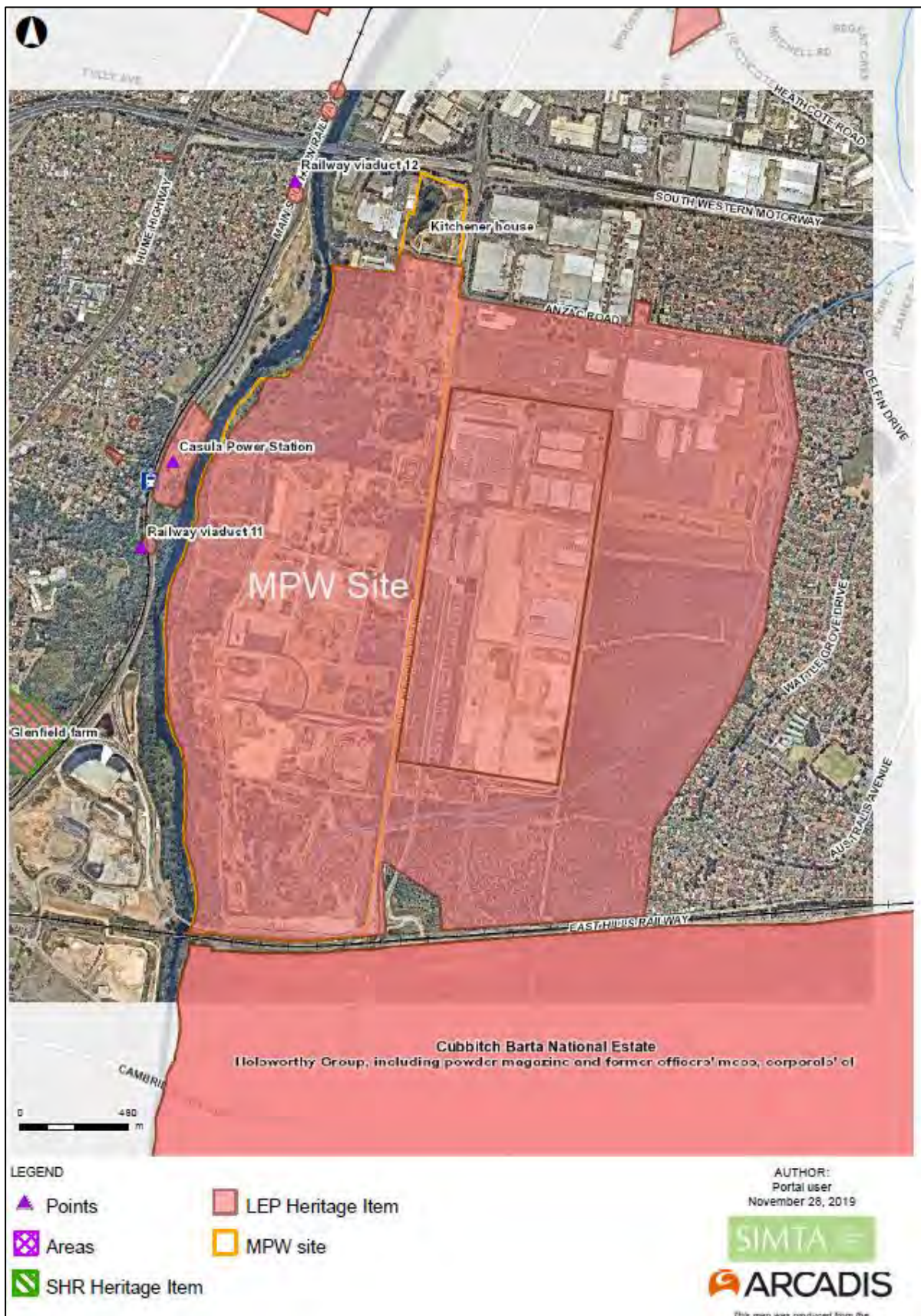


Figure 7-9: Non-Aboriginal Heritage Constraints – MPW Stage 2 (Arcadis, 2019).

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP sub-plan CHMP will be updated to address and mitigate identified non-indigenous heritage impacts.

Subject to alignment and demonstrated consistency with the *Non-Indigenous Cultural Heritage Management Plan* prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B150 and B151, no further heritage assessment is considered necessary.

7.10 Visual Amenity, Urban Design

7.10.1 Existing Environment

A *Visual Impact Assessment* (Clouston Associates, 2014), and a *Light Spill Assessment* (AECOM, 2014) was prepared as part of the MPW Concept Plan EIS. These assessments identified the following key characteristics of the MPW site:

- With the exception of the conservation zone, the site is largely cleared.
- Developments within close proximity with potential to be visually impacted include:
 - Commonwealth land to both the east and the south;
 - Existing Moorebank industrial developments known as ‘Amiens’ and ‘Yulong’ to the north-east;
 - The residential suburb of Casula to the north-west and west, separated from the MPW site by the Georges River and the SSFL and passenger rail line;
 - The existing East Hills Rail Line, which runs in an east-west direction, to the south of the MPW site; and
 - The Wattle Grove residential area (primarily low density), extensive commercial and industrial developments and major motorways, further to the east and north of the MPW site.
- Other notable features within the area include:
 - Leacock Regional Park, which is a publicly accessible recreation area and is located on the western side of the Georges River; and
 - Georges River riparian vegetation is primarily regenerated vegetation and it provides significant screening to much of the north-west and west surrounding areas.

7.10.2 Recent Environmental Assessments

7.10.2.1 MPW Concept Plan

The *Visual Impact Assessment* (Clouston Associates, 2014) undertaken included a *Landscape Character and Visual Impact Assessment*, in addition to a *Light Spill Assessment* for both construction works and for operational impacts of the MPW Project. The key findings of the *Visual Impact Assessment* regarding construction activities are outlined below:

- Moderate/high impacts were predicted for many viewpoints due to the impact of tall construction equipment such as cranes that would be visible above the tree line during construction, particularly of the IMT facility;
- Other construction impacts would be associated with earthworks, clearing and vegetation removal and construction of the warehousing;

- Along Moorebank Avenue there would be localised visual impacts from construction fencing and the warehousing area would be highly visible;
- The majority of construction activities would occur during standard daytime construction hours and would not require lighting; however, some out of hours construction work may be required. Lighting would be contained and positioned to avoid light spill to surrounding areas;
- Leacock's Park and residential receptors on the elevated areas to the west of the Georges River, residential properties backing onto the SSFL have the potential to be visually impacted during the operation of the Proposal; and
- For some residential locations (Casula) that overlook the Proposal site, these receptors would also experience a noticeable change in the brightness of the area on clear nights during operation.

Of particular importance is that the Early Works included the removal of selected vegetation and buildings on the MPW site which has already altered its appearance and therefore views to the site.

7.10.2.2 MPW Stage 2 Visual Impact Assessment

A *Visual Impact Assessment* (Redi Campbell, 2016) prepared to support the MPW Stage 2 EIS aimed to identify and evaluate the visual impacts of MPW Stage 2.

The key findings of the *Visual Impact Assessment* include;

- Impacts of MPW Stage 2 were consistent with the Concept Plan and Stage 1 Approval;
- MPW Stage 2 visual features were consistent with general industry practice and existing development in close proximity to the site, and as such the visual amenity at these locations was generally unchanged;
- Limited visual impact to residential areas due to distance, existing visual barriers and undulating topography;
- No impact to the general visual amenity at simulated views locations in residential areas;
- Most prominent views of MPW Stage 2 would be at localised site boundary points, however visual amenity at these locations was likely to be improved through enacting mitigation measures such as significant and intensive landscaping, screening and architectural elements; and
- Impact of light spill to residential properties was within the acceptable criteria of the Australian Standards.

7.10.2.3 MPW Stage 2 Light Spill Assessment

The *Light Spill Assessment* (Arcadis, 2016) prepared to support the MPW Stage 2 EIS aimed to consider lighting impacts in the local area of the MPW Stage 2 works and analyse and describe the contribution and impacts of the proposed facility on light spill at the local scale.

The assessment included a light spill model that included pole positions, luminaire mounting heights, luminaire selection and luminaire aiming angles. The illuminance and luminous intensity were assessed during post curfew hours for both boundary 1.0 and 2.0.

The key findings of the assessment were:

- The lighting was designed to minimise any direct light spill by selecting luminaires with a horizontal front glass for the warehouse yard and internal roads.

- The lighting of MPW Stage 2 was within acceptable limits of AS4282 and would have minimal effect on the surrounding environment.
- The site complied with 'AS4282- 1997 Control of the obtrusive effects of outdoor lighting'.

7.10.3 Potential Impacts

The Proposal has the potential to result in similar visual amenity impacts, albeit generally to a lesser extent, to those previously identified and addressed recent reports. Impacts related to the removal of buildings, selected vegetation and other infrastructure have been addressed in the previous approvals.

The CEMP is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where visual amenity and urban design impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional visual amenity and urban design heritage impacts, then the CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.10.4 Further Assessments Required

The EIS to be prepared for the Proposal would include a review and update of the previous visual impact assessments to assess any additional impacts and further address the findings and impact assessment provided in the MPW Concept Plan EIS, and would propose management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. As required by Schedule 4 of the MPW Concept Plan Approval Conditions of Approval, the EIS would consider the following:

E4. Development Applications for either the IMEX or interstate terminal will consider the effect of headlight glare on surrounding sensitive receivers.

E17. All future Development Applications for new built form must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of replacement and additional landscaping.

E18. All future Development Applications will include detailed landscape plans including relevant details of the species to be used in the various landscaped areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plantings, and other soft and hard landscape treatments, including any pavement areas and furniture.

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Updates to the *Visual Impact Assessment* would be undertaken within the EIS to further discuss the potential visual impacts of the Proposal on the surrounding area (including the potential impacts of signage associated with the operation of the Proposal). Landscape plans would be revised to accommodate *Visual Impact Assessment* recommendations.

Where required, the CEMP will be updated to address and mitigate identified environmental impacts.

Mitigation of visual impacts will be consistent with relevant Landscape Drawings, and MPW Stage 2 Conditions of Approval B57.

7.11 Hazards and Risks

7.11.1 Existing Environment

A *Preliminary Risk Assessment* (Parsons Brinckerhoff, 2014) was prepared as part of the MPW Concept Plan EIS. This assessment identified the following:

- The area surrounding the MPW site predominantly comprises industrial uses;
- The site contains the potential for site contamination, the presence of asbestos and bushfire risk. An asbestos cement main is located on the western side of Moorebank Avenue, running parallel to a cast iron cement lined main. Both mains are privately owned services that lead into the MPW site, providing service to existing developments; and
- Some of the buildings onsite have been identified as comprising asbestos containing materials within building materials, however all buildings onsite would be removed during the Early Works.

7.11.2 Recent Environmental Assessments

7.11.2.1 MPW Concept Plan

The *Preliminary Risk Assessment* (Parsons Brinckerhoff, 2014) identified the following key hazards and risks during construction and operation of the MPW Project.

The following key hazards and risks were identified to potentially be evident during the construction and operation of the MPW Project:

- Presence of asbestos in existing structures and the soil;
- Potential for soil contamination (including unexploded ordinances);
- Potential transport, storage and handling of dangerous goods; and
- Bushfire.

The assessment concluded with recommendations for the implementation of management procedures, and some further investigations to address the potential risks and hazards.

7.11.3 Potential Impacts

The Proposal has the potential to result in similar hazard and risk impacts, albeit generally to a lesser extent, to those previously identified and addressed in recent reports.

The CEMP is currently being revised for MPW Stage 2 to address and mitigate the environmental impacts identified in the MPW Concept Plan and MPW Stage 2 EIS. It is anticipated that where hazards and risks impacts assessed in the Proposal EIS are the same or similar to those in the previous EIS, that these impacts will be mitigated through the application of this management plan. Where the Proposal EIS identifies new and additional hazards and risks impacts, then the CEMP will be progressively revised and updated to ensure these impacts are mitigated.

7.11.4 Further Assessment Required

The EIS for the Proposal would include a review of previously prepared hazard and risk assessments to identify and assess potential impacts of the Proposal, and would propose

management measures to avoid, minimise and manage these potential impacts where feasible and reasonable. The EIS to be prepared for the Proposal would further consider the findings and impact assessment provided for the MPW Concept Plan EIS, including:

E23. All future Development Application will be accompanied by a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33 (DoP 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposal. 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). The PHA should:

- i. Estimate the risks from the facility;*
- ii. Be set in the context of the existing risk profiles for the intermodal facility and demonstrate that the proposal does not increase the overall risk of the area to unacceptable levels; and*
- iii. Demonstrate that the proposal complies with the criteria set out in the Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning.*

Revised Environmental Management Measures were prepared as part of the MPW Concept Plan Approval which are relevant to the Proposal and will be considered within the EIS.

Where required, the CEMP will be updated to address and mitigate identified environmental impacts.

Subject to alignment and demonstrated consistency with the CEMP prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B176 to B179, no further hazard risk assessment is considered necessary.

8. Other Environmental Issues

A summary of other environmental issues, which are not considered key issues, however which have the potential to be evident during the construction and operation of the Proposal are described in Table 8-1.

Table 8-1: Other potential environmental issues.

Environmental Aspect	Potential Impact	Previous Studies/ Further Environmental Assessment
Bushfire	Management and protection of the site against bushfire	<p>The Concept Plan EIS included a <i>Hazards and Risks Assessment</i> incorporating bushfire. A further <i>Bushfire Impact Assessment</i> was included within the Stage 1 Proposal.</p> <p>As per the Concept Plan Approval Statement of Commitments, the Proposal will incorporate the key objectives identified by the Rural Fire Service into relevant future designs, in accordance with the following principles:</p> <ul style="list-style-type: none"> • Afford occupants of any building adequate protection from exposure to bush fire. • Ensure operational access and egress for emergency service personnel and residents. • Provide for ongoing management and maintenance of bushfire protection measures including fuel loads in asset protection zones. • Ensure that utility services are adequate to meet the needs of the fire fighters. <p>Subject to alignment and demonstrated consistency with the <i>Emergency Response Plan</i> and the <i>Bushfire Emergency and Evacuation Management Plan</i> prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B194 and B195, no further bushfire assessment is considered necessary.</p>
Economic	<p>Economic impacts are primarily positive and may include:</p> <ul style="list-style-type: none"> • Job creation, particularly in occupational categories that are matched to the employment profile of the local population. • Reduction in the volume of heavy vehicle movements along the M5 corridor. • Reduction in truck vehicle kilometres travelled across the Sydney Metropolitan Network. 	<p>An <i>Economic Impact Assessment</i> was undertaken by Urbis (2013) as part of the EA for the Concept Plan Approval.</p> <p>This <i>Economic Impact Assessment</i> and any other likely economic impacts arising from the Proposal would be discussed within the EIS.</p>

Environmental Aspect	Potential Impact	Previous Studies/ Further Environmental Assessment
Social	Potential social impacts and opportunities include: traffic, air quality, health, visual impact and light spill, noise and vibration, employment and crime prevention.	<p>A <i>Social Impact Commentary Report</i> was undertaken by Urbis (2013) as part of the EA for the Concept Plan Approval.</p> <p>This report and any other likely social impacts resulting from the Proposal would be discussed within the EIS.</p>
Utilities	Potential relocation of existing services including stormwater, sewer, water, telecommunications and electricity.	<p>A <i>Utility Strategy Report</i> (Hyder Consulting,2013) as part of the EIS for the Concept Plan Approval. A <i>Utilities Servicing Strategy</i> was also prepared by AECOM (2015) as part of the Stage 1 Proposal.</p> <p>The Proposal EIS provides sufficient detail demonstrating that adequate services are available to the site and provide details regarding the proposed servicing upgrades (where required).</p>
Public Infrastructure S7.11 (formerly S94) Contributions	Potential impacts on public infrastructure, particularly as a result of traffic increases and employee population.	<p>The Stage 3 Proposal EIS would include (as identified in the Concept Plan Approval):</p> <ul style="list-style-type: none"> • Assessment of the impacts of the Proposal on local infrastructure, having regard to any relevant Council's Developer Contributions Plan if relevant. • Subject to the terms of any applicable Voluntary Planning Agreement, a commitment to pay developer contributions to the relevant consent authority or undertake works-in-kind or works as executed Deed towards the provision or improvement of public amenities and services; and • Consideration of the requirements to pay S7.11 contributions.
Waste	Reduction of potential waste to landfill	<p>A <i>Waste Management Strategy</i> was prepared (Hyder Consulting,2013) as part of the EIS for the Concept Plan Approval.</p> <p>The Proposal EIS would include detail to ensure that "liquid and/or non-liquid waste generated at the site during development is classified accordingly, and where transported from the site, is directed to an appropriate waste management facility permitted to accept the materials" as required by the Concept Plan Approval.</p> <p>Subject to alignment and demonstrated consistency with the CEMP and OEMP prepared for the MPW site and requirements issued under MPW Stage 2 Conditions of Approval B180 to B183 and B187, no further waste assessment is considered necessary.</p>

Environmental Aspect	Potential Impact	Previous Studies/ Further Environmental Assessment
Ecologically Sustainable Development (ESD)	<p>Opportunities for beneficial impacts from energy and water conservation, waste minimisation and resource recovery.</p> <p>Regional ESD benefits associated with the shift toward rail freight over current road.</p> <p>Increased local employment opportunities.</p>	<p>The Proposal EIS would consider the principles of ecologically sustainable development as required by the Concept Plan Approval and the EP&A Regulations.</p>
Health	<p>Based on the results in the Concept Plan Approval, there is an estimated risk of increased incidence of selected health outcomes due to increased exposure to PM_{2.5} (risk of chronic mortality <1:100,000).</p> <p>Risk of other health outcomes are <1:100,000, which is considered to be of no cause for concern.</p>	<p>The Concept Plan Approval does not prescribe any specific assessment requirements relating to Health. However, the Concept Plan Approval Statement of Commitments, requires health impact considerations for the Proposal, including:</p> <ul style="list-style-type: none"> • Discussion of the known potential developments in the local region. • Assessment of the impact on the environmental values of public health. • Assessment of local and regional impacts including health risks. <p>These health impacts would be considered within the EIS with reference to the Centre for Health Equity Training, Research, and Evaluations' practical guide to impact assessment (August 2007).</p>
Greenhouse gas / Climate Change	<p>Potential greenhouse / climate change impacts to include:</p> <ul style="list-style-type: none"> • Flooding of infrastructure • Storm / heat damage to infrastructure • Increased operating costs due to carbon pricing 	<p>The Concept Plan Approval Conditions do not prescribe any specific assessment requirements relating to greenhouse gas and climate change. However as stated in the Concept Plan Approval Statement of Commitments, management of greenhouse gas in accordance with the <i>Greenhouse Gas Assessment</i> would be included in the EIS as:</p> <ul style="list-style-type: none"> • A review of climate change projection data applicable to the Proposal site. • Highlight significant climate change risks and identify adaptation strategies. • Input during design to limit climate change impacts where reasonable and feasible.

9. Conclusion

This Scoping Report provides an outline of the MPW Stage 3 Proposal for construction of a construction compound and subdivision of the MPW site. A summary of the likely environmental impacts and related environmental assessment requirements relating to the Proposal has been outlined to inform SEARs, and the subsequent preparation of an EIS to support the application for development consent, in accordance with Part 4, Division 4.7 of the EP&A Act.

The Proposal represents the third stage of the MPW Project, which received Concept Plan Approval (SSD 5006) from the PAC on 3 June 2016 and MPW Stage 2 approval on 11 November 2019.

A key part of the EIS for the Proposal will be to continue the consultation which has previously been undertaken with government agencies, the local community, specialist interest groups, registered Aboriginal parties and affected landowners. This consultation will be undertaken periodically throughout the preparation of the EIS and assessment of the Proposal.

Where potential environmental impacts of the MPW Stage 3 Proposal have already been considered (as part of the Concept Plan and Stage 2 approvals and associated CEMP and OEMP), these will be reviewed and any additional impacts assessed and determined. Where the findings of these previous assessments are still accurate and current, no further environmental assessment would be necessary for the Proposal under this application.

Where additional environmental impacts are identified, the previous assessment will be reviewed and updates to the technical specialist reports completed. It is anticipated that the following key issues may require further review to support the Proposal and EIS:

- Traffic and Transport;
- Noise and Vibration;
- Visual Amenity, Urban Design and Landscaping; and
- An update to stormwater plans.

The EIS for the Proposal will provide a review of other general environmental issues that are deemed relevant.

Schedule 4 of the Concept Plan Approval included a comprehensive list of future environmental assessment requirements which are considered suitable for the assessment of the Proposal. Therefore, SIMTA requests that the SEARs be consistent with the requirements of the MPW Stage 2 Conditions of Approval, and Schedule 4 of the Concept Plan Approval, and not impose any further environmental assessment requirements.

10. References

- AECOM (2014) *Light Spill Assessment, Moorebank Intermodal Terminal Project.*
- AECOM (2016) *Utilities Summary Report, Moorebank Precinct West Stage 2.*
- Arcadis (2016; updated 2019) *Biodiversity Assessment Report, MPW Stage 2.*
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- Arcadis (2016) *Operational Traffic and Transport Assessment, Moorebank Precinct West Stage 2 Proposal.*
- Arcadis (2016) *Preliminary Construction Traffic Management Plan Moorebank Precinct West (MPW) – Stage 2 Proposal.*
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- Arcadis (2016) *Stormwater and Flooding Environmental Assessment, Moorebank Precinct Intermodal Terminal Facility – MPW Stage 2.*
- Artefact Heritage (2016) *Aboriginal Heritage Impact Assessment, Moorebank Precinct West (MPW) Stage 2 Proposal.*
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- Clouston Associates (2014) *Visual Impact Assessment, Moorebank Intermodal Terminal Project.*
- EnRisks (2014) *Moorebank Intermodal Terminal, Health Impact Assessment.*
- EnRisks (2014) *Technical Working Paper: Human Health Risk Assessment – Moorebank Intermodal Terminal.*
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- Environmental Planning and Assessment Act 1979.*
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- Hyder Consulting (2013) *Utility Strategy Report, Moorebank Intermodal Terminal Project.*
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- Liverpool Development Control Plan 2008.*
- Liverpool Local Environmental Plan 2008.*

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- Parsons Brinkerhoff (2014) *Preliminary Risk Assessment, Moorebank Intermodal Terminal Project.*
- Parsons Brinkerhoff (2014) *Social Impact Assessment, Moorebank Intermodal Terminal.*
- Parsons Brinkerhoff (2014) *Surface Water Assessment, Moorebank Intermodal Terminal.*
- Parsons Brinkerhoff (2014) *Traffic, Transport and Accessibility Impact Assessment, Moorebank Intermodal Terminal.*
- Rambol Environ Australia (2016) *Air Quality Impact Assessment, Moorebank Precinct West Stage 2.*
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- Reid Campbell (2019) *Proposed Stage 3 Compounds Plan (PIWW-RCG-AR-SKC-157).*
- Reid Campbell (2016) *Visual Impact Assessment and Light Spill Assessment, Moorebank Intermodal Stage 2 SSD EIS.*
- SLR Consulting (2014) *Noise and Vibration Impact Assessment, Moorebank Intermodal Terminal EIS.*
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*
- State Environmental Planning Policy (State and Regional and Development) 2011.*
- Suters Architects (2012) *Moorebank Intermodal Concept Masterplan.*
- Toderoski Air Sciences (2014) *Regional Air Quality Assessment, Intermodal Terminal, Moorebank.*
- Urbis (2013) *Economic Impact Assessment, Moorebank Intermodal Terminal Project.*
- Urbis (2013) *Social Impact Commentary Report, Moorebank Intermodal Terminal Project.*
- Wilkinson Murray (2016) *Noise and Vibration Impact Assessment, MPW Stage 2.*

Appendix A – MPW Concept Plan Approval Conditions of Approval (SSD 5066)

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW determines to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2, 3 and 4.

These conditions are required to:


- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



Mr Paul Forward
Commission Member
(Chair)



Ms Robyn Kruk AM
Commission Member



Mr Stephen O'Connor
Commission Member

Sydney

3 June 2016

SCHEDULE 1

Application No.:

SSD 5066

Applicant:

Moorebank Intermodal Company

Consent Authority:

Minister for Planning

Land:

Intermodal Site: Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:

- Lot 1 DP 1197707 - Lot 101 DP 1049508
- Lot 100 DP 1049508 - Lot 2 DP 1197707

Rail Corridor: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 5 DP 833516 - Lot 103 DP 1143827
- Lot 51 DP 515696 - Lot 102 DP 1143827
- Lot 104 DP 1143827 - Lot 4 DP 1186349

Development:

Concept Proposal

The Concept involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, and associated works.

