

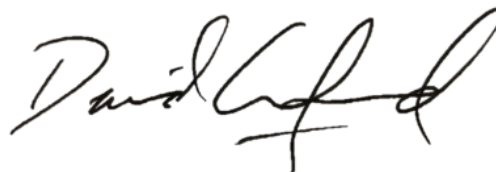
# Development Consent

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

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

These conditions are required to:

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



David Gainsford  
**Executive Director**  
**Infrastructure Assessments**

Sydney

7/5/2020

### **SCHEDULE 1**

<b>Application Number:</b>	SSD 7308
<b>Applicant:</b>	Pacific National
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 2 DP 876781, Lot 3 DP 876781 and Lot 196 DP 31912
<b>Development:</b>	<p>Construction and operation of the St Marys intermodal (road and rail) terminal and container park with an operating capacity of 301,000 twenty-foot equivalent units (TEU) annual throughput, including operation of rail sidings and container park 24 hours, 7 days per week.</p> <p>Construction activities including:</p> <ul style="list-style-type: none"><li>• hardstand area for container storage and laydown, rail and vehicle loading and unloading areas</li><li>• new internal access roads providing separate ingress and egress for light and heavy vehicles as follows:<ul style="list-style-type: none"><li>○ to/from Lee Holm Road for light vehicles</li><li>○ to/from Forrester Road for heavy vehicles</li></ul></li><li>• wash bay area</li><li>• office building pad site</li><li>• fuel storage area</li><li>• container workshop (repair bay) pad site</li><li>• transport workshop pad site</li></ul>

- staff and visitor light vehicle parking bays
- heavy vehicle parking bays

Ancillary development including:

- signage and landscaping
- utility services to support the proposed development including drainage, potable water, water (for firefighting purposes), power, data, security and sewerage
- minor realignment of a section of the Sydney Trains high voltage overhead power line at the southern end of the subject site
- minor clearing of areas of vegetation regrowth, remediation and minor earthworks
- electrical transformer.

## DEFINITIONS

<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Pacific National or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled St Marys Freight Hub Environmental Impact Statement, prepared by Urbanco and SITE Planning + Design dated 21 May 2019, submitted with the application for consent for the

	development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	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
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Appendix 3.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NSW RFS</b>	New South Wales Rural Fire Service
<b>OEMP</b>	Operational Environmental Management Plan

<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>PCT</b>	Plant Community Type
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	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.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TEU</b>	Twenty-foot equivalent unit container
<b>TfNSW</b>	Transport for New South Wales
<b>TfNSW(RMS)</b>	Transport for New South Wales (Roads and Maritime Services)
<b>Tree</b>	Long lived woody perennial plant greater than (or usually greater than) 3 m in height with on or relatively few main stems or trunks
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS and Response to Submissions;
  - (d) in accordance with the Development Layout in **Appendix 1**; and
  - (e) in accordance with the revised management and mitigation measures in **Appendix 3**.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) to A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) to A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. The container freight throughput for the site must not exceed 301,000 TEU p.a.
- A7. 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 line).
- A8. For the avoidance of doubt, nothing in this consent permits truck-to-truck movements.

#### Prescribed Conditions

- A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### Planning Secretary as Moderator

- A10. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

#### Evidence of Consultation

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Staging**

- A12. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A13. A Staging Report prepared in accordance with condition A12 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A15. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

### **Staging, Combining and Updating Strategies, Plans or Programs**

- A16. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- A17. Any strategy, plan or program prepared in accordance with condition A16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A18. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A19. If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Applicability of Guidelines**

- A20. 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.
- A21. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **Monitoring and Environmental Audits**

- A22. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

### **Access to Information**

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.



## Compliance

- A24. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## Incident Notification, Reporting and Response

- A25. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 4**.

## Non-Compliance Notification

- A27. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Revision of Strategies, Plans and Programs

- A30. Within three months of:
- (a) the submission of a compliance report under condition B42;
  - (b) the submission of an incident report under condition A25;
  - (c) the submission of an Independent Audit under condition C37;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and Certifier for information (where relevant) within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Certified Drawings

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### Protection of Public Infrastructure

- B4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths);
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council; and
  - (d) in relation to rail infrastructure (including powerlines) the Applicant shall consult with Sydney Trains West Interface team at [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

### Pre-Construction Dilapidation Report

- B5. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

### Unexpected Contamination Procedure

- B6. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B11 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

### Community Communication Strategy

- B7. No later than two weeks before the commencement of construction, or within another timeframe agreed with the Planning Secretary, a **Community Communication Strategy** must be submitted to the Planning Secretary for approval. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;

- (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

### Outdoor Lighting

- B8. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### Demolition

- B9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

### Environmental Management Plan Requirements

- B10. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE, April 2020).

**Note:** The Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>

### Construction Environmental Management Plan

- B11. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;
    - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (viii) community consultation and complaints handling;
  - (b) **Construction Traffic and Pedestrian Management Sub-Plan** (see condition B13);
  - (c) **Construction Noise and Vibration Management Sub-Plan** (see condition B14);
  - (d) **Construction Waste Management Sub-Plan** (see condition B15);
  - (e) **Construction Soil and Water Management Sub-Plan** (see condition B16);
  - (f) **Biodiversity Management Sub-Plan** (see condition B17);
  - (g) **Flood Emergency Response Sub-Plan** (see condition B18);
  - (h) an unexpected finds protocol for contamination and associated communications procedure;

- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (j) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and
  - (k) sustainability measures and practices to be implemented during the construction process.
- B12. The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary.
- B13. A **Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)** must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
  - (d) detail heavy vehicle routes, access and parking arrangements.
- B14. The **Construction Noise and Vibration Management Sub-Plan (CNVMSP)** must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B14(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with the requirements outlined under condition B10.
- B15. The **Construction Waste Management Sub-Plan (CWMSP)** must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B16. The Applicant must prepare a **Construction Soil and Water Management Sub-Plan (CSWMSP)** and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council and DPIE Fisheries;
  - (b) describe all erosion and sediment controls to be implemented during construction;
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site; and

- (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- B17. The **Biodiversity Management Sub-Plan (BMSP)** must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified expert;
  - (b) include measures to minimise impacts on flora and fauna on the site, including measures to ensure the protection and appropriate management of all resident protected fauna, in addition to specifying protection measures for native vegetation identified for retention;
  - (c) include measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected areas;
  - (d) detail measures to maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation.
- B18. The **Flood Emergency Response Sub-Plan (FERSP)** must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;
  - (b) be consistent with the findings of the St Marys Freight Hub – Stormwater Management Report prepared by BG&E, dated 30 September 2019
  - (c) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (d) include details of:
    - (i) the flood emergency responses for both construction and operation phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors.
- B19. A **Driver Code of Conduct** must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### **Construction Parking**

- B20. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

### **Soil and Water**

- B21. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
  - (b) divert existing clean surface water around operational areas of the site.
- B22. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.

