

Development consent

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

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

These conditions are required to:

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

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

12 December 2016

SCHEDULE 1

Application No.: SSD 6766

Applicant: Sydney Intermodal Terminal Alliance (SIMTA)

Consent Authority: Minister for Planning

Land: Terminal Site: Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 DP 1048263).
Rail Corridor: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, part of the East Hills Passenger Line, Commonwealth land to the southwest and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

Lot 2 DP 1197707

Lot 4 DP 1197707

Lot 1 DP 825352

Lot 2 DP 825348

Lot 1 DP 1061150

Lot 6 DP 833516

Lot 7 DP 833516

Lot 1 DP 712701

Lot 1 DP 1197707

Lot 91 DP 1155962

Lot 5 DP 833516

Georges River

Lot 103 DP 1143827

Lot 104 DP 1143827

Lot 52 DP 517310

Lot 51 DP 515696

Lot 4 DP 1130937

Lot 101 DP 1143827

Lot 102 DP 1143827

Lot 1 DP 1130937

Lot 4 DP 1186349

Crown road

Public road reserve of

Moorebank Avenue to the north of Anzac Road

Development:

Construction and operation of Stage 1 of the SIMTA Concept Plan comprising the following components:

- an intermodal terminal facility operation 24 hours, 7 days a week handling a container freight volume of up to 250,000 twenty foot equivalent units (containers) p.a. including truck processing and loading areas, rail loading and container storage areas, and an administration facility and associated carparking;
- a rail link connecting the southern end of the site to the Southern Sydney Freight Line; and
- associated works including rail sidings, vegetation clearing, remediation and levelling works, and drainage and utilities installation.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Sydney Intermodal Terminal Alliance (SIMTA)
Application	The Development Application (SSD 6766) for Stage 1 involving the construction and operation of an IMEX facility handling a container freight volume of up to 250,000 TEUs per annum. Key components include: <ul style="list-style-type: none"> • A rail connection to the SSFL; • Truck processing, holding and loading areas; • Rail loading and container storage areas; • Administration facility and associated carparking; and • Ancillary works such as clearing, remediation, earth works, utilities installation, signage and landscaping.
BCA	Building Code of Australia
Construction	Includes all work in respect of the SSD other than: <ol style="list-style-type: none"> a) survey; acquisitions; or building/ road dilapidation surveys; fencing; investigative drilling, excavation or salvage; and b) work undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; or minor clearing or translocation of native vegetation. <p>Note - work where heritage, threatened species, populations or endangered ecological communities would be affected, and such work is not undertaken in accordance with a strategy or salvage operation, is classified as construction.</p>
Council	Liverpool City Council or Campbelltown City Council (as relevant)
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
Department	Department of Planning and Environment or its successors
DPI	Department of Primary Industries or its successors
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>SIMTA Intermodal Terminal Facility – Stage 1 Environmental Impact Statement</i> , prepared by Hyder Consulting Pty Ltd, dated May 2015.
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community expectations and nature and extent of potential improvements. <p>Where requested by the Secretary, the Applicant shall provide evidence as to how feasible and reasonable measures were considered and taken into account.</p>