Early Works (Stage 1): involves: the demolition of buildings, including services termination and diversion; rehabilitation of the excavation/ earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Moorebank Intermodal Company
Application	<p>The development application for a concept proposal and early works (Stage 1):</p> <p><u>Concept Proposal</u></p> <p>The Concept involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, and associated works.</p> <p><u>Early Works (Stage 1)</u> involves: the demolition of buildings, including services termination and diversion; rehabilitation of the excavation/earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.</p>
BCA	Building Code of Australia
Construction	<p>Includes all work in respect of the SSD other than:</p> <ul style="list-style-type: none"> a) survey; acquisitions; or building/ road dilapidation surveys; fencing; investigative drilling, excavation or salvage; and b) work undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; or minor clearing or translocation of native vegetation that does not comprise any EECs. c) establishment of site compounds and construction facilities d) installation of environmental mitigation measures e) utilities adjustment and relocation that do not present a significant risk to the environment, as determined by the Environmental Representative f) other activities determined by the Environmental Representative to have minimal environmental impact.
Council	Liverpool City Council or Campbelltown City Council (as relevant)
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
Department	Department of Planning and Environment or its successors
DPI	Department of Primary Industries or its successors
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled Environmental Impact Statement titled <i>Moorebank Intermodal Terminal Project Environmental Impact Statement</i> , prepared by Parsons Brinckerhoff Australia Pty Limited, dated October 2014.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided,

	<p>community expectations and nature and extent of potential improvements.</p> <p>Where requested by the Secretary, the Proponent shall provide evidence as to how feasible and reasonable measures were considered and taken into account.</p>
Incident	<p>A set of circumstances that:</p> <ul style="list-style-type: none"> • causes or threatens to cause material harm to human life, the environment; and/or • breaches or exceeds the limits or performance measures/ criteria in this approval;
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
OEH	Office of the Environment and Heritage, or its successor
Response to Submissions (RtS)	Response to Submissions report titled <i>Moorebank Intermodal Terminal Response to Submissions Report</i> , prepared by Parsons Brinckerhoff Australia Pty Limited, dated May 2015.
RMS	Roads and Maritime Services or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate.
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	<p><u>Intermodal Site</u>: Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:</p> <ul style="list-style-type: none"> - Lot 1 DP 1197707 - Lot 100 DP 1049508 - Lot 101 DP 1049508 - Lot 2 DP 1197707 <p><u>Rail Corridor</u>: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:</p> <ul style="list-style-type: none"> - Lot 5 DP 833516 - Lot 103 DP 1143827 - Lot 51 DP 515696 - Lot 102 DP 1143827 - Lot 104 DP 1143827 - Lot 4 DP 1186349
Supplementary Response to Submissions (SRtS)	Supplementary Submissions report titled <i>Moorebank Intermodal Terminal Supplementary Response to Submissions Report</i> , prepared by Parsons Brinckerhoff Australia Pty Limited, dated August 2015.
TEU	Twenty Foot Equivalent Unit

SCHEDULE 2

TERMS OF APPROVAL

Development Description

1. Except as amended by the conditions of this consent, development consent is granted only to the Concept Proposal and Early Works as described in Schedule 1 and the Environmental Impact Statement dated October 2014, as amended by the Response to Submissions, dated May 2015 (as further amended by the Supplementary Response to Submissions dated August 2015), and the conditions contained in this development consent.

Determination of Future Applications

2. In accordance with section 83B(3)(a) of the EP&A Act, all future development under the Concept Proposal (for the avoidance of doubt, excluding the Early Works) shall be the subject of future development application(s).
3. The determination of the future development application(s) are to be generally consistent with the terms of this development consent as described in Schedule 1, and subject to the conditions in Schedule 4.

Development in Accordance with Plans and Documents

4. The applicant shall carry out the development generally in accordance with the:
 - a) Environmental Impact Statement titled Moorebank Intermodal Terminal Project Environmental Impact Statement, prepared by Parsons Brinckerhoff Australia Pty Limited, dated October 2014;
 - b) Response to Submissions report titled, Moorebank Intermodal Terminal Response to Submissions Report, prepared by Parsons Brinckerhoff Australia Pty Limited, dated May 2015;
 - c) Supplementary Submissions report titled, Moorebank Intermodal Terminal Supplementary Response to Submissions Report, prepared by Parsons Brinckerhoff Australia Pty Limited, dated August 2015; and
 - d) the conditions of this consent.
5. In the event of an inconsistency between:
 - (a) the conditions of this approval and any document listed from condition 4(a) to 4(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition 4(a) to 4(c) inclusive, and any other document listed from condition 4(a) to 4(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval

6. Projects carried out under this staged development consent are to be assessed with the objective of not exceeding the capacity of the transport network, including the local, regional and State road network.
7. Concept approval is granted for interstate terminal container freight with a throughput of up to 500,000 TEU p.a. if the combined movement of container freight on the Subject Site does not exceed 1.05 million TEU p.a. The consent authority must also be satisfied that the Traffic Impact Assessment demonstrates that the interstate terminal would not exceed the capacity of the transport network with or without mitigation measures/upgrades.
8. For the IMEX terminal, concept approval is granted for the movement of container freight by up to:

- a) initially, 250,000 TEU p.a. if the consent authority is satisfied that the Traffic Impact Assessment demonstrates the proposal would not exceed the capacity of the transport network with or without mitigation measures/upgrades;
 - b) after the facility has been in operation, an increase of up to an additional 300,000 TEU p.a. if the consent authority is satisfied that monitoring and modelling of the operation of the IMEX terminal demonstrates that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network. The combined movement of container freight on the Subject Site must not exceed 1.05 million TEU p.a.

- 9. Concept approval is granted for the rail terminals (IMEX and interstate) incorporating either:
 - a) the rail link; or
 - b) if a rail link is under construction or has been constructed associated with the SIMTA development as identified in development application MP10_0193, then only a short connection from the IMEX/interstate terminals to the SIMTA rail connection on the eastern side of the Georges River.

- 10. Port shuttle operations must use:
 - a) Locomotives that incorporate available best practice noise and emission technologies. Prior to construction of the rail link connecting to the site, the Applicant is to submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and the EPA that justifies the technology proposed and how it meets the objective of best practice noise and emission technologies; and
 - b) Wagons that incorporate available best practice noise technologies including as a minimum, permanently coupled 'multi-pack' steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology). Prior to the commencement of operation, the Applicant is to submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and EPA that justifies the technology proposed and how it meets the objective of best practice noise technologies.

- 11. The Applicant shall install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations. The system shall capture the noise from each individual train passby noise generation event, and include information to identify:
 - a) Time and date of freight train passbys;
 - b) Imagery or video to enable identification of the rolling stock during day and night;
 - c) LAeq(15hour) and LAeq(9hour) from rail operations; and
 - d) LAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or
 - e) Other alternative information as agreed with, or required by, the Secretary.

The results from the noise monitoring system shall be publicly accessible from a website maintained by the Applicant. The noise results from each train shall be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (ie a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hr) results from each day shall be available on the website within 24 hours of the period ending.

Prior to the commencement of operation, the Applicant shall submit for the approval of the Secretary, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternative options considered and reasons for these being dismissed. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.

The Applicant shall provide an annual report to the Secretary with the results of monitoring for a period of 5 years, or as otherwise agreed with the Secretary, from the commencement of operation of either the IMEX or interstate terminal (whichever operates first). The Secretary shall consider the need for further reporting following a review of the results for year 5.

12. Prior to submitting any Development Application for either the IMEX or interstate terminal, the Applicant shall convene a meeting with regard to proposed traffic assumptions and mitigation measures. The Applicant must:
 - a) Invite SIMTA, TfNSW, RMS, Liverpool City Council and Campbelltown City Council. Each Council may also invite a maximum of two community representatives to attend.
 - b) At the meeting, present the scope and assumptions of the mesoscopic/microsimulation traffic modelling, the draft Traffic Impact Assessment and any proposed mitigation measures including timing on the delivery of any proposed measures;
 - c) Publish the meeting minutes and a schedule of action items arising from the meeting, including responsibilities and timeframes on its website;
 - d) Prepare a written report responding to the action items and consult with RMS on the action items and final mitigation measures; and
 - e) Provide details of the undertaking and outcomes of this condition in the EIS.
13. Containers must be transferred from Port Botany to the site and from the site to Port Botany by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (eg an incident, breakdown, derailment or emergency maintenance on the rail line). The Secretary may at any time request the Applicant to demonstrate that the transport of containers between the site and Port Botany container terminals is by rail. This is to be demonstrated upon request by the Secretary for the prior 12 month period.
14. Operations on the Subject Site cannot commence until a rail connection to the SSFL is operational.
15. The warehousing must only be used for activities associated with freight using the IMEX and interstate terminals unless otherwise approved in a subsequent Development Application.
16. Building heights are to be a maximum of 21 metres and other structures are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015.
17. Building setbacks are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015.
18. The layout of the site shall not prevent a possible future pedestrian connection to Casula Railway Station.
19. The layout of the site shall be designed to ensure heavy vehicles associated with the operation of the terminals can be accommodated on site in the event of an incident blocking access to the M5 Motorway/ Moorebank Avenue to avoid queuing on public roads.

Lapsing of approval

20. This approval will lapse ten years from the date of this approval unless works the subject of Early Works (Stage 1) or any related application are physically commenced, on or before that lapse date.

Secretary as Moderator

21. In the event of a dispute between the Applicant and a public authority, in relation to this approval, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Legal notices

22. Any advice or notice to the consent authority shall be served on the Secretary.
-

SCHEDULE 3

CONDITIONS TO BE MET FOR EARLY WORKS (STAGE 1)

PART A ADMINISTRATIVE CONDITIONS

Subject Land

- A1. The land subject to this part relates to the intermodal site (Lot 1 DP 1197707, Lot 100 DP 1049508, Lot 101 DP 1049508 and Lot 2 DP 1197707).

Compliance Monitoring and Tracking

- A2. The Applicant shall prepare and implement a **Compliance Tracking Program**, to track compliance with the requirements of this approval. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and operate for the duration of the Early Works stage.

The Program shall include, but not be limited to:

- (a) provision for the notification to the Secretary prior to the commencement of construction;
- (b) provision for periodic review of the compliance status of the SSD against the requirements of this approval;
- (c) provision for periodic reporting of compliance status to the Secretary, including but not limited to:
 - (i) a Pre-Construction Compliance Report prior to the commencement of early works,
 - (ii) Six-monthly, or other timing as agreed by the Secretary, Early Works Compliance Reports, for the duration of early works, and
 - (iii) a Completion Compliance Report within one month of completion of the early works stage;
- (d) a program for independent environmental auditing in accordance with *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems*;
- (e) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- (f) provision for reporting environmental incidents to the Secretary during construction, in accordance with conditions A3 and A4;
- (g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and
- (h) provision for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

Incident Reporting

- A3. The Applicant shall notify the Secretary and relevant public authorities of any incident with actual or potential significant on-site or off-site impacts on human health or the biophysical environment within 24 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the Secretary within seven days of the date on which the incident occurred.

Note:

- *Where an incident also requires reporting to the EPA and/or OEH, the incident report prepared for the purposes of notifying the EPA and/or OEH would meet this requirement.*

- A4. The Applicant shall meet the requirements of the Secretary or relevant public authority (as determined by the Secretary) to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition A3, within such period as the Secretary may require.

PART B PRIOR TO CONSTRUCTION

Demolition

- B1 The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

Contamination

- B2 The approved works (including any excavation required for remediation) must not occur below 5 metres AHD and lower the watertable below 1m AHD on adjacent class 1, 2, 3, 4 land in accordance with the Liverpool Local Environmental Plan 2008.
- B3 The subject site is to be remediated in accordance with:
- a) The approved Remedial Action Plan;
 - b) *State Environmental Planning Policy No. 55 – Remediation of Land*; and
 - c) The guidelines in force under the *Contaminated Land Management Act*.

Amendments to the approved Remedial Action Plan required as a result of further site investigations must be approved by the site auditor, in consultation with the EPA.

Within 3 months after the completion of the remediation works, a notice of completion, including a validation and/or monitoring report is to be provided to the Secretary. This notice must be consistent with *State Environmental Planning Policy No. 55 – Remediation of Land*.

The validation and/or monitoring report is to be independently audited and a Site Audit Statement Issued. The audit is to be carried out by an independent auditor accredited by the Environment Protection Authority. Any conditions recorded on the Site Audit Statement are to be complied with.

Soil, Water Quality and Hydrology

- B4 The Early Works shall be undertaken to comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- B5 All activities taking place in, on or under waterfront land, as defined in the *Water Management Act 2000* should be conducted generally in accordance with the NSW Office of Water's Guidelines for Controlled Activities.

Heritage

- B6 The Applicant shall not harm, modify or otherwise impact any heritage items outside the subject site.
- B7 Prior to the commencement of Early Works affecting Aboriginal sites MA1, MA2, MA3, MA4, MA5 and MA9, the Applicant shall:
- (a) develop a detailed salvage strategy, prepared in consultation with the OEH (Aboriginal heritage) and the Aboriginal stakeholders. The investigation program shall be prepared to the satisfaction of the Secretary; and
 - (b) undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program.

Within twelve months of completing the above work, unless otherwise agreed by the Secretary, the Applicant shall submit a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), prepared in consultation with the Aboriginal stakeholders, the OEH (Aboriginal heritage) and to the satisfaction of the Secretary.

Note: where archaeological testing has occurred as part of the Environmental Assessment and the results are included in the documents listed in condition 4 the sites tested must still form part of the final report prepared under B7(b).

- B8 Prior to the commencement of Early Works affecting non-Aboriginal sites MHPAD1 and MHPAD2, the Applicant shall undertake any further archaeological excavation works recommended by the results of the non-Aboriginal archaeological investigation program.

Within 12 months of completing the above work, unless otherwise agreed by the Secretary, the Applicant shall submit a report containing the findings of the excavations, including artefact analysis, and the identification of a final repository for finds, prepared in consultation with the OEH (Heritage branch) and to the satisfaction of the Secretary.

Note: where archaeological testing has occurred as part of the environmental assessment and the results are included in the documents listed in condition 4, the sites tested must still form part of the methodology and final report prepared for the non-Aboriginal archaeological investigation program.

- B9 Prior to the commencement of Early Works affecting the CUST Hut, RAAF STRARCH Hangar, the Dog Cemetery and Commemorative Gardens, the Applicant shall prepare a report in consultation with the Heritage Council of NSW, the local Council and the local Historical Society which considers the options for mitigation of these items. In relation to the Dog Cemetery, consultation should also occur with the School of Military Engineering's Explosive Detection Dog's Unit. The report shall include the archival recordings and the historical research, where required, to the Secretary, the Heritage Council of NSW, the local Council and the local Historical Society.

Dangerous goods

- B10 Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:

- a) all relevant Australian Standards;
- b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (Environment Protection Authority, 1997).

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Dust Management

- B11 The Applicant shall carry out all feasible and reasonable measures to minimise dust generated by the Development.

- B12 During Early Works, the Applicant shall ensure that:

- a) all vehicles on site do not exceed a speed limit of 30 kilometres per hour; and
- b) all loaded vehicles entering or leaving the site have their loads covered; and all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads.

Waste Management

- B13 The reuse and/or recycling of waste materials generated on site shall be maximised as far as practicable, to minimise the need for treatment or disposal of those materials off site.
- B14 All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water 2009).
- B15 All waste materials removed from the subject site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.

Utilities and Services

- B16 Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Early Works shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant, or as otherwise agreed between the parties.
- B17 The Applicant shall prepare dilapidation surveys and reports on the condition of local roads, footpaths, services and utilities affected by Early Works. The Applicant shall carry out rectification work at the Applicant's expense and to the reasonable requirements of the owners for damage resulting from the completion of Early Works.
- B18 The Applicant shall ensure that the construction and operation of the proposed development will not prevent the existing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development.

Note: temporary closures or part closures and changes to operation of Moorebank Ave may occur for limited periods during construction as detailed in the Construction Traffic Management Plan.

PART C COMMUNITY INFORMATION AND REPORTING

Community Communication Strategy

- C1 Prior to the commencement of Early Works, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a **Community Communication Strategy** to the satisfaction of the Secretary. The Strategy shall provide mechanisms to facilitate communication between the Applicant (and its contractor(s)), the Environmental Representative (see condition D1), the relevant Council and community stakeholders (particularly adjoining landowners) on the design and construction environmental management of the Early Works. The Strategy shall include, but not be limited to:
- (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners, key community and business groups, and community and social service organisations;
 - (b) procedures and mechanisms for the regular distribution of accessible information to community stakeholders on construction progress and matters associated with environmental management, including provision of information in appropriate community languages;
 - (c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Applicant and/or Environmental Representative in relation to the environmental management and delivery of the SSD;

- (d) procedures and mechanisms through which the Applicant can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the SSD; and
- (e) procedures and mechanisms that would be implemented to resolve issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the SSD, including but not limited to disputes regarding rectification or compensation for impacts to third party property and infrastructure. These procedures and mechanisms may include the use of a suitably qualified and experienced independent mediator.

Complaints and Enquiries Procedure

- C2 Prior to the commencement of Early Works, or as otherwise agreed by the Secretary, the Applicant shall ensure that the following are available for community enquiries and complaints for the duration of Early Works:
- (a) a 24 hour telephone number(s) on which complaints and enquiries about the SSD may be registered;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

The telephone number, the postal address and the email address shall be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval.

- C3 Prior to the commencement of Early Works, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a **Construction Complaints Management System** consistent with *AS ISO 10002:2006 Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2004, MOD)* and maintain the System for the duration of Early Works and up to 12 months following completion of this stage.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached, with or without mediation, shall be maintained in a complaints register and included in the construction compliance reports required by this approval. The information contained within the System shall be made available to the Secretary on request.

Provision of Electronic Information

- C4 Prior to commencement of the Early Works, or as otherwise agreed by the Secretary, the Applicant shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the SSD, for the duration of Early Works. The Applicant shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:
- (a) information on the current implementation status of the SSD;
 - (b) a copy of the documents listed in condition 4, and any documentation supporting modifications to this approval that may be granted from time to time;
 - (c) a copy of this approval and any future modification to this approval;
 - (d) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the SSD;
 - (e) a copy of each current report, plan, or other document required under this approval;
 - (f) the outcomes of compliance tracking in accordance with condition A2 of this approval; and

- (g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

PART D CONSTRUCTION ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

Environmental Representative

- D1 Prior to the commencement of Early Works, or as otherwise agreed by the Secretary, the Applicant shall appoint a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel, and that has been approved by the Secretary. The Applicant shall employ the Environmental Representative(s) for the duration of construction of this stage, or as otherwise agreed by the Secretary. The Environment Representative(s) shall:
 - (a) be the principal point of advice in relation to the environmental performance of the Early Works;
 - (b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Applicant upon the achievement of these plans/programs;
 - (c) have responsibility for considering, and advising the Applicant on, matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the Early Works;
 - (d) ensure that environmental auditing is undertaken in accordance with the Applicant's Environmental Management System(s);
 - (e) be given the authority to approve/reject minor amendments to the Construction Environment Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environment Management Plan;
 - (f) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts; and
 - (g) be consulted in responding to the community concerning the environmental performance of the Early Works where the resolution of points of conflict between the Applicant and the community is required.
- D2 The Environmental Representative shall prepare and submit to the Secretary a three-monthly report on the Environmental Representative's actions and decision on matters specified in condition D1 for the preceding month. The reports shall be submitted within seven (7) days for the end of each month for the duration of Early Works, or as otherwise agreed by the Secretary. Notwithstanding, the Environmental Representative shall be given the independence to report to the Secretary at any time and/or at the request of the Secretary.

Construction Soil and Water Management

- D3 Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition* (Landcom, 2004) shall be employed during Early Works to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

Bunding

- D4 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling Liquids: Environmental Protection – Participants Handbook.

Construction Hours

- D5 Early works shall be undertaken during the following standard construction hours:

- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and
- (b) 8:00am to 1:00pm Saturdays;
- (c) at no time on Sundays or public holidays.

- D6 Activities resulting in impulsive or tonal noise emissions shall only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.

- D7 Notwithstanding conditions D5 and D6, works may be undertaken outside the hours specified under those conditions in the following circumstances:
- (a) construction works that cause $L_{Aeq}(15 \text{ minute})$ noise levels that are:
 - (i) No more than 5 dB above rating background level at any residence in accordance with the *Interim Construction Noise Guideline (DECC, 2009)*; and
 - (ii) No more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline (DECC, 2009)* at other sensitive landuses; or
 - (b) for the delivery of materials required by the police or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - (d) construction works approved through an **Out-Of-Hours Work Protocol** prepared as part of the Construction Noise and Vibration Management Plan required by condition D21(b), provided the relevant Council, local residents and other affected stakeholders and sensitive receivers are informed of the timing and duration at least 48 hours prior to the commencement of the works; or
 - (e) identified works approved by the Secretary.

Construction Noise and Vibration

- D8 The Applicant shall implement all feasible and reasonable noise mitigation measures with the aim of achieving the following construction noise management levels and vibration criteria:
- (a) construction noise management levels established using the *Interim Construction Noise Guideline (DECC 2009)*;
 - (b) vibration criteria established using the *Assessing Vibration: a Technical Guide (DECC 2006)* (for human exposure); and
 - (c) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures* (for structural damage).

Any construction activities identified as exceeding the construction noise management levels and/or vibration criteria shall be managed in accordance with the Construction Noise and Vibration Management Plan required by condition D22(b).

Note:

- The *Interim Construction Noise Guideline* identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction Noise Management Level.

Construction Traffic Noise

- D9 The Applicant is to ensure that construction vehicle contractors operate so as to minimise any construction noise impacts from the subject site. Measures that could be used include toolbox talks, contracts that include provisions to deal with unsatisfactory noise performance for the vehicle and/or the operator, and specifying non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.
- D10 No use of compression brakes shall be permitted for construction vehicles associated with the Early Works in the vicinity of the subject site.

Transport and Access

- D11 Construction heavy vehicle access to and from the site via Moorebank Avenue (south) / Cambridge Avenue during Early Works is not permitted, with the exception of heavy vehicles travelling to and from the Glenfield Waste Facility.
- D12 The Early Works shall be carried out to, where feasible and reasonable, to avoid the use of local roads (through residential streets) by heavy vehicles to gain access to the site and/or ancillary facilities.
- D13 Construction vehicles (including staff vehicles) associated with the Early Works shall be managed to:
- (a) minimise parking or queuing on public roads;
 - (b) minimise idling and queuing in local residential streets where practicable;
 - (c) adhere to the nominated haulage routes identified in the Construction Traffic and Access Management Plan required under condition D22(a); and
 - (d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.
- D14 Safe pedestrian and cyclist access through or around worksites shall be maintained during early works. In circumstances where pedestrian and cyclist access is restricted due to construction activities, a satisfactory alternate route shall be provided and signposted, including provision of permanent footpaths where pedestrian access is reliant on grassed verges.
- D15 Access to all properties affected by the carrying out of Early Works shall be maintained, where feasible and reasonable, unless otherwise agreed by the relevant property owner or occupier. Any access physically affected by the carrying out of Early Works shall be reinstated to at least an equivalent standard, unless agreed with by the property owner.
- D16 Upon determining the haulage route(s) for construction vehicles associated with subject site, and prior to Early Works, a suitably qualified and experienced independent expert shall prepare a **Road Dilapidation Report**. The Report shall assess the current condition of roads and describe mechanisms to restore any damage that may result due to its use by traffic and transport related to the Early Works. The Report shall be submitted to the Secretary for information and the relevant Council for review prior to the commencement of haulage.

Following completion of Early Works, a subsequent Report shall be prepared to assess any damage to the road that may have resulted.

Measures undertaken to restore or reinstate roads affected by the Early Works shall be undertaken in a timely manner, in accordance with the reasonable requirements of the relevant Council, and at the full expense of the Applicant.

Biodiversity

D17 Within 12 months of the commencement of Early Works, the Applicant shall develop and implement a Biodiversity Offset Package for the approval of the Secretary. The Package shall detail how the ecological values lost as a result of the SSD will be offset. The Package shall be consistent with the *NSW Biodiversity Offsets Policy for Major Projects* (OEH 2014), unless otherwise agreed by the Secretary.

The Package shall include, but not necessarily be limited to:

- (a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the SSD;
- (b) the objectives and biodiversity outcomes to be achieved;
- (c) the final suite of the biodiversity offset measures selected and secured in consultation with OEH;
- (d) the management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including:
- (e) the monitoring of the condition of species and ecological communities at offset (including translocation) locations;
- (f) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
- (g) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and
- (h) timing and responsibilities for the implementation of the provisions of the Package.

Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

Where monitoring referred to in (e) above indicates that biodiversity outcomes are not being achieved, remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved to the satisfaction of the Secretary. Such remedial actions shall be documented under an addendum to the Biodiversity Offset Package and the addendum be submitted for the approval of the Secretary, prior to the implementation of that addendum.

D18 Subject to future Development Applications, no threatened species or communities can be cleared other than that required for Early Works. Any hollow bearing trees shall be relocated to areas to be determined by a suitably qualified ecologist in areas identified for conservation.

D19 The Applicant shall prepare and implement a 'Threatened Dragonfly Species Survey Plan' to determine the presence or absence of threatened dragonfly species listed under the *Fisheries Management Act 1994* on the Georges River, adjacent to the development site. The plan, including survey methodology, shall be prepared in consultation with DPI Fisheries prior to the commencement of Early Works.

On implementing the plan, the survey results are to be forwarded onto DPI Fisheries. Should threatened dragonfly species be found at this site, DPI Fisheries should be contacted to agree on possible mitigation measures to avoid impacts in accordance with *NSW DPI Policy and Guidelines for Fish Habitat Conservation and Management* (2013).

Construction Environmental Management Plan

D20 Prior to the commencement of Early Works, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Construction Environmental Management

Plan (CEMP). The CEMP is to be prepared in consultation with the EPA, OEH, DPI Water, DPI Fisheries, and the relevant Council, for the approval of the Secretary. The CEMP shall outline the environmental management practices and procedures that are to be followed during construction. The CEMP is to be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The CEMP shall include, but not necessarily be limited to:

- (a) a description of activities to be undertaken during Early Works;
- (b) statutory and other obligations that the Applicant is required to fulfil during Early Works, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- (c) a description of the roles and responsibilities for relevant employees involved in the Early Works, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors, are aware of their environmental and compliance obligations under these conditions of approval;
- (d) an environmental risk analysis to identify the key environmental performance issues associated with the Early Works; and
- (e) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the CEMP:
 - (i) measures to monitor and manage dust emissions including dust from stockpiles, traffic on unsealed internal roads and materials tracking from construction sites onto public roads;
 - (ii) measures for the handling, treatment and management of hazardous and contaminated materials (including asbestos);
 - (iii) measures to monitor and manage waste generated during construction including but not necessarily limited to: general procedures for waste classification, handling, reuse, and disposal; use of secondary waste material in construction wherever feasible and reasonable; procedures or dealing with green waste including timber and mulch from clearing activities; and measures for reducing demand on water resources (including potential for reuse of treated water from sediment control basins);
 - (iv) measures to monitor and manage hazard and risks;
 - (v) measures to monitor and rectify any impacts to third party property and infrastructure, including details of the process for rectification or compensation of affected landowners, and timeframes for rectification works or compensation processes; and
 - (vi) the issues identified in condition D21.

