

# Development Consent

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

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

These conditions are required to:

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



Dianne Leeson (Chair)  
**Member of the Commission**



Alan Coutts  
**Member of the Commission**



John Hann  
**Member of the Commission**

Sydney

11 November 2019

### SCHEDULE 1

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

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

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

- Construction and 24/7 operation of a warehousing estate on the northern part of the site servicing the IMT facility and including:
  - six warehouses with a total gross floor area (GFA) of 215,000 m<sup>2</sup> and, for each warehouse, associated offices, staff amenities, hardstands and truck and light vehicle parking
  - 800 m<sup>2</sup> freight village (operating from 7am to 6pm, 7 days/ week) including staff/ visitor amenities
  - internal roads, noise wall, landscaping, lighting and signage.
- Intersection upgrades on Moorebank Avenue at:
  - Anzac Road providing site access
  - Bapaume Road for left turn only out of the site.
- Construction and operation of on-site detention basins, bioretention/ biofiltration systems and trunk stormwater drainage for the entire site.
- Construction works and temporary ancillary facilities, including:
  - vegetation clearing, top soil stripping and stockpiling and site earthworks and temporary on site detention
  - importation of up to 1,600,000 m<sup>3</sup> of uncompacted fill, temporary stockpiling and placement over the entire site to raise existing ground levels by up to 3 m
  - materials screening, crushing and washing facilities
  - importation and placement of engineering fill and rail line ballast
  - installation and use of a concrete batching plant
  - utilities installation/ connection.

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## DEFINITIONS

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

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

<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<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>Highly noise intensive works</b>	Works which are defined as annoying under the ICNG including: <ul style="list-style-type: none"> <li>(a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work;</li> <li>(b) grinding metal, concrete or masonry;</li> <li>(c) rock drilling;</li> <li>(d) line drilling;</li> <li>(e) vibratory rolling;</li> <li>(f) rail tamping and regulating;</li> <li>(g) bitumen milling or profiling;</li> <li>(h) jackhammering, rock hammering or rock breaking; and</li> <li>(i) impact piling</li> </ul>
<b>ICNG</b>	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
<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 Note: "material harm" is defined in this consent
<b>Intermodal Precinct area</b>	Area inclusive of MPE site, MPW site, Moorebank offset area and the Wattle Grove offset area. See also, document titled 'Moorebank Intermodal Precinct West - MPW Stage 2 State Significant Development Application No. SSD 16_7709: Threatened Species Survey Results', prepared by Cumberland Ecology, dated 19 December 2018
<b>IMT</b>	Intermodal Terminal
<b>NPI</b>	Noise Policy for Industry (EPA, 2017)
<b>Independent Reviewer</b>	A suitably qualified and experienced person(s) who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of the MPW Stage 2 or MPE Stage 2 applications, and is independent of the construction and design personnel for MPW and MPE and those involved in project delivery.
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<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 (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>MPE</b>	Refers to the following developments: <ul style="list-style-type: none"> <li>• Moorebank Intermodal Precinct East - Stage 1 (SSD 6766)</li> <li>• Moorebank Intermodal Precinct East - Stage 2 (SSD 7628)</li> <li>• any subsequent modifications associated with the above developments</li> </ul>
<b>MPW</b>	Refers to the following developments: <ul style="list-style-type: none"> <li>• Moorebank Intermodal Precinct West - Concept Proposal &amp; Stage 1 Early Works (SSD 5066)</li> <li>• Moorebank Intermodal Precinct West – Stage 2 (SSD 7709)</li> <li>• any subsequent modifications associated with the above developments</li> </ul>

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

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



## SUMMARY OF REPORTING AND APPROVAL REQUIREMENTS

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

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

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

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

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

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

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

## PART A ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

### COMPLIANCE

- A2. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### TERMS OF CONSENT

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

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

### LIMITS OF CONSENT

#### Lapsing

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

#### Construction Limits

- A7. Only VENM, ENM, or other imported fill material approved in writing by EPA is to be placed on the site.
- A8. The total volume of uncompacted fill to be imported must not exceed 1,600,000 m<sup>3</sup>.
- A9. Importation of imported fill must not exceed a total of 22,000 m<sup>3</sup> of material per day across this development and MPE Stage 2 (SSD 7628) on the same day.
- A10. No construction (including clearing and maintenance access) is permitted within the riparian corridor except for that identified on the revised drawings approved under **Condition B2** and activities associated with vegetation and stormwater management.
- A11. No works in the riparian corridor outside the site are permitted under this approval.
- Note:** DPI (Lands) must be consulted on design, approvals and licencing for any works on Crown land for the purposes of discharging stormwater from the site (including scour protection/ erosion control).
- A12. No works are permitted by the Applicant within the RMS (M5 Motorway) land and no impact is permitted on Roads and Maritime drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).

#### Operational Limits

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

- A14. Containers that are transferred between the site and Port Botany must be transferred by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g. an incident, breakdown, derailment or emergency maintenance on the rail line).
- A15. The transfer of containers between Port Botany and the intermodal terminal facility must not commence until the rail connection to the Southern Sydney Freight Line is operational.
- A16. The maximum GFAs for the following uses apply:
- (a) 215,000m<sup>2</sup> for the warehousing and distribution facilities; and
  - (b) 800m<sup>2</sup> for the freight village.
- A17. The warehousing and distribution facilities must only be used for activities associated with freight using the either the MPE or MPW rail intermodal terminal.
- A18. Notwithstanding **Condition A17**, movements of containers between a rail intermodal terminal on either MPE and MPW site, and a warehouse on either the MPE or MPW site, are permitted where those movements are also approved for MPE.
- A19. For the avoidance of doubt, nothing in this consent permits:
- (a) the occupation or use of a warehouse and/or distribution facility on the site before the commencement of operation of either the MPE or MPW rail intermodal terminal; or
  - (b) truck-to-truck movements.
- A20. Freight village tenants and occupations are restricted to those activities that provide:
- (a) ancillary support for the development, its tenants, worker population and visitors;
  - (b) a nexus with activities undertaken in relation to the warehouse, logistics functions of the IMT development and/ or;
  - (c) provide aligned services to the intermodal functions.