High-noise impact activities and work	Means jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics.
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes or threatens to cause material harm to human life, the environment; and/or • breaches or exceeds the limits or performance measures/ criteria in this approval.
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
OEH	Office of the Environment and Heritage, or its successor
Response to Submissions (RtS)	Response to Submissions report titled <i>SIMTA Intermodal Terminal Facility – Stage 1 Response to Submissions</i> , prepared by Hyder Consulting Pty Ltd, dated September 2015.
RMS	Roads and Maritime Services or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate.
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the applicant to respond in writing will be added to the one month period.
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	<p><u>Terminal Site:</u> Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 DP 1048263).</p> <p><u>Rail Corridor:</u> Land generally described as being located between the terminal site and the East Hills Passenger Line to the south, part of the East Hills Passenger Line, Commonwealth land to the south west and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:</p> <ul style="list-style-type: none"> - Lot 2 DP 1197707 - Lot 4 DP 1197707 - Lot 1 DP 825352 - Lot 2 DP 825348 - Lot 1 DP 1061150 - Lot 6 DP 833516 - Lot 7 DP 833516 - Lot 1 DP 712701 - Lot 1 DP 1197707 - Lot 91 DP 1155962 - Lot 5 DP833516 - Georges River - Lot 103 DP 1143827 - Lot 104 DP 1143827 - Lot 52 DP 517310 - Lot 51 DP 515696 - Lot 4 DP 1130937 - Lot 101 DP 1143827 - Lot 102 DP 1143827 - Lot 1 DP 1130937 - Lot 4 DP 1186349 - Crown road - Public road reserve of Moorebank Avenue to the north of Anzac Road
TEU	Twenty foot Equivalent Units (Containers)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Development in Accordance with Plans and Documents

A1. The Applicant shall carry out the development generally in accordance with the:

- a) State Significant Development Application SSD 6766;
- b) *SIMTA Intermodal Terminal Facility – Stage 1 – Environmental Impact Statement* (Hyder Consulting Pty Ltd, May 2014);
- c) *SIMTA Intermodal Terminal Facility – Stage 1 – Response to Submissions* (Hyder Consulting Pty Ltd, September 2015); and
- d) The conditions of this consent.

A2. In the event of an inconsistency between:

- (a) the conditions of this approval and any document listed from condition A1(a) to A1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- (b) any document listed from condition A1(a) to A1(c) inclusive, and any other document listed from condition A1(a) to A1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

A3. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:

- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
- (b) the implementation of any actions or measures contained within these documents.

Lapsing of approval

A4. This approval will lapse ten years from the date of this approval unless works the subject of this approval are physically commenced, on or before that lapse date.

Secretary as Moderator

A5. In the event of a dispute between the Applicant and a public authority, in relation to this approval, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Legal notices

A6. Any advice or notice to the consent authority shall be served on the Secretary.

Statutory Requirements

A7. The applicant shall ensure that all licences, permits, consents and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation of the Applicant to obtain, renew or comply with such licences, permits or approvals. The Applicant shall ensure that a copy of this consent and all relevant environmental licences, permits, consents and approvals are available on the site at all times during the development.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Disabled Access

- B1. Access for people with disabilities shall be provided for offices and amenities for the development in accordance with the *Disability Discrimination Act 1992 (Commonwealth)*. Prior to the issue of a Construction Certificate, verification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Compliance with the Building Code of Australia (BCA)

- B2. Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

Development Contributions

- B3. Prior to the issue of a Construction Certificate, the Applicant shall pay a monetary levy of \$643,027.27 to Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 94B(2) of the *Environmental Planning and Assessment Act 1979*.

Site Layout and Access

- B4. The design of the main access gate shall preclude heavy road freight vehicles from using Moorebank Avenue south (no left turn from the terminal site onto Moorebank Avenue, and no right turn from Moorebank Avenue into the terminal site). Detailed plans are to be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.
- B5. The Applicant shall ensure that:
- a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of *AS 2890.1 – 2004*, *AS 2890.6-2009* and *AS 2890.2 – 2002* for heavy vehicle usage;
 - b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS;
 - c) The layout of the site shall be designed to ensure heavy vehicles associated with the operation of the intermodal terminal can be accommodated on site in the event of an incident blocking access to the M5 Motorway/ Moorebank Avenue to avoid queuing on public roads.
 - d) The layout of the site shall be designed to minimise heavy vehicles reversing are not required to select reverse gear.
 - e) heavy vehicles and bins associated with the SSD do not park or stand on local roads or footpaths in the vicinity of the site;
 - i) all vehicles are wholly contained on site before being required to stop;
 - f) all loading and unloading of materials is carried out on site; and
 - g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Detailed plans demonstrating compliance with a)-h) shall be prepared in consultation with RMS and to the satisfaction of the Certifying Authority.