- B23. Prior to the commencement of construction, the Applicant must describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI and incorporate those measures into the CEMP.
- B24. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

### Flood Management

- B25. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site;
  - (b) evacuation and refuge protocols; and
  - (c) the Flood Emergency Response Sub-Plan required under condition B18.

### Operational Noise – Design

- B26. The Applicant is to ensure that the design of the site is finalised with the objectives to minimise noise impacts, incorporate good practice noise management and on-site controls, and ensure all relevant noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *St Mary's Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version*, prepared by AECOM and dated 11 February 2020.

### Biodiversity – Ecosystem Credits

- B27. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in **Table 1** below must be retired to offset the residual biodiversity impacts of the development.
- B28. The requirement to retire credits in condition B27 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B29. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B28 must be provided to the Planning Secretary prior to vegetation clearing.

**Table 1: Ecosystem credits**

Any PCT with the below TEC	Number of Credits	Containing hollow bearing trees	In the below IBRA subregions
PCT 835 - Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	11	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
PCT 1800 - Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	1	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Any PCT with the below TEC	Number of Credits	Containing hollow bearing trees	In the below IBRA subregions
PCT 1071 - <i>Phragmites australis</i> and <i>Typha orientalis</i> coastal freshwater wetlands of the Sydney Basin Bioregion	3	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

### Biodiversity – Species Credits

- B30. Prior to the commencement of vegetation clearing, the class and number of species credits in **Table 2** below must be retired to offset the residual biodiversity impacts of the development.
- B31. The requirement to retire credits in condition B30 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B32. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B31 must be provided to the Planning Secretary prior to vegetation clearing.

**Table 2: Species credits**

Species (only for the below)	Number of Credits	In the below IBRA subregions
Juniper-leaved Grevillea ( <i>Grevillea juniperina</i> subsp. <i>juniperina</i> )	10	Any in NSW.
Southern Myotis ( <i>Myotis macropus</i> )	9	Any in NSW.

### Landscaping

- B33. Prior to the commencement of construction, the Applicant must prepare a revised **Landscape Plan** to manage the revegetation and landscaping works on-site, to be prepared in consultation with Council, and submit a copy to the Planning Secretary for information. The plan must:
- provide for the planting of at least 139 trees;
  - detail the location, species, maturity and height at maturity of plants to be planted on-site;
  - include species (trees, shrubs and groundcovers) indigenous to the local area;
  - include the planting of trees with a pot container of 75 litres or greater;
  - comply with the principles of *Planning for Bush Fire Protection 2019*;
  - provide for tree screening, to be established within two months of the completion of construction, in line with the Applicant's commitments, including but not limited to:
    - plantings to be one row deep and where practical planted on the inside of the boundary fence,
    - use of fast growing native plant species, with spreading habit and having a mature height of 10-11m, with species selection in consultation with a botanist or landscape architect.

- (g) include a Vegetation Management Plan, to detail measures to protect and enhance retained vegetation on site for the life of the development.

### **Stormwater Drainage**

- B34. All stormwater drainage is to be designed and constructed in accordance with the following Council adopted policies and standards:
- (a) Stormwater Drainage Specification for Building Developments;
  - (b) Design Guidelines for Engineering Works for Subdivisions and Developments;
  - (c) Engineering Construction Specification for Civil Works;
  - (d) Penrith City Council's Water Sensitive Urban Design (WSUD) Policy 2013, and associated WSUD Technical Guidelines; and
  - (e) *Australian Rainfall and Runoff* (Engineers Australia, 2016), applicable Australian Standards and *Managing Urban Stormwater* (EPA, 1997) guidelines.
- B35. The development must not have any adverse impact upon adjoining properties by the damming, concentration or diversion of existing stormwater flows;
- B36. Post-developed stormwater discharge flows must match pre-developed flows for all storms up to and including the 1% AEP.

### **Roadworks and Access**

- B37. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning paths identified in the Road Safety Audit.
- B38. Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with *Planning for Bush Fire Protection 2019*.
- B39. The Applicant must ensure that:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of AS 2890.1 – 2004, AS 2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage;
  - (b) a minimum of 62 light vehicle on-site car parking spaces and 7 on-site truck parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping, fencing or signposting;
  - (d) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2;
  - (e) the layout of the site must be designed to ensure heavy vehicles associated with the operation of the intermodal terminal can be accommodated on site in the event of an incident blocking access to Forrester Road/ Glossop Street/Great Western Highway to avoid queuing on public roads;
  - (f) the layout of the site shall be designed so that heavy vehicles are not required to select reverse gear;
  - (g) heavy vehicles and bins associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;
  - (h) all vehicles are wholly contained on site before being required to stop;
  - (i) all vehicles must enter and leave the site in a forward direction;
  - (j) all loading and unloading of materials is carried out on site;
  - (k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
  - (l) all car spaces are to be sealed/line marked and dedicated for parking of vehicles only and not be used for storage of materials/products/waste materials; and
  - (m) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle pedestrian access occurs, is to be addressed.



Detailed plans demonstrating compliance with condition B39(a)-(m) shall be prepared in consultation with TfNSW and to the satisfaction of the Certifier.

### **Compliance Reporting**

- B40. No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.
- B41. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- B42. Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.
- B43. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- B44. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## **PART C DURING CONSTRUCTION**

### **Site Notice**

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

### **Operation of Plant and Equipment**

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

### **Demolition**

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B9.

### **Construction Hours**

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Construction activities may be undertaken outside of the hours in condition C4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **Implementation of Management Plans**

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### **Construction Traffic and Access**

- C9. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.
- C10. Construction vehicles (including staff vehicles) 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 Pedestrian Management Sub-Plan required under condition B13; and
  - d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.

### **No Obstruction of Public Way**

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- C12. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- C15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B11 of this consent.