#### **ACCESS FOR PEOPLE WITH A DISABILITY**

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

#### **DEMOLITION**

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

#### **STRUCTURAL ADEQUACY**

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

**Note:**

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

#### **EXTERNAL WALLS AND CLADDING**

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

#### **APPLICABILITY OF GUIDELINES**

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

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



## EVIDENCE OF CONSULTATION

- A28. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken in the document submitted to the Planning Secretary including:
    - (i) the outcome of that consultation, matters resolved and unresolved (and the justification for matters remaining unresolved); and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## COMMUNITY CONSULTATIVE COMMITTEE

- A29. Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction, upgrading and operation and for at least six months following the completion of decommissioning.
- A30. The Planning Secretary may consider a request to expand an existing MPW or MPE CCC to cover the development and to satisfy **Condition A29**.

## COMMUNITY COMMUNICATION

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

## ENVIRONMENTAL REPRESENTATIVE

- A33. Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.
- A34. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.
- A35. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of applications for either MPW or MPE, and is independent of the construction and design personnel for the project and those involved in delivery of it.

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

- A36. The Applicant may engage more than one ER for the development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the development.
- A37. For the duration of the works until 6 months after the commencement of operation (or staged operation), or as agreed with the Planning Secretary, the approved ER must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
  - (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
  - (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
  - (d) review documents required under this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
    - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
    - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/ Department for information or are not required to be submitted to the Planning Secretary/ Department);
  - (e) regularly monitor the implementation of the documents required under this consent to ensure implementation is being carried out in accordance with the document and the terms of this consent;
  - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits, but not Independent Audits required under **Condition C18** of this consent;
  - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and
  - (h) assess the impacts of **minor ancillary facilities** comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A40** of this consent;
  - (i) consider any minor amendments to be made to the CEMP or CEMP sub-plans that require updating, or amendments of an administrative nature, and are consistent with the conditions of this consent and the most recent version of the CEMP or CEMP sub-plan approved by the Planning Secretary, and if satisfied that such an amendment is necessary, approve the minor amendment; and
  - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Department's *Environmental Representative Protocol* (2018) under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.
- A38. The Applicant must provide all documentation requested by the ER in order for the ER to perform their functions specified in **Condition A37** (including preparation of the ER monthly report), as well as:
- (a) the complaints register (to be provided on a monthly basis); and
  - (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).
- A39. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under **Condition C20**. The Applicant must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
  - (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

## MINOR FACILITIES

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

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

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

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

## **STAGING OF CONSTRUCTION**

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

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

## **NOTIFICATION OF COMMENCEMENT**

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

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

#### UTILITIES AND PUBLIC INFRASTRUCTURE

- A48. The Applicant must engage a suitably qualified person to prepare a **Pre-construction Dilapidation Report** prior to the commencement of construction. This report must detail the structural condition of:

- (a) local public roads likely to be used by the development's construction traffic;
- (b) local public roads, cycleways, footpaths and utility services likely to be impacted by construction works; and
- (c) off-site private land or access to off-site private land likely to be impacted by construction works.

The report must be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS, any affected private landowner, and the Planning Secretary.

- A49. Before the commencement of construction, the Applicant must consult with the relevant owner and provider of utility services and public infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, support or relocation of the affected utility services and infrastructure.
- A50. Unless the Applicant and the applicable owner/ authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any utility service or public infrastructure that is damaged by carrying out the development;
  - (b) relocate, or pay the full costs associated with relocating, any utility service or public infrastructure that needs to be relocated as a result of the development (including the road upgrades specified in **Table 1**); and
  - (c) provide for ongoing maintenance.

**Note:** *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by conditions of this consent.*

- A51. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

#### Telecommunications

- A52. Before the issue of an Occupation Certificate for the development, the Applicant is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/ or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises demonstrated through an agreement with a carrier.
- A53. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

#### METEOROLOGICAL MONITORING

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

#### WORKS AS EXECUTED PLANS

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

## DEVELOPMENT CONTRIBUTIONS

### Council Contributions

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

### Road Upgrades

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

### ADVISORY NOTE

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

## PART B KEY ENVIRONMENTAL ISSUES

### DEVELOPMENT LAYOUT

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

### SOIL AND WATER

#### Revised Stormwater System Design

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

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

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

#### **Stormwater Design Independent Peer Review**

- B7. An **Independent Peer Review report** must be submitted with the **Stormwater Design Development Report** and **Revised Stormwater System Design Drawings** and **supporting documentation**.

- B8. The review must:

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

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

#### **Water Sensitive Urban Design**

- B9. The revised stormwater system design, to be detailed in the **Stormwater Design Development Report** and **Revised Stormwater System Design Drawings** and **supporting documentation**, must be consistent with the objectives and principles set out in the NSW Office of Water's Guidelines for Controlled Activities and incorporate water sensitive urban design principles outlined in relevant Council policies, plans, guidelines and specifications and RMS's Water Sensitive Urban Design Guideline 2017, including:

- (a) treating stormwater as a resource;
- (b) mimicking natural processes in the control of stormwater;
- (c) integrating drainage infrastructure and landscaping;
- (d) managing water in a sustainable manner through considering the complete water cycle; and
- (e) considered design, construction and maintenance to minimise impacts on the natural water cycle.

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

#### **Piped Stormwater Drainage and Overland Flow Paths**

- B11. The stormwater system must be designed to:

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

#### **On-site Detention**

- B12. On-site detention (OSD) must attenuate peak flows from the development such that both the:

- (a) 1 in 1 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 1 year ARI event; and
- (b) 1 in 100 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 100 year ARI event.

- B13. OSD basins must:

- (a) be visually unobtrusive and sit within the final landform and landscaping;
- (b) ensure public safety by incorporation of 'safer by design' principles; and
- (c) have all sides with a maximum batter slope of 1V:4H, except at the OSD outlets.