- B6. The Applicant shall include provision for emergency access to the site. Plans demonstrating compliance shall be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.

Lighting Plan

- B7. A detailed plan prepared by a suitably qualified lighting engineer must be submitted to the Certifying Authority for approval prior the issue of a Construction Certificate, and include, but not be limited to:
- a) Adequate lighting of pedestrian thoroughfares;
 - b) All lighting in public domain areas is to comply with the relevant Council requirements and Australian Standard AS1158 for Street Lighting Applications;
 - c) The lighting plan should include lighting designs, supported by luminance calculations and luminance plots, and is to be of a high standard and Energy Australia compatible; and
 - d) All outdoor lighting (excluding street lighting) shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Public Transport

- B8. The SSD shall be designed to ensure a bus stop on Moorebank Avenue (including direct pedestrian access from the terminal site to the bus stop), and associated turnaround facility suitable for a 14.5 metre long non-rear steer bus is not precluded.

PART C PRIOR TO CONSTRUCTION

Commencement of Works

- C1. Demolition, excavation, clearing (other than minor clearing), construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the project pursuant to the *Environmental Planning and Assessment Act 1979*.

Demolition

- C2. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

Urban Design and Landscaping

- C3. The Applicant shall prepare and implement an **Urban Design and Landscape Plan** for the project. The Plan shall present an integrated urban design for the project. The Plan shall include, but not necessarily be limited to:
- a) final design details of the proposed external materials and finishes;
 - b) location of existing vegetation and proposed landscaping (including use of indigenous and endemic species where possible) and design features;
 - c) strategies for progressive landscaping of other environmental controls such as erosion and sedimentation controls, drainage and noise mitigation; and
 - d) location and design treatments for any associated footpaths and cyclist elements, and other features such as seating, lighting (in accordance with AS 4282-1997 Control of the Obtrusive Effect of Outdoor Lighting), fencing, and signs;

The Plan shall be submitted for the approval of the Secretary prior to the commencement of permanent built works and/ or landscaping, unless otherwise agreed by the Secretary.

Compliance Monitoring and Tracking

- C4. The Applicant shall prepare and implement a **Compliance Tracking Program**, to track compliance with the requirements of this approval. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and operate for the duration of construction.

The Program shall include, but not be limited to:

- a) provision for the notification to the Secretary prior to the commencement of construction;
- b) provision for periodic review of the compliance status of the SSD against the requirements of this approval;
- c) provision for periodic reporting of compliance status to the Secretary, including but not limited to:
 - (i) a Pre-Construction Compliance Report prior to the commencement of construction,
 - (ii) Six-monthly, or other timing as agreed by the Secretary, Construction Compliance Reports, for the duration of construction, and
 - (iii) a Completion Compliance Report within one month of completion of the construction;
- d) a program for independent environmental auditing in accordance with AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems;
- e) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- f) provision for reporting environmental incidents to the Secretary during construction, in accordance with conditions C6 and C7;
- g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and
- h) provision for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

Contamination

C5. Prior to the commencement of construction of the rail link within the Glenfield Waste Facility licenced premises, the Applicant shall prepare an assessment report of the proposed impacts of construction on the Glenfield Waste Facility licenced premises. The assessment must address:

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

- surface water runoff, potential impacts on the Georges River during works, dust etc); and
- i) details of and proposed mitigation measures for the long term management of the rail link (eg. subsidence or gas issues).

The Applicant must provide the assessment report to the EPA for review and approval at least 6 weeks prior to the commencement of construction. A copy must also be submitted to the Secretary for information. No works are permitted to commence within the Glenfield Waste Facility licenced premises without the EPA's written approval, unless otherwise agreed by the Secretary.