The CEMP shall include procedures for its periodic review and update (including the sub-plans required under condition D21), as necessary (including where minor changes can be approved by the Environmental Representative).

The CEMP shall be submitted for the approval of the Secretary no later than one month prior to the commencement of Early Works, or as otherwise agreed by the Secretary. The CEMP may be prepared in stages; however, Early Works shall not commence until written approval of the relevant stage has been received from the Secretary.

The approval of a CEMP does not relieve the Applicant of any requirement associated with this approval. If there is an inconsistency with an approved CEMP and the conditions of this approval, the requirements of this approval shall prevail.

Construction Environmental Management Plan — Sub Plans

D21 As part of the CEMP for the SSD, the Applicant shall prepare and implement:

- (a) a **Construction Traffic and Access Management Plan** to ensure traffic and access controls are implemented to avoid or minimise impacts on traffic, pedestrian and cyclist access, and the amenity of the surrounding environment. The Plan shall be developed in consultation with the relevant Council, emergency services, road user groups, and relevant pedestrian and bicycle user groups, and include, but not necessarily be limited to:
- (i) identification of construction traffic routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - (ii) details of vehicle movements for construction sites and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points;
 - (iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - (iv) details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access;
 - (v) details of measures to prevent construction heavy vehicles from using Moorebank Avenue south and Anzac Road, with the exception of heavy vehicles travelling to and from the Glenfield Waste Facility;
 - (vi) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - (vii) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - (viii) details of measures to manage traffic movements, parking, loading and unloading at ancillary facilities during out-of-hours work;
 - (ix) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists, consistent with the Community Communication Strategy required under condition C1;
 - (x) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - (xi) mechanisms for the monitoring, review and amendment of this plan.
- (b) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts will be minimised and managed. The Plan shall be consistent with the guidelines contained in the *Interim Construction Noise Guidelines* (Department of Environment and Climate Change 2009). The plan shall be developed in consultation with the EPA and shall include, but not be limited to:
- (i) identification of the work areas, site compounds and access points;
 - (ii) identification of sensitive receivers and relevant construction noise and vibration goals applicable to the SSD and stipulated in the conditions above;
 - (iii) details of Early Works activities and an indicative schedule for works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios, including at ancillary facilities) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;
 - (iv) an **Out-of-Hours Work Protocol** for the assessment, management and approval of works outside of standard construction hours as defined in

condition D5 of this approval, for the Secretary's approval. The Out-of-Hours Work Protocol must detail:

- a) assessment of out-of-hours works against the relevant noise and vibration criteria;
 - b) detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments; and
 - c) proposed notification arrangements.
- (v) identification of feasible and reasonable measures proposed to be implemented to minimise and manage noise impacts (including construction traffic noise impacts), including, but not limited to, acoustic enclosures, erection of noise walls (hoardings) and respite periods;
- (vi) identification of feasible and reasonable procedures and mitigation measures to ensure relevant vibration criteria are achieved, including applicable buffer distances for vibration intensive works, use of low-vibration generating equipment/ vibration dampeners or alternative construction methodology, and pre- and post- construction dilapidation surveys of sensitive structures where blasting and/ or vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria);
- (vii) a description of how the effectiveness of mitigation and management measures would be monitored during the Early Works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported, and, if any exceedance is detected, how any noncompliance would be rectified; and
- (viii) mechanisms for the monitoring, review and amendment of this plan.
- (c) **a Construction Heritage Management Plan** to ensure construction impacts on Aboriginal and non-Aboriginal heritage will be appropriately avoided, minimised and managed. The Plan shall be developed in consultation with OEH, the relevant Council, the NSW Heritage Council (for non-Aboriginal State heritage items) and the relevant Local Aboriginal Land Councils (for Aboriginal heritage), and include, but not necessarily be limited to:
- (i) in relation to Aboriginal Heritage:
 - a) details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, and conservation of sites and items;
 - b) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains), including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures, including when works can re-commence, by a suitably qualified and experienced archaeologist in consultation with the Secretary and Aboriginal stakeholders, assessment of the consistency of any Aboriginal heritage impacts against the approved impacts of the SSD, and, where relevant, registration in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;
 - c) procedures for dealing with human remains, including cessation of works in the vicinity, notification of Secretary, NSW Police Force, OEH and Aboriginal stakeholders, and commitment to cease recommencing any works in the area unless authorised by the OEH and/or the NSW Police Force;
 - d) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and

- obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage; and
 - e) procedures for ongoing Aboriginal consultation and involvement for the duration of the Early Works; and
 - (ii) in relation to non-Aboriginal Heritage:
 - a) identification of heritage Items directly and indirectly affected by the Early Works;
 - b) consideration of methods to prevent damage to any retained heritage items, including:
 - I. procedures for identifying minimum working distances to retained heritage items (including, at minimum, vibration testing and monitoring),
 - II. detailed options for alteration of construction methodology should preferred values for vibration be exceeded, and
 - III. commitment to implementing those options if preferred values for vibration are likely to be exceeded;
 - c) details of management measures to be implemented to prevent and minimise impacts on heritage items (including further heritage investigations, archival recordings and/or measures to protect unaffected sites during construction works in the vicinity);
 - d) details of monitoring and reporting requirements for impacts on heritage items;
 - e) procedures for dealing with previously unidentified heritage objects, (including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified and experienced archaeologist in consultation with the OEH, NSW Heritage Council and the Secretary, assessment of the consistency of any heritage impacts against the approved impacts of the SSD, and, where relevant, notification of the Heritage Council of NSW in accordance with section 146 of the *Heritage Act 1977*; and
 - f) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions and obligations under this approval including site identification, protection and conservation of non-Aboriginal cultural heritage; and
 - (iii) mechanisms for the monitoring, review and amendment of this plan.
- (d) **a Construction Flora and Fauna Management Plan** to detail how impacts on ecology will be minimised and managed. The Plan shall be developed by a suitably qualified and experienced ecologist and in consultation with the OEH, and shall include, but not necessarily be limited to:
- (i) plans for impacted and adjoining areas showing vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities have been recorded; including pre-clearing surveys to confirm the location of threatened flora and fauna species and associated habitat features;
 - (ii) the identification of areas to be cleared and details of management measures to avoid residual habitat damage or loss and to minimise or eliminate time lags between the removal and subsequent replacement of habitat such as:
 - a) clearing minimisation procedures (including fencing),
 - b) clearing procedures (including nest box plan),
 - c) removal and relocation of fauna during clearing,
 - d) habitat tree management, and

- e) construction worker education;
 - (iii) rehabilitation details, including identification of flora species and sources, and measures for the management and maintenance of rehabilitated areas;
 - (iv) a **Weed Management Strategy**, incorporating weed management measures focusing on early identification of invasive weeds and effective management controls (including for those related to aquatic and riparian zones);
 - (v) a description of how the effectiveness of these management measures would be monitored;
 - (vi) a procedure for dealing with unexpected EEC/ threatened species identified during construction, including cessation of work and notification to the OEH and DPI Fisheries, determination of appropriate mitigation measures in consultation with the OEH and DPI Fisheries (including relevant re-location measures) and updating of ecological monitoring and/ or biodiversity offset requirements; and
 - (vii) mechanisms for the monitoring, review and amendment of this plan.
 - (e) a **Construction Air Quality Management Plan** to detail how impacts on local air quality will be minimise and managed. The Plan shall be developed in consultation with the EPA, and shall include, but not necessarily be limited to:
 - (i) identification of sources (including stockpiles and open work areas) and quantification of airborne pollutants;
 - (ii) key performance indicators for local air quality during construction;
 - (iii) details of monitoring methods, including location, frequency and duration of monitoring;
 - (iv) mitigation measures to minimise impacts on local air quality;
 - (v) procedures for record keeping and reporting against key performance indicators;
 - (vi) provisions for implementation of additional mitigation measures in response to issues identified during monitoring and reporting; and
 - (vii) mechanisms for the monitoring, review and amendment of this plan.
 - (f) a **Construction Soil and Water Management Plan** to manage surface and groundwater impacts during Early Works. The plan shall be developed in consultation with, EPA, DPI Water, DPI Fisheries, and relevant Councils, and include, but not necessarily be limited to:
 - (i) details of construction activities and their locations, which have the potential to impact on water courses, storage facilities, stormwater flows, and groundwater, including identification of all pollutants that may be introduced into the water cycle;
 - (ii) potential impacts on watercourse bank stability and the development of appropriate mitigation measures as required;
 - (iii) an **Acid Sulfate Soils Management Plan**, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas, should the project impact on acid sulfate soils;
 - (iv) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified; and
 - (v) mechanisms for the monitoring, review and amendment of this plan.
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SCHEDULE 4

CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS

Operational Noise and Vibration

- E1. To ensure the operational noise impacts are appropriately managed, the following measures must be considered in future Development Applications:
- a) Best practice plant for both the IMEX and interstate terminal, including electronic automated container handling equipment or equipment with equivalent sound power levels;
 - b) The use of automatic rail lubrication equipment in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers;
 - c) Measures to ensure the rail cross sectional profile is maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel / rail contact position and hence to encourage proper rolling stock steering;
 - d) A noise barrier on the western side of the haul road;
 - e) A detailed assessment of sleep disturbance impacts, including: how often noise events occur; the time of day when they occur; and whether there are any times of day when there is a clear change in the noise environment; and
 - f) A risk assessment to determine if non-tonal reversing alarms can be fitted as a condition of site entry. Alternatively, site design may include traffic flow that does not require or precludes reversing of vehicles.
- E2. Development Applications for both the IMEX and interstate terminal shall include a report to identify:
- a) The extent of wheel squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);
 - b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;
 - c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and
 - d) Any monitoring system proposed to capture brake squeal.

Locomotives

- E3. Development Applications for the IMEX terminal shall detail how the expected port shuttle locomotives incorporate available best practice technologies.
- E4. Development Applications for either the IMEX or interstate terminal shall consider the effect of headlight glare on surrounding sensitive receivers.

Rail Link

- E5. Any Development Application comprising the rail link must consider maximising curve radii of the rail connection, particularly the southern tie-in to the SSFL, to minimise the potential for wheel squeal.
- E6. Any Development Application comprising the rail link shall ensure the width of the rail link corridor is no greater than 20 metres in the Riparian Corridor.
- E7. Any Development Application comprising the rail link shall consider fauna movement in the bridge design.

- E8. Any Development Application comprising the rail link shall consider minimising potential impacts to the aquatic environment, aquatic habitats and fish passage, both in the design and construction of the bridge.
- E9. Any Development Application comprising the rail link shall include an assessment of the impacts of the rail link on the Glenfield Waste Facility, including:
- a) Targeted intrusive investigations to determine contamination pathways and to develop mitigation, management and/or remediation options based on those investigations;
 - b) details of the quantity of landfilled waste to be removed, the location from where it will be removed, the methodology to be utilised and the estimated timeframe for the removal and reburial;
 - c) proposed measures to mitigate odour impacts on sensitive receivers, including an undertaking to apply daily cover to any exposed waste in accordance with benchmark technique 33 of the document *Environmental Guidelines: Solid Waste Landfills*, NSW EPA 1996;
 - d) details of impacts on pollution control and monitoring systems including existing groundwater and landfill gas bores and their subsequent repair/ replacement;
 - e) the methodology proposed to ensure that the landfill barrier system disturbed in the removal process is replaced/ repaired to ensure its ongoing performance. The Applicant shall detail matters such as sub grade preparation and specifications, liner installation/ reinstallation procedures and construction quality assurance (CQA) procedures;
 - f) a commitment to providing the EPA with a construction quality assurance report within 60 days of the completion of the works referred to in (d) above; and
 - g) an overview of any access and/or materials/ equipment storage arrangements with Glenfield Waste Facility in relation to the construction of the rail link.
 - h) details of any other expected or potential impacts to the licensed area and options for management and mitigation of those impacts (i.e. leachate management and surface water runoff, potential impacts on the Georges River during works, dust etc); and
 - i) details of and proposed mitigation measures for the long term management of the rail link.

Traffic

- E10. Development Applications for either the IMEX or interstate terminal shall include documentation demonstrating how Condition 14 of this approval has been satisfied.
- E11. All future Development Applications shall include a Traffic Impact Assessment based on background growth models developed by RMS for the Liverpool/Moorebank area (if applicable).
- E12. All future Development Applications shall demonstrate how the main access to the site has been designed to prevent heavy vehicles associated with the facility from using Moorebank Avenue south, and should be accompanied by a detailed engineering drawing(s).

Section 94 Contributions

- E13. All future Development Application shall include:
- a) an assessment of the impacts of the project on local infrastructure, having regard to any relevant Council's Developer Contributions Plan (or equivalent document requiring developer contributions);
 - b) a commitment to pay developer contributions to the relevant consent authority or undertake works-in-kind towards the provision or improvement of public amenities

- and services. **Note:** This requirement may be satisfied subject to the terms of any applicable Voluntary Planning Agreement; and
- c) a commitment to undertake vehicle monitoring on Cambridge Avenue. Should any monitoring reveal the need for improvement works within the Campbelltown LGA as a result of the proposal, the Applicant may be required to contribute towards local road maintenance or upgrades.

Public Transport

- E14. All future Development Applications shall consider the need for a bus stop on Moorebank Avenue (including direct pedestrian access from the warehousing to the bus stop), and associated turnaround facility suitable for a 14.5 metre long non-rear steer bus.

Biodiversity

- E15. All future Development Applications shall consider measures to improve the condition of the riparian corridor along the western bank of the Georges River (known as the 'hourglass land').
- E16. All future Development Applications shall include the following riparian corridor widths (measured from the top of bank):
- a) a minimum of 50 metres wide associated with the rail corridor; and
 - b) a minimum of 40 metres wide along the terminal site.

Landscaping

- E17. All future Development Applications for new built form must include detailed landscape plans identifying the vegetation to be removed or relocated and the location of replacement and additional landscaping.
- E18. All future Development Applications shall include detailed landscape plans including relevant details of the species to be used in the various landscaped areas (preferably species indigenous to the area), including details of the informal native and cultural avenue plantings, and other soft and hard landscape treatments, including any pavement areas and furniture.

Heritage

- E19. All future Development Applications relevant to MA6 and MA7 (Scarred Trees) shall include a consideration of the Aboriginal cultural value of the trees and options for avoiding impacts and ongoing conservation measures, including evidence of consultation with Aboriginal community representatives.
- E20. All future Development Application shall assess heritage impacts of the proposal. The assessment shall:
- a) consider impacts to Aboriginal heritage (including cultural and archaeological significance), in particular impacts to Aboriginal heritage sites identified within or near the project should be assessed. Where impacts are identified, the assessment shall demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures);
 - b) consider impacts to historic heritage. For any identified impacts, the assessment shall:
 - (i) outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures). Mitigation measures should include (but not be limited to) photographic archival recording and adaptive re-use of buildings or building elements on site);

- (ii) be undertaken by a suitably qualified heritage consultant(s); and
- (iii) include a statement of heritage impact.

Soil and Water

- E21. All future Development Application shall include an assessment of soil and water impacts. The assessment shall (where relevant):
- a) assess impacts on surface and groundwater flows, quality and quantity, with particular reference to any likely impacts on Georges River and Anzac Creek;
 - b) assess flooding impacts and characteristics, to and from the project (including rail link), with an assessment of the potential changes to flooding behaviour (levels, velocities and direction) and impacts on bed and bank stability, through flood modelling, including:
 - (i) hydraulic modelling for a range of flood events;
 - (ii) description, justification and assessment of design objectives (including bridge, culvert and embankment design);
 - (iii) an assessment of afflux and flood duration (inundation period) on property; and
 - (iv) consideration of the effects of climate change, including changes to rainfall frequency and/or intensity, including an assessment of the capacity of stormwater drainage structures.
 - c) identify and assess the soil characteristics and properties that may impact or be impacted by the project, including acid sulfate soils;
 - d) include a contamination assessment in accordance with the guidelines made under the *Contaminated Land Management Act 1997* and in consultation with the EPA for the subject site including the Glenfield Waste Facility.
- E22. All future Development Application which includes construction in the vicinity of Amiens Wetland shall include advice from an independent wetland expert to determine whether it is artificial or a natural lake basin, its significance, and any recommendations on mitigation measures (if appropriate).

Hazards and Risks

- E23. All future Development Application shall be accompanied by a preliminary risk screening completed in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33* (DoP 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposal. 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). The PHA should:
- a) Estimate the risks from the facility;
 - b) Be set in the context of the existing risk profiles for the intermodal facility and demonstrate that the proposal does not increase the overall risk of the area to unacceptable levels; and
 - c) Demonstrate that the proposal complies with the criteria set out in the *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning*.

Bushfire Management

- E24. All future Development Application shall be accompanied by an assessment against the Planning for Bushfire 2006 (NSW Rural Fire Service).

Building Code of Australia

E25. All future Development Applications shall demonstrate compliance with the Building Code of Australia, as relevant.

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

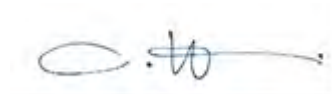
The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.



Dianne Leeson (Chair)
Member of the Commission



Alan Coutts
Member of the Commission



John Hann
Member of the Commission

Sydney

30 October 2019

SCHEDULE 1

Development consent: **SSD 5066** granted by the Planning Assessment Commission on 3 June 2016

For the following: **Concept Proposal**
The Concept involves the use of the site as an intermodal facility, including a rail link to the Southern Sydney Freight Line, warehouse and distribution facilities, and associated works.

Early Works (Stage 1): involves: the demolition of buildings, including services termination and diversion; rehabilitation of the excavation/earthmoving training area; remediation of contamination land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.

Applicant: Moorebank Intermodal Company

Consent Authority: Minister for Planning

The Land: Intermodal Site: Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:

- Lot 1 DP 1197707
- Lot 101 DP 1049508
- Lot 100 DP 1049508
- Lot 2 DP 1197707

Rail Corridor: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 5 DP 833516
- Lot 103 DP 1143827
- Lot 51 DP 515696
- Lot 102 DP 1143827
- Lot 104 DP 1143827
- Lot 4 DP 1186349

Modification:**SSD 5066 MOD 1:** the modification includes:

- importation of approximately 1,600,000 m³ of clean fill for bulk earthworks within the site
- expansion of construction footprint to allow for Moorebank Avenue/ Anzac Road intersection works
- rearrangement of warehousing, freight village, internal roads and truck parking locations and layouts
- additional onsite detention (OSD) basin near the northern boundary of the site and relocation to the western boundary and enlargement of the southern OSD basin
- deletion of the port shuttle (IMEX) rail freight intermodal terminal and an increase in the warehousing area
- use of the interstate terminal for interstate, intrastate and port shuttle rail freight including one additional rail track
- increase in building heights as a result of raising the site by up to 3.6 m
- reducing construction stages from four (excluding Stage 1 Early Works) with potentially only two future development applications
- transfer of containers by heavy vehicles between the MPW warehouses and MPE rail terminal and between the MPE rail terminal and MPW warehouses
- ability to subdivide the site as part of a future development application.

SCHEDULE 2

The consent (SSD 5066) is modified as follows by the deletion of the words/ numbers marked in ~~strike through~~ and insertion of the **bold and underlined** words/ numbers.

(a) Schedule 1 – amend the section **Applicant** to:

Applicant: ~~Moorebank Intermodal Company~~ **SIMTA as Qube Holdings Limited**

(b) Schedule 1 – amend the section **Land** to:

Land: **Moorebank Precinct West Intermodal Site (MPW):**
Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:

- Lot 1 DP 1197707
- Lot 100 DP 1049508
- **Part Lot 3 DP 1197707**
- **Part Anzac Road and Moorebank Avenue public road reserves**

(c) Schedule 1 – amend the section **Concept Proposal** to:

Concept Proposal

The Concept involves:

- the use of the site as an intermodal facility **for intrastate, interstate and port shuttle freight**, including a **rail terminal**, rail link to the Southern Sydney Freight Line; ~~and warehouse~~ **estate (including a freight village) servicing the intermodal terminal facility, and distribution facilities and associated works.**
- **importation of up to 1.6 million cubic metres of uncompacted fill to raise the site by up to 3.6 metres**

(d) Schedule 1 – amend the section **Definitions** with new definitions inserted in alphabetical order:

Applicant	Moorebank Intermodal Company <u>SIMTA, as Qube Holdings Limited, or any person carrying out any development to which this consent applies</u>
Application	The development application for a concept proposal and early works (Stage 1): <u>Concept Proposal</u> The Concept involves the use of the site as an intermodal facility, including <u>an intermodal terminal facility</u> , rail link to the Southern Sydney Freight Line, warehouse and distribution facilities <u>servicing the IMT and including a freight village</u> , and associated works <u>including truck parking and onsite stormwater detention basins.</u> <u>Early Works (Stage 1)</u> involves: the demolition of buildings, including services termination and diversion; rehabilitation of the excavation/earthmoving training area; remediation of contaminated land; removal of underground storage tanks; heritage impact remediation works; and the establishment of construction facilities and access, including site security.
<u>Biodiversity Offset Area</u>	<u>Areas shown on the figure in the Appendix</u>
Construction <u>for Early Works (Stage 1)</u>	Includes all work in respect of the SSD other than: a) survey; acquisitions; or building/road dilapidation surveys; fencing; investigative drilling, excavation or salvage; and

	<ul style="list-style-type: none"> b) work undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; or minor clearing or translocation of native vegetation that does not comprise and EECs. c) establishment of site compounds and construction facilities d) installation of environmental mitigation measures e) utilities adjustment and relocation that do not present a significant risk to the environment, as determined by the Environmental Representative f) other activities determined by the Environmental Representative to have minimal environmental impact.
<u>ENM</u>	<u>Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>.</u>
<u>Estate Infrastructure</u>	<u>All infrastructure to support operation of warehouses including:</u> <ul style="list-style-type: none"> a) <u>the intermodal terminal facility (including truck waiting area and emergency truck storage area), freight village, internal roads, noise wall, onsite detention basins, stormwater treatment systems, trunk stormwater drainage, landscaping, lighting and signage; and</u> b) <u>warehouse truck and light vehicle parking, hardstands, offices, staff amenities and associated landscaping, lighting and signage.</u>
<u>GFA</u>	<u>Gross Floor Area</u>
<u>IMEX</u>	<u>Import/Export container freight transferred by rail from/to Port Botany</u>
<u>MPE</u>	<u>Moorebank Precinct East as identified in MP10-0193 SIMTA Intermodal Facility Concept Plan.</u>
<u>MPW</u>	<u>The subject of this consent.</u>
<u>SSFL</u>	<u>Southern Sydney Freight Line</u>
Subject Site	<p><u>Intermodal Site:</u> Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:</p> <ul style="list-style-type: none"> - Lot 1 DP 1197707 - Lot 100 DP 1049508 - Lot 101 DP 1049508 - Lot 2 DP 1197707 - <u>Part Lot 3 DP 1197707</u> - <u>Part Anzac Road and Moorebank Avenue public road reserves</u> <p><u>Rail Corridor:</u> Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:</p> <ul style="list-style-type: none"> - Lot 5 DP 833516 - Lot 103 DP 1143827 - Lot 51 DP 515696 - Lot 102 DP 1143827 - Lot 104 DP 1143827 - Lot 4 DP 1186349
<u>VENM</u>	<u>Virgin Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>.</u>

- (e) Schedule 2 – Terms of Approval, Development Description, amend Condition 1:
1. Except as amended by the conditions of this consent, development consent is granted only to the Concept Proposal and Early Works as described in Schedule 1 and the Environmental Impact Statement dated October 2014, as amended by the Response to Submissions, dated May 2015 (as further amended by the Supplementary Response to Submissions dated August 2015), **subsequent modifications as outlined in Condition 4 below** and the conditions contained in this development consent.
- (f) Schedule 2 – Determination of Future Applications, amend Condition 2:
2. In accordance with section ~~83B(3)(a)~~ **4.22** of the EP&A Act, all future development under the Concept Proposal (for the avoidance of doubt, excluding the Early Works) shall be the subject of future development application(s).
- (g) Schedule 2 – Development in Accordance with Plans and Documents, amend Conditions 4 and 5:
4. The applicant shall carry out the development generally in accordance with the:
 - a) Environmental Impact Statement titled Moorebank Intermodal Terminal Project Environmental Impact Statement, prepared by Parsons Brinckerhoff Australia Pty Limited, dated October 2014;
 - b) Response to Submissions report titled, Moorebank Intermodal Terminal Response to Submissions Report, prepared by Parsons Brinckerhoff Australia Pty Limited, dated May 2015;
 - c) Supplementary Submissions report titled, Moorebank Intermodal Terminal Supplementary Response to Submissions Report, prepared by Parsons Brinckerhoff Australia Pty Limited, dated August 2015; ~~and~~
 - d) MOD 1 Report titled, Moorebank Precinct West Intermodal Terminal Facility Concept Plan Approval (SSD 5066) Modification, prepared by Arcadis, dated June 2016;**
 - e) MOD 1 Response to Submissions report titled, Moorebank Precinct West – Concept Modification Response to Submissions – SSD 5066 MOD 1, prepared by Arcadis, dated December 2016;**
 - f) MOD 1 Supplementary Response to Submission report titled, Moorebank Precinct West – Concept Modification Supplementary Response to Submissions – SSD 5066 MOD 1, prepared by Arcadis, dated August 2017;**
 - and**
 - d g)** the conditions of this consent.
 5. In the event of an inconsistency between:
 - (a) the conditions of this approval and any document listed from condition 4(a) to 4(**f e**) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition 4(a) to 4(**f e**) inclusive, and any other document listed from condition 4(a) to 4(**f e**) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- (h) Schedule 2 – Limits of Approval, amend Conditions 7, 8, 11, 12, 15 and 16:
7. Concept approval is granted for ~~interstate terminal a~~ **interstate terminal a** container freight with a throughput of up to 500,000 TEU p.a. (**excluding IMEX freight**) if the combined movement of container freight on the Subject Site does not exceed 1.05 million TEU p.a. The consent authority must also be satisfied that the Traffic Impact Assessment demonstrates that the ~~interstate terminal~~ **interstate terminal** **container throughput** would not exceed the capacity of the transport network with or without mitigation measures/upgrades.