#### **Stormwater Quality**

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

- B15. The stormwater quality infrastructure must comprise rainwater tanks, gross pollutant traps and biofiltration/ bioretention systems designed to meet the following criteria compared to a base case if there were no treatment systems in place:
- (a) reduce the average annual load of total nitrogen by 45%;
  - (b) reduce the average annual load of total phosphorus by 65%; and
  - (c) reduce the average annual load of total suspended solids by 85%.
- B16. All stormwater quality elements must be installed upstream of OSD basins, unless it can be demonstrated to the satisfaction of the Secretary that biofiltration/ bioretention systems within the OSD basins:
- (a) will not suffer damage from design flows;
  - (b) can be maintained to achieve the water quality criteria; and
  - (c) will have adequate solar access ensuring that all bioretention systems are exposed to sunlight at midday on the winter solstice. This assessment is to include surrounding features of OSD basins, including but not limited to actual building heights and full mature height and size of proposed trees, as per the landscape plans.
- B17. The area of biofiltration/ bioretention systems is to be at least 1% of the catchment draining to the system, to ensure there is no short-circuiting of the system.
- B18. Bioretention systems which are greater than 1,000 m<sup>2</sup> in area, are to be divided into cells with no individual cell greater than 1,000 m<sup>2</sup>.
- B19. All filter media used in stormwater treatment measures must:
- (a) be loamy sand with an appropriately high permeability under compaction and must be free of rubbish, deleterious material, toxicants, declared plants and local weeds, and must not be hydrophobic;
  - (b) have an hydraulic conductivity = 100-300 mm/hr, as measured using the ASTM F1815-06 method;
  - (c) have an organic matter content less than 5% (w/w); and
  - (d) be provided adequate solar access, considering the design and orientation of OSD basins.

#### **Stormwater Outlet Structures**

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

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

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

#### **Stormwater System Design Drawings**

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



- (a) general arrangement plans at 1:500 and detailed plans as required at 1:200, showing system layout with key features including pipe arrangement with pipe sizes, diversion structure, high flow bypass, pre-treatment system, inlets, outlets, underdrainage, and maintenance vehicular access. The plans must show how the bioretention system will achieve separate cells of a maximum area of 1000 m<sup>2</sup> with flow splitting;
- (b) long and cross sections showing key features and levels including liner (base level of bioretention system), submerged zone level, drainage layer, transition layer, filter surface level, extended detention level, bund/ embankment level, and level of detention storage;
- (c) pipe long sections, including invert levels, pipe sizes;
- (d) details of key structures including diversion, pre-treatment system (make/ model), inlets, outlets;
- (e) landscape plan including plant species;
- (f) specification of filter media; and
- (g) shadow diagrams, including surrounding features of OSD basins, actual building heights and full size of proposed trees, as per the landscape plans.

B26. Stormwater outlet drawings must show:

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

#### **Stormwater System Design Supporting Documentation**

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

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

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

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

#### **Construction Erosion and Sediment Control**

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

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

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

- controlling water movement through and from site,
- locating sediment basins in areas not subject to local stormwater flooding,
- minimising soil erosion,
- maximising sediment retention on site,
- prompt and progressive stabilisation of disturbed areas,
- (ii) maintenance of drainage, erosion and sediment control measures,
- (iii) monitoring and adjusting drainage, erosion and sediment control measures to achieve necessary performance standards,
- (iv) planning for predicted rainfall and winds events and shut down periods;
- (c) a schedule of construction activities for the development, installation and removal of control measures and temporary and permanent stabilisation works,
- (d) Erosion and Sediment Control Plans, including:
  - (i) existing and proposed contours and drainage path,
  - (ii) all access points and facilities associated with the development,
  - (iii) limits of disturbance including protected areas and features,
  - (iv) extent of earthworks,
  - (v) areas of cut and fill,
  - (vi) location of all drainage, erosion and sediment control measures including numbering for identification, and
  - (vii) surface water monitoring locations;
- (e) specific operating procedures such as dewatering and the treatment of water and sediment collected in basins; and
- (f) details on methods of temporary and permanent slope stabilisation to adjacent lands (including the riparian corridor).

B31. Erosion and Sediment Control Plans must be updated as construction progresses and site conditions change.

B32. The CPESC must undertake monthly inspections during construction, report on implementation of the SWMP and recommend any improvements to the SWMP and site control measures. The CPESC's report must be provided to the Planning Secretary monthly for the duration of construction or another time period as agreed by the Planning Secretary.

B33. All temporary construction stage erosion and sediment control infrastructure that is intended to be converted to permanent stormwater quality or on-site detention infrastructure must be constructed in accordance with the revised stormwater design drawings approved by the Planning Secretary under **Condition B4**.

B34. Conversion of construction stage erosion and sediment control infrastructure into permanent stormwater quality or on-site detention infrastructure must only occur once the civil works (roads and drainage) have been completed for the associated site subcatchment.

B35. Where construction of sediment basins and stormwater outlet works (including clearing, scour protection/ erosion control) are to be undertaken outside the site on Crown land (being the banks and bed of the Georges River), design those works must be prepared with the input of an aquatic ecologist, and evidence of DPI (Crown Lands) approval is to be provided to the Planning Secretary prior to commencement of construction. Details of finished works are to be submitted to DPI (Crown Lands) for information.

#### **Stormwater Infrastructure Operation and Maintenance Plan**

B36. Prior to commencement of operation, the Applicant must prepare a **Stormwater Infrastructure Operation and Maintenance Plan** to manage the operation and maintenance of stormwater infrastructure on-site and off-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required under **Condition C5** and must be implemented for the life of the assets and must include provision for:

- (a) the management and maintenance of the assets, including evidence that a maintenance contract is in place with a reputable and experienced maintenance contractor;
- (b) quarterly inspections, and inspections after major rainfall events including scour/ bank protection structures;
- (c) schedule for routine checking (at least quarterly), cleaning and servicing of all water quality devices/ systems in accordance with the manufacturer's and/ or designer's recommendations;
- (d) maintenance of records of all maintenance activities undertaken;
- (e) preparing quarterly maintenance reports, detailing the results of quarterly inspections, inspections after major rainfall events, and maintenance activities;
- (f) recording results of water quality monitoring required under **Condition B38**;
- (g) investigation, management and mitigation of water quality target exceedances;

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

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

#### **Stormwater Quality Monitoring**

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

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

#### **Acid Sulfate Soils Management**

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

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

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

#### **Land Disturbance, Earthworks and Importation of Fill**

B40. The Applicant must:

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

B41. Land disturbance and land filling activities must be undertaken:

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

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

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

B43. Stockpiles must:

- (a) not exceed 10 m in height;

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

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

B45. The design of fill batters must ensure stability, mitigate visual impacts, provide for maintenance activities and demonstrate that there are no impacts on adjacent lands, including biodiversity offset areas and the riparian corridor.