### **Air Quality**

- C18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C19. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## **Erosion and Sediment Control**

- C20. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## **Imported Soil**

- C21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

## **Disposal of Seepage and Stormwater**

- C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

## **Stormwater Management System**

- C23. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards;
  - (d) be designed in accordance with Council's Stormwater Drainage for Building Developments and WSUD policies; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

## **Emergency Management**

- C24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

## **Unexpected Finds Protocol – Aboriginal Heritage**

- C25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

## **Unexpected Finds Protocol – Historic Heritage**

- C26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

## **Waste Storage and Processing**

- C27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C29. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse or Council's stormwater system.
- C30. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C31. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

## **Outdoor Lighting**

- C32. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## **Independent Environmental Audit**

- C33. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C34. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018), as amended by condition C35, must be submitted to the Planning Secretary and the Certifier.
- C35. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:
  - (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and
  - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- C36. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks notice to the applicant of the date upon which the audit must be commenced.
- C37. Independent Audits of the development must be carried out in accordance with:
  - (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 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).
- C38. 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 C37 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- C39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.

- C40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

## PART D PRIOR TO COMMENCEMENT OF OPERATION

### Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Post-construction Dilapidation Report

- D2. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a **post-construction dilapidation report** at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority (including but not limited to Council and TfNSW) that there is no adverse structural damage to their infrastructure and roads;
  - c) to be forwarded to Council.

### Protection of Public Infrastructure

- D3. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

**Note:** This condition does not apply to any damage to roads caused as a result of general road usage.

### Protection of Property

- D4. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Utilities and Services

- D5. Prior to commencement of operation, 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*.

### Works as Executed Plans

- D6. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier. Works-as-executed drawings must be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments

### Work Place Travel Plan

- D7. Prior to the commencement of operation, the Applicant must prepare a **Work Place Travel Plan** and submit to the Planning Secretary for information. The Work Place Travel Plan must:
- (a) be prepared in consultation with TfNSW;
  - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
  - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

## **Operational Transport and Access Management Plan (OTAMP)**

D8. Prior to the 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 and TfNSW. The OTAMP must address the following:

- (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, agreed with TfNSW, for data collection required to prepare the Biannual Trip Origin and Destination Report required under condition E8 including a main gate monitoring system (e.g. CCTV) to identify heavy vehicles turning left from the site onto Forrester Road, or turning right from Forrester Road to the site.

The Applicant must not commence operation of the development until the OTAMP is approved by the Planning Secretary.

## **Evacuation and Emergency Planning**

D9. Prior to the commencement of operation, a **Bush Fire Emergency Management and Evacuation Plan** must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

## **Operational Noise – site design and selection of mechanical plant and equipment**

D10. The Applicant is to ensure that:

- (a) prior to the commencement of operation, the Applicant must submit evidence from an appropriately qualified noise expert to the Certifier that the noise mitigation recommendations and required noise controls, including but not limited to the requirements of condition D16, have been incorporated into the final design of the development; and
- (b) operational mechanical plant and equipment is selected with the objective to achieve good practice in noise reduction and control.

## **Rail Noise, Air Quality, Monitoring and Reporting**

D11. Prior to the commencement of operation, the Applicant must prepare a **Brake Squeal Report** and submit it to the Planning Secretary for information. The Brake Squeal Report must address the following:

- (a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminal. 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.

D12. Prior to the commencement of operation, the Applicant must prepare a **report that justifies the rail noise and air quality technology proposed** and how it meets the objectives of best practice noise and air quality technologies. The report must be prepared in consultation with TfNSW and the EPA and address the following:

Port shuttle operations must use:

- (a) locomotives that incorporate available best practice noise and emission technologies; and



- (b) wagons that incorporate available best practice noise technologies.
- D13. The Applicant must install and maintain a rail noise monitoring system on the rail spur at the commencement of operation to continuously monitor the noise from rail operations on the rail spur. The system must capture the noise from each individual train passby noise generation event, and include information to identify:
- (a) time and date of train movement;
  - (b) imagery or video to enable identification of the rolling stock during the day and night;
  - (c) LAeq(15hour) and LAeq (9hour) from rail operations; and
  - (d) LAF(max) and SEL of individual train passby, 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 on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hour) results from each day must be available on the website within 24 hour of the period ending.

- D14. 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 alternate options considering the reasons for these being dismissed. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.
- D15. Prior to the commencement of operation, the Applicant must submit to the Department noise contour data in an electronic format suitable for input to a GIS. The noise contours shall be in 1 dB intervals and represent the worst-case operational noise emissions from the terminal for each of following:
- (a) LAeq9hr for night-time 10pm to 7am
  - (b) LAeq15hr for daytime 7am to 10pm
  - (c) LAFmax for night-time 10pm to 7am
  - (d) LAFmax for daytime 7am to 10pm.

#### **Noise Barrier**

- D16. Prior to the commencement of operation of any part of the development, or by a time otherwise agreed by the Planning Secretary, the Applicant must build and implement a 3.0 m high noise barrier in the rail corridor along the southern edge of the Main Western Line reserve (north of Camira Street) as outlined in the St Marys Freight Hub – Updated Noise and Vibration Impact Assessment – Noise Barrier Locations prepared by AECOM, dated 9 April 2020, and shown in Appendix B of this consent.

Prior to construction of the noise barrier required above, the Applicant must consult with and obtain the agreement of RailCorp (as land owner of the rail corridor) to the design, construction, and maintenance requirements, of the noise barrier. To obtain RailCorp endorsement the Applicant shall obtain this approval via Sydney Trains by contacting their West Interface team at [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

The Applicant must make best endeavours to obtain agreement with RailCorp for design and construction of the noise barrier at the location set out above, including complying with all reasonable requests from RailCorp as part of the consultation process. If the Applicant and RailCorp cannot agree on the terms of the agreement, then either party may refer the matter to the Planning Secretary for resolution, and/or the determination of alternative noise mitigation measures to be implemented to the satisfaction of the Planning Secretary and with the agreement of any relevant land owner.

For the purposes of this condition, the Planning Secretary may require any alternative noise mitigation measures that are feasible and reasonable, which may include but not limited to construction of a noise barrier on or adjacent to the proposal site, or at-receiver dwelling treatment such as double glazing, secondary glazing of 'weak' areas or insulation.

## Fire Safety Certification

- D17. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

## Stormwater Quality Management Plan

- D18. Prior to the commencement of operation, an **Operation and Maintenance Plan (OMP)** is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective for the life of the development and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details to be maintained and made available to Council upon request;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Stormwater Management

- D19. Prior to the issue of any Occupation Certificate, a positive covenant must be registered on the property for all stormwater management systems (including water sensitive urban design), overland flow path works (where applicable) and flood control works (where applicable) to ensure maintenance of the approved stormwater management system.
- D20. Prior to the issue of any Occupation Certificate, the Certifier shall ensure that the stormwater management systems, overland flow path work and flood control works:
- (a) have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent;
  - (b) have met the design intent with regard to any construction variations to the approved design; and
  - (c) any remedial works required to be undertaken have been satisfactorily completed.
- Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

## Outdoor Lighting

- D21. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- D22. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D23. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Operational Waste Management Plan

- D24. Prior to the commencement of operation, the Applicant must prepare a **Waste Management Plan** for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;

- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Section 7.2 in the RtS.