8. For the IMEX terminal **freight**, concept approval is granted for the movement of a container freight by up to **throughput**:
 - a) initially, 250,000 TEU p.a. if the consent authority is satisfied that the Traffic Impact Assessment demonstrates the proposal would not exceed the capacity of the transport network with or without mitigation measures/upgrades;
 - b) after the facility has been in operation, an increase of up to an additional 300,000 TEU p.a. if the consent authority is satisfied that monitoring and modelling of the operation of the **IMEX intermodal terminal facility** demonstrates that traffic movements resulting from the proposed increase in TEU will achieve the objective of not exceeding the capacity of the transport network. The combined movement of container freight on the Subject Site must not exceed 1.05 million TEU p.a.

9. Concept approval is granted for **all an intermodal terminal facility rail terminals (IMEX and interstate)** incorporating either:
 - a) the rail link; or
 - b) if a rail link is under construction or has been constructed associated with the SIMTA development as identified in development application MP10_0193, then only a short connection from the **IMEX/interstate intermodal terminal facility terminals** to the SIMTA rail connection on the eastern side of the Georges River.

11. The Applicant shall install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations. The system shall capture the noise from each individual train passby noise generation event, and include information to identify:
 - a) Time and date of freight train passbys;
 - b) Imagery or video to enable identification of the rolling stock during day and night;
 - c) LAeq(15hour) and LAeq(9hour) from rail operations; and
 - d) LAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or
 - e) Other alternative information as agreed with, or required by, the Secretary.

The results from the noise monitoring system shall be publicly accessible from a website maintained by the Applicant. The noise results from each train shall be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (ie a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hr) results from each day shall be available on the website within 24 hours of the period ending.

Prior to the commencement of operation, the Applicant shall submit for the approval of the Secretary, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternative options considered and reasons for these being dismissed. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.

The Applicant shall provide an annual report to the Secretary with the results of monitoring for a period of 5 years, or as otherwise agreed with the Secretary, from the commencement of operation of ~~either the IMEX or interstate terminal (whichever operate first)~~ **the intermodal terminal facility**. The Secretary shall consider the need for further reporting following a review of the results for year 5.

12. Prior to submitting any Development Application for ~~either the IMEX or interstate~~ **the intermodal terminal facility**, the Applicant shall convene a meeting with regard to proposed traffic assumptions and mitigation measures. The Applicant must:
 - a) Invite SIMTA, TfNSW, RMS, Liverpool City Council and Campbelltown City Council. Each Council may also invite a maximum of two community representatives to attend.
 - b) At the meeting, present the scope and assumptions of the mesoscopic/microsimulation traffic modelling, the draft Traffic Impact Assessment

- and any proposed mitigation measures including timing on the delivery of any proposed measures;
- c) Publish the meeting minutes and a schedule of action items arising from the meeting, including responsibilities and timeframes on its website;
 - d) Prepare a written report responding to the action items and consult with RMS on the action items and final mitigation measures; and
 - e) Provide details of the undertaking and outcomes of this condition in the EIS.
15. The warehousing **and distribution facilities** must only be used for activities associated with freight using the ~~IMEX and interstate terminals~~ **intermodal terminal facility** unless otherwise approved in a subsequent Development Application.
16. Building heights are to be a maximum of 21 metres **above finished surface levels which must be in accordance with Condition 19B** and other structures are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015.
- (i) Schedule 2 – Limits of Approval, amend Condition 17 and insert Condition 17A:
17. Building setbacks are to be generally consistent with Appendix D Landscape and Visual Impact of the Response to Submissions dated May 2015- **and allow for stabilised fill batters.**
- 17A. The maximum GFAs for the following uses apply:**
- (a) **300,000m² for the warehousing and distribution facilities; and**
 - (b) **800m² for the freight village.**
- (j) Schedule 2 – Limits of Approval, amend Condition 18 and insert Conditions 18A and 18B:
18. The layout of the site shall not prevent a possible future pedestrian connection to Casula Railway Station **across the Georges River.**
- 18A. The layout of the site must not prevent the provision of vegetated wildlife corridors linking the Georges River riparian corridor and Moorebank offset area with the Wattle Grove offset area as shown in the Appendix.**
- 18B. The site must include provision of a riparian corridor, comprising the following:**
- (i) **a buffer zone to the most inland of:**
 - **40 metres from the top of bank, as surveyed by a registered surveyor, or**
 - **the 1% AEP flood extent, excluding the localised depression at the existing major east-west drainage channel, and**
 - (ii) **an additional 10 metre extension to the buffer zone established in (i) above, where native vegetation is located on or within 10 metres east of the buffer.**
- (k) Schedule 2 – Limits of Approval, amend Condition 19 and insert Conditions 19A, 19B and 19C:
19. The layout of the site shall be designed to ensure the heavy vehicles associated with the operation of the ~~terminals~~ **intermodal terminal facility** can be accommodated on site in the event of an incident blocking access to the M5 Motorway/Moorebank Avenue to avoid queuing on public roads.

19A. Only VENM, ENM, or other material approved in writing by the EPA is to be brought onto the site.

19B. The total volume of uncompacted fill to be imported must not exceed 1,600,000 m³ unless it can be demonstrated in a future Development Application that the proposed finished surface level of any filled section of the site does not exceed 16.6 m AHD.

19C. Clearing native vegetation and earthworks including fill importation and placement for a future Development Application must be undertaken in a phased manner to minimise dust and native fauna impacts, with no long term stockpiling of imported fill and no stockpiling of imported material for use as part of a subsequent future Development Application.

SCHEDULE 4

- (l) Schedule 4 Future Development Applications – Operational Noise and Vibration, amend Conditions E1, E2, E3 and E4:

- E1. To ensure the operational noise impacts are appropriately managed, the following measures must be considered in future Development Applications:
- a) Best practice plant for ~~both the IMEX and interstate~~ **intermodal terminal facility**, including electronic automated container handling equipment or equipment with equivalent sound power levels;
 - b) The use of automatic rail lubrication equipment in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers;
 - c) Measures to ensure the rail cross sectional profile is maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel / rail contact position and hence to encourage proper rolling stock steering;
 - d) A noise barrier on the western side of the haul road;
 - e) A detailed assessment of sleep disturbance impacts, including: how often noise events occur; the time of day when they occur; and whether there are any times of day when there is a clear change in the noise environment; and
 - f) A risk assessment to determine if non-tonal reversing alarms can be fitted as a condition of site entry. Alternatively, site design may include traffic flow that does not require or precludes reversing of vehicles.
- E2. Development Applications for ~~both the IMEX and interstate~~ **intermodal terminal facility** shall include a report to identify:
- a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);
 - b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;
 - c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and
 - d) Any monitoring system proposed to capture brake squeal.
- E3. Development Applications for the ~~IMEX~~ **intermodal terminal facility** shall detail how the expected port shuttle locomotives incorporate available best practice technologies.
- E4. Development Applications for ~~either the IMEX or interstate~~ **intermodal terminal facility** shall consider the effect of headlight glare on surrounding sensitive receivers.

(m) Schedule 4 Future Development Applications – Traffic, amend Condition E10, insert Condition E11A and replace Condition E12:

E10. Development Applications for ~~either the IMEX or interstate~~ **the intermodal terminal facility** shall include documentation demonstrating how Condition 14 of this approval has been satisfied.

E11A. All future Development Applications must assess traffic impacts associated with fill importation and identify management measures.

~~E12. All future Development Applications must include adequate measures to prevent heavy vehicles associated with the construction or operation of the facility from using Cambridge Avenue.~~

E12. All future Development Applications must include adequate measures to prevent heavy vehicles associated with the construction or operation of the facility from using Cambridge Avenue.

(n) Schedule 4 – Future Development Applications, Section 94 Contributions, amend heading to:
Section 94 Infrastructure Contributions

(o) Schedule 4 Future Development Applications, Biodiversity – amend Condition E16 and insert Conditions E16A and E16B.

E16. All future Development Applications shall include the following **vegetated** riparian corridor widths (measured **landward** from the top of bank) **and provide detailed drawings demonstrating compliance with this requirement:**

- a) a minimum of 50 metres wide associated with the rail corridor; and
- b) a minimum of 40 metres wide along the terminal site; **and**
- c) **compliance with condition 18B.**

E16A. All future Development Applications must demonstrate that onsite detention basins are located outside the riparian corridor and the outlets have been designed to minimise impacts on the riparian corridor.

E16B. All future Development Applications must include an assessment of the impact of the development on core Koala habitat and provide a detailed assessment of options to manage and minimise impacts.

(p) Schedule 4 Future Development Applications – Landscaping, amend heading and insert Conditions E17A and E17B:

Visual Amenity, Urban Design and Landscaping

E17A. All future Development Applications must include:

- a) **an assessment of the visual impact of the raised landform, built form (materials and finishes) and urban design (height, bulk and scale) including lighting and signage when viewed from residential areas; and**
- b) **details of measures to mitigate impacts.**

E17B. All future Development Applications must present designs that incorporate the principles of:

- a) **Water Sensitive Urban Design (WSUD) and Urban Heat Island Mitigation (UHIM); and**
- b) **NSW Government Architect's "Greener Places" policy.**

(q) Schedule 4 Future Development Applications – Soil and Water, insert Condition E22A:

E22A. All future Development Applications must demonstrate that the proposed development, including the importation and placement of fill, will not adversely impact on or be adversely impacted by long term management or monitoring of remediation required under the Stage 1 Early Works in relation to contaminated land management.

(r) Schedule 4 Future Development Applications – Bushfire Management, insert Condition E24A:

E24A. All future Development Applications must demonstrate that bushfire asset protection zones do not impact on biodiversity offset areas and the Georges River riparian corridor.

(s) Schedule 4 Future Development Applications – insert new Conditions E26 (Subdivision), E27 (Staging), E28 (Cumulative Impacts) and E29 (Interaction between MPW and MPE sites):

Subdivision

E26. Any future Development Application for subdivision must:

- a) **demonstrate compliance with the minimum lot size specified in the Liverpool Local Environmental Plan;**
- b) **demonstrate compliance with Condition 15 of this consent;**
- c) **include a subdivision plan showing completed estate works including but not limited to site services, internal roads, maintenance access roads, pedestrian paths, landscaping, lighting of common areas, provision for emergency services including for firefighting, onsite detention basins and stormwater treatment systems;**
- d) **include a detailed management and maintenance program for estate infrastructure; and**
- e) **nominate a single entity responsible for implementation of the management and maintenance program.**

Staging

E27. Any future Development Applications that propose staging of construction must provide details of staging which:

- a) **describes how the development will relate to other future development stages including those on the MPE site;**
- b) **describes how estate infrastructure will be delivered in conjunction with warehouse construction;**
- c) **includes an indicative construction program for both MPW and MPE;**
- d) **documents how compliance with the requirements of conditions in this Schedule (Schedule 4) will be achieved; and**
- e) **demonstrates that estate infrastructure will be delivered prior to operation of the intermodal terminal facility, warehousing delivered in each stage, and the freight village.**

Cumulative Impacts

E28. All future Development Applications must provide the timing for construction and operation on both the MPW and MPE sites and provide cumulative assessments for construction and operation on the MPW and MPE sites including, but not limited to:

- a) traffic and access impacts;
- b) noise and vibration impacts;
- c) air quality impacts;
- d) stormwater drainage impacts;
- e) ecological impacts.

Interaction between MPW and MPE sites

E29. Any future Development Application that proposes the use of infrastructure on the MPE site or integration of operations across the MPW and MPE sites must:

- a) demonstrate that there will be no overall increase in cumulative construction and operational environmental impacts;
- b) describe the relationship between similar facilities on each site such as the intermodal terminal facilities and freight villages;
- c) provide a mechanism to record the TEUs supplied and received at each of the MPW and MPE intermodal terminal facilities to demonstrate compliance with condition 7 and 8 of this consent and conditions 1.6 and 1.7 of the MPE Concept Plan (MP 10 0193) approval;
- d) provide an overall Precinct (MPW + MPE) layout and design drawings, including for:
 - (i) access to the Precinct,
 - (ii) internal access and connections for pedestrians and vehicles including for the transfer of containers between intermodal terminal facilities and warehouses,
 - (iii) public access including vehicle access between Anzac Road and Cambridge Avenue, public transport and pedestrian/cyclist connections,
 - (iv) stormwater infrastructure including stormwater treatment and detention, and
 - (v) landscaping and directional signage; and
- e) outline management and maintenance arrangements for the use of infrastructure on the other site.

End of modification
(SSD 5066 MOD 1)

Appendix B – MPW Stage 2 Conditions of Approval (SSD 7709)

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 the *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 (Chair)
Member of the Commission

Alan Coutts
Member of the Commission

John Hann
Member of the Commission

Sydney

11 November 2019

SCHEDULE 1

Application Number:	SSD 7709
Applicant:	Sydney Intermodal Terminal Alliance (SIMTA) as Qube Holdings Limited
Consent Authority:	The Independent Planning Commission
Site:	Moorebank Avenue, Moorebank Lot 1 DP 1197707 Lot 100 DP 1049508 Lot 101 DP 1049508 Lot 2 DP 1197707 Part Lot 3 DP 1197707 s Part Anzac Road and Moorebank Avenue public road reserves
Development:	Moorebank Precinct West Stage 2 (MPW Stage 2), comprising: <ul style="list-style-type: none">• Construction and 24/7 operation of an intermodal terminal (IMT) facility to support a container freight throughput volume of 500,000 twenty-foot equivalent units (TEUs) per annum, including:<ul style="list-style-type: none">◦ a rail terminal with nine rail sidings and associated locomotive shifter

- a rail link connection from the sidings to the rail link constructed under MPE Stage 1 (SSD 6766) to the Southern Sydney Freight Line (SSFL)
- rail and truck container loading and unloading and container storage areas
- truck waiting area and emergency truck storage area
- container wash-down facilities and degassing area
- mobile locomotive refuelling station
- engineer's workshop, administration facility and associated car parking.

Operation of the IMT facility includes operation of the rail link to the SSFL and container freight movements by truck to and from the Moorebank Precinct East (MPE) site.

- Construction and 24/7 operation of a warehousing estate on the northern part of the site servicing the IMT facility and including:
 - six warehouses with a total gross floor area (GFA) of 215,000 m² and, for each warehouse, associated offices, staff amenities, hardstands and truck and light vehicle parking
 - 800 m² freight village (operating from 7am to 6pm, 7 days/ week) including staff/ visitor amenities
 - internal roads, noise wall, landscaping, lighting and signage.
- Intersection upgrades on Moorebank Avenue at:
 - Anzac Road providing site access
 - Bapaume Road for left turn only out of the site.
- Construction and operation of on-site detention basins, bioretention/ biofiltration systems and trunk stormwater drainage for the entire site.
- Construction works and temporary ancillary facilities, including:
 - vegetation clearing, top soil stripping and stockpiling and site earthworks and temporary on site detention
 - importation of up to 1,600,000 m³ of uncompacted fill, temporary stockpiling and placement over the entire site to raise existing ground levels by up to 3 m
 - materials screening, crushing and washing facilities
 - importation and placement of engineering fill and rail line ballast
 - installation and use of a concrete batching plant
 - utilities installation/ connection.

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DEFINITIONS

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
ABB site	Lots 2 and 3 DP 32998 to the north-west of the site
Applicant	SIMTA, as Qube Holdings Limited, or any person carrying out any development to which this consent applies
ARI	Average Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCC	Community Consultative Committee
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CFFMP	Construction Flora and Fauna Management Plan
CPESC	Certified Professional in Erosion and Sediment Control
Conditions of this consent	Conditions contained in Schedule 2 of this document
Consolidated Assessment Clarification Responses	"MPW Stage 2 – Consolidated assessment clarification responses", SIMTA memo dated 20 December 2018, and "Moorebank Precinct West (MPW) - Stage 2 Amended Proposal: Biodiversity Assessment Report — March 2019", prepared by Arcadis, dated 20 March 2019
Construction	<p>Includes all works required to construct the development, including but not limited to demolition, importation of fill and fill placement, earthworks, removal of spoil, commissioning trials of equipment and temporary use of any part of the development.</p> <p>Notwithstanding the above, construction does not include the following low impact work which is completed prior to approval of the CEMP:</p> <ul style="list-style-type: none"> (a) surveying including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) property acquisition adjustments including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (d) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER; (e) minor ancillary facilities established under Condition A40; (f) vegetation clearing required to conduct remediation, conducted following the approval of the Contamination Management Plan required under Condition B164, a Construction Flora and Fauna Management Plan under Condition B154, and Koala Management Plan under Condition B152; and (g) crushing and stockpiling of material generated from on-site remediation works and MPW Stage 1 works only, following the approval by the Planning Secretary of an environmental management plan for those crushing and stockpiling works inclusive of the requirements of Conditions B29-B31 and B134-B135, and conducted in accordance with the version of that environmental management plan approved by the Planning Secretary; (h) maintenance of existing buildings and structures required to facilitate the carrying out of the development. <p>However, where heritage items or threatened species or threatened ecological communities (within the meaning of the NSW <i>BC Act 2016</i> or Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, other than work conducted in accordance with (f) above) that work is construction, unless otherwise determined by the Planning</p>

	Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)
Council	Liverpool City Council unless otherwise stated
CTAMP	Construction Traffic and Access Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
DEC	Former NSW Department of Environment and Conservation
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department, the	NSW Department of Planning and Environment
Development	The development described in the EIS, Response to Submissions, and the Consolidated Assessment Clarification Responses
Development layout	The revised plans as required under Condition B2 of this consent
Development area	The area of the site outside the 40 m riparian corridor and any areas required for biodiversity offsets
DoP	Former Department of Planning
DPI	NSW Department of Primary Industries
Earthworks	Bulk earthworks, site levelling, use of imported fill material and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction of buildings, access and terminals.
EIS	The Environmental Impact Statement titled <i>Moorebank Precinct West - Stage 2 Proposal Environmental Impact Statement – (SSD16-7709)</i> , prepared by Arcadis, dated October 2016
ENM	Excavated Natural Material as defined in the POEO Act 1979
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document titled <i>Environmental Representative Protocol - October 2018</i> , or subsequent revisions as in force from time to time
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 1979
ER	The Environmental Representative for the development
Estate Infrastructure	<p>All infrastructure to support operation of warehouses including:</p> <ul style="list-style-type: none"> (a) the intermodal terminal facility (including truck waiting area and emergency truck storage area), freight village, internal roads, noise wall, on-site detention basins, trunk stormwater drainage, water quality and drainage infrastructure, landscaping, lighting and signage; (b) warehouse truck and light vehicle parking, hardstands, offices, staff amenities and associated landscaping, lighting and signage; and (c) bushfire protection infrastructure
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i> (Cth)
GANSW	Government Architect NSW
GFA	Gross Floor Area
Heavy vehicle	Has the same meaning as the <i>Heavy Vehicle National Law (NSW)</i>

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/ or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Highly noise intensive works	Works which are defined as annoying under the ICNG including: <ul style="list-style-type: none"> (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) rail tamping and regulating; (g) bitumen milling or profiling; (h) jackhammering, rock hammering or rock breaking; and (i) impact piling
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Intermodal Precinct area	Area inclusive of MPE site, MPW site, Moorebank offset area and the Wattle Grove offset area. See also, document titled 'Moorebank Intermodal Precinct West - MPW Stage 2 State Significant Development Application No. SSD 16_7709: Threatened Species Survey Results', prepared by Cumberland Ecology, dated 19 December 2018
IMT	Intermodal Terminal
NPI	Noise Policy for Industry (EPA, 2017)
Independent Reviewer	A suitably qualified and experienced person(s) who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of the MPW Stage 2 or MPE Stage 2 applications, and is independent of the construction and design personnel for MPW and MPE and those involved in project delivery.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> (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 (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
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 Early Works (SSD 5066) • Moorebank Intermodal Precinct West – Stage 2 (SSD 7709) • any subsequent modifications associated with the above developments

Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
NML	Noise management level
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Offset Area	Areas shown in Figure 5 of Appendix 1
Operation	Operation of any part of the development for its intended use
OSD	On-site detention
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
PAD	Potential archaeological deposit
PCA	Principal Certifying Authority in accordance with the EP&A Act
PFAS	Per- and poly-fluoroalkyl substances
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Rail link	Connection to the Southern Sydney Freight Line constructed under MPE Stage 1
Rail link connection	Connection from the intermodal terminal facility to the rail link constructed under MPE Stage 1
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.
Response to submissions (RtS)	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	As defined in compliance with the requirements of Condition B2
RFS	Rural Fire Service
RMS	NSW Roads and Maritime Services
RNP	<i>NSW Road Noise Policy</i> (EPA, 2001)
SEL	Sound exposure level
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 shown in Figure 1 of Appendix 1 , marked with a red outline
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>
Southern fill area	Area south of where the 6 warehouses are to be built under this consent
Sub-stage	Development area within the overall Stage 2 development site
SWMP	Soil and Water Management Plan
TEU	Twenty-foot equivalent unit container
TfNSW	Transport for New South Wales

Tree	Long lived woody perennial plant greater than (or usually greater than) 3 m in height with one or relatively few main stems or trunks
UHIM	Urban Heat Island Mitigation
VENM	Virgin Excavated Natural Material as defined in the POEO Act 1979
V:H	Vertical to Horizontal
Warehouse area	Northern part of site where 6 warehouses are to be constructed under this consent
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WSUD	Water Sensitive Urban Design
Work(s)	Any physical work for the purpose of the development including construction and low impact work (in relation to the definition of construction)
w/w	weight/weight
Year	A period of 12 consecutive months

SUMMARY OF REPORTING AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary/ the Department under the terms of this approval are listed in the Table below. Any appointments of persons requiring approval are also listed.