## **AIR QUALITY**

### **Dust Minimisation**

B46. The Applicant must ensure dust emissions generated by the development do not cause exceedances of the following criteria at private property not associated with the development:

- (a) 2 g/m<sup>2</sup>/month maximum increase in deposited dust level; and
- (b) 4 g/m<sup>2</sup>/month maximum deposited dust level.

### **Prevention of Odours**

B47. The Applicant must ensure the development does not cause or permit the emission of any odour, which may be offensive odour (as defined in the POEO Act) outside of the premises (as defined in the POEO Act).

## **URBAN HEAT ISLAND MITIGATION (UHIM)**

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

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

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

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

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

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

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

## **URBAN DESIGN AND LANDSCAPING**

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

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

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

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

#### **Urban Design and Landscape Independent Peer Review**

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

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

#### **Landscape Design**

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

#### **Design Criteria**

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

#### **Staff and Visitor Facilities**

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

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

### Landscaping

B63. The following minimum setbacks apply:

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

**Note:** See also Condition B2.

B64. Canopy tree planting must be provided around the perimeter of the site, including the southern fill area where future warehousing is proposed.

B65. The southern fill area where future warehousing is proposed must be topsoiled and hydroseeded with native grasses.

B66. Perimeter fill batters must be stabilised with vegetation.

B67. Landscaping within the warehouse area must include dense canopy tree planting, shrubs, sedges, herbs, ground covers and tufted native grasses primarily derived from OEH lists of Cumberland Plain Woodland. The canopy tree mix must include some or all of the following species: *Eucalyptus crebra*, *Eucalyptus moluccana*, *Eucalyptus amplifolia*, *Eucalyptus bosistoana*, *Eucalyptus eugenioides*, *Eucalyptus tereticornis*, *Eucalyptus punctata*, *Eucalyptus baueriana*, *Corymbia maculata*, *Angophora floribunda* and *Angophora bakeri*.

B68. The following minimum landscaping requirements apply:

- (a) 15% of the warehouse area landscaped at ground level, 10% of which must be soft landscaping, excluding the OSD basins unless they are accepted as contributing to soft landscaping in the peer review report required under **Condition B55**;
- (b) 1 canopy tree per 30 m<sup>2</sup> of landscaped area; and
- (c) a 2.5 m wide landscaped bay every 6-8 car spaces to provide shade within carpark areas, or alternative carpark landscaping (such as linear planting of vegetation of a minimum width of 2 m between rows of carparking) accepted as providing adequate shade in the peer review report required under **Condition B55**.

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

### Noise Walls, Retaining Walls and Fencing

B69. Perimeter and on-site detention and biofiltration/ bioretention basin fences higher than 1.2m must be transparent and dark in colour but not constructed of chain wire, to provide visual amenity.

B70. Boundary fencing design must allow for fauna movement where required under **Condition B152(b)**.

B71. Screen fencing and planting must be provided around waste bins or other outside storage areas.

B72. Screen planting must be provided on both sides of noise walls.

B73. Retaining wall materials and colours must be of a natural appearance and incorporate landscaping.

B74. Noise barriers must minimise visual and amenity impacts and be designed in accordance with the *Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW* (RMS, March 2016).

### Urban Design and Landscaping Supporting Information

B75. The following must be included on, or provided with the **Revised Landscape Design Drawings** required under **Condition B52**:

- (a) irrigation systems;
- (b) planting schedule including tree and shrub species, expected mature height, planting densities and pot sizes;
- (c) soil specification and depth for landscaped areas in relation to pot sizes and species to ensure the viability of shrubs and trees;
- (d) landscaping around the southern and northern boundaries of the site; and
- (e) noise wall, retaining wall and fencing graphics and material details.

### Lighting

B76. Operational lighting must:

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

### Signage

B77. The following signage is not permitted:

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

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

### Building Floor Levels

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

### Rainwater Re-use

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

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

### Landscape Maintenance

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

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

### PEST AND WEED CONTROL

B83. The Applicant must:

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

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

### TRAFFIC AND ACCESS

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

**Table 1:** Required Upgrades and Specified Timing Requirements

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

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

#### **RMS supplementary requirements**

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



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

- B98. The Applicant is required to dedicate land as public road for the maintenance of the Traffic Control Signals and associated infrastructure; further details will be included as part of the WAD process.
- B99. Prior to any installation of temporary portable traffic signals and other traffic management measures on Moorebank Avenue or Anzac Road, the Applicant must obtain the relevant approvals from RMS.
- B100. All works associated with signposting along Moorebank Avenue must be approved by RMS.
- B101. The works associated with traffic signals and road upgrade works are to be designed and delivered at no cost to TfNSW or RMS.
- B102. The Applicant must pay all costs incurred by Council and/ or RMS in relation to public road dedication of Commonwealth owned land.
- B103. The Applicant is required to negotiate and execute an Interface and Access Deed with RMS and the M5 Operator (Interlink Roads Pty Ltd) prior to road construction works commencing, to address matters including interface between the parties, access provisions, compensation arrangements, and traffic management for the road upgrade works carried out on Lots 3 and 4 in Deposited Plan 1063765.
- B104. The Applicant is to ensure that the construction and operation of the proposed development will not prevent the ongoing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development. A staging plan should be submitted to RMS for approval, as part of the WAD package, to ensure adequate capacity is provided along Moorebank Avenue at all times, including a requirement to maintain two lanes open to traffic.
- The staging plan should provide details of how the road and intersection upgrade works tie into other road upgrades works approved under the MPE Stage1 and 2 SSD applications. Any temporary diversion works not located within the Moorebank Avenue roadway will require separate planning approval.
- B105. There are to be no works undertaken by the Applicant within the RMS (M5 Motorway) land and no impact on RMS drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).
- B106. The Applicant is to liaise with and obtain relevant approvals from RMS in relation to any proposed drainage and excavation works, erection of new and/ or maintenance of existing fencing on the M5 Motorway boundary, erection of new noise attenuation infrastructure, and any other construction works that may impact the M5 Motorway corridor.