#### **Site Contamination**

D25. Remediation approved as part of this development consent must be carried out in accordance with the *Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal*, prepared by Douglas Partners dated 12 August 2019.

#### **Site Audit Statement**

D26. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site, being land within the ‘site boundary’ as defined in the *Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal*, prepared by Douglas Partners dated 12 August 2019 and marked in Appendix B of that document. The Site Audit Report and Section A Site Audit Statement must:

- (a) be prepared by a NSW EPA accredited Site Auditor;
- (b) verify the relevant part of the site is suitable for commercial/industrial land use; and
- (c) be provided to the Planning Secretary and the Certifier for information.

#### **Landscaping**

D27. Prior to the commencement of operation, the Applicant must prepare an **Operational Landscape Management Plan** to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:

- (a) incorporate the requirements of the Landscape Plan approved under condition B33;
- (b) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
- (c) be consistent with the Applicant’s Management and Mitigation Measures in the RtS.

D28. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

#### **Asset Protection Zones**

D29. Prior to the commencement of operation, the entire property must be managed as an inner protection zone (IPA) as outlined within the *Planning for Bush Fire Protection 2019* and the NSW RFS document Standards for asset protection zones.

## PART E DURING OPERATION

### Operation of Plant and Equipment

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Community Communication Strategy

- E2. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### Operational Transport and Access Management Plan (OTAMP)

- E3. The OTAMP approved under condition D8 (as revised from time to time) must be implemented by the Applicant for the life of the development.
- E4. During operation of the facility, all heavy vehicles must enter and leave the site from Forrester Road only, and all light vehicles must enter and leave the site from Lee Holm Road only.

### Traffic Audit

- E5. Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 301,000 TEU, or as may be directed by the Planning Secretary, and during a period in which the project is operating under normal operating conditions, a **Traffic Audit** of the project must be undertaken by an independent qualified person(s) approved by the Planning Secretary. The Traffic Audit shall include, but not necessarily be limited to:
- (a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition A2 of this approval;
  - (b) consideration of the results of the traffic monitoring during a representative period;
  - (c) review of compliance with the approved access routes and performance measures prescribed under this consent;
  - (d) consideration of traffic-related issues raised by TfNSW and Council; and
  - (e) findings and recommendations with respect to the traffic performance of the project and any additional measures that may be required to manage traffic associated with the project.
- E6. Within 28 days of conducting the Traffic Audit referred to under condition E5 of this consent, the Applicant must provide the Planning Secretary with a copy of the Traffic Audit report. If the Traffic Audit report identifies any non-compliance with the traffic predictions, approved access routes, or performance measures, the Applicant must detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary.
- E7. Following consideration of the outcomes of the Traffic Audit and the Traffic Audit report referred to under conditions E5 and E6 of this consent, the Planning Secretary may require the Applicant to implement additional traffic mitigation, monitoring or management measures to address traffic impacts associated with the project. The Planning Secretary may require any or all of the measures identified in the Traffic Audit report, or other measures considered appropriate by the Planning Secretary (including additional local area traffic management measures or on-site traffic management controls) to be implemented. The Applicant must implement the measures required by the Planning Secretary within such period as the Planning Secretary may specify.

### Biannual Trip Origin and Destination Report

- E8. Each six months following the commencement of operation, the Applicant must prepare a **Biannual Trip Origin and Destination Report** (in a format agreed with TfNSW under condition D8(d)) that advises:
- (a) the total number of actual and standard twenty-foot equivalent shipping containers despatched and received during this 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 vehicles on a representative day; and
- (f) representative vehicle origins and destination of all classes of vehicles and covering the intermodal terminal and any other uses.

A copy of the report required under condition E8 is to be submitted to the Planning Secretary and TfNSW within one month of its preparation.

### Operational Noise Limits

- E9. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in **Table 3** below.

**Table 3: Operational Noise Limits dB(A)**

Location (residential receivers)	Day L <sub>Aeq</sub> 15 minute	Evening L <sub>Aeq</sub> 15 minute	Night L <sub>Aeq</sub> 15 minute	Night L <sub>AMax</sub>
NCA 2	46 dB	46 dB	44 dB	55 dB
NCA 3	40 dB	36 dB	35 dB	52 dB

**Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and modifications, including certain meteorological conditions, of the Noise Policy for Industry (EPA, 2017). Refer to the plan in Appendix 6 for the location of residential sensitive receivers.

- E10. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in St Marys Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version, prepared by AECOM dated 11 February 2020. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### Operation of Rail Spur

- E11. The Applicant must undertake noise monitoring within 24 months of commencing operations, to:
- (a) determine the effectiveness of noise mitigation implemented as part of condition D11(c); and
  - (b) verify that the noise contours supplied to the Department as part of condition D15 are representative of worst-case operational noise emissions from the terminal.
- E12. The following measures must be implemented on the rail spur during operation:
- (a) Automatic rail lubrication equipment must be used in accordance with *ASA Standard T HR TR 00111 ST Rail Lubricant* and top of rail friction modifiers, where required; and
  - (b) The rail cross section 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.
- E13. Notwithstanding conditions E11 or E12, The Applicant must ensure that noise generated by operation of trains on the rail spur does not exceed the noise limits in **Table 4** below.

**Table 4: Rail Spur Noise Limits dB(A)**

<b>Location (residential receivers)</b>	<b>Day L<sub>Aeq</sub> 11 hour</b>	<b>Evening L<sub>Aeq</sub> 4 hour</b>	<b>Night L<sub>Aeq</sub> 9 hour</b>
All privately owned residential receivers	50 dB	45 dB	40 dB

***Note:** Noise generated by the operation of trains on the Project Spur Line is to be measured in accordance with Appendix 3 of the Rail Infrastructure Noise Guideline (EPA, 2013).*

- E14. 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.

#### **Air Quality**

- E15. All container handling equipment purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard or achieve an equivalent emission control performance to those standards listed in this condition.
- E16. The Applicant must carry out any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.

#### **Unobstructed Driveways and Parking Areas**

- E17. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

#### **Work Place Travel Plan**

- E18. The Work Place Travel Plan required by condition D7 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

#### **Pedestrian Safety**

- E19. The Applicant must operate the project to ensure the following:
- (a) safe pedestrian access to the station entrance away from heavy vehicle movements; and
  - (b) truck movements are reduced to the greatest extent possible during school pick up/drop off times.