Condition	Report/ Notification/ Appointments	Timing	Purpose
Part A — Administrative Conditions			
A29	Community Consultative Committee (if a new CCC is proposed)	Prior to commencement of construction	Approval
A31	Community Communication Strategy	Prior to commencement of construction	Approval
A33	Environmental Representative	No later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary	Approval
A37(j)	Environmental Representative Monthly Report	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	Information
A44	Staging Report	Prior to commencement of construction	Approval
A46	Notification of Commencement	At least two weeks before the commencement date	Information
A48	Pre-construction Dilapidation report	Prior to commencement of construction	Information
Part B — Specific Environmental Conditions			
<i>Development Layout</i>			
B2	Revised Development Layout Drawings	Prior to commencement of construction <i>Cannot be staged</i>	Approval
<i>Soil and Water</i>			
B4	Stormwater Design Development Report and Revised Stormwater System Design Drawings	Prior to commencement of construction (except to permit an initial stage comprising earthworks on land within 150m west of Moorebank Avenue along its alignment north of the overpass over the rail link) <i>Cannot be staged</i>	Approval
B7	Stormwater Design Independent Peer Review	Prior to commencement of construction With Stormwater Design Development Report and Revised Stormwater System Drawings	Information

Condition	Report/ Notification/ Appointments	Timing	Purpose
B29	Soil and Water Management Plan	Prior to commencement of construction Part of the Construction Environmental Management Plan	Approval
B32	Certified Professional in Erosion and Sediment Control (CPESC) reports	Monthly during construction, or as otherwise agreed by the Planning Secretary	Information
B36	Stormwater Infrastructure Operation and Maintenance Management Plan	Prior to commencement of operation Part of the Operational Environmental Management Plan	Approval
B38	Stormwater Quality Monitoring Program	Prior to commencement of operation Part of the Operational Environmental Management Plan	Approval
B39	Acid Sulfate Soils Management Plan	Prior to the commencement of construction Part of the Construction Environmental Management Plan	Approval
<i>Urban Design and Landscaping</i>			
B52	Urban Design Development Report and Revised Landscape and Architectural Drawings	Prior to commencement of permanent built surface works	Approval
B55	Urban Design and Landscape Independent Peer Review	Prior to commencement of permanent built surface works With the Urban Design Development Report and Revised Landscape and Architectural Drawings	Information
B82	Landscape Vegetation Management Plan	Prior to commencement of operation Part of the Operational Environmental Management Plan	Approval
<i>Traffic and Access</i>			
B112	Road Safety Audit traffic management measures	Prior to the commencement of construction	Information
B113	Construction Traffic and Access Management Plan	Prior to commencement of construction Part of the Construction Environmental Management Plan	Approval
B118	Operational Traffic and Access Management Plan	Prior to the commencement of operation Part of the Operational Environmental Management Plan	Approval

Condition	Report/ Notification/ Appointments	Timing	Purpose
B120	Biannual Trip Origin and Destination Report	Within one month of its preparation, each six months following commencement of operation	Information
B121	Workplace Travel Plan	Prior to the issue of any Occupation Certificate	Information
B122	Annual report on employee numbers	one year after commencement of operation of the IMT facility and for up to 5 years from occupation of the final warehouse	Information
B124	Driver Code of Conduct	Prior to commencement of construction	Information
<i>Noise and Vibration</i>			
B134	Construction Noise and Vibration Management Plan	Prior to commencement of construction Part of the Construction Environmental Management Plan	Approval
B135(g)	Out-Of-Hours Work Protocol	Prior to commencement of construction Part of the Construction Environmental Management Plan	Approval
B136	Operational Noise Management Plan	Prior to commencement of operation Part of the Operation Environmental Management Plan	Approval
B139	Monitoring Report for Mechanical Plant	Within two months of commencement of operation of the IMT facility and occupation of each tenancy	Information
B140	Site Operational Noise Monitoring	Within 12 months of operation of the intermodal terminal facility; occupation of the first warehouse, 50% occupation of the site and 100% occupation of the site, or as otherwise agreed by the Planning Secretary	Information
B140	Site Operational Noise Report	Within 60 days of completion of noise monitoring	Information
B141	Rail Noise Monitoring System	Prior to commencement of operation	Publication
B142	Rail noise monitoring locations	Prior to commencement of operation	Approval
B143	Rail Noise Monitoring Report	Annually for a period of 5 years from commencement of operation, or as otherwise agreed by the Planning Secretary	Information
<i>Heritage</i>			

Condition	Report/ Notification/ Appointments	Timing	Purpose
B144	Aboriginal Sites Salvage Strategy	Prior to impacts on Aboriginal objects and sites	Information
B147	Aboriginal Cultural Heritage Salvage Report	Within 12 months after completion of salvage works	Information
B148	Aboriginal Cultural Heritage Management Plan	Prior to recommencement of works in the vicinity of an Aboriginal object or Aboriginal Place	Approval
<i>Biodiversity</i>			
B152	Koala Management Plan	Prior to vegetation clearing	Approval
B154	Construction Flora and Fauna Management Plan	Prior to vegetation clearing Part of the Construction Environmental Management Plan	Approval
B160	Operational Flora and Fauna Management Plan	Prior to commencement of operation Part of the Operation Environmental Management Plan	Approval
<i>Contamination and Remediation</i>			
B164	Contamination Management Plan (vegetated areas)	Prior to native vegetation clearing for the purposes of remediation under MPW Stage 1 (SSD 5066)	Approval
B167	Remediation Validation Report	Prior to commencement of construction (other than native vegetation clearing for the purposes of remediation under MPW Stage 1)	Information
B169	Site Audit Report and a Site Audit Statement A for the entire project site (completion of remediation under MPW Stage 1 SSD 5066)	Prior to commencement of construction (other than native vegetation clearing for the purposes of remediation under MPW Stage 1) <i>Cannot be staged</i>	Information
B171	Site Audit Report and a Site Audit Statement A for the entire project site area (completion of fill importation under this consent)	Prior to commencement of permanent built surface works	Information
B172	Long Term Environmental Management Plan Where remediation outcomes for the site require long term environmental management	Prior to commencement of construction (other than vegetation removal)	Information
<i>Unexpected Finds</i>			

Condition	Report/ Notification/ Appointments	Timing	Purpose
B175	Unexpected Finds Protocol(s)	Prior to commencement of construction Part of the Construction Environmental Management Plan	Approval
<i>Hazards and Risks</i>			
B179	Pre-Occupation Report (dangerous goods)	Prior to occupation of each premises and each new occupation	Information
<i>Bushfire Management</i>			
B191	Updated Bushfire Risk Management Plan	Prior to construction of permanent built surface works	Information
<i>Emergency Response</i>			
B194	Emergency Response Plan	Prior to construction and operation	Information
B195	Operational Bushfire Emergency and Evacuation Plan	Prior to occupation	Information
<i>Freight Village and Warehouse Tenancy Activities</i>			
B196	Tenant Activities	Prior to occupation and each new occupation	Information
Part C — Environmental Management, Reporting and Auditing			
C2	Construction Environmental Management Plan (CEMP)	Prior to commencement of construction	Approval
C5	Operational Environmental Management Plan (OEMP)	Prior to commencement of operation	Approval
C14	Compliance Monitoring and Reporting Program	Six weeks before the date notified for the commencement of construction and operation	Information
C14	Compliance Reports	At the frequency detailed in the Compliance Monitoring and Reporting Program, as derived in accordance with the requirements of the Department's <i>Compliance Reporting Post Approval Requirements</i> (2018)	Information
C16	Independent Audit Program	One month before the date notified for the commencement of construction and operation	Information

Condition	Report/ Notification/ Appointments	Timing	Purpose
C18	Independent Audits	At the frequency detailed in the Independent Audit Program, as derived in accordance with the requirements of the Department's <i>Independent Audit Post Approval Requirements</i> (2018)	Information

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

COMPLIANCE

- A2. 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.

TERMS OF CONSENT

- A3. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions (RtS) and Consolidated assessment clarification responses; and
 - (d) in accordance with the management and mitigation measures in **Appendix 2**.
- A4. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A4(a).
- A5. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Conditions A3(c) – (d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Conditions A3(c) – (d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

Lapsing

- A6. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

Construction Limits

- A7. Only VENM, ENM, or other imported fill material approved in writing by EPA is to be placed on the site.
- A8. The total volume of uncompacted fill to be imported must not exceed 1,600,000 m³.
- A9. Importation of imported fill must not exceed a total of 22,000 m³ of material per day across this development and MPE Stage 2 (SSD 7628) on the same day.
- A10. No construction (including clearing and maintenance access) is permitted within the riparian corridor except for that identified on the revised drawings approved under **Condition B2** and activities associated with vegetation and stormwater management.
- A11. No works in the riparian corridor outside the site are permitted under this approval.
- Note:** DPI (Lands) must be consulted on design, approvals and licencing for any works on Crown land for the purposes of discharging stormwater from the site (including scour protection/ erosion control).
- A12. No works are permitted by the Applicant within the RMS (M5 Motorway) land and no impact is permitted on Roads and Maritime drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).

Operational Limits

- A13. The container freight throughput for MPW must not exceed 500,000 TEU p.a.

- A14. Containers that are transferred between the site and Port Botany must be transferred by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g. an incident, breakdown, derailment or emergency maintenance on the rail line).
- A15. The transfer of containers between Port Botany and the intermodal terminal facility must not commence until the rail connection to the Southern Sydney Freight Line is operational.
- A16. The maximum GFAs for the following uses apply:
- (a) 215,000m² for the warehousing and distribution facilities; and
 - (b) 800m² for the freight village.
- A17. The warehousing and distribution facilities must only be used for activities associated with freight using the either the MPE or MPW rail intermodal terminal.
- A18. Notwithstanding **Condition A17**, movements of containers between a rail intermodal terminal on either MPE and MPW site, and a warehouse on either the MPE or MPW site, are permitted where those movements are also approved for MPE.
- A19. For the avoidance of doubt, nothing in this consent permits:
- (a) the occupation or use of a warehouse and/or distribution facility on the site before the commencement of operation of either the MPE or MPW rail intermodal terminal; or
 - (b) truck-to-truck movements.
- A20. Freight village tenants and occupations are restricted to those activities that provide:
- (a) ancillary support for the development, its tenants, worker population and visitors;
 - (b) a nexus with activities undertaken in relation to the warehouse, logistics functions of the IMT development and/ or;
 - (c) provide aligned services to the intermodal functions.

ACCESS FOR PEOPLE WITH A DISABILITY

- A21. The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility so that all people can enter and use these premises. Access is to meet the requirements of the *Disability Discrimination Act 1992*, relevant Australian Standards and Building Code of Australia (BCA).

DEMOLITION

- A22. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A23. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be designed and constructed in accordance with the relevant requirements of the BCA.

Note:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

EXTERNAL WALLS AND CLADDING

- A24. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A25. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- A26. The Applicant must provide a copy of the documentation given to the Certifying Authority under **Condition A25** to the Planning Secretary within seven days after the Certifying Authority accepts it.

APPLICABILITY OF GUIDELINES

- A27. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

EVIDENCE OF CONSULTATION

- A28. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken in the document submitted to the Planning Secretary including:
 - (i) the outcome of that consultation, matters resolved and unresolved (and the justification for matters remaining 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.

COMMUNITY CONSULTATIVE COMMITTEE

- A29. Before 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, upgrading and operation and for at least six months following the completion of decommissioning.
- A30. The Planning Secretary may consider a request to expand an existing MPW or MPE CCC to cover the development and to satisfy Condition A29.

COMMUNITY COMMUNICATION

- A31. A **Community Communication Strategy** must be prepared and submitted to the Planning Secretary for approval no later than one month before the commencement of construction. The Community Communication Strategy is to provide mechanisms to facilitate communication between the Applicant, the Council(s) and the community (including adjoining affected landowners and businesses, and others directly impacted by the development). The Community Communication Strategy must:
- (a) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
 - (b) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
 - (c) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions;
 - (d) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
 - (e) include a complaints procedure for recording, responding to and managing complaints, including:
 - (i) email, toll-free telephone number and postal addresses for receiving complaints,
 - (ii) advertising the contact details for complaints before and during operation, via the local newspaper and through on-site signage,
 - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint, and
 - (iv) procedures for the resolution of any disputes that may arise during the course of the development.
- A32. The Applicant must:
- (a) not commence Construction until the Community Communication Strategy has been approved by the Planning Secretary.
 - (b) implement for the Community Communication Strategy for the duration of construction and for 12 months following the commencement of operation.

ENVIRONMENTAL REPRESENTATIVE

- A33. Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.
- A34. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.
- A35. The proposed ER must be a suitably 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.

Note: *Should the requirements of the conditions of this consent be satisfied, an ER approved for MPE and MPW development may also be considered for approval for the development.*

- A36. The Applicant may engage more than one ER for the development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the development.
- A37. For the duration of the works until 6 months after the commencement of operation (or staged operation), 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 statement 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 C18** of this consent;
 - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and
 - (h) assess the impacts of **minor ancillary facilities** comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A40** of this consent;
 - (i) 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
 - (j) 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.
- A38. The Applicant must provide all documentation requested by the ER in order for the ER to perform their functions specified in **Condition A37** (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 work).
- A39. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under **Condition C20**. 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.

MINOR FACILITIES

- A40. **Minor ancillary facilities**, including lunch sheds, office sheds, portable toilet facilities, and the like, can be established where they satisfy the following criteria:
- (a) are located within the construction boundary; and
 - (b) have been assessed by the ER to have:

- (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline (DECC, 2009)*, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
- (ii) minimal environmental impact with respect to waste management and flooding, and
- (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

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

- A41. Unless stated otherwise, the Applicant must submit strategies, plans and programs required under this consent to the Planning Secretary at least one month prior to commencement of construction or operation.
- A42. Unless stated otherwise in this consent, the Applicant with the approval of the Planning Secretary may:
- (a) prepare and submit any strategy, plan or program required by this consent as part of the construction or operational environmental management plan on a staged basis;
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- Note:** Documents that cannot be staged include Development Layout Drawings required under **Condition B2**, and Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation required under **Condition B4**, and Site Audit Statement required under **Condition B169**.
- A43. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

STAGING OF CONSTRUCTION

- A44. Prior to the commencement of construction, a **Staging Report** must be submitted to the Planning Secretary for approval where it is proposed to construct and operate warehousing in sub-stages. The Staging Report must include:
- (a) the revised Development Layout Drawings required under **Condition B2**;
 - (b) detailed drawings showing warehouses, estate infrastructure and landscaping to be delivered in each sub-stage, and how each sub-stage of estate infrastructure and landscaping connects to other sub-stages including the intermodal terminal facility;
 - (c) details of how the development will relate to concurrent construction on MPE as described in the construction program included in the approved Construction Environmental Management Plan for MPE Stage 2 (SSD 7628);
 - (d) general timing of construction sub-stages that impact upon the timing of the development subject of this consent; and
 - (e) details of the relevant conditions of the Concept Approval (5066) and of this consent that would apply to each sub-stage.
- Note:** *The Staging Report will need to be amended with any approved version update of the MPE Stage 2 CEMP.*
- A45. Prior to the commencement of operation of each warehousing sub-stage, evidence must be provided to the satisfaction of the Planning Secretary that all estate infrastructure, including internal estate roads, bushfire protection infrastructure, utilities, drainage and stormwater quality infrastructure, has been constructed to the extent required to service the sub-stage.

Note: *These conditions do not relate to staged development within the meaning of section 83B of the EP&A Act.*

NOTIFICATION OF COMMENCEMENT

- A46. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least 2 weeks before that date:
- (a) any work;
 - (b) vegetation clearing required to conduct remediation;
 - (c) remediation;
 - (d) low impact works;
 - (e) construction;
 - (f) operation;
 - (g) cessation of operations; and
 - (h) decommissioning.

- A47. If the construction, operation or decommissioning of the development is to be staged, the Department must be notified in writing at least 2 weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

UTILITIES AND PUBLIC INFRASTRUCTURE

- A48. The Applicant must engage a suitably qualified person to prepare a **Pre-construction Dilapidation Report** prior to the commencement of construction. This report must detail the structural condition of:
- (a) local public roads likely to be used by the development's construction traffic;
 - (b) local public roads, cycleways, footpaths and utility services likely to be impacted by construction works; and
 - (c) off-site private land or access to off-site private land likely to be impacted by construction works.
- The report must be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS, any affected private landowner, and the Planning Secretary.
- A49. Before the commencement of construction, the Applicant must consult with the relevant owner and provider of utility services and public infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, support or relocation of the affected utility services and infrastructure.
- A50. Unless the Applicant and the applicable owner/ authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any utility service or public infrastructure that is damaged by carrying out the development;
 - (b) relocate, or pay the full costs associated with relocating, any utility service or public infrastructure that needs to be relocated as a result of the development (including the road upgrades specified in **Table 1**); and
 - (c) provide for ongoing maintenance.
- Note:** *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by conditions of this consent.*
- A51. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Telecommunications

- A52. Before the issue of an Occupation Certificate for the development, the Applicant is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual 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.
- A53. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

METEOROLOGICAL MONITORING

- A54. Prior to the commencement of any works, and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating on the site or within the vicinity of the site that:
- (a) complies with the requirements in the latest version of EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales* (DEC, 2016) (as may be updated or replaced from time to time); and
 - (b) is capable of continuous real-time measurement of atmospheric stability category determined by the sigma theta method in accordance with the *NSW Noise Policy for Industry* (NPI, EPA, 2017) (as may be updated or replaced from time to time).

WORKS AS EXECUTED PLANS

- A55. All detailed design drawings required to be submitted under this consent must be at or above 50% design completion, with the percentage design stated on the drawings.
- A56. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor confirming that the stormwater drainage (water quality and detention infrastructure), road ways, parking and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

DEVELOPMENT CONTRIBUTIONS

Council Contributions

- A57. Prior to the issue of a Construction Certificate for any part of the development, the Applicant must pay a monetary levy of 1% of the development Capital Investment Value (\$5,330,000) or other amount agreed to by Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 7.13(2) of the EP&A Act.

Road Upgrades

- A58. The Applicant must provide all monetary contributions and/ or works-in kind as relevant to the site, in accordance with the Voluntary Planning Agreement entered into between RMS and Qube RE Services (No. 2) Pty Limited in its capacity as the trustee of the Moorebank Industrial Terminals Asset Trust, Moorebank Industrial Terminals Operations Trust and Moorebank Industrial Warehouse Trust and executed on 25 March 2019 (VPA).

ADVISORY NOTE

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

PART B KEY ENVIRONMENTAL ISSUES

DEVELOPMENT LAYOUT

- B1. Notwithstanding the requirements of **Conditions B2 and B4**, the Applicant may import and stockpile 160,000m³ of fill prior to finalisation of the **Development Layout Drawings, Stormwater Design Development Report, Revised Stormwater System Design Drawings** and supporting documentation, provided no vegetation removal is required and fill is stockpiled in previously cleared areas.
- B2. Prior to commencement of construction, the Applicant must submit revised **Development Layout Drawings** to the Planning Secretary for approval. The revised Development Layout Drawings must be at a scale of approximately 1:2000 at A1 showing the key development elements including but not limited to estate infrastructure, internal roads, warehouse and associated carpark footprints, the freight village, intermodal terminal facility including the truck waiting area and emergency truck storage area, rail line and rail line vehicle access roads. The revised **Development Layout Drawings** must show the site, construction and operational boundaries and demonstrate:
- (a) provision of a riparian corridor, comprising the following:
 - (i) a buffer zone to the most inland of:
 - 40 metres from the top of bank, as surveyed by a registered surveyor, or
 - the 1% AEP flood extent, excluding the localised depression at the existing major east-west drainage channel, and
 - (ii) an additional 10 metre extension to the buffer zone established in (i) above, where native vegetation is located on or within 10 metres east of the buffer;
 - (b) the siting of biofiltration/ bioretention areas and OSD basins (with the exception of outlets to the Georges River and associated maintenance access) are outside the riparian corridor and outside the warehouse footprints;
 - (c) no construction or operation works would take place inside biodiversity offset areas;
 - (d) compliance with the landscaped setbacks specified in **Condition B63**;
 - (e) compliance with the percentage of landscaped area specified in **Condition B68(a)** within the warehouse and freight village area and truck waiting area and emergency truck storage area to be developed under MPW Stage 2;
 - (f) a setback of 8 to 12 m has been provided around the north, south and western perimeters of the development area to accommodate fill batter slopes of a maximum of 1V in 4H;
 - (g) a minimum 3 m wide maintenance access has been provided between the fill slopes and the riparian corridor, the ABB site and at the southern end of the development area, for ongoing maintenance works;
 - (h) provision of a controlled overland flow path through the MPW Stage 2 site as required under **Condition B11** for conveyance of the major stormwater discharge from the MPE site to the Georges River;
 - (i) identify habitat corridor/s, of adequate dimensions to provide an adequate Koala habitat corridor as supported by a Koala specialist, to provide connectivity both within the Intermodal Precinct area and with other core koala habitat areas, as required under **Condition B152**. The drawings are to show any required connectivity structures and fencing;
 - (j) provision of a corridor between Moorebank Avenue and the Georges River for a possible future pedestrian connection across the Georges River to Casula Railway Station, of a width that would allow the future construction of a shared path that complies with the relevant suggested width set out in the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017);
 - (k) the bushfire asset protection requirements are within the development area; and
 - (l) setbacks from the surveyed boundary of Lot 2 DP 32998, Lot 3 DP 32998, and Lot 2 DP 547293.
- B3. To ensure the site will be developed in an integrated manner and that the whole development will comply with the conditions of this consent, submission of the Development Layout Drawings required by **Condition B2** cannot be staged.

SOIL AND WATER

Revised Stormwater System Design

- B4. Prior to the commencement of construction (except to permit an initial stage comprising earthworks on land within 150m west of Moorebank Avenue along its alignment north of the overpass over the rail link), the Applicant must submit a **Stormwater Design Development Report** and **Revised Stormwater System Design Drawings** and supporting documentation to the Planning Secretary for approval.
- B5. The **Stormwater Design Development Report** must document how WSUD principles outlined in **Condition B9** have been incorporated into the design and operation of the development.

- B6. To ensure the site will be developed in an integrated manner and that the whole development will comply with the conditions of this consent, submission of the **Stormwater Design Development Report and Revised Stormwater System Design Drawings** and supporting documentation required by **Condition B4** cannot be staged.

Note: *Condition B4 allows the Applicant to conduct earthworks on land within 150m west of Moorebank Avenue along its alignment north of the overpass over the rail link prior to submission of these documents.*

Stormwater Design Independent Peer Review

- B7. An **Independent Peer Review report** must be submitted with the **Stormwater Design Development Report and Revised Stormwater System Design Drawings** and supporting documentation.
- B8. The review must:
- (a) include a review of the numerical models used to develop the revised stormwater design;
 - (b) be undertaken by a technical expert, approved by the Planning Secretary, with over 15 years of experience in stormwater, flooding and water quality in NSW, including Water Sensitive Urban Design (WSUD), and not previously involved in preparation of drainage, flooding or hydrological designs or assessments for either MPW or MPE, or construction of either MPW or MPE; and
 - (c) include an assessment of the Revised Stormwater System Design Drawings and supporting documentation against all relevant conditions, stating whether the condition has been satisfied, and comments justifying the position.

Note: *The revised Stormwater System Design Drawings and supporting documentation will not be accepted until all the conditions have been accepted to the satisfaction of, and justified by, the peer reviewer.*

Water Sensitive Urban Design

- B9. The revised stormwater system design, to be detailed in the **Stormwater Design Development Report and Revised Stormwater System Design Drawings** and supporting documentation, must be consistent with the objectives and principles set out in the NSW Office of Water's Guidelines for Controlled Activities and incorporate water sensitive urban design principles outlined in relevant Council policies, plans, guidelines and specifications and RMS's Water Sensitive Urban Design Guideline 2017, including:
- (a) treating stormwater as a resource;
 - (b) mimicking natural processes in the control of stormwater;
 - (c) integrating drainage infrastructure and landscaping;
 - (d) managing water in a sustainable manner through considering the complete water cycle; and
 - (e) considered design, construction and maintenance to minimise impacts on the natural water cycle.

- B10. The Applicant must submit revised drawings and supporting documentation to the Planning Secretary for approval, in accordance with the design principles and design criteria listed in **Conditions B11 to B22**.

Piped Stormwater Drainage and Overland Flow Paths

- B11. The stormwater system must be designed to:
- (a) convey flows up to and including the 10% AEP event within the formal piped drainage system, with flows from the 10% AEP to the 1% AEP event conveyed in controlled overland flow paths; and
 - (b) provide adequate overland flow paths in the event of stormwater system blockages and flows in excess of the 1% ARI rainfall event.

On-site Detention

- B12. On-site detention (OSD) must attenuate peak flows from the development such that both the:
- (a) 1 in 1 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 1 year ARI event; and
 - (b) 1 in 100 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 100 year ARI event.
- B13. OSD basins must:
- (a) be visually unobtrusive and sit within the final landform and landscaping;
 - (b) ensure public safety by incorporation of 'safer by design' principles; and
 - (c) have all sides with a maximum batter slope of 1V:4H, except at the OSD outlets.

Stormwater Quality

- B14. All stormwater quality elements are to be modelled in MUSIC as per the NSW MUSIC Modelling Guide.

- B15. The stormwater quality infrastructure must comprise rainwater tanks, gross pollutant traps and biofiltration/ bioretention systems designed to meet the following criteria compared to a base case if there were no treatment systems in place:
- (a) reduce the average annual load of total nitrogen by 45%;
 - (b) reduce the average annual load of total phosphorus by 65%; and
 - (c) reduce the average annual load of total suspended solids by 85%.
- B16. All stormwater quality elements must be installed upstream of OSD basins, unless it can be demonstrated to the satisfaction of the Secretary that biofiltration/ bioretention systems within the OSD basins:
- (a) will not suffer damage from design flows;
 - (b) can be maintained to achieve the water quality criteria; and
 - (c) will have adequate solar access ensuring that all bioretention systems are exposed to sunlight at midday on the winter solstice. This assessment is to include surrounding features of OSD basins, including but not limited to actual building heights and full mature height and size of proposed trees, as per the landscape plans.
- B17. The area of biofiltration/ bioretention systems is to be at least 1% of the catchment draining to the system, to ensure there is no short-circuiting of the system.
- B18. Bioretention systems which are greater than 1,000 m² in area, are to be divided into cells with no individual cell greater than 1,000 m².
- B19. All filter media used in stormwater treatment measures must:
- (a) be loamy sand with an appropriately high permeability under compaction and must be free of rubbish, deleterious material, toxicants, declared plants and local weeds, and must not be hydrophobic;
 - (b) have an hydraulic conductivity = 100-300 mm/hr, as measured using the ASTM F1815-06 method;
 - (c) have an organic matter content less than 5% (w/w); and
 - (d) be provided adequate solar access, considering the design and orientation of OSD basins.

Stormwater Outlet Structures

- B20. Discharge of stormwater from the development must not cause scour/ erosion of the banks or bed, or pollution of the Georges River or Anzac Creek.

Note: *Pollution of waters as defined under section 120 of the POEO Act.*

- B21. Outlet structures for the discharge of site stormwater drainage to the Georges River, Anzac Creek, external drainage or natural drainage lines must be constructed of natural materials to minimise erosion, facilitate natural geomorphic processes and include vegetation as necessary (gabion baskets and gabion mattresses are not acceptable).
- B22. Outlet structures must ensure habitat connectivity and wildlife movement is maintained along the Georges River riparian corridor.

Stormwater System Design Drawings

- B23. The Revised Stormwater System Design Drawings and supporting information to be submitted under **Condition B4** must include the details specified in **Conditions B24 to B28**.
- B24. Drawings must show:
- (a) all information on a drainage catchment plans and a schedule of stormwater drainage elements (pipe lines and structures). Drainage drawing documentation is to be in accordance with the requirements detailed in Liverpool Council's Development Design Specification "D5 – Stormwater drainage design" clauses D5.22 and D5.24;
 - (b) location and width of controlled overland flow paths;
 - (c) maximum design flow levels to AHD;
 - (d) maintenance access to each on OSD basin; and
 - (e) the integration with MPE Stage 1 and MPE Stage 2 stormwater infrastructure including:
 - (i) stormwater infrastructure on the MPW site that is intended to convey (pipes or overland flow paths) or treat or detain stormwater from MPE Stage 1 and MPE Stage 2, and/ or
 - (ii) drawings demonstrating that stormwater detention and treatment infrastructure has been provided for and approved under MPE Stage 1 and MPE Stage 2 for western draining MPE catchments.
- B25. All stormwater quality elements are to be detailed in the drawings including:

- (a) general arrangement plans at 1:500 and detailed plans as required at 1:200, showing system layout with key features including pipe arrangement with pipe sizes, diversion structure, high flow bypass, pre-treatment system, inlets, outlets, underdrainage, and maintenance vehicular access. The plans must show how the bioretention system will achieve separate cells of a maximum area of 1000 m² with flow splitting;
- (b) long and cross sections showing key features and levels including liner (base level of bioretention system), submerged zone level, drainage layer, transition layer, filter surface level, extended detention level, bund/embankment level, and level of detention storage;
- (c) pipe long sections, including invert levels, pipe sizes;
- (d) details of key structures including diversion, pre-treatment system (make/ model), inlets, outlets;
- (e) landscape plan including plant species;
- (f) specification of filter media; and
- (g) shadow diagrams, including surrounding features of OSD basins, actual building heights and full size of proposed trees, as per the landscape plans.