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

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

#### **Road Safety Audit**

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

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

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

### Construction Traffic and Access Management Plan

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

### Operational Traffic and Access Management Plan

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

### Biannual Trip Origin and Destination Report

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

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

### Workplace Travel

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

#### Driver Code of Conduct

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

#### NOISE AND VIBRATION

##### Construction Hours of Work

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

**Table 2: Hours of Work**

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

- B126. Except as permitted by an EPL, activities resulting in highly noise intensive works (including impulsive or tonal noise emissions) must only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
  - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
  - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.
- Note 1:** For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work that is the subject of this condition.
- Note 2:** Section 4.42(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval. Out-of-hours works considered under **Condition B127** must be justified and include an assessment of mitigation measures.
- B127. Construction outside of the hours identified in **Condition B125** may be undertaken in any of the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) where a negotiated agreement has been arranged with affected receivers;
  - (c) works agreed to in writing by the Planning Secretary;
  - (d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;
  - (e) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or

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

B128. Blasting is not permitted on the site.

#### Noise Wall

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

#### Hours of Operation

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

**Table 3: Hours of Operation**

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

#### Intermodal Terminal Operational Noise Limits

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

**Table 4: Operational Noise Limits dB(A)**

Location (residential receivers)	Day L <sub>Aeq,15 minute</sub>	Evening L <sub>Aeq,15 minute</sub>	Night L <sub>Aeq,15 minute</sub>	Night L <sub>A1, 1 minute</sub>
Casula	39 dB	35 dB	35 dB	52 dB
Glenfield	35 dB	35 dB	35 dB	52 dB
Wattle Grove	36 dB	35 dB	35 dB	52 dB

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

To determine compliance with the L<sub>A1,1 minute</sub> noise limits, noise from the project is to be measured at 1 m from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 7 of the NPI).

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

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

#### Operation of Rail Terminal, Locomotives and Wagons

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

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

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

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

#### **Construction Noise and Vibration Management Plan**

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

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

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

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

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

#### **Operational Noise Management Plan**

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

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

#### **Mechanical Plant and Other Noisy Equipment Monitoring**

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

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

## Site Noise Monitoring and Reporting

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

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

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

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

## Rail Noise Monitoring and Reporting

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

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

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

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

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

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

## HERITAGE

### Aboriginal Sites

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

### Aboriginal Items or Objects

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

### Non-indigenous Heritage

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

## BIODIVERSITY

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

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

### Construction Flora and Fauna Management

B153. The Applicant must:

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

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

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

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

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

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

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

**Table 5: Ecosystem credit requirements**

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

**Table 6: Species credit requirements**

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



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

B158. The Applicant:

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

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

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

#### **Operational Flora and Fauna Management**

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

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

#### **CONTAMINATION AND REMEDIATION**

##### **Site Auditor**

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

##### **Per- and Polyfluoroalkyl Substances (PFAS) Contamination**

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

B163. Should the Applicant identify a potential risk to off-site receptors due to PFAS contamination, the Applicant must contact the EPA as soon as practicable to discuss requirements for community consultation.

##### **Contamination in Vegetated Areas**

B164. Prior to vegetation clearing:

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

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

## Remediation

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

## Validation Report

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

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

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

## Site Audit Statements

B169. Upon completion of the remediation required in relation to Stage 1 (SSD 5066) and this development and prior to the commencement of construction (other than the vegetation clearing required for remediation) in relation to this approval (i.e. Stage 2 SSD 7709), the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended land uses under Stage 2 SSD 7709 including for the:

- (a) importation and placement of fill,
- (b) construction of a warehouse estate including warehouse buildings,
- (c) development of an intermodal terminal, and
- (d) protection of the conservation area including riparian corridor and biodiversity offset sites.

B170. To ensure that no residual contaminated land on site is impacted by this approval, the requirements of Site Audit Statement A required by **Condition B169** cannot be staged.

B171. Upon completion of importation and placement of fill and prior to construction of permanent built surface works, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended land uses under MPW Stage 2 SSD 7709.

## Long Term Environmental Management Plan

B172. Where remediation outcomes for the site require long term environmental management, a suitably qualified and experienced person must prepare a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Site Auditor. The plan must:

- (a) be submitted to the Planning Secretary and EPA prior to commencement of construction (other than vegetation clearing); and
- (b) include, but not be limited to:
  - (i) a description of the nature and location of any contamination remaining on site,
  - (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell,
  - (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/ or disposal,
  - (iv) a description of the procedures for monitoring the integrity of the containment cell,
  - (v) a surface and groundwater monitoring program,

- (vi) mechanisms to report results to relevant agencies,
- (vii) triggers that would indicate if further remediation is required, and
- (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.

B173. The LTEMP must be registered on the title to the land.

#### **Unexpected Ordnance**

B174. Unexpected Ordnance (UXO), Exploded Ordnance (EO) and Exploded Ordnance Waste (EOW) protocols must be prepared by an UXO contractor listed on the Defence Panel of suitably qualified UXO consultants and contractors.

#### **UNEXPECTED FINDS PROTOCOL**

B175. The CEMP required under **Condition C2** must include an Unexpected Finds Protocol(s) for, but not limited to, contamination, ordnances, Aboriginal sites, non-indigenous heritage and flora and fauna.

#### **HAZARDS AND RISKS**

B176. The total quantities of dangerous goods present at any time within the development and transport movements to and from the development must be kept below the screening threshold quantities and movements listed in the Department's *Hazardous and Offensive Development Guidelines Applying SEPP 33* (January 2011).

B177. The Applicant (the operator/ occupant of each premises) must store and handle all chemicals, fuels and oils, including Dangerous Goods as defined in the *Australian Code for the Transport of Dangerous Goods by Road & Rail*, in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participant's Manual* if the chemicals are liquids.

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

B178. Fuel stored on the site must only be used for the purposes of refuelling IMT facility plant and equipment and locomotives.

B179. Prior to the occupation of each premises and in each instance of occupation by a new occupant, a statement must be submitted to the Planning Secretary confirming that the premises will be operated so as to comply with the requirements of **Conditions B176** and **B177**.

#### **WASTE MANAGEMENT**

B180. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B181. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B182. The Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse where the waste collection service will be provided by Council.

B183. The OEMP required under **Condition C5** must include measures for waste management in accordance with the waste hierarchy set out in the EPA's NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.

#### **CONSTRUCTION AND OPERATIONAL FACILITIES**

##### **Concrete Batching Plant**

B184. The concrete batching plants must comply with the following criteria:

- (a) have a total production capacity less than 150 tonnes per day or 30,000 tonnes per year;
- (b) only one concrete batching plant is to operate at any one time; and
- (c) the first concrete batching plant must be disassembled immediately following commencement of operation of the second concrete batching plant.