#### **Outdoor Lighting**

- E20. Notwithstanding condition D21, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

#### **Landscaping**

- E21. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D27 for the duration of occupation of the development.

#### **Asset Protection Zones**

- E22. The asset protection zones required by condition D29 shall be maintained for the duration of occupation of the development.

#### **Dangerous Goods**

- E23. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

- E24. The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

In the event of an inconsistency between the requirements under conditions E24(a) and E24(b) above, the most stringent requirement must prevail to the extent of the inconsistency.

#### **Biosecurity**

- E25. The Applicant must treat all freight containers on site to Australia Quarantine and Inspection Service (AQIS) requirements as relevant.

#### **Discharge Limits**

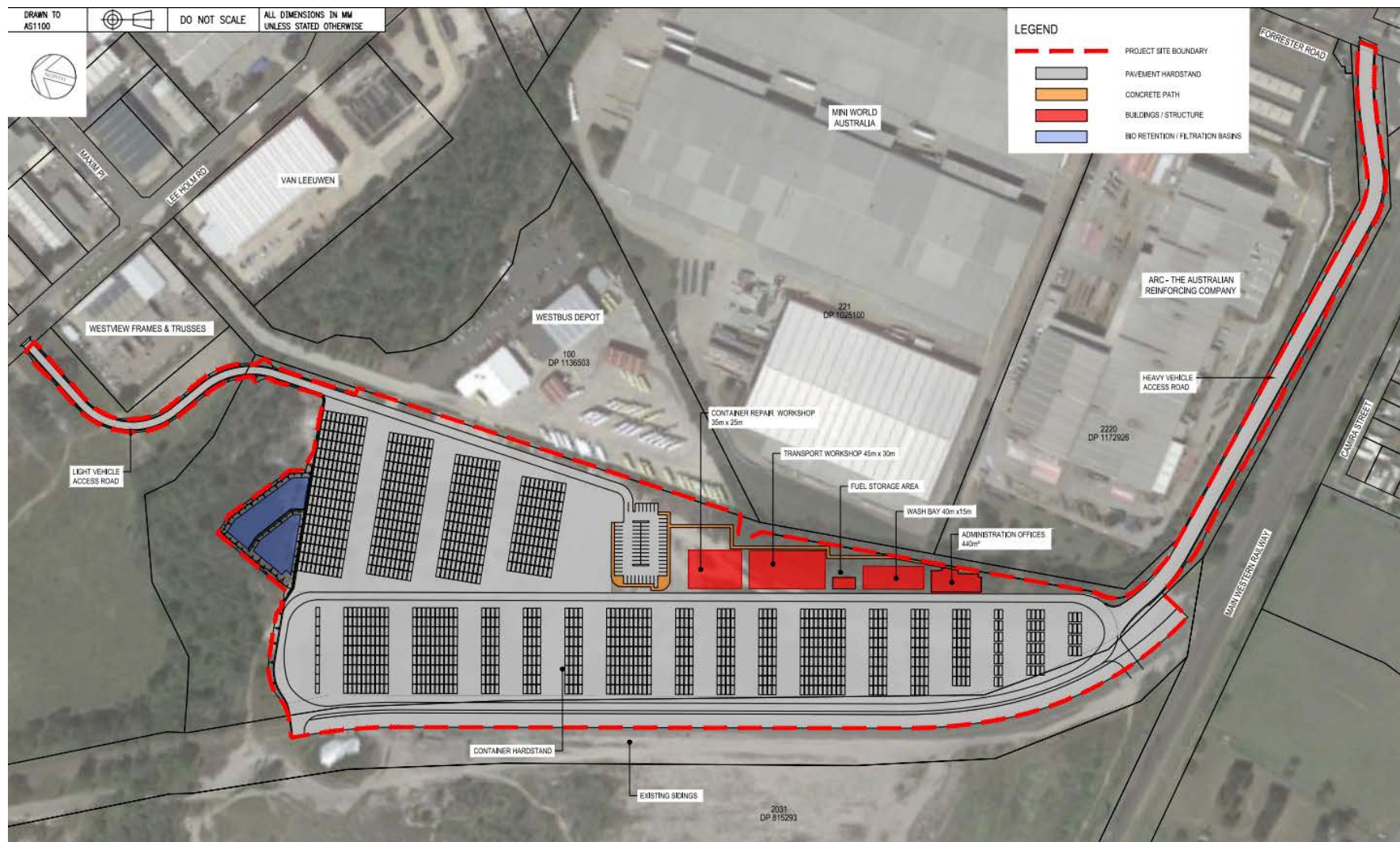
- E26. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

#### **Aboriginal Heritage**

- E27. The Applicant must avoid harm to AHIMS site 45-5-3141 located to the north of the proposal area within Lot 2 DP876781, as identified in Figure 8 of the Aboriginal Cultural Heritage Assessment (ACHAR) prepared by NGH Environmental and dated May 2019.