B26. Stormwater outlet drawings must show:

- (a) material type, size, thickness, with accompanying hydraulic calculations demonstrating the achievement of relevant stability thresholds;
- (b) design arrangement including longitudinal sections, cross sections and typical arrangements;
- (c) typical arrangements including details of any liners, keying into bed/ banks and filter material; and
- (d) the tie in with the receiving water normal water level and/ or seasonal low flow levels.

Stormwater System Design Supporting Documentation

B27. As part of the **supporting documentation** required under **Condition B4**, the Applicant must document the sequence of construction, including interim drainage solutions, for:

- (a) the drainage line from MPE to the Georges River;
- (b) the northern portion of MPW, including infilling, OSD basins, transition of sedimentation basins to OSD basins; and
- (c) the southern portion of MPW, including infilling, OSD basins, transition of sedimentation basins to OSD basins.

B28. As part of the **supporting documentation** required under **Condition B4**, outlet structure investigations and design inputs must be submitted to the Planning Secretary, including:

- (a) subsurface/ geotechnical assessment identifying underlying foundation conditions;
- (b) hydraulic modelling;
- (c) hydraulic calculations for stormwater outlet structures demonstrating achievement of relevant stability thresholds; and
- (d) design specifications including schedule of drainage elements (eg. rock sizes, and structures).

Construction Erosion and Sediment Control

B29. Prior to commencement of construction, the Applicant must prepare a **Soil and Water Management Plan (SWMP)** in accordance with the requirements of *Managing Urban Stormwater - Soils and Construction Volume 1 (Landcom 2004)* and submit it to the Planning Secretary for approval. The SWMP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) that it is fit for purpose, addresses the constraints posed by site conditions and complies with statutory requirements. The CPESC must have demonstrated experience in the identification, management and mitigation of erosion and sedimentation in dispersive and non-cohesive soils and be approved by the Planning Secretary.

B30. The **SWMP** must form part of the **CEMP** required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the SWMP must include, but not be limited to:

- (a) erosion and sediment control hazard assessment that includes:
 - (i) monthly rainfall erosivity,
 - (ii) flooding liability,
 - (iii) topography,
 - (iv) physical and chemical properties of in-situ and imported soil,
 - (v) sensitivity of the receiving environment;
- (b) management strategies to address the identified erosion and sediment control hazard that consider:
 - (i) statutory and environmental management requirements including:
 - minimising the extent and duration of land disturbance,

- controlling water movement through and from site,
 - locating sediment basins in areas not subject to local stormwater flooding,
 - minimising soil erosion,
 - maximising sediment retention on site,
 - prompt and progressive stabilisation of disturbed areas,
 - (ii) maintenance of drainage, erosion and sediment control measures,
 - (iii) monitoring and adjusting drainage, erosion and sediment control measures to achieve necessary performance standards,
 - (iv) planning for predicted rainfall and winds events and shut down periods;
 - (c) a schedule of construction activities for the development, installation and removal of control measures and temporary and permanent stabilisation works,
 - (d) Erosion and Sediment Control Plans, including:
 - (i) existing and proposed contours and drainage path,
 - (ii) all access points and facilities associated with the development,
 - (iii) limits of disturbance including protected areas and features,
 - (iv) extent of earthworks,
 - (v) areas of cut and fill,
 - (vi) location of all drainage, erosion and sediment control measures including numbering for identification, and
 - (vii) surface water monitoring locations;
 - (e) specific operating procedures such as dewatering and the treatment of water and sediment collected in basins; and
 - (f) details on methods of temporary and permanent slope stabilisation to adjacent lands (including the riparian corridor).
- B31. Erosion and Sediment Control Plans must be updated as construction progresses and site conditions change.
- B32. The CPESC must undertake monthly inspections during construction, report on implementation of the SWMP and recommend any improvements to the SWMP and site control measures. The CPESC's report must be provided to the Planning Secretary monthly for the duration of construction or another time period as agreed by the Planning Secretary.
- B33. All temporary construction stage erosion and sediment control infrastructure that is intended to be converted to permanent stormwater quality or on-site detention infrastructure must be constructed in accordance with the revised stormwater design drawings approved by the Planning Secretary under **Condition B4**.
- B34. Conversion of construction stage erosion and sediment control infrastructure into permanent stormwater quality or on-site detention infrastructure must only occur once the civil works (roads and drainage) have been completed for the associated site subcatchment.
- B35. Where construction of sediment basins and stormwater outlet works (including clearing, scour protection/ erosion control) are to be undertaken outside the site on Crown land (being the banks and bed of the Georges River), design those works must be prepared with the input of an aquatic ecologist, and evidence of DPI (Crown Lands) approval is to be provided to the Planning Secretary prior to commencement of construction. Details of finished works are to be submitted to DPI (Crown Lands) for information.

Stormwater Infrastructure Operation and Maintenance Plan

- B36. Prior to commencement of operation, the Applicant must prepare a **Stormwater Infrastructure Operation and Maintenance Plan** to manage the operation and maintenance of stormwater infrastructure on-site and off-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required under **Condition C5** and must be implemented for the life of the assets and must include provision for:
- (a) the management and maintenance of the assets, including evidence that a maintenance contract is in place with a reputable and experienced maintenance contractor;
 - (b) quarterly inspections, and inspections after major rainfall events including scour/ bank protection structures;
 - (c) schedule for routine checking (at least quarterly), cleaning and servicing of all water quality devices/ systems in accordance with the manufacturer's and/ or designer's recommendations;
 - (d) maintenance of records of all maintenance activities undertaken;
 - (e) preparing quarterly maintenance reports, detailing the results of quarterly inspections, inspections after major rainfall events, and maintenance activities;
 - (f) recording results of water quality monitoring required under **Condition B38**;
 - (g) investigation, management and mitigation of water quality target exceedances;

- (h) requiring annual independent auditing; and
- (i) procedures for submission of the quarterly maintenance reports and annual independent audit reports to the Planning Secretary, including the results of inspections, management and maintenance actions and water quality monitoring.

B37. In addition to the requirements for independent environmental audits under **Conditions C16 to C18**, the annual audit of the stormwater quality system must be undertaken by a suitably qualified professional with demonstrable experience in WSUD. The audit is to verify the condition of the treatment system(s), verify and document that the system(s) is working as intended, verify the system(s) has been cleaned adequately, verify there is no excessive build-up of material in the system(s) and identify any issues with the treatment system(s) which require rectification for the system(s) to adequately perform its intended function.

Stormwater Quality Monitoring

B38. Prior to commencement of operation, the Applicant must prepare a **Stormwater Quality Monitoring Program** in consultation with Council and the EPA. The program must form part of the OEMP required under **Condition C5**, be implemented for the life of the development and include the following:

- (a) base line water quality data;
- (b) monitoring parameters;
- (c) water quality assessment criteria;
- (d) receiving water quality monitoring sites in Anzac Creek and upstream and downstream of the site in the Georges River;
- (e) monitoring of water quality at sediment basin/ on-site detention/ bioretention basin outlet channels and piped outlets discharging to the Georges River;
- (f) frequency of sampling, including wet weather sampling;
- (g) method of sampling and analysis;
- (h) assess water quality and quantity performance for construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and
- (i) include sampling locations and the frequency of sampling including wet weather sampling.

Acid Sulfate Soils Management

B39. An **Acid Sulfate Soils Management Plan** must be developed consistent with the Acid Sulfate Soils Manual and must:

- (a) deal with the unexpected discovery of actual or potential acid sulfate soils; and
- (b) include procedures for the investigation, handling, treatment and management of such soils and water seepage.

The Plan is to form part of the **CEMP** required by **Condition C2**.

Land Disturbance, Earthworks and Importation of Fill

B40. The Applicant must:

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

B41. Land disturbance and land filling activities 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 sediment 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% all of the permanent stabilisation works on any other previously disturbed area have been implemented.

Note: For the purposes of this condition, permanent stabilisation works include established grass cover and for the southern fill area where future warehousing is proposed, must be in accordance with Condition B65.

B42. Stockpiling of imported fill is not permitted for longer than 6 months before placement

B43. 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.

B44. Placed fill must be stabilised if construction does not commence within 10 days.

B45. 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.

AIR QUALITY

Dust Minimisation

B46. 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

B47. 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).

URBAN HEAT ISLAND MITIGATION (UHIM)

B48. The Development must be designed and operated to meet Urban Heat Island Mitigation principles and to achieve a 4°C degree decrease in temperature compared to neighbouring industrial developments by including measures such as:

- (a) WSUD elements such as wetlands;
- (b) shade tree planting;
- (c) vegetation ground cover;
- (d) use of 'cool' building and pavement materials (i.e. those with high reflectivity in the infrared spectrum); and
- (e) green roofs.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

B49. The Development must be designed and operated to meet ESD principles and include measures such as the following:

- (a) passive solar design;
- (b) use of energy efficient plant and equipment;
- (c) use of renewable energy sources;
- (d) cross-ventilation
- (e) selection of materials with lower energy manufacturing requirements;
- (f) use of locally sourced materials to reduce impacts associated with transport;
- (g) rainwater capture and reuse;
- (h) water efficient fixtures and fittings; and
- (i) waste minimisation and recycling.

B50. The Development must register for a 'design' and 'as built' rating under the Infrastructure Council of Australia (ISCA) rating tool for development infrastructure.

B51. The Development must be designed and operated to meet minimum 4 star Green Star certification by the Green Building Council of Australia for warehouse design, construction and operation

URBAN DESIGN AND LANDSCAPING

Urban Design Development Report, Revised Landscape Design Drawings and Revised Architectural Drawings

B52. Prior to commencement of relevant permanent built surface works and/ or landscaping, an **Urban Design Development Report, Revised Landscape Design Drawings and Revised Architectural Drawings** including plans, sections and details and supporting documentation must be submitted to the Planning Secretary for approval.

Note: For the purposes of this condition, earthworks including placement of fill are not considered permanent built surface works.

- B53. The **Urban Design Development Report** must be developed in consultation with the Government Architect NSW (GANSW) and provide detailed objectives for design and operation of the development and define place specific urban design principles incorporating those outlined in **Conditions B48, B49 and B57**. Details of the consultation are to be submitted as part of the **Urban Design Development Report**.
- B54. The revised landscape and architectural drawings and design details must be at a suitable scale (minimum plan view scale of 1:1000 at A1 with sections and details at a minimum scale of 1:200 at A1) to demonstrate:
- (a) how the objectives and principles developed in the **Urban Design Development Report** required under **Condition B53** have been incorporated into the design;
 - (b) the revised warehouse layout in accordance with **Condition B2**; and
 - (c) compliance with the criteria specified in **Conditions B59 to B74**.

Urban Design and Landscape Independent Peer Review

- B55. An independent peer review report must be submitted with the **Urban Design Development Report** and **Revised Landscape Design Drawings** and **Revised Architectural Drawings** and supporting documentation.
- B56. The review must:
- (a) be undertaken by an expert(s) in urban design and landscaping (for example, a member of the State Design Review Panel);
 - (b) include an assessment of the **Revised Landscape Design Drawings**, **Revised Architectural Drawings** and supporting documentation against the objectives and urban design principles established in the Urban Design Development Report and all relevant conditions, stating whether the drawings demonstrate achievement of the objectives and urban design principles and that all relevant conditions of this consent have been satisfied; and
 - (c) include comments justifying conclusions reached in the assessment.

Note: *The revised landscape drawings, architectural drawings and supporting documentation will not be accepted until they meet the objectives and design principles and all relevant conditions to the satisfaction of, with justification provided by, the peer reviewer.*

Landscape Design

- B57. The **Revised Landscape Design Drawings** must demonstrate a design that generally incorporates the principles outlined in *Better Placed*, *Greener Places* and the *Green Grid* documents by the NSW Government Architect and the *Western Sydney District Plan* (March 2018) by the Greater Sydney Commission, and:
- (a) provide for visitor and worker amenity;
 - (b) incorporate 'safer by design' principles;
 - (c) use locally indigenous species;
 - (d) be integrated with the stormwater system design set out in the **Revised Stormwater Design Drawings** required under **Condition B4**; and
 - (e) mitigate the visual impacts of buildings and infrastructure particularly when viewed from Casula.

Design Criteria

- B58. The **Revised Landscape Design Drawings** and **Revised Architectural Drawings** and associated elements must demonstrate a design that meets the design criteria and other requirements listed in **Conditions B59 to B74**.

Staff and Visitor Facilities

- B59. Pedestrian and cycle paths must:
- (a) be provided through the site to provide connections to Moorebank Avenue, the rail terminal office and between warehouses and the freight village; and
 - (b) integrate with existing and planned footpaths or cycleways in the locality.
- B60. Paths must be integrated with landscaping and include meanders to allow for canopy tree clusters and a more varied walking/ riding experience.
- B61. The rail terminal office, freight village and each warehouse must include an outdoor meal break area with shade, seating, lighting and landscaping including shrubs and groundcover and canopy trees where reasonable. In addition, the freight village outdoor area(s) must include a water fountain(s) or other fresh drinking water provision.
- B62. Secure bicycle parking and end-of-trip facilities must provide:
- (a) a minimum 1 staff bicycle parking per 10 staff (or 1 per 10 car spaces if staff numbers are undetermined);
 - (b) compliance with the minimum requirements of AS 2890.3:2015 Parking facilities - Bicycle parking for the layout, design and security of bicycle facilities, and be located in easy to access, well-lit areas that incorporate passive surveillance; and

- (c) under cover bike storage, showers and change facilities at each warehouse sufficient to accommodate the needs of the forecast number of employees.

Landscaping

B63. The following minimum setbacks apply:

- (a) 18 m from Moorebank Avenue with minimum soft landscaped width of 10 m, subject to any variation agreed to by the Planning Secretary at the site entrance for the purpose of facilitating the primary access driveway into the site; and
- (b) 5 m setback from the western internal road to warehouse carparks.

Note: See also Condition B2.

- B64. Canopy tree planting must be provided around the perimeter of the site, including the southern fill area where future warehousing is proposed.
- B65. The southern fill area where future warehousing is proposed must be topsoiled and hydroseeded with native grasses.
- B66. Perimeter fill batters must be stabilised with vegetation.
- B67. Landscaping within the warehouse area must include dense canopy tree planting, shrubs, sedges, herbs, ground covers and tufted native grasses primarily derived from OEH lists of Cumberland Plain Woodland. The canopy tree mix must include some or all of the following species: *Eucalyptus crebra*, *Eucalyptus moluccana*, *Eucalyptus amplifolia*, *Eucalyptus bosistoana*, *Eucalyptus eugenioides*, *Eucalyptus tereticornis*, *Eucalyptus punctata*, *Eucalyptus baueriana*, *Corymbia maculata*, *Angophora floribunda* and *Angophora bakeri*.
- B68. The following minimum landscaping requirements apply:
 - (a) 15% of the warehouse area landscaped at ground level, 10% of which must be soft landscaping, excluding the OSD basins unless they are accepted as contributing to soft landscaping in the peer review report required under **Condition B55**;
 - (b) 1 canopy tree per 30 m² of landscaped area; and
 - (c) a 2.5 m wide landscaped bay every 6-8 car spaces to provide shade within carpark areas, or alternative carpark landscaping (such as linear planting of vegetation of a minimum width of 2 m between rows of carparking) accepted as providing adequate shade in the peer review report required under **Condition B55**.

Note: For the purposes of this condition, canopy trees are not required to be planted on or immediately adjacent to vehicle paths between the intermodal terminal and the eastern elevation of each warehouse.

Noise Walls, Retaining Walls and Fencing

- B69. Perimeter and on-site detention and biofiltration/ bioretention basin fences higher than 1.2m must be transparent and dark in colour but not constructed of chain wire, to provide visual amenity.
- B70. Boundary fencing design must allow for fauna movement where required under **Condition B152(b)**.
- B71. Screen fencing and planting must be provided around waste bins or other outside storage areas.
- B72. Screen planting must be provided on both sides of noise walls.
- B73. Retaining wall materials and colours must be of a natural appearance and incorporate landscaping.
- B74. Noise barriers must minimise visual and amenity impacts and be designed in accordance with the *Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW* (RMS, March 2016).

Urban Design and Landscaping Supporting Information

- B75. The following must be included on, or provided with the **Revised Landscape Design Drawings** required under **Condition B52**:
 - (a) irrigation systems;
 - (b) planting schedule including tree and shrub species, expected mature height, planting densities and pot sizes;
 - (c) soil specification and depth for landscaped areas in relation to pot sizes and species to ensure the viability of shrubs and trees;
 - (d) landscaping around the southern and northern boundaries of the site; and
 - (e) noise wall, retaining wall and fencing graphics and material details.

Lighting

- B76. Operational lighting must:

- (a) comply with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) be designed to reduce light spill and be mounted, screened and directed in such a manner that it does not create a nuisance and minimises visual impacts to surrounding properties, the public road network, the Georges River riparian corridor and the Boot Land.

Signage

B77. The following signage is not permitted:

- (a) general advertising or moving or flashing signs;
- (b) west facing illuminated building signage visible from residences; and
- (c) internally illuminated signs that are visible from residences.

B78. Signage must not occupy more than 10% of any façade or wall of a building.

Building Floor Levels

B79. Building floor levels must be a minimum of 150 mm above the maximum design stormwater overland flow path levels. Building floor levels and associated maximum design stormwater overland flow path levels to AHD must be indicated on the architectural cross-section drawings.

Rainwater Re-use

B80. A rainwater tank(s) must be included on each warehouse, the freight village and rail terminal buildings.

B81. Rainwater must be used for irrigation, all internal non-potable uses, the container washdown facility and be considered for cooling towers; heating, ventilation, and air conditioning; and ground source heat exchange.

Landscape Maintenance

B82. Prior to commencement of operation, the Applicant must prepare a **Landscape Vegetation Management Plan** (LVMP) and submit it to the Planning Secretary for approval. The LVMP must be prepared by a suitably qualified and experienced person(s) and form part of the OEMP required under **Condition C5**. The LVMP must include:

- (a) an inspection and maintenance schedule and require replacement plantings for shrubs and trees which fail at an equivalent pot size or larger; and
- (b) graffiti management.

PEST AND WEED CONTROL

B83. The Applicant must:

- (a) implement measures to manage pests, vermin and declared noxious weeds on the site; and
- (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015.

TRAFFIC AND ACCESS

B84. The Applicant is to undertake the following road infrastructure upgrades, in accordance with the specified timing requirements as set out in **Table 1**.

Table 1: Required Upgrades and Specified Timing Requirements

Upgrade	Specified Timing Requirements		
	Upgrade requirements	Required timing for 100% design approval by RMS	Required timing for completion of upgrade
Moorebank Avenue and Anzac Road intersection upgrades, road widening and road upgrade works, and associated civil works	Indicative layout plans (RIUW-ARC-CV-SKC-2003-P1 and RIUW-ARC-CV-SKC-1005-P2) included in Appendix 1 , subject to design development and approval by RMS, and incorporating a bicycle/ pedestrian share path	To be obtained within 12 months of the date of this consent, or prior to the issue of the first Occupation Certificate for warehousing, whichever is the sooner.	Prior to issue of an Occupation Certificate for warehousing in excess of 100,000 m ² of gross floor area

- B85. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads requirements. Prior to commencement of construction of permanent built surface works, a plan must be submitted to the Planning Secretary and RMS for approval, which shows that the proposed development complies with this requirement.
- B86. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/ or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with *AS2890.1-2004 Parking facilities Off-street car parking*, *AS2890.6-2009 Parking facilities Off-street parking for people with disabilities* and *AS2890.2-2002 Parking facilities Off-street commercial vehicle facilities for heavy vehicle usage*.
- B87. Existing and future utility and service infrastructure must be located outside the roadway being upgraded. The Applicant is to locate any drainage infrastructure to support the Stage 2 development entirely within the development site and not within the roadway, unless agreed by RMS.
- B88. Road design must incorporate structures for fauna movement between the Georges River riparian corridor and the Boot Land, either under or below the road.
- Note:** See also Condition B2(i) and B152(d)
- B89. Heavy vehicles used for haulage of imported fill or freight must not use Cambridge Avenue during construction and operation of the development.
- B90. Access to the ABB site must be maintained throughout construction and operation of the development.
- B91. The Applicant must:
- (a) consult with the owners/occupiers of the ABB site throughout construction and operation;
 - (b) provide details of construction works adjacent to the ABB site prior to those works occurring; and
 - (c) ensure the proposal does not adversely impact overland flow paths or existing stormwater infrastructure on the ABB site.
- B92. The Applicant must ensure that the construction and operation of the proposed development will not prevent the public use of Moorebank Avenue to a standard commensurate to its use prior to the development.
- Note:** Temporary closures or part closures and changes to the operation of Moorebank Avenue may occur for limited periods during construction as detailed in the Construction Traffic and Access Management Plan.
- B93. The development is to be designed and operated so that:
- (a) all vehicles are wholly contained on site before being required to stop;
 - (b) adequate parking for heavy vehicles is provided on-site to accommodate any potential delays in schedule time;
 - (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 loading and unloading of materials is carried out on-site; and
 - (e) site roads accommodate buses, bus infrastructure and cyclist use for employees.

RMS supplementary requirements

- B94. The civil design and Traffic Control Signal (TCS) plans for the upgrades identified in **Table 1 of Condition B84** must be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.
- The designs must be in accordance with Austroads Guide to Road Design in association with relevant RMS supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS design and civil design plans must be submitted to RMS for approval before the issue of a Construction Certificate and commencement of road works.
- RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- B95. All documentation required under **Condition B94** must be sent to development.sydney@rms.nsw.gov.au.
- B96. RMS fees for administration, plan checking, civil works inspections and project management must be paid by the applicant before the commencement of road upgrades identified in **Table 1 of Condition B84**.
- B97. The applicant must enter into a Works Authorisation Deed (WAD) with RMS for the works identified in **Table 1 of Condition B84**. The applicant must also dedicate as public road under the *Roads Act 1993* the parts of Lot 2 DP 1197707 (incorporating existing Moorebank Avenue) and any other land required to accommodate the road and intersection upgrade works (including associated pathways and services) identified in **Table 1 of Condition B84**. The WAD must provide for the dedication of the required land as public road under the *Roads Act 1993* as a pre-condition to practical completion of the road and intersection upgrade works being achieved under the WAD. A Construction Certificate cannot be issued for any part of the road and intersection upgrade works unless a WAD

has been entered into in compliance with this condition. The road and intersection works identified in Table 1 of **Condition B84** cannot be opened for use by traffic unless all required land has been dedicated as public road in accordance with this condition..

- B98. The Applicant is required to dedicate land as public road for the maintenance of the Traffic Control Signals and associated infrastructure; further details will be included as part of the WAD process.
- B99. Prior to any installation of temporary portable traffic signals and other traffic management measures on Moorebank Avenue or Anzac Road, the Applicant must obtain the relevant approvals from RMS.
- B100. All works associated with signposting along Moorebank Avenue must be approved by RMS.
- B101. The works associated with traffic signals and road upgrade works are to be designed and delivered at no cost to TfNSW or RMS.
- B102. The Applicant must pay all costs incurred by Council and/ or RMS in relation to public road dedication of Commonwealth owned land.
- B103. The Applicant is required to negotiate and execute an Interface and Access Deed with RMS and the M5 Operator (Interlink Roads Pty Ltd) prior to road construction works commencing, to address matters including interface between the parties, access provisions, compensation arrangements, and traffic management for the road upgrade works carried out on Lots 3 and 4 in Deposited Plan 1063765.
- B104. The Applicant is to ensure that the construction and operation of the proposed development will not prevent the ongoing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development. A staging plan should be submitted to RMS for approval, as part of the WAD package, to ensure adequate capacity is provided along Moorebank Avenue at all times, including a requirement to maintain two lanes open to traffic.

The staging plan should provide details of how the road and intersection upgrade works tie into other road upgrades works approved under the MPE Stage1 and 2 SSD applications. Any temporary diversion works not located within the Moorebank Avenue roadway will require separate planning approval.
- B105. There are to be no works undertaken by the Applicant within the RMS (M5 Motorway) land and no impact on RMS drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).
- B106. The Applicant is to liaise with and obtain relevant approvals from RMS in relation to any proposed drainage and excavation works, erection of new and/ or maintenance of existing fencing on the M5 Motorway boundary, erection of new noise attenuation infrastructure, and any other construction works that may impact the M5 Motorway corridor.

Note: Contact is to be made to Matthew Messina, Commercial Manager Motorway Partnerships and Planning on 02 8588 4119

- B107. To ensure that Environment, Work Health and Safety laws are fully implemented within and near the M5 Motorway corridor, the Applicant's staff/ contractors must be inducted into the M5 Motorway operator's (Interlink) corridor and fill out a Motorway Access Permit for site activities on or immediately adjoining M5 Motorway land, if work has to be undertaken from the M5 Motorway side. The Applicant may be required to complete a commercial agreement or bank undertaking that sufficiently mitigates the M5 Operator's (Interlink) risk.
- B108. A Road Occupancy Licence is to be obtained from the Transport Management Centre for any works that may impact on traffic flows on Moorebank Avenue or the adjoining State road network during construction activities.
- B109. A construction zone will not be permitted on Moorebank Avenue without the express approval of RMS.
- B110. Access is denied across the M5 Motorway corridor boundary and all buildings and structures are to be located wholly within the freehold property.

Road Safety Audit

- B111. Prior to commencement of any works, the Applicant must undertake a **Road Safety Audit** for heavy vehicle movements associated with the importation of fill, for construction vehicle swept paths in and out of the development site via the proposed construction access points along Moorebank Avenue, and for motorists and construction vehicle movements along Moorebank Avenue during the staged road upgrade works identified in Table 1.