- C6. The Applicant shall prepare construction design plans for the section of the rail link within the Glenfield Waste Facility licenced premises in consultation with the EPA, and submit for the approval of the Certifying Authority prior to the commencement of construction, unless otherwise agreed by the Secretary. A copy must be provided to the Secretary for information.
- C7. The approved works (including any excavation required for remediation) must not occur below 5 metres AHD and lower the watertable below 1m AHD on adjacent class 1, 2, 3, 4 land in accordance with the Liverpool Local Environmental Plan 2008.
- C8. The subject site is to be remediated in accordance with:
 - a) The approved Remedial Action Plan;
 - b) *State Environmental Planning Policy No. 55 – Remediation of Land*; and
 - c) The guidelines in force under the *Contaminated Land Management Act*.

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

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

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

Soil, Water Quality and Hydrology

- C9. The design of any new stormwater outlets to the Georges River or Anzac Creek must include scour protection works.

Fish Migration, Passage and Health

- C10. Prior to the commencement of construction the Applicant shall consider the staging of in-water works for the bridge construction across the Georges River to avoid the impact on the migration season of Australian Bass.
- C11. Prior to the commencement of the bridge construction works across the Georges River, the Applicant must consider if possible, restricting the use of the temporary platform to only one, and be designed to maintain fish passage. The Applicant must consult with Fisheries NSW with regard to the platform and its design prior to constructing the platform in the Georges River.
- C12. The Applicant is to ensure that a daily visual inspection for dead or distressed fish in the Georges River is undertaken. Fish distress is indicated by fish gasping at the water surface, or crowding at the creek's banks. Should dead or distressed fish be observed,

all works are to cease and NSW Fisheries is to be contacted immediately. Works can proceed following approval by NSW Fisheries.

Heritage

- C13. Prior to the commencement of construction activities affecting the WWII store buildings, the Applicant shall complete all archival recordings. This work shall be undertaken by an experienced heritage consultant, in accordance with the guidelines issued by the Heritage Council of NSW. Within 6 months of completing this work, the Applicant shall submit a report containing archival recordings to the Secretary, Certifying Authority, the Heritage Council of NSW, Liverpool Council and the local Historical Society.
- C14. Prior to the commencement of construction activities affecting the WWII store buildings, the Applicant shall prepare a Heritage Interpretation Strategy, in consultation with the Heritage Division. The Strategy shall be submitted for the approval of the Secretary with a copy provided to the Certifying Authority.
- C15. Prior to the commencement of pre construction and construction activities affecting Aboriginal site MA14, the Applicant shall:
- a) develop a detailed salvage strategy, prepared in consultation with OEH (Aboriginal heritage) and the Aboriginal stakeholders. The investigation program shall be prepared to the satisfaction of the Secretary; and
 - b) undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program.

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

Note: where archaeological testing has occurred as part of the Environmental Assessment and the results are included in the documents listed in condition A1 the sites tested must still form part of the final report prepared under C15(b).

Utilities and Services

- C16. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the construction shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant, or as otherwise agreed between the parties.

Pre-Construction Dilapidation Report

- C17. The Applicant shall engage a suitably qualified person to prepare a pre-construction dilapidation report prior to the commencement of construction. This report to ascertain the structural condition of:
- a) local public roads likely to be used by the project's construction traffic identified in the Construction Traffic and Access Management Sub-plan required under condition E35(a).
 - b) local public roads, cycleways, footpaths and other utilities identified in the Construction Traffic and Access Management Sub-Plan required under condition E35(a).

- c) The report shall be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS and the Secretary.

C18. The Applicant shall undertake road pavement deflection testing of the construction truck routes at 20 metre intervals along all wheel paths where feasible and reasonable to the extent required by Condition E34(a), prior to commencement of construction.

C19. The Applicant shall ensure that the construction and operation of the proposed development will not prevent the existing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development.

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

Biodiversity

C20. The Applicant shall ensure the width of the rail link corridor is no greater than 20 metres in the Riparian corridor of the Georges River and Anzac Creek.