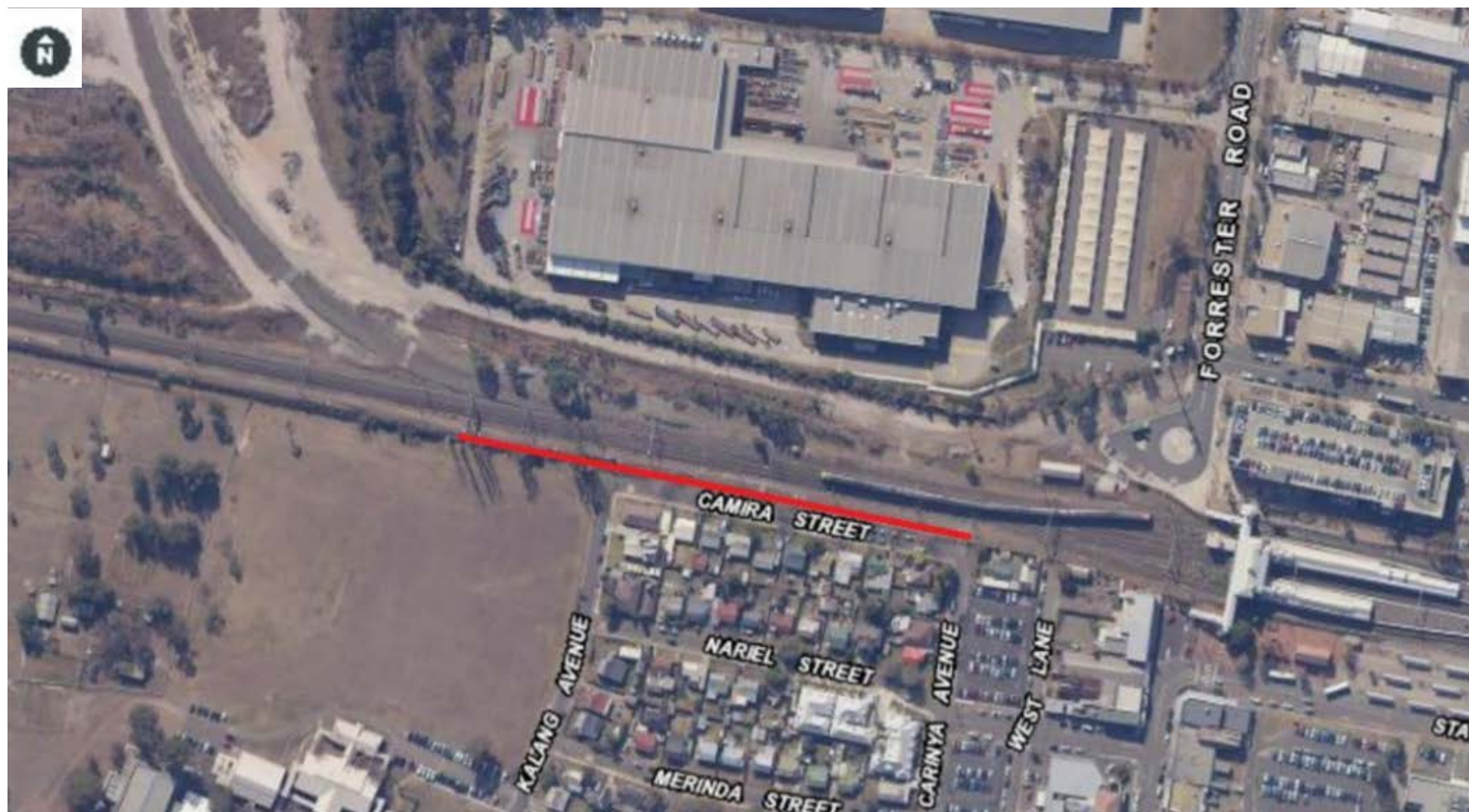


## APPENDIX 1 DEVELOPMENT LAYOUT





## APPENDIX 2 NOISE WALL LOCATON (RED LINE)



### APPENDIX 3 APPLICANT'S REVISED MANAGEMENT AND MITIGATION MEASURES

MANAGEMENT AND MITIGATION MEASURES	APPLICATION
<b>1. General Project Commitments</b>	
All practical and reasonable measures to prevent and/or mitigate significant adverse impacts on the environment will be implemented.	Construction and Operation
All practical and reasonable measures to protect human health and safety for staff, visitors, contractors, construction workers and the general public will be implemented.	Construction and Operation
Staging of construction and operation is to be in accordance with Staging Strategy to be submitted to the Department of Planning and Environment which details how development will be staged, including general details of work activities associated with each stage and the general timing of when each stage will commence, and when respective stages will commence operation.	Pre-construction
<b>2. General Management</b>	
Inductions of contractors and construction workers will include management and mitigation measures in this Table where relevant.	Construction
Inductions of staff and visitors will include management and mitigation measures in this Table where relevant.	Operation
Management during the construction cycle will monitor potential environmental impacts (i.e. noise, dust, Aboriginal and non-Aboriginal heritage, erosion and sediment control, etc.) to ensure impacts on the environment are minimised.	Construction
A Construction Environmental Management Plan will be prepared prior to commencement of construction activities and implemented throughout the construction cycle.	Construction
Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: (a) between 7am and 6pm, Mondays to Fridays inclusive; and (b) between 8am and 1pm, Saturdays. Any variations need to be approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for works during extended construction hours	Construction
An Operational Environmental Management Plan will be prepared and implemented for the St Marys Freight Hub that will include details on approvals, management requirement of the development and operating hours of 24 hours per day, 7 days per week.	Pre-operation and Operation
The operation of plant and equipment (i.e. forklifts, reach-stackers) will be maintained and operated in accordance with Australian Standards.	Operation
<b>3. Air Quality</b>	
The following precautionary management and mitigation measures are to be implemented: <ul style="list-style-type: none"> <li>Minimise exposed surfaces, such as stockpiles and cleared areas, including partial covering of stockpiles where practicable</li> <li>Implement dust suppression measures, such as watering of exposed soil surfaces, dust mesh, water trucks and sprinklers to minimise dust generation</li> <li>Avoid dust generating activities and water stockpiles and exposed areas during adverse weather conditions such as high winds and dry periods</li> <li>Establish hard surfaced haul routes which are regularly damped down and cleaned;</li> <li>Perform regular visual inspections to identify areas that may require watering</li> </ul>	Construction

<ul style="list-style-type: none"> <li>Establish defined site entry and exit points to minimise tracking of soil on surrounding road</li> <li>Ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport</li> </ul>	
Best practice management and mitigation measures are to be implemented to prevent and/or minimise airborne particulate.	Construction and Operation
<b>4. Traffic and Transport</b>	
<p>A Construction Traffic Management Plan is to be prepared by a suitably qualified and experienced person prior to commencing construction works and will include management requirements on the following:</p> <ul style="list-style-type: none"> <li>number of trucks;</li> <li>vehicle routes, access and parking arrangements,</li> <li>hours of operation;</li> <li>indicative traffic control measures;</li> <li>Drivers' Code of Conduct; and</li> <li>detail procedures for notifying any nearby residents of any potential disruptions to routes (if required).</li> </ul>	Pre-construction
The Construction Traffic Management Plan is to be implemented throughout the construction cycle.	Construction
Site construction access will be from Lee Holm Road and Forrester Road.	Construction
Christie Street, Werrington Road and Forrester Road (north of Glossop Street) will not be utilised for operational heavy vehicle movements.	Operation
Heavy vehicle access is to be from Forrester Road only.	Operation
<b>5. Aboriginal Cultural Heritage</b>	
<p>The following precautionary management and mitigation measures are to be implemented:</p> <ul style="list-style-type: none"> <li>Inductions for construction contractors and works will highlight the heritage significance of the site prior to works commencing.</li> <li>Unexpected Finds Procedures are to be outline in inductions and the steps below are to be followed if any suspected or identified heritage items are identified during construction activities. <ol style="list-style-type: none"> <li>All work should cease in that area and notify a Project Manager or Supervisor immediately of the find;</li> <li>A 'no-go' zone should be established around the find, using visibility fencing (where applicable);</li> <li>Inform all on-site personnel and staff of the find and the demarcated 'no-go' zone;</li> <li>Contact a qualified archaeologist/heritage consultant to inspect the find and provide recommendations.</li> <li>In the event that human remains are identified, complete steps 1-3. Replace Step 4 by immediately contacting the local police to investigate if the find relates to a criminal investigation. The police may take command of part or all of the site.</li> <li>Once clearance of the site has been given by either the qualified archaeologist/heritage consultant then works may proceed within the 'no-go' zone UNLESS specifically instructed by the professional that no further works can be completed.</li> </ol> </li> </ul>	Construction