B185. The CEMP required under **Condition C2** must include:

- (a) a drawing showing the location and layout of the two concrete batching plants including facilities for cementitious water treatment and connections to construction site water management and erosion and sediment control structures;
- (b) mitigation, monitoring and management procedures specific to the concrete batching plants that would be implemented to minimise environmental and amenity impacts during both facility establishment and operation; and

- (c) timeframes for establishment of each of the batching plants.

#### **Crushing Plant**

B186. The CEMP required under **Condition C2** must include mitigation, monitoring and management procedures specific to the crushing plant that would be implemented to minimise environmental and amenity impacts.

#### **Container Wash Down Facility**

B187. The container wash down facility must:

- (a) include bunding to exclude wash area waste from the stormwater system;
- (b) be designed and operated to avoid overspray from foams, detergents, mud or fugitive emissions outside wash down bays;
- (c) include oily water separation, water treatment and recycling; and
- (d) comply with Sydney Water trade waste requirements for discharge to the sewer.

#### **OPERATION OF PLANT AND EQUIPMENT**

B188. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

#### **BUSHFIRE RISK MANAGEMENT**

B189. Bushfire asset protection zones must not be within the riparian corridor as defined in **Condition B2** other than within areas greater than 40m from top of bank as determined in accordance with condition B2 where evidence is provided to the satisfaction of the Planning Secretary that riparian vegetation, and any trees over 3 m in height, will be retained.

B190. The entire site must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection* (RFS, 2006) and the NSW Rural Fire Service's document *Standards for asset protection zones*.

B191. An updated **Bushfire Risk Management Plan** must be prepared by a suitably qualified person(s) demonstrating that the bushfire asset protection zones can be contained wholly within the development area and that management of the inner protection zone will not impact on the proposed Biodiversity Offset Area. The Bushfire Risk Management Plan must be submitted to the Planning Secretary prior to construction of permanent built surface works.

B192. Public road access must comply with section 4.1.3(1) of *Planning for Bush Fire Protection* (RFS, 2006) except for the requirement for through-access.

B193. The provision of water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection* (RFS, 2006).

#### **EMERGENCY RESPONSE**

B194. Prior to the commencement of construction and operation, the Applicant must prepare an **Emergency Response Plan(s)** covering, but not limited to, flooding and bushfire. The Emergency Response Plan(s) must be consistent with *Australian Standard AS3745 2010 Planning for Emergencies in Facilities* and include details of:

- (a) assembly points and evacuation routes;
- (b) evacuation and refuge protocols; and
- (c) awareness training for employees and contractors.

B195. The **Bushfire Emergency and Evacuation Management Plan** must:

- (i) be prepared by a suitably qualified and experienced person(s),
- (ii) be consistent with the *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014); and
- (iii) a copy of the **Operational Bushfire Emergency Evacuation Management Plan** must be submitted to the Planning Secretary, NSW Rural Fire Service, Council and the Certifying Authority prior to occupation.

#### **TENANCY ACTIVITIES**

B196. Prior to occupancy of any freight village or warehouse tenancy, and every subsequent occupation of these tenancies, details of the tenant and occupation activity is to be submitted to the Planning Secretary demonstrating that the proposed activity complies with **Conditions A17** and **A20**.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements;
  - (h) roles and responsibilities for implementing the plan; and
  - (i) a protocol for periodic review of the plan.

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a **Construction Environmental Management Plan (CEMP)** in accordance with the requirements of **condition C1** and submit it to the Planning Secretary for approval.
- C3. As part of the CEMP required under **Condition C2** of this consent, the Applicant must include the following:
- (a) **Soil and Water Management Plan** (see **Condition B29**);
  - (b) **Acid Sulfate Soils Management Plan** (see **Condition B39**);
  - (c) **Construction Traffic and Access Management Plan** (see **Condition B113**);
  - (d) **Construction Noise and Vibration Management Plan** (see **Condition B134**);
  - (e) **Out-of-hours Work Protocol** (see **Condition B135(g)**);
  - (f) **Construction Flora and Fauna Management Plan** (see **Condition B154**); and
  - (g) **Unexpected Finds Protocol(s)** (see **Condition B175**).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an **Operational Environmental Management Plan (OEMP)** in accordance with the requirements of **condition C1** and submit it to the Planning Secretary for approval.
- C6. As part of the OEMP required under **Condition C5** of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

- (b) describe the procedures that would be implemented to:
  - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
  - (ii) receive, handle, respond to, and record complaints;
  - (iii) resolve any disputes that may arise;
  - (iv) respond to any non-compliance;
  - (v) respond to emergencies; and
- (c) include the following environmental management plans:
  - (i) **Operational Traffic and Access Management Plan** (see **Condition B118**);
  - (ii) **Stormwater Infrastructure Operation and Maintenance Plan** (see **Condition B36**);
  - (iii) **Stormwater Quality Monitoring Program** (see **Condition B38**);
  - (iv) **Landscape Vegetation Management Plan** (see **Condition B82**);
  - (v) **Operational Traffic and Access Management Plan** (see **Condition B118**);
  - (vi) **Operational Noise Management Plan** (see **Condition B136**); and
  - (vii) **Operational Flora and Fauna Management Plan** (see **Condition B160**).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of an incident report under **Condition C10**;
- (b) the submission of an Independent Audit under **Condition C17**;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under **Condition A3(b)** which requires a review,

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

C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

C10. The Department must be notified in writing to [compliance@planning.nsw.gov.au](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), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in **Appendix 3**.

### Non-Compliance Notification

C11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.

C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

C14. No later than six weeks before the date notified for the commencement of construction and operation, a **Construction Compliance Monitoring and Reporting Program** and **Operational Compliance Monitoring and Reporting Program** respectively, prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.

**Compliance Reports** of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.

- C15. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

#### **Independent Environmental Audit**

- C16. No later one month before the date notified for the commencement of construction and operation, an **Independent Audit Program** prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.
- C17. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C16 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C18. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under **Condition C17** of this consent;
  - (b) submit the response to the Department and the Certifying Authority; and
  - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.
- C19. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

#### **Monitoring and Environmental Audits**

- C20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

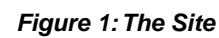
**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the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

#### **ACCESS TO INFORMATION**

- C21. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **Condition A3** of this consent and the final, approved **revised Development Layout Drawings, Stormwater Design Drawings, Landscape Drawings and Architectural Drawings** for the development;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    - (v) minutes of CCC meetings;
    - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (viii) a summary of the current stage and progress of the development;
    - (ix) contact details to enquire about the development or to make a complaint;

- (x) a complaints register, updated monthly;
  - (xi) the Compliance Reporting of the development;
  - (xii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xiii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.