The **Road Safety Audit** must be prepared by an independent TfNSW accredited road safety auditor in accordance with the relevant Austroads guidelines to identify any safety issues. The **Road Safety Audit** must consider road safety issues for the proposed construction access arrangements and affected vehicle movements.

- B112. The Applicant must recommend corrective actions for the identified safety issues and propose appropriate traffic management measures outlined in the **Road Safety Audit** (i.e. temporary traffic signals and other traffic management measures) in consultation and with the approval of the relevant road authority. Details on the proposed traffic management measures must be submitted to the Planning Secretary, TfNSW and RMS.

Construction Traffic and Access Management Plan

- B113. Prior to commencement of construction, the Applicant must prepare a Construction Traffic and Access Plan (CTAMP) and submit it to the Planning Secretary for approval. The CTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council, and must be endorsed by TfNSW and RMS.
- B114. The CTAMP must form part of the CEMP required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the CEMP must:
- (a) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (b) include a Heavy Vehicle Route Plan detailing:
 - (i) origin of imported fill,
 - (ii) destination of demolition material and spoil,
 - (iii) heavy vehicle routes to and from the site within the Campbelltown and Liverpool Local Government Areas (LGAs), including compliance with the conditions of this consent including **Condition B89**, and
 - (iv) management system for over sized vehicles;
 - (c) access and parking arrangements; and
 - (d) detail procedures for notifying residents and the community of any potential traffic disruptions.
- B115. Two lanes (one in each direction) of traffic on Moorebank Avenue must be available at all times during construction, unless otherwise approved by RMS.
- B116. All construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping.
- B117. All vehicles must enter and leave the site in a forward direction.

Operational Traffic and Access Management Plan

- B118. Prior to commencement of operation, the Applicant must prepare an Operational Traffic and Access Management Plan (OTAMP) and submit it to the Planning Secretary for approval. The OTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council(s), TfNSW and RMS.
- B119. The OTAMP must form part of the OEMP and, in addition to the general management plan requirements listed in **Conditions C5 and C6**, the OTAMP must:
- (a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;
 - (b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;
 - (c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and
 - (d) set out a framework and procedures for data collection required to prepare the **Biannual Trip Origin and Destination Report** required under **Condition B120** including a main gate monitoring system (e.g. CCTV) to identify heavy vehicles turning right from the terminal site onto Moorebank Avenue, or turning left from Moorebank Avenue to the terminal site.

Biannual Trip Origin and Destination Report

- B120. Each six months following commencement of operation, the Applicant must prepare a Biannual Trip Origin and Destination Report (in a format agreed with TfNSW and RMS) that advises:
- (a) the total number of actual and standard twenty foot equivalent shipping containers despatched and received during the period;
 - (b) the number of actual and standard twenty foot equivalent shipping containers transported to and from the site by rail during the period;
 - (c) actual hours of operation for the truck gate listing days and hours of operation;
 - (d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time;
 - (e) direction of travel into and out of the site for light vehicle on a representative day; and
 - (f) representative vehicle origins and destinations of all classes of vehicles and covering the intermodal terminal, the warehousing facility and any other uses such as the freight village.

A copy of the report required under **Condition B120** is to be submitted to the Planning Secretary, TfNSW and RMS within one month of its preparation.

Workplace Travel

- B121. Prior to the issue of any Occupation Certificate, the Applicant must prepare a specific **Workplace Travel Plan** and submit it to the Planning Secretary for information. The Workplace Travel Plan must be developed in consultation with TfNSW and outline facilities and measures to promote public transport usage, including:
- (a) peak period and shift work responsive express buses to/ from the site and Liverpool Station via Moorebank Avenue and Newbridge Roads with frequency dependent on the development of the site;
 - (b) peak period express buses to/ from the site and Holsworthy rail station via Anzac Road, Wattle Grove Drive and Heathcote Road with frequency dependent on the development of the site; and
 - (c) consideration of extension of the 901 bus service and new bus stop locations if required.
- B122. The Applicant must provide an **annual report on employee numbers** to the Department, TfNSW and RMS, commencing one year after commencement of operation of the IMT facility and for up to 5 years from occupation of the final warehouse building.
- B123. The Applicant and each occupant/operator must implement the most recent version of the Workplace Travel Plan for the duration of the development.

Driver Code of Conduct

- B124. The Applicant must prepare and submit a Driver Code of Conduct to the Secretary which includes the following measures to minimise impacts:
- (a) adherence to specified transport routes, including no heavy vehicle access to and from Cambridge Avenue;
 - (b) acceptable delivery hours;
 - (c) no extended periods of engine idling;
 - (d) avoiding queuing in or around the site;
 - (e) compliance with site speed limits;
 - (f) limiting the need for reversing on site; and
 - (g) consideration of the use of non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.

NOISE AND VIBRATION

Construction Hours of Work

- B125. The Applicant must comply with the hours detailed in **Table 2**.

Table 2: Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm

- B126. Except as permitted by an EPL, activities resulting in highly noise intensive works (including impulsive or tonal noise emissions) must only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

Note 1: For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work that is the subject of this condition.

Note 2: Section 4.42(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval. Out-of-hours works considered under **Condition B127** must be justified and include an assessment of mitigation measures.

- B127. Construction outside of the hours identified in **Condition B125** may be undertaken in any of the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) where a negotiated agreement has been arranged with affected receivers;
 - (c) works agreed to in writing by the Planning Secretary;
 - (d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;
 - (e) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or

- (f) where they are undertaken in accordance with an **Out-Of-Hours Work Protocol** under **Condition B135**.

B128. Blasting is not permitted on the site.

Noise Wall

B129. Prior to the commencement of operation of any part of the development, the Applicant must construct a 5 m high noise wall along the entire length of the western internal road as shown in **Appendix 1** (as detailed in the EIS and Rts Noise and Vibration Impact Assessment modelling).

Hours of Operation

B130. The permitted hours of operation are detailed in **Table 3**.

Table 3: Hours of Operation

Activity	Day	Time
Intermodal terminal facility including rail link connection	Monday – Sunday	24 hours
Warehouses	Monday – Sunday	24 hours
Freight village	Monday – Sunday	7 am to 6 pm

Intermodal Terminal Operational Noise Limits

B131. The Applicant must ensure that the noise generated by the overall precinct operations (defined as all activities approved for MPW and MPE) does not exceed the noise limits in **Table 4**.

Table 4: Operational Noise Limits dB(A)

Location (residential receivers)	Day $L_{Aeq,15\text{ minute}}$	Evening $L_{Aeq,15\text{ minute}}$	Night $L_{Aeq,15\text{ minute}}$	Night $L_{A1,1\text{ minute}}$
Casula	39 dB	35 dB	35 dB	52 dB
Glenfield	35 dB	35 dB	35 dB	52 dB
Wattle Grove	36 dB	35 dB	35 dB	52 dB

Notes: To determine compliance with the $L_{Aeq,15\text{ minute}}$ noise limits, noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 m of a dwelling where the dwelling is more than 30 m from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 7 of the NPI). The modification factors in Fact Sheet C of NPI must also be applied to the measured noise levels where applicable.

To determine compliance with the $L_{A1,1\text{ minute}}$ noise limits, noise from the project is to be measured at 1 m from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 7 of the NPI).

The noise emission limits identified above apply under meteorological conditions of:

- (i) wind speeds of up to 3 m/s at 10 m above ground level; or
- (ii) 'F' atmospheric stability class.

Operation of Rail Terminal, Locomotives and Wagons

B132. Terminal and rail port shuttle operations must comply with the following:

- (a) best practice plant for the intermodal terminal facility, including electronic automated container handling equipment or equipment with equivalent sound power levels;
- (b) locomotives using the development must meet the air emissions standards and noise requirements as specified in the *Moorebank Precinct East – Stage 1 Project: Best Practice Review (SSD 12_6766)*, prepared by Arcadis dated 19 September 2017);
- (c) wagons using the development must incorporate available best practice noise technologies, such as “one-piece” freight bogies or three-piece freight bogies fitted with cross-bracing or steering arms; and permanently coupled ‘multi-pack’ steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology);

- (d) automatic rail lubrication equipment must be used in accordance with *ASA Standard T HR TR 00111 ST Rail Lubrication* and top of rail friction modifiers, where required; and
- (e) the rail cross sectional profile must be maintained in accordance with *ETN-01-02 Rail Grinding Manual for Plain Track* to ensure the correct wheel/ rail contact position and hence to encourage proper rolling stock steering.

B133. For all terminal and rail operations, a monitoring and performance management regime is to be established in accordance with the conditions of this consent, including but not limited to the requirements of **conditions B140-B143**, with the objective of ensuring there is no deterioration in noise performance and continual improvement in rail noise outcomes from rail operations throughout the life of the development.

Construction Noise and Vibration Management Plan

B134. Prior to commencement of construction, the Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) and submit it to the Planning Secretary for approval. The CNVMP must be consistent with the guidelines contained in the ICNG (DECC, 2009).

B135. The CNVMP must form part of the CEMP required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the CNVMP must include:

- (a) identification of the work areas, site compounds and internal access routes;
- (b) identification of the type and number of plant and equipment expected on site at the same time;
- (c) details of construction activities and a construction program, including the identification of key noise and/ or vibration generating construction activities (based on representative construction scenarios) that have the potential to generate noise and/ or vibration impacts on surrounding sensitive receivers, particularly residential areas;
- (d) identification of sensitive receivers (including heritage structures if relevant) and relevant construction noise management levels (NMLs) using the ICNG, vibration criteria using the *Assessing Vibration: a Technical Guide* (DECC 2006) (for human exposure) and vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration effects of vibration on structures* (for structural damage);
- (e) Identification of any construction activities predicted to exceed NMLs;

Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.

- (f) identification of feasible and reasonable measures to be implemented to minimise and manage construction noise impacts, including, but not limited to, acoustic enclosures, erection of noise walls (hoardings), respite periods; and
- (g) an **Out-of-hours Work Protocol** for the assessment, management and approval of works associated with the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possessions, outside of the hours identified in **Condition B125**. The **Out-of-hours Work Protocol** must:
 - (i) detail an assessment of out-of-hours works against the relevant NMLs and vibration criteria,
 - (ii) provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments, and
 - (iii) include proposed notification arrangements.

Operational Noise Management Plan

B136. Prior to commencement of operation, the Applicant must prepare an Operational Noise Management Plan (ONMP) and submit it to the Planning Secretary for approval. The ONMP must be prepared by a suitably qualified and experienced person(s).

B137. The ONMP must for part of the OEMP and, in addition to the general management plan requirements listed in **Conditions C5 and C6**, the ONMP must include monitoring and reporting as required under **Conditions B139, B140 and B141**.

Mechanical Plant and Other Noisy Equipment Monitoring

B138. Prior to construction of the freight terminal, freight village and each warehouse, the Applicant must submit to the Secretary a Noise Assessment for Mechanical Plant and other noisy equipment to demonstrate that plant and equipment has been selected to meet the overall noise limits specified in **Table 4**.

B139. The Applicant must carry out noise monitoring of mechanical plant and other noisy equipment for a minimum period of one week where valid data is collected following operation/ occupation of the freight terminal, freight village and each warehouse. The monitoring program must be carried out by a suitably qualified and experienced person(s) and a **Monitoring Report for Mechanical Plant** must be submitted to the Planning Secretary within two months of operation of the freight terminal and occupation of each tenancy to verify predicted mechanical plant and equipment noise levels.

Site Noise Monitoring and Reporting

B140. Within 12 months of operation of the intermodal terminal facility; occupation of the first warehouse, 50% occupation of the site and 100% occupation of the site, or as otherwise agreed by the Planning Secretary, the Applicant must undertake **Operational Noise Monitoring** to compare actual noise performance of the project against predicted noise performance and prepare an **Operational Noise Report** to document this monitoring. The Report must include, but not necessarily be limited to:

- (a) noise monitoring to assess compliance with the predicted operational noise levels and the noise limits specified in **Table 4**;
- (b) a validation by predictive modelling of the operational noise levels in terms of criteria and noise goals established in the Road Noise Policy (RNP, EPA, 2001);
- (c) sleep disturbance impacts compared to those determined in documents specified under **Condition A3**;
- (d) impacts associated with annoying characteristics such as prominent tonal components, impulsiveness, intermittency, irregularity and dominant low-frequency content;
- (e) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
- (f) any required recalibrations of the noise model taking into consideration factors such as actual traffic numbers and heavy vehicle proportions;
- (g) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all feasible and reasonable mitigation measures;
- (h) identification of additional measures to those predicted in the documents specified under **Condition A3**, that would be implemented with the objective of meeting the criteria outlined in the RNP and NPI (EPA, 2017), including timing of implementation;
- (i) details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared; and
- (j) procedures for the management of operational noise and vibration complaints.

The Operational Noise Report is to be verified by a suitably qualified and experienced noise and vibration expert.

The Operational Noise Report must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring referred to in (a) above or as otherwise agreed by the Planning Secretary.

Rail Noise Monitoring and Reporting

B141. The Applicant must install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations on the rail link. The system must capture the noise from each individual train passby noise generation event, and include information to identify:

- (a) time and date of freight train passbys;
- (b) imagery or video to enable identification of the rolling stock during the day and night;
- (c) $L_{Aeq}(15\text{hour})$ and $L_{Aeq}(9\text{hour})$ from rail operations; and
- (d) $LAF(\text{max})$ and SEL of individual train passbys, measured in accordance with ISO3095; or
- (e) other alternative information as agreed with, or required by, the Planning Secretary.

The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available as live data on the website, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The $L_{Aeq}(15\text{hour})$ and $L_{Aeq}(9\text{hr})$ results from each day must be available on the website within 1 hour of the period ending.

B142. Prior to the commencement of operation, the Applicant must submit to the Planning Secretary for approval, **justification supporting the appropriateness of the location for rail noise monitoring**, including details of any alternative options considered and reasons for these being dismissed. The noise monitoring location(s) must be west of the MPW Stage 2 connection to the rail link constructed under MPE Stage 1.

B143. From the commencement of operation, the Applicant must provide an annual **Rail Noise Monitoring Report** to the Planning Secretary for a period of 5 years, or as otherwise agreed with the Planning Secretary. The Planning Secretary shall consider the need for further reporting following a review of the results for year 5.

Note: the above rail noise monitoring and reporting conditions may be satisfied by the implementation of relevant monitoring and reporting conditions under the MPE Stage 1 consent.

HERITAGE

Aboriginal Sites

- B144. A **Salvage Strategy** must be developed in consultation with OEH and with relevant Registered Aboriginal Parties prior to any impacts on Aboriginal objects and sites.
- B145. The scar tree portions of Aboriginal sites MA6 & MA7 are to be removed by a qualified arborist and relocated to a suitable area identified in consultation with Registered Aboriginal Parties.
- B146. Staged salvage excavation of selected areas should be conducted in consultation with Registered Aboriginal Parties. These stages include:
- (a) dispersed pits placed along transects within the Terrace PAD and the tertiary terrace (between MA10 and MA14 – refer to Figure 16-2 of the EIS); and
 - (b) open area salvage excavation, targeting the artefact concentrations at MA10 and MA14, as well as any additional artefact concentrations identified during (a) above.
- B147. Following completion of salvage, the Applicant must prepare an **Aboriginal Cultural Heritage Salvage Report** in accordance with any guidelines and standards or OEH requirements. The report must include details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds) and be submitted to the Planning Secretary, OEH, relevant Council(s) and Registered Aboriginal Parties, where relevant, for information within 12 months after the completion of salvage works.

Aboriginal Items or Objects

- B148. If any Aboriginal object of Aboriginal place is identified on site, or suspected to be on site (other than those identified in the EIS):
- (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10 m wide buffer area around the object or place must be cordoned off; and
 - (c) OEH must be contacted immediately.
- B149. Work in the immediate vicinity may only recommence if:
- (a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; or
 - (b) an **Aboriginal Cultural Heritage Management Plan** is prepared in consultation with the Registered Aboriginal Parties and OEH to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary; or
 - (c) OEH is satisfied as to the measures to be implemented in respect of the object or place and makes a written direction in that regard.

Non-indigenous Heritage

- B150. If any unexpected archaeological relics are uncovered:
- (a) all work in the immediate vicinity of the find must cease immediately;
 - (b) OEH Heritage Division must be notified;
 - (c) a suitably qualified and experienced archaeologist (e.g. project archaeologist) must record and assess the significance of the find with the results reported to the Planning Secretary, OEH Heritage Division, Council and the local Historical Society; and
 - (d) where required, a Management Strategy is to be developed and implemented in consultation with the OEH Heritage Division.
- B151. Work in the immediate vicinity of the find may only recommence on the advice of the project archaeologist.

BIODIVERSITY

- B152. Prior to clearing of native vegetation, a **Koala Management Plan (KMP)** must be prepared by a suitably qualified person in consultation with OEH and be submitted to the Planning Secretary for approval. The KMP must:
- (a) make reference to *A review of koala tree use across New South Wales* (OEH 2018);
 - (b) identify habitat corridors, of adequate dimensions to provide an adequate Koala habitat corridor as supported by a Koala specialist, to provide connectivity both within the Intermodal Precinct area and with other core koala habitat areas (i.e. to the south and to the west along Georges River);
 - (c) include commitment to retain Koala use trees on site in line with phased earthworks (see eg. **Condition B40**);

- (d) include details of structures to eliminate barriers to movement (presented by fences, roads, drainage culverts or pits, rail lines and the like) for koalas and other native fauna likely to use the site or habitat corridor;
- (e) include details on koala habitat rehabilitation/ restoration within the identified habitat corridors; and
- (f) include other measures to minimise the risk of harm to koalas.

Construction Flora and Fauna Management

B153. The Applicant must:

- (a) ensure that no more than 42.89 hectares of native vegetation is cleared for the development; and
- (b) before any work commences, install and maintain exclusion fencing along the riparian corridor and around any native vegetation not being removed as part of the development.

B154. Prior to clearing of native vegetation, the Applicant must prepare a **Construction Flora and Fauna Management Plan** (CFFMP) and submit it to the Planning Secretary for approval. The CFFMP must be developed in consultation with OEH.

B155. The CFFMP must form part of the CEMP required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the CFFMP must include the following:

- (a) measures to minimise the loss of key fauna habitat including tree hollows and koala feed trees;
- (b) measures to minimise the impacts on fauna on site; and
- (c) measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected/ 'no-go' areas.

Note: A version of the CFFMP is to be submitted prior to any clearing required to conduct remediation. In accordance with the definition of construction, that version of the CFFMP can be prepared and submitted for approval as a standalone document prior to any clearing required to conduct remediation, and a full CEMP does not need to be submitted at that point in time.

B156. Prior to removing/ clearing any vegetation or any demolition, pre-clearing surveys and inspections for threatened species, populations and ecological communities must be undertaken. The surveys and inspections, and any subsequent relocation of species and associated management measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist.

B157. Prior to any impact on the species to be offset, the Applicant must retire biodiversity credits specified in **Table 5** and **Table 6**. The retirement of credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* (OEH 2014).

Table 5: Ecosystem credit requirements

Site	Plant community type	Area to be impacted	Credits required
MPW Stage 2 (excluding Moorebank Avenue site)	Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)	9.81 ha	371
MPE Stage 2 (excluding Moorebank Avenue site)	Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005)	0.46 ha	15
MPE Stage 2 (excluding Moorebank Avenue site)	Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin (ME018)	27.88 ha	1,290
Moorebank Avenue site	Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin (ME003)	3.75 ha	140
Moorebank Avenue site	Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin (ME005)	0.22 ha	7
Moorebank Avenue site	Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney (ME018)	0.59 ha	19

Table 6: Species credit requirements

Species	Impacted individuals/ area to be impacted	Credits required
Nodding Geebung (<i>Persoonia nutans</i>)	16	1,232
<i>Hibbertia puberula</i> subsp. <i>puberula</i>	2 ha	80*
Small-flower Grevillia (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)	333	4,662
Koala (<i>Phascolarctos cinereus</i>)	42.69 ha	1,110

Note: * only whole numbers can be entered into the credit calculator. It is known that the calculator applies an offset requirement of 40 credits per hectare therefore this rate has been used to calculate the requirement for decimals of a hectare.

B158. The Applicant:

- (a) may elect to retire biodiversity credits in conjunction with the retirement of biodiversity credits for other developments on the MPE or MPW developments, prior to the commencement of construction of this development, provided it is not inconsistent with **Condition B157**; and
- (b) is not required to retire credits for biodiversity impacts that it has already offset under another development consent, pending the provision of evidence of what credits were retired to offset which development.

B159. If any native flora or fauna is identified on site that has not been previously identified in the documents listed in Condition A3:

- (a) work must cease in the vicinity;
- (b) a buffer zone must be established in consultation with the project ecologist;
- (c) OEH must be notified;
- (d) appropriate mitigation measures must be determined in consultation with OEH (including relevant re-location measures); and
- (e) ecological monitoring and/ or biodiversity offset requirements must be updated, where required.

Operational Flora and Fauna Management

B160. Prior to commencement of operation an **Operational Flora and Fauna Management Plan (OFFMP)** must be prepared by a suitably qualified person in consultation with OEH and be submitted to the Planning Secretary for approval. The OFFMP must include:

- (a) monitoring, management and maintenance procedures for koala habitat corridors; and
- (b) management and maintenance of other measures and site operations to minimise the risk of harm to koalas and other native fauna.

CONTAMINATION AND REMEDIATION

Site Auditor

B161. Prior to the commencement of any works, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.

Per- and Polyfluoroalkyl Substances (PFAS) Contamination

B162. Prior to construction, the Applicant must provide the EPA with a copy of all reports to date relating to the assessment of per- and poly-fluoroalkyl substances (PFAS) undertaken for the development and in relation to contamination from the development.

B163. 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 to discuss requirements for community consultation.

Contamination in Vegetated Areas

B164. Prior to vegetation clearing:

- (a) the Applicant must identify contamination within vegetated areas and prepare options for remediation in those areas, with the objectives to:
 - (i) retain vegetation to the greatest extent possible beyond the completion of remediation;
 - (ii) minimise land disturbance in accordance with **Condition B41**; and
 - (iii) not reduce the ability to provide connectivity and habitat corridors in accordance with **Conditions B2 and B152**;
- (b) where remediation requires prior vegetation clearing, an appropriate assessment of the impact of clearing on contaminated land must be prepared by a suitably qualified and experienced consultant; and
- (c) where contamination is identified as occurring within those areas where vegetation is proposed to be cleared, a **Contamination Management Plan** must be prepared in consultation with the Site Auditor detailing the location and nature of the contamination and the proposed remediation and/ or management measures that will be undertaken to address the on-site and potential off-site impacts.

B165. A copy of the assessment required by **Condition B164** above and any associated update of the CEMP required must be provided to the Planning Secretary for approval one month before commencement of vegetation clearing. Evidence of consultation with the Site Auditor must be included.

Remediation

B166. Following vegetation clearing and prior to the commencement of other construction activities, the Applicant must complete remediation of the site in accordance with any relevant Remediation Action Plan (RAP) to the satisfaction of the Planning Secretary. The RAP must include options to remediate and/or manage PFAS impacted areas across the site, including the conservation area. The RAP must be submitted to the accredited site auditor and the NSW EPA for comment prior to implementation. If any amendments are required to the RAP, the amendments must be approved by an EPA accredited Site Auditor.

Validation Report

B167. The Applicant must prepare a Validation Report for the Stage 1 development. The Validation Report must:

- (a) be reviewed by an EPA accredited Site Auditor;
- (b) be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);
- (c) include, but not be limited to:
 - (i) comment on the extent and nature of the remediation undertaken,
 - (ii) describe the location, nature and extent of any remaining contamination on site,
 - (iii) sampling and analysis plan and sampling methodology,
 - (iv) details of the volume of treated material emplaced within any remaining containment cell,
 - (v) results of any validation sampling, compared to relevant guidelines/ criteria, and
 - (vi) discussion of the suitability of the remediated areas for the intended future land uses described under SSD 5066 and SSD 7709 – Stage 2 (including for the raised landform and imported fill characteristics and the drainage outlet structures in the riparian corridor).

B168. A copy of the Validation Report must be provided to the Planning Secretary, EPA and the Certifying Authority prior to commencement of construction (other than the vegetation clearing required for remediation).

Site Audit Statements

B169. Upon completion of the remediation required in relation to Stage 1 (SSD 5066) and this development and prior to the commencement of construction (other than the vegetation clearing required for remediation) in relation to this approval (i.e. Stage 2 SSD 7709), the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended land uses under Stage 2 SSD 7709 including for the:

- (a) importation and placement of fill,
- (b) construction of a warehouse estate including warehouse buildings,
- (c) development of an intermodal terminal, and
- (d) protection of the conservation area including riparian corridor and biodiversity offset sites.

B170. To ensure that no residual contaminated land on site is impacted by this approval, the requirements of Site Audit Statement A required by **Condition B169** cannot be staged.

B171. Upon completion of importation and placement of fill and prior to construction of permanent built surface works, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended land uses under MPW Stage 2 SSD 7709.

Long Term Environmental Management Plan

B172. Where remediation outcomes for the site require long term environmental management, a suitably qualified and experienced person must prepare a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Site Auditor. The plan must:

- (a) be submitted to the Planning Secretary and EPA prior to commencement of construction (other than vegetation clearing); and
- (b) include, but not be limited to:
 - (i) a description of the nature and location of any contamination remaining on site,
 - (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell,
 - (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/ or disposal,
 - (iv) a description of the procedures for monitoring the integrity of the containment cell,
 - (v) a surface and groundwater monitoring program,

- (vi) mechanisms to report results to relevant agencies,
- (vii) triggers that would indicate if further remediation is required, and
- (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.

B173. The LTEMP must be registered on the title to the land.

Unexpected Ordnance

B174. Unexpected Ordnance (UXO), Exploded Ordnance (EO) and Exploded Ordnance Waste (EOW) protocols must be prepared by an UXO contractor listed on the Defence Panel of suitably qualified UXO consultants and contractors.