6. Non-Aboriginal Heritage	
Support retention of existing mature trees to the south of the site (within existing rail reserve) that shield the view of the proposed Freight Hub from the SHR listed St Marys Railway Station.	Pre-construction, Construction and Operation
New building and structures are to use neutral colour tones similar to existing surrounding industrial buildings.	Pre-construction, Construction and Operation
<p>The following precautionary management and mitigation measures are to be implemented:</p> <ul style="list-style-type: none"> <li>• Inductions for construction contractors and works will highlight the heritage significance of the site prior to works commencing.</li> </ul>	Pre-construction and Construction
<p>Unexpected Finds Procedures are to be outline in inductions and the steps below are to be followed if any suspected or identified heritage items are identified during construction activities.</p> <ol style="list-style-type: none"> <li>1. All work should cease in that area and notify a Project Manager or Supervisor immediately of the find;</li> <li>2. A 'no-go' zone should be established around the find, using visibility fencing (where applicable);</li> <li>3. Inform all on-site personnel and staff of the find and the demarcated 'no-go' zone;</li> <li>4. Contact a qualified archaeologist/heritage consultant to inspect the find and provide recommendations.</li> <li>5. In the event that human remains are identified, complete steps 1-3. Replace Step 4 by immediately contacting the local police to investigate if the find relates to a criminal investigation. The police may take command of part or all of the site.</li> <li>6. Once clearance of the site has been given by either the qualified archaeologist/heritage consultant then works may proceed within the 'no-go' zone UNLESS specifically instructed by the professional that no further works can be completed.</li> </ol>	Pre-construction and Construction
7. Noise and Vibration	
Empty container stacking areas will be separated from residential receivers as far as practical to allow proper function of the facility.	Operation
Soft landing technology for container handling, movement and stacking is to be adopted to minimise handling noise.	Operation
Use of rubber dampeners is to be adopted for container handling	Operation
Erection of a 3.0m acoustic fence along southern boundary of the Main Western Railway Line and north of Camira Street, as outlined in the AECOM 'St Marys Freight Hub - Update Noise and Vibration Impact Assessment - Additional Noise Barrier' dated 6 April 2020.	Operation
The best available equipment will be used to minimise noise levels during operation.	Operation
<p>The Construction Environmental Management Plan is to be prepared and will include reasonable and feasible safeguards to manage and mitigate any noise emissions and include a framework to manage any complaints from construction noise.</p> <p>Adoption and implementation of noise mitigation measures in the Construction Environmental Management Plan.</p>	Pre-construction and Construction
Limit construction activity during extended work hours to the area within the site not less than 350m from the nearest sensitive receiver in Kalang Avenue.	Construction

<b>8. Air Quality</b>	
Locomotive fleet and non- road diesel vehicles to meet Industry Code of Practice standards.	Operation
<b>9. Soil and Water</b>	
<p>A Stormwater Management Plan is to be prepared by a suitably qualified engineer prior to the commencement of construction that is generally in accordance with the report titled "St Marys Intermodal—Stormwater Management Report" dated 21 January 2019 by BG&amp;E and is to include:</p> <ul style="list-style-type: none"> <li>▪ relevant standards, requirements and specifications</li> <li>▪ design plans including any water sensitive urban design measures</li> <li>▪ describe the measures to be implemented to maintain the infrastructure</li> </ul>	Pre-construction
Stormwater management facilities are to be maintained to ensure ongoing treatment of stormwater flows and water quality.	Operation
If excavation is required at a depth below 3 metres, additional groundwater monitoring and assessment is to be undertaken at the specific location(s) where excavation is greater than 3 metres below the existing surface.	Pre-construction
Construction of a bio- retention basin to maintain water quality to Penrith City Council Standards.	Construction
Dewater existing sediment basin in accordance with the Dam Dewatering Plan.	Construction
<b>10. Flooding</b>	
<p>A Flood Evacuation Plan is to be prepared prior to the commencement of operation and is to include:</p> <ul style="list-style-type: none"> <li>▪ procedures for managing flood risk during construction</li> <li>▪ assembly and evacuation points for all buildings</li> <li>▪ evacuation routes and procedures in a flood event.</li> </ul>	Pre-operation
The Flood Evacuation Plan is to form part of inductions of new staff.	Operation
<b>11. Contamination</b>	
Implement the preferred remediation option for PAEC 1 as presented in the RAP report	Pre-construction / Construction
Undertake the remediation and construction works in accordance with the Interim Environmental Management Plan.	Pre-construction / Construction
An Unexpected Finds Protocol is to be prepared by a suitability qualified expert prior to commencing construction. The Unexpected Finds Protocol is to form part of the inductions of contractors and construction workers and be included in the Construction Environmental Management Plan.	Pre-construction
Any contaminated material identified during construction (if any) will be managed and remediated to EPA and NSW Office of Environment & Heritage Guidelines.	Construction
<b>12. Waste Management</b>	
<p>A Construction Waste Management Plan is to be prepared by the contractor prior to commencing construction works and will include waste management requirements on the following:</p> <ul style="list-style-type: none"> <li>▪ roles and accountabilities</li> <li>▪ review and amendment</li> <li>▪ waste management objectives</li> <li>▪ waste mitigation measures</li> </ul>	Pre-construction