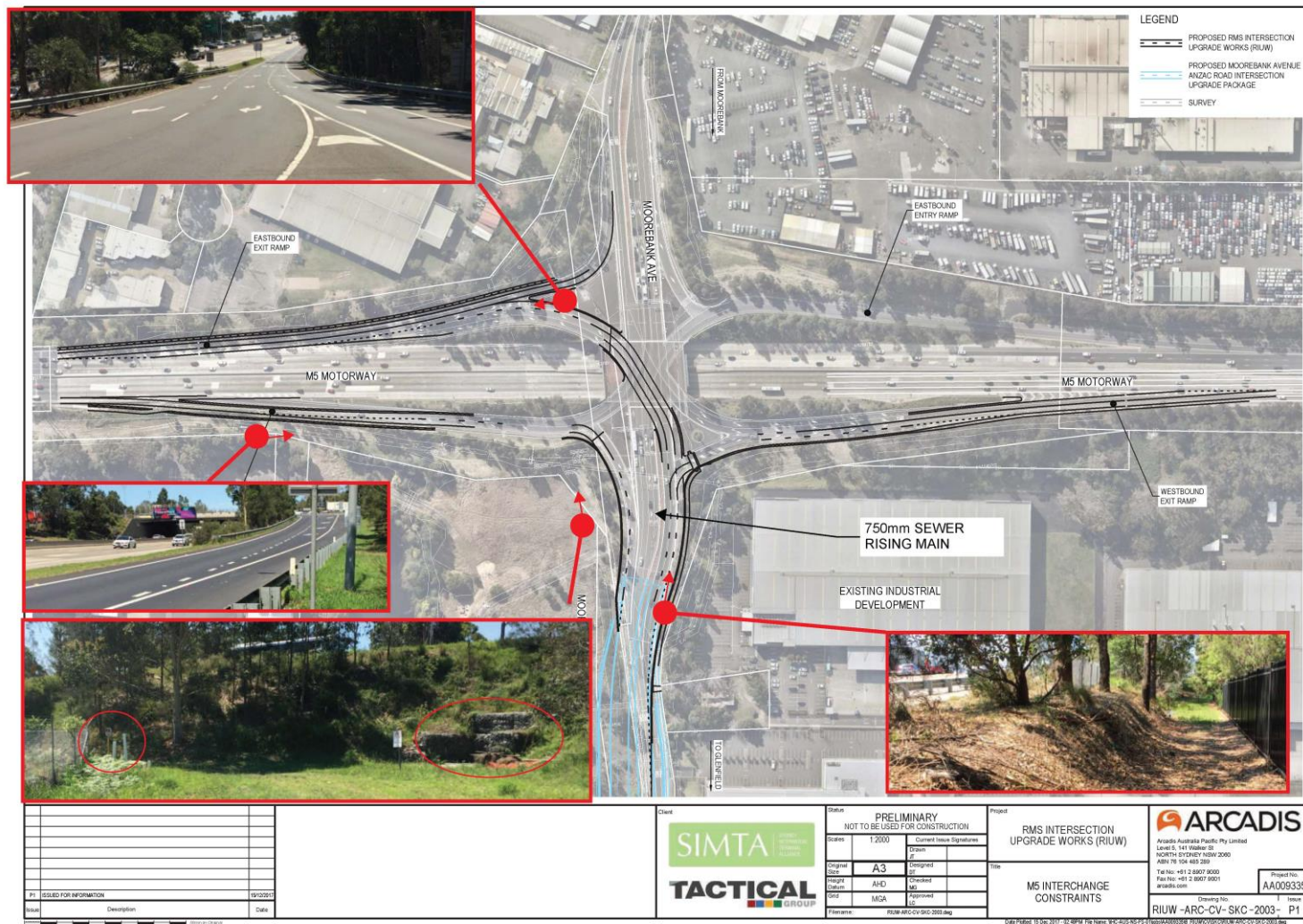
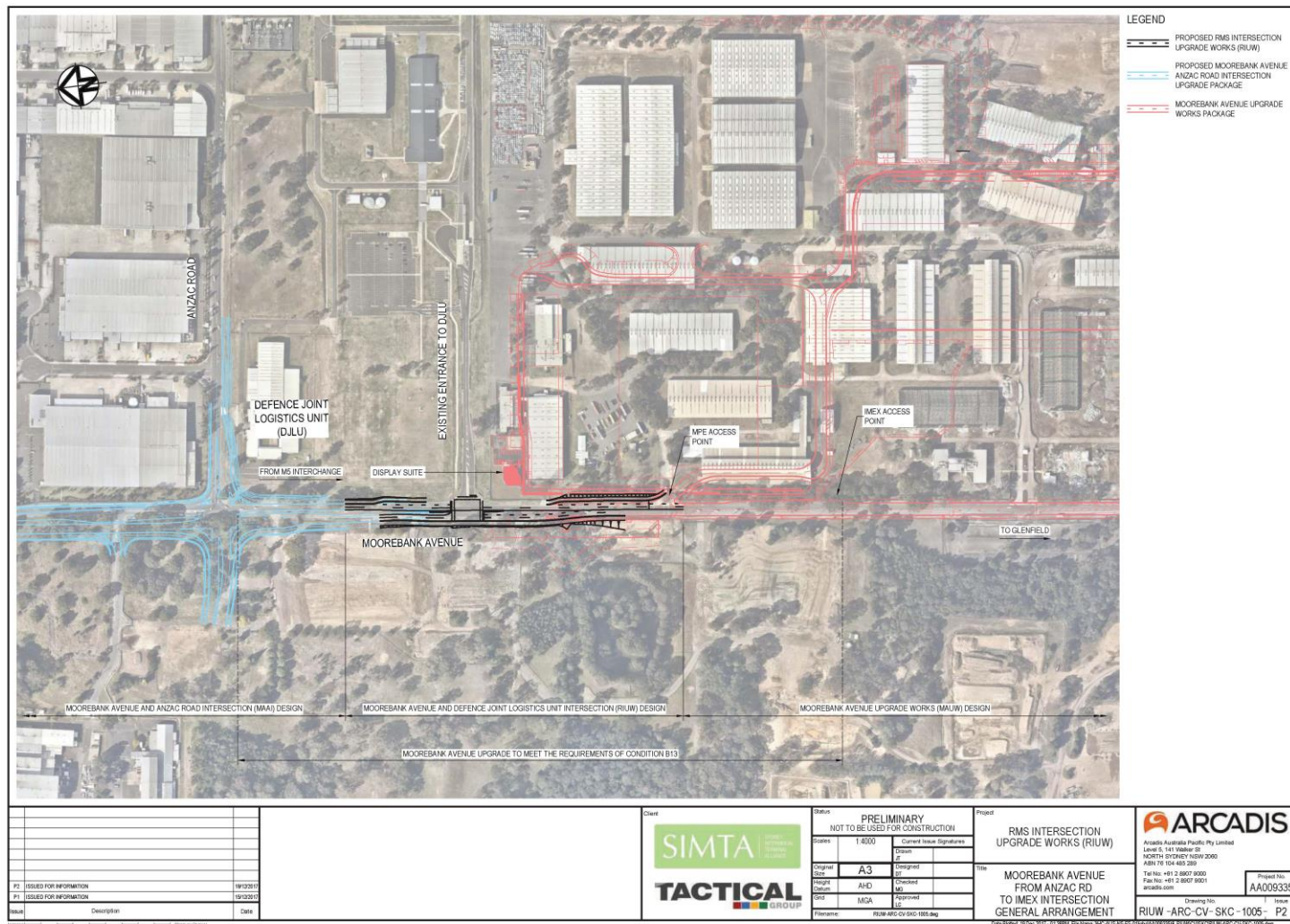