UNEXPECTED FINDS PROTOCOL

B175. The CEMP required under **Condition C2** must include an Unexpected Finds Protocol(s) for, but not limited to, contamination, ordnances, Aboriginal sites, non-indigenous heritage and flora and fauna.

HAZARDS AND RISKS

B176. The total quantities of dangerous goods present at any time within the development and transport movements to and from the development must be kept below the screening threshold quantities and movements listed in the Department's *Hazardous and Offensive Development Guidelines Applying SEPP 33* (January 2011).

B177. The Applicant (the operator/ occupant of each premises) must store and handle all chemicals, fuels and oils, including Dangerous Goods as defined in the *Australian Code for the Transport of Dangerous Goods by Road & Rail*, in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participant's Manual* if the chemicals are liquids.

In the event of an inconsistency between the requirements listed above in (a) and (b), the most stringent requirement must prevail to the extent of the inconsistency.

B178. Fuel stored on the site must only be used for the purposes of refuelling IMT facility plant and equipment and locomotives.

B179. Prior to the occupation of each premises and in each instance of occupation by a new occupant, a statement must be submitted to the Planning Secretary confirming that the premises will be operated so as to comply with the requirements of **Conditions B176 and B177**.

WASTE MANAGEMENT

B180. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B181. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B182. The Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse where the waste collection service will be provided by Council.

B183. The OEMP required under **Condition C5** must include measures for waste management in accordance with the waste hierarchy set out in the EPA's NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.

CONSTRUCTION AND OPERATIONAL FACILITIES

Concrete Batching Plant

B184. The concrete batching plants must comply with the following criteria:

- (a) have a total production capacity less than 150 tonnes per day or 30,000 tonnes per year;
- (b) only one concrete batching plant is to operate at any one time; and
- (c) the first concrete batching plant must be disassembled immediately following commencement of operation of the second concrete batching plant.

B185. The CEMP required under **Condition C2** must include:

- (a) a drawing showing the location and layout of the two concrete batching plants including facilities for cementitious water treatment and connections to construction site water management and erosion and sediment control structures;
- (b) mitigation, monitoring and management procedures specific to the concrete batching plants that would be implemented to minimise environmental and amenity impacts during both facility establishment and operation; and

- (c) timeframes for establishment of each of the batching plants.

Crushing Plant

B186. The CEMP required under **Condition C2** must include mitigation, monitoring and management procedures specific to the crushing plant that would be implemented to minimise environmental and amenity impacts.

Container Wash Down Facility

B187. The container wash down facility must:

- (a) include bunding to exclude wash area waste from the stormwater system;
- (b) be designed and operated to avoid overspray from foams, detergents, mud or fugitive emissions outside wash down bays;
- (c) include oily water separation, water treatment and recycling; and
- (d) comply with Sydney Water trade waste requirements for discharge to the sewer.

OPERATION OF PLANT AND EQUIPMENT

B188. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

BUSHFIRE RISK MANAGEMENT

B189. Bushfire asset protection zones must not be within the riparian corridor as defined in **Condition B2** other than within areas greater than 40m from top of bank as determined in accordance with condition B2 where evidence is provided to the satisfaction of the Planning Secretary that riparian vegetation, and any trees over 3 m in height, will be retained.

B190. The entire site must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection* (RFS, 2006) and the NSW Rural Fire Service's document *Standards for asset protection zones*.

B191. An updated **Bushfire Risk Management Plan** must be prepared by a suitably qualified person(s) demonstrating that the bushfire asset protection zones can be contained wholly within the development area and that management of the inner protection zone will not impact on the proposed Biodiversity Offset Area. The Bushfire Risk Management Plan must be submitted to the Planning Secretary prior to construction of permanent built surface works.

B192. Public road access must comply with section 4.1.3(1) of *Planning for Bush Fire Protection* (RFS, 2006) except for the requirement for through-access.

B193. The provision of water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection* (RFS, 2006).

EMERGENCY RESPONSE

B194. Prior to the commencement of construction and operation, the Applicant must prepare an **Emergency Response Plan(s)** covering, but not limited to, flooding and bushfire. The Emergency Response Plan(s) must be consistent with *Australian Standard AS3745 2010 Planning for Emergencies in Facilities* and include details of:

- (a) assembly points and evacuation routes;
- (b) evacuation and refuge protocols; and
- (c) awareness training for employees and contractors.

B195. The **Bushfire Emergency and Evacuation Management Plan** must:

- (i) be prepared by a suitably qualified and experienced person(s),
- (ii) be consistent with the *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014); and
- (iii) a copy of the **Operational Bushfire Emergency Evacuation Management Plan** must be submitted to the Planning Secretary, NSW Rural Fire Service, Council and the Certifying Authority prior to occupation.

TENANCY ACTIVITIES

B196. Prior to occupancy of any freight village or warehouse tenancy, and every subsequent occupation of these tenancies, details of the tenant and occupation activity is to be submitted to the Planning Secretary demonstrating that the proposed activity complies with **Conditions A17 and A20**.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a **Construction Environmental Management Plan (CEMP)** in accordance with the requirements of **condition C1** and submit it to the Planning Secretary for approval.
- C3. As part of the CEMP required under **Condition C2** of this consent, the Applicant must include the following:
- (a) **Soil and Water Management Plan** (see **Condition B29**);
 - (b) **Acid Sulfate Soils Management Plan** (see **Condition B39**);
 - (c) **Construction Traffic and Access Management Plan** (see **Condition B113**);
 - (d) **Construction Noise and Vibration Management Plan** (see **Condition B134**);
 - (e) **Out-of-hours Work Protocol** (see **Condition B135(g)**);
 - (f) **Construction Flora and Fauna Management Plan** (see **Condition B154**); and
 - (g) **Unexpected Finds Protocol(s)** (see **Condition B175**).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an **Operational Environmental Management Plan (OEMP)** in accordance with the requirements of **condition C1** and submit it to the Planning Secretary for approval.
- C6. As part of the OEMP required under **Condition C5** of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

- (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) **Operational Traffic and Access Management Plan** (see Condition B118);
 - (ii) **Stormwater Infrastructure Operation and Maintenance Plan** (see Condition B36);
 - (iii) **Stormwater Quality Monitoring Program** (see Condition B38);
 - (iv) **Landscape Vegetation Management Plan** (see Condition B82);
 - (v) **Operational Traffic and Access Management Plan** (see Condition B118);
 - (vi) **Operational Noise Management Plan** (see Condition B136); and
 - (vii) **Operational Flora and Fauna Management Plan** (see Condition B160).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate 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).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of an incident report under Condition C10;
- (b) the submission of an Independent Audit under Condition C17;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under Condition A3(b) which requires a review,

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

C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C10. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C11. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C14. No later than six weeks before the date notified for the commencement of construction and operation, a **Construction Compliance Monitoring and Reporting Program** and **Operational Compliance Monitoring and Reporting Program** respectively, prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.

- C15. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing 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.

Independent Environmental Audit

- C16. No later one month before the date notified for the commencement of construction and operation, an **Independent Audit Program** prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- C17. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C16 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C18. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under **Condition C17** of this consent;
 - (b) submit the response to the Department and the Certifying Authority; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.
- C19. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

Monitoring and Environmental Audits

- C20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

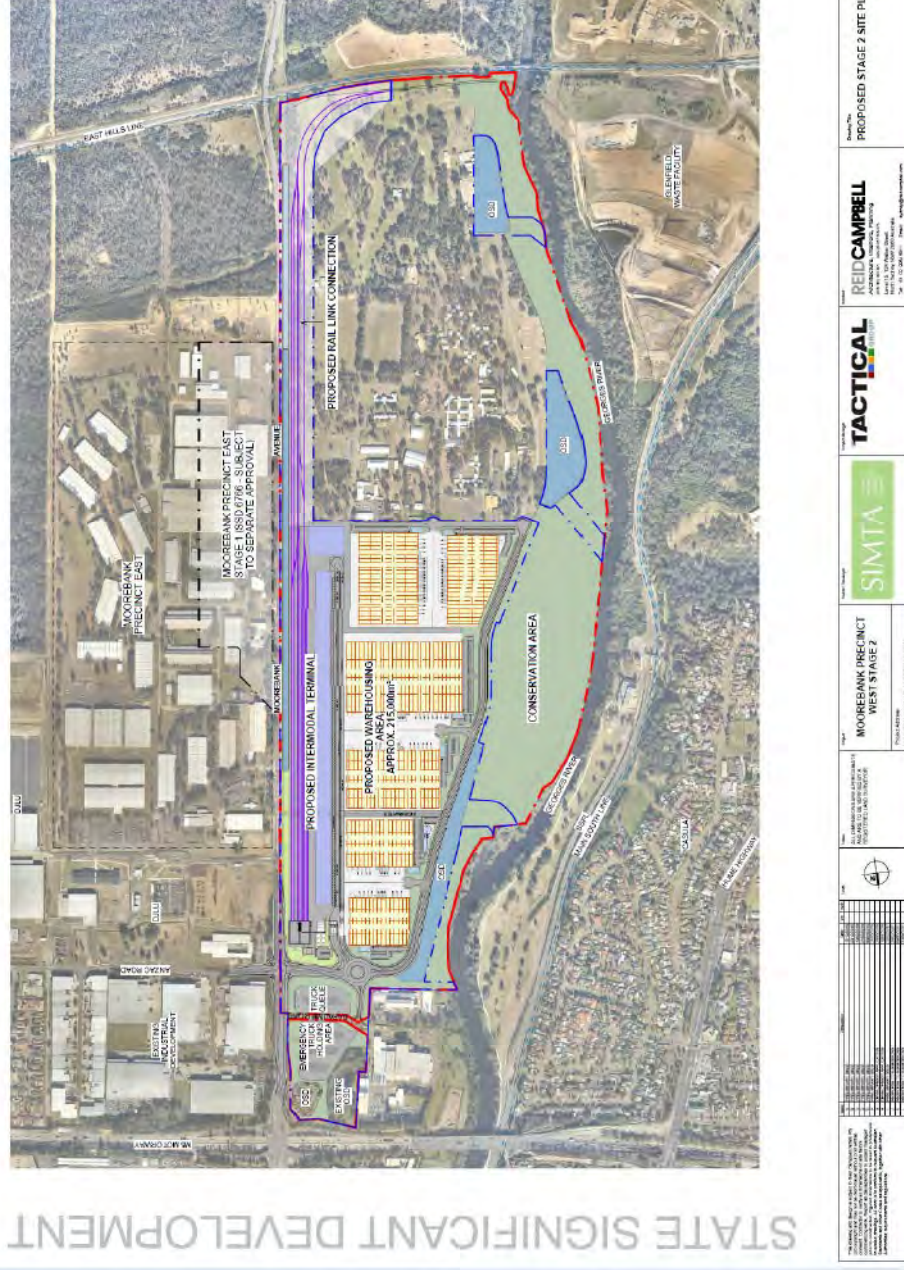
Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development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

ACCESS TO INFORMATION

- C21. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A3** of this consent and the final, approved **revised Development Layout Drawings, Stormwater Design Drawings, Landscape Drawings and Architectural Drawings** for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) minutes of CCC meetings;
 - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vii) 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;
 - (viii) a summary of the current stage and progress of the development;
 - (ix) contact details to enquire about the development or to make a complaint;

- (x) a complaints register, updated monthly;
 - (xi) the Compliance Reporting of the development;
 - (xii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

PROPOSED STAGE 2 SITE PLAN



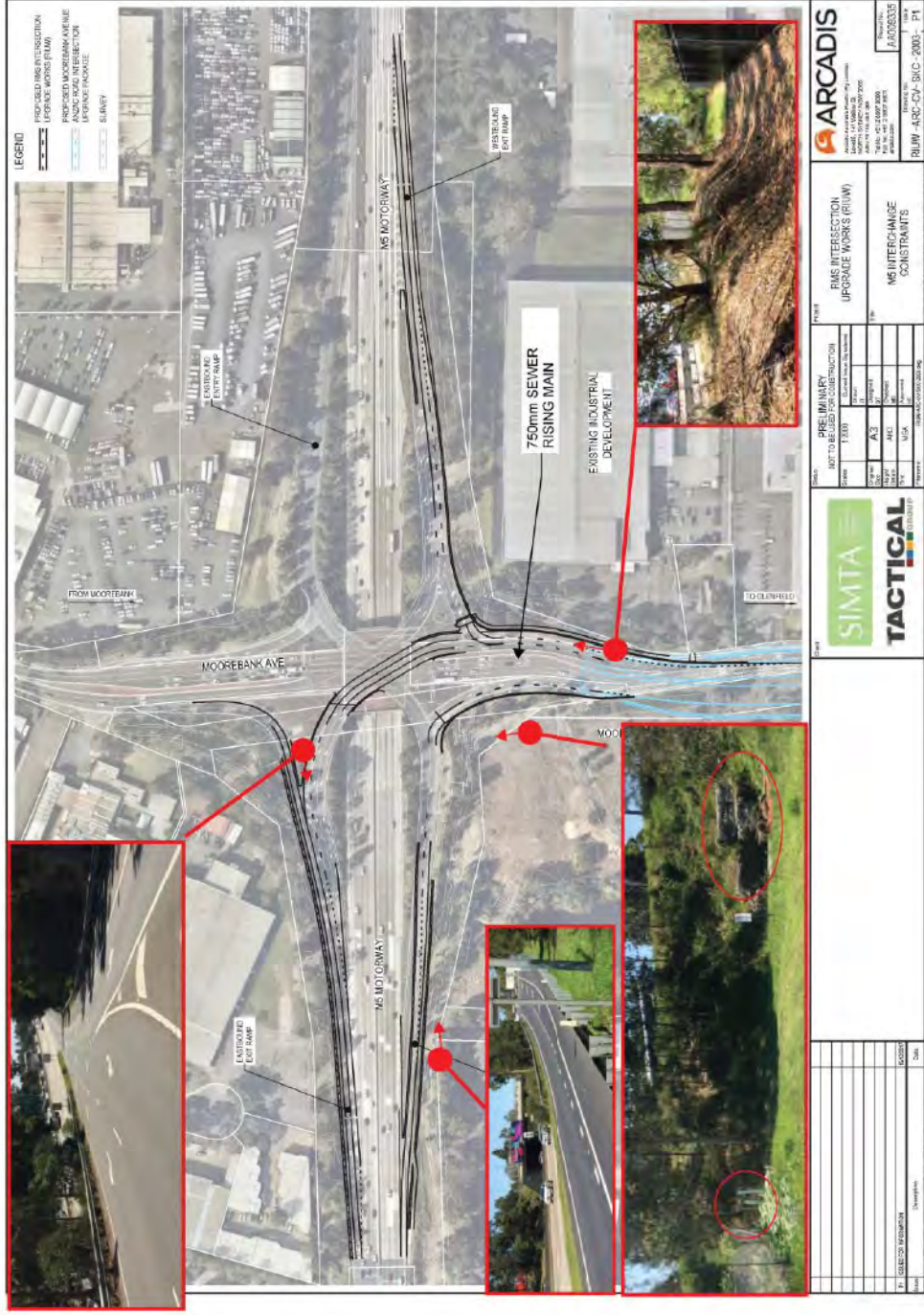


Figure 2: Indicative Layout Plan - Moorebank Avenue Road Upgrade near M5

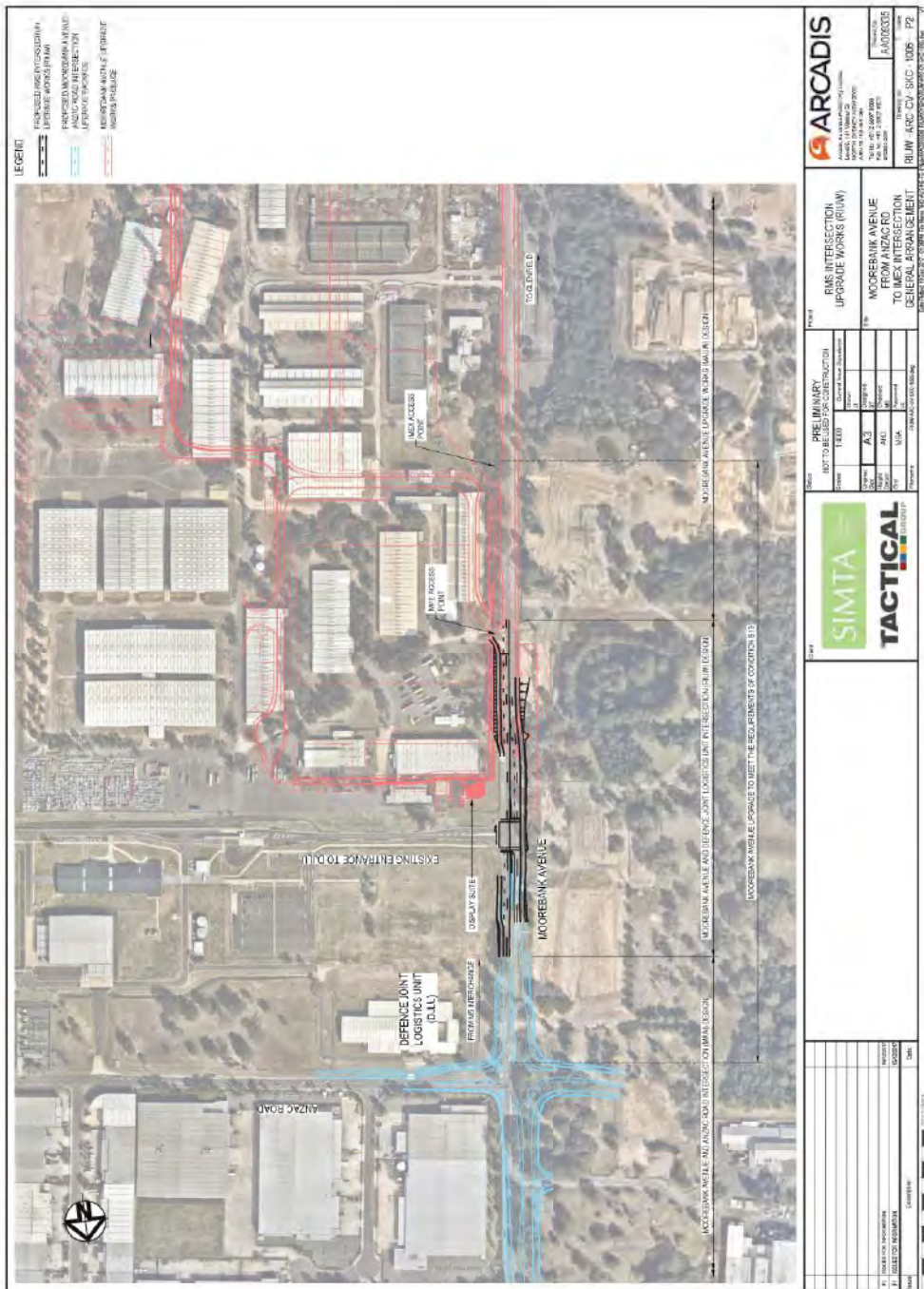


Figure 3: Indicative Layout Plan – Moorebank Avenue/ Anzac Road Intersection Upgrade

Figure 7-1 Noise Wall and Buildings included in Noise Model

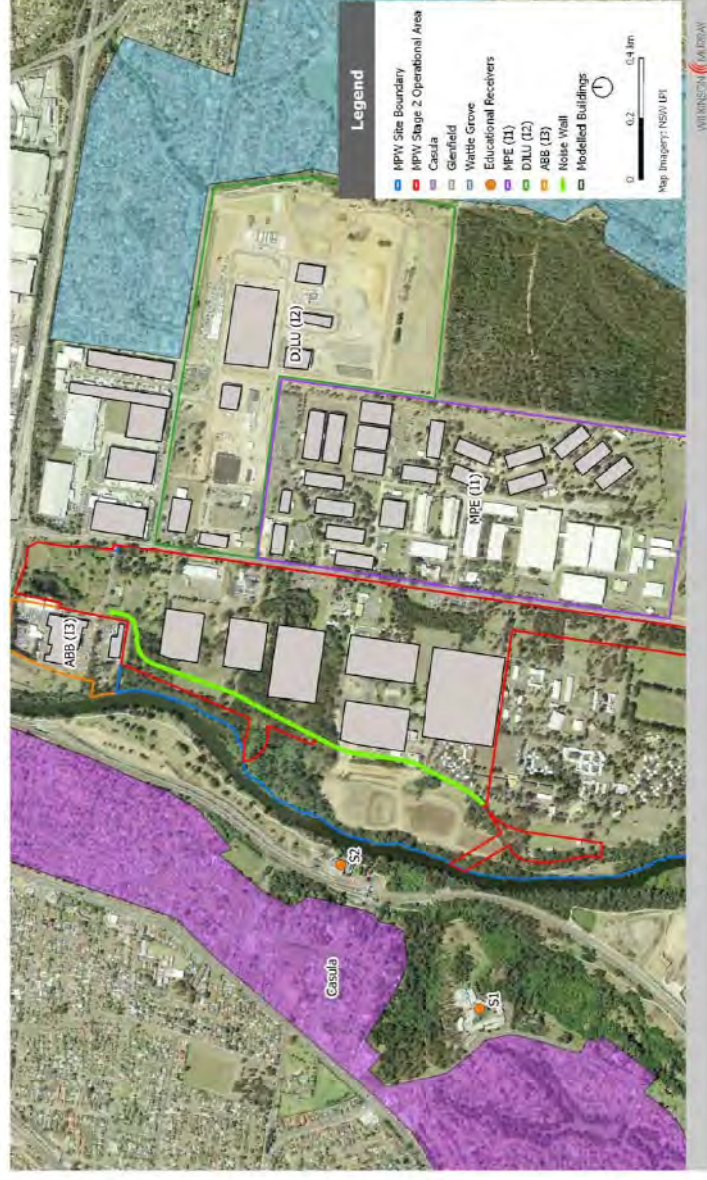


Figure 4: Figure from EIS Noise and Vibration Impact Assessment

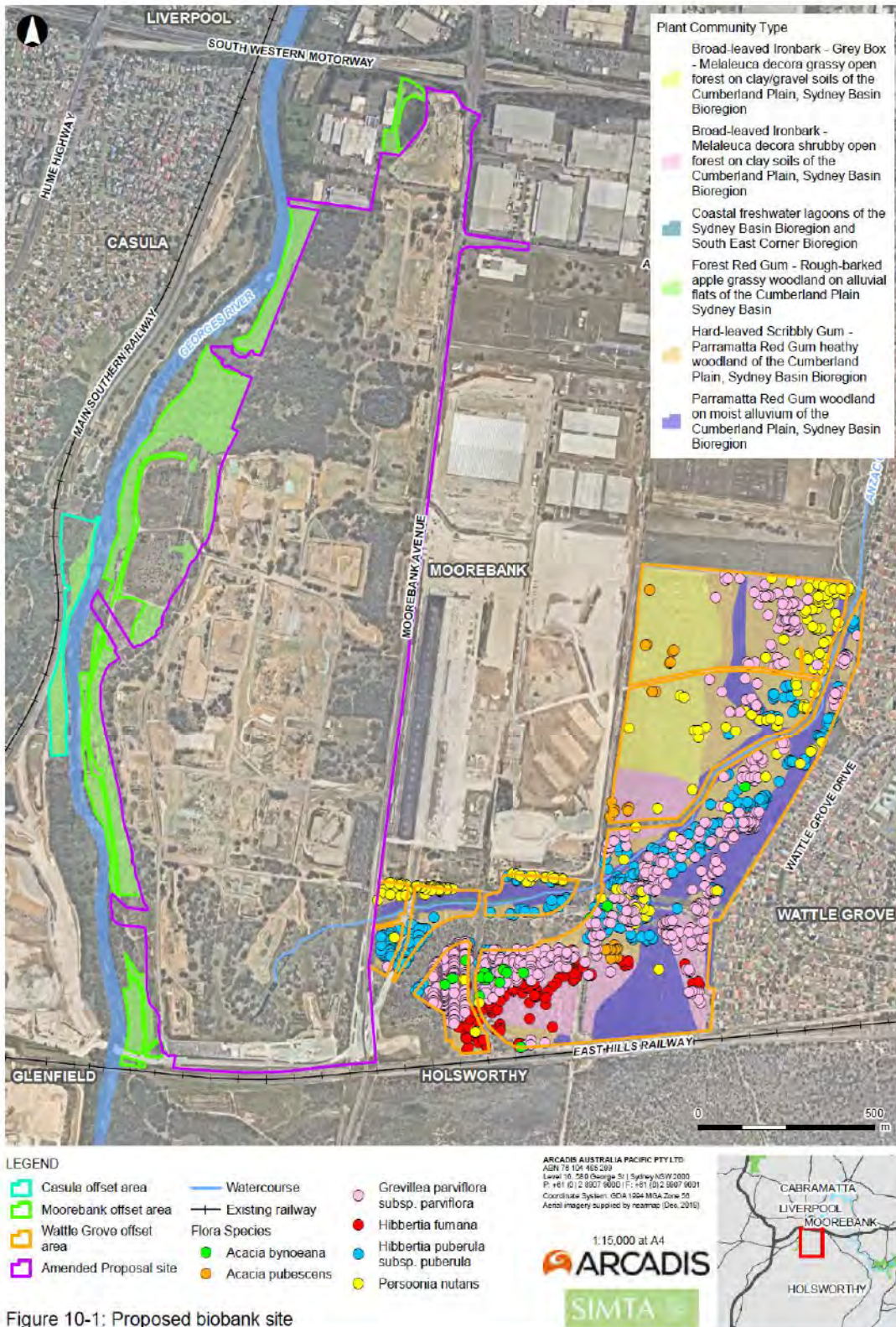


Figure 5: Offset areas

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES SUBMITTED 2/11/2018

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

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