<ul style="list-style-type: none"> <li>▪ waste containment and storage</li> <li>▪ disposal methods</li> </ul>	
<p>An Operational Waste Management Plan is to be prepared prior to commencing operation and will include waste management requirements on the following:</p> <ul style="list-style-type: none"> <li>▪ Generation of domestic waste from personnel.</li> <li>▪ Inappropriate disposal of hazardous waste.</li> <li>▪ Generation or spread of contaminated waste e.g. groundwater or chemicals.</li> <li>▪ Mixing of unusable waste with reusable or recyclable material, leading to disposal of materials that could have been reused or recycled.</li> <li>▪ Water and soil pollution/contamination due to inadequate waste handling or treatment.</li> <li>▪ Weed infestation from the uncontrolled dispersion of seeds during operation.</li> <li>▪ Reduced visual amenity, vermin and odour of the area.</li> <li>▪ Generation of vegetation waste from maintenance of the facility.</li> </ul>	Pre-operation and Operation
<p>Operational waste generated on site as classified in NSW Office of Environmental and Heritage's Waste Classification Guidelines will be disposed of properly and the following targets are to be implemented:</p> <ul style="list-style-type: none"> <li>▪ Avoid the unnecessary production of waste during operation through planning with a focus on waste.</li> <li>▪ Minimise / reduce the quantities of resources to be used by avoiding duplication and waste.</li> <li>▪ Establish waste re-use / recycling targets.</li> <li>▪ Dispose of waste materials in accordance with legislative requirements.</li> </ul>	Operation
<p>Implement a continuous improvement process as part of the Operational Environmental Management Plan to:</p> <ul style="list-style-type: none"> <li>▪ Identify areas of opportunity for improvement of environmental management and performance.</li> <li>▪ Determine the cause or causes of non-conformances and deficiencies.</li> <li>▪ Develop and implement a plan of corrective and preventative action to address any non- conformances and deficiencies.</li> <li>▪ Verify the effectiveness of the corrective and preventative actions.</li> <li>▪ Document any changes in procedures resulting from process improvement.</li> <li>▪ Make comparisons with objectives and targets.</li> <li>▪ Staff inductions and training program including: <ul style="list-style-type: none"> <li>- Relevant legislation.</li> <li>- Incident response, management and reporting.</li> <li>- Requirements of the waste hierarchy.</li> <li>- Waste/recycle storage requirements.</li> <li>- Waste reporting requirements.</li> <li>- Targeted training in the form of toolbox talks or specific training will also be provided to personnel with a key role in waste and energy management.</li> </ul> </li> </ul>	Pre-operation and Operation
<b>13. Biodiversity</b>	
Detailed design of the Freight Hub will aim to further reduce environmental impacts on native flora and fauna where possible.	Pre-construction
Areas of ecological significance identified for conservation will be marked and fenced to ensure protection and conservation during construction.	Pre-construction
Clearing of native vegetation is to be contained within the construction footprint.	Construction

<p>The Construction Environmental Management Plan and Operational Environmental Management Plan is to include a section on managing native vegetation and include the following details:</p> <ul style="list-style-type: none"> <li>▪ impact avoidance and mitigation staff</li> <li>▪ staff/contractor inductions</li> <li>▪ clearing procedures and protection zones</li> <li>▪ weed control</li> <li>▪ pest management</li> <li>▪ monitoring</li> <li>▪ dam dewatering plan</li> </ul>	Pre-construction and Pre-operation
Landscaping treatments are to use endemic tree, shrubs and grass species in the sensitive vegetation zones and planting/revegetation will adopt procedures that will not adversely impact on the existing native vegetation.	Pre-construction and Construction
Manage, protect and conserve the areas of ecological significance which are to be preserved.	Operation
<b>14. Bushfire</b>	
<p>The following management and mitigation measures are to be implemented:</p> <ul style="list-style-type: none"> <li>▪ Ongoing maintenance of Asset Protection Zones</li> <li>▪ Construction of proposed and future buildings are to meet relevant Bushfire Attack Level (BAL) construction standards.</li> <li>▪ Provision of a water supply that complies with AS 2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning</li> <li>▪ Gas and electricity services are to be installed to Planning for Bushfire Protection standards</li> <li>▪ A Fire Emergency Response and Evacuation Plan is to be prepared prior to operation and form part of the induction for staff.</li> </ul>	Pre-construction, Construction, Pre-operation and Operation
<b>15. Hazard and Risks</b>	
<p>The Construction Environmental Management Plan is to include a section on minimising hazards and risks, including:</p> <ul style="list-style-type: none"> <li>▪ Procedures for safe removal of asbestos</li> <li>▪ Provision for safe access and egress for emergency service personnel and workers</li> <li>▪ An Incident Response Plan including a Spill Management Procedure</li> </ul>	Construction
Transport of goods is to be in accordance with the Australian Code for Transport of Dangerous Goods by Road and Rail (Dangerous Goods Code).	Operation
<b>16. Landscape and Visual Assessment</b>	
<p>During construction the following measures are to be implemented:</p> <ul style="list-style-type: none"> <li>▪ Dust is to be controlled in response to visual signs</li> <li>▪ Areas of soil disturbed by the project would be rehabilitated progressively or immediately post-construction</li> <li>▪ Night lighting (if used) is to be minimised and directed away from residential areas to the south of the site</li> </ul>	Construction
Where practical materials, colours and finishes of buildings and structures are to be non-reflective and in keeping with the materials and colouring of existing infrastructure or of a colour that will blend with the surrounds.	Operation

<p>A tree screen is to be planted in the location recommended in the Visual Impact Assessment – St Marys Freight Hub” dated February 2019 by NGH Consulting. Plantings are to be:</p> <ul style="list-style-type: none"> <li>▪ One row deep and where practical planted on the inside of the boundary fence</li> <li>▪ The plant species to be used in the screen are recommended to be native, and fast growing, with spreading habit and having a mature height of 10-11m</li> <li>▪ Species selection could be undertaken in consultation with a botanist or landscape architect</li> <li>▪ Initial establishment of screening is to be within 2 months of completion of construction.</li> </ul>	Operation
<p>Landscaping treatments are to use endemic tree, shrubs and grass species where practical.</p>	Construction



## APPENDIX 4 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto: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 A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.

## APPENDIX 5 ADVISORY NOTES

### General

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

### Legal Notices

- AN2. Any advice or notice to the consent authority must be served on the Planning Secretary.
- AN3. Water, electricity and gas are to comply with Planning for Bush Fire Protection 2019.

### Utilities and Services

- AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN5. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Occupancy Licence

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

### Section 138 Roads Act Application

- AN7. Prior to the issue of any Construction Certificate or Subdivision Works Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- (a) vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - (b) concrete footpaths and or cycleways
  - (c) road opening for utilities and stormwater (including stormwater connection to Council roads and other Council owned drainage)
  - (d) road occupancy or road closures
  - (e) the placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
  - (f) temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Council's specifications, guidelines and best engineering practice.

Contact Council's City Assets Department on 4732 7777 or visit Council's website for more information.

- AN8. Prior to the issue of any Occupation Certificate or Subdivision Certificate, the Certifier shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Council.

### SafeWork Requirements

- AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Handling of Asbestos

- AN10. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the

Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – ‘Transportation and management of asbestos waste’ must also be complied with.

**Fire Safety Certificate**

AN11. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council’s Fire Safety Statement.

## APPENDIX 6 NOISE CATCHMENT AREAS