Figure 2: Indicative Layout Plan - Moorebank Avenue Road Upgrade near M5



**Figure 3: Indicative Layout Plan – Moorebank Avenue/ Anzac Road Intersection Upgrade**



**Figure 7-1 Noise Wall and Buildings included in Noise Model**



**Figure 4: Figure from EIS Noise and Vibration Impact Assessment**



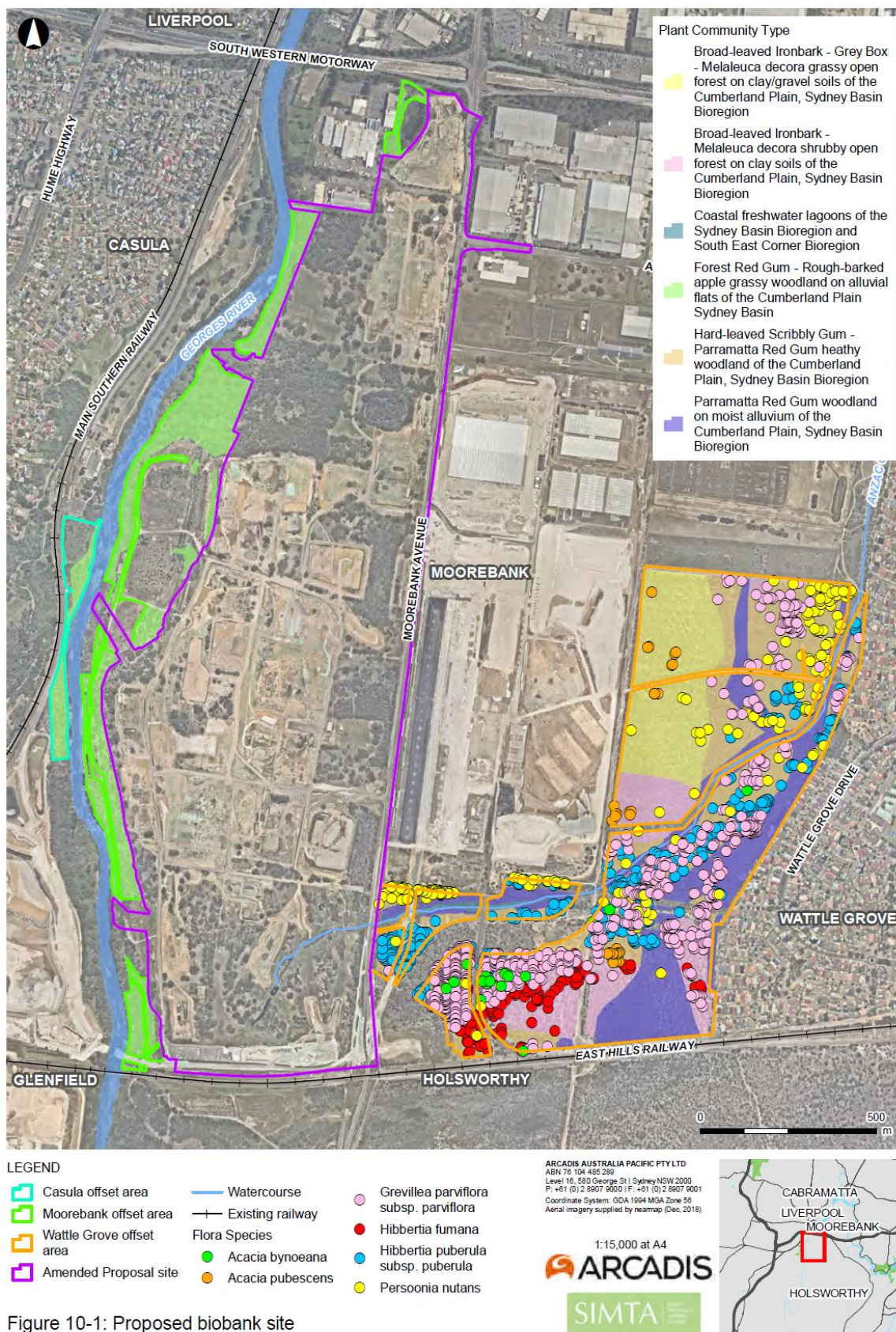


Figure 5: Offset areas

**APPENDIX 2     APPLICANT'S MANAGEMENT AND MITIGATION MEASURES SUBMITTED 2/11/2018**

## APPENDIX 3 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 Department 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 C10** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the Applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.

### INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.