C21. The Georges River Bridge shall be designed to ensure fauna movement within the riparian corridor is maintained. The bridge shall be designed in consultation with DPI Water and DPI Fisheries and approved by the Certifying Authority. A copy of the final design shall be submitted to the Secretary for information.

C22. The Applicant shall prepare and implement a 'Threatened Dragonfly Species survey Plan' to determine the presence or absence of threatened dragonfly species listed under the *Fisheries Management Act 1994* on the Georges River, adjacent to the development site. The plan, including survey methodology, shall be prepared in consultation with DPI Fisheries prior to the commencement of construction.

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

C23. Prior to the commencement of clearing between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge, the Applicant shall develop and implement a Biodiversity Offset Package to the satisfaction of the Secretary. The Package shall detail how the ecological values lost as a result of the SSD will be offset. The Package shall be consistent with the *NSW Biodiversity Offsets Policy for Major Projects (OEH 2014)*, unless otherwise agreed by the Secretary.

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

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

- (g) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and
- (h) timing and responsibilities for the implementation of the provisions of the Package.

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

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

If the applicant can demonstrate to the satisfaction of the Secretary that the proposed offset land for between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge has been secured, the Applicant shall within 12 months of the commencement of construction develop and implement the Biodiversity Offset Package to the satisfaction of the Secretary in accordance with items (a)-(h) above.

Note: Where the Applicant has opted to develop a consolidated Biodiversity Offset Package covering both the Moorebank Intermodal Terminal (SSD 5066) and SIMTA sites, this must be submitted to the Secretary within 12 months of submitting the initial Biodiversity Offset Package in accordance with this condition, unless otherwise agreed by the Secretary.

Transport and Access

- C24. Prior to the commencement of construction, the Applicant shall undertake a Road Safety Audit in consultation with TfNSW and the relevant Council for the proposed construction vehicle access points on public roads. The audit shall be undertaken by an independent TfNSW accredited road safety auditor in accordance with the relevant Austroads guidelines to identify any safety issues for the proposed construction vehicle access. The audit shall recommend corrective actions for any identified safety issues and propose appropriate traffic management measures (i.e. temporary traffic signals).
- C25. The design of new traffic signals (including modification of existing traffic signals) along Moorebank Avenue shall be designed to meet RMS requirements, Austroads Guide to Road Design and relevant RMS supplements (available on www.rms.nsw.gov.au). Plans shall be and prepared in consultation with RMS, be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.

PART D COMMUNITY INFORMATION AND REPORTING

Community Communication Strategy

- D1 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a **Community Communication Strategy** to the satisfaction of the Secretary. The Strategy shall provide mechanisms to facilitate communication between the Applicant (and its contractor(s)), the Environmental Representative (see condition E4), the relevant Council and community stakeholders (particularly adjoining landowners) on the design and environmental management of construction. The Strategy shall include, but not be limited to:

- a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners, key community and business groups, and community and social service organisations;
- b) procedures and mechanisms for the regular distribution of accessible information to community stakeholders on construction progress and matters associated with environmental management, including provision of information in appropriate community languages;
- c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Applicant and/or Environmental Representative in relation to the environmental management and delivery of the SSD;
- d) procedures and mechanisms through which the Applicant can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the SSD; and
- e) procedures and mechanisms that would be implemented to resolve issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the SSD, including but not limited to disputes regarding rectification or compensation for impacts to third party property and infrastructure. These procedures and mechanisms may include the use of a suitably qualified and experienced independent mediator.

Complaints and Enquiries Procedure

- D2 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall ensure that the following are available for community enquiries and complaints for the duration of construction:
- a) a 24 hour telephone number(s) on which complaints and enquiries about the SSD may be registered;
 - b) a postal address to which written complaints and enquires may be sent;
 - c) an email address to which electronic complaints and enquiries may be transmitted; and
 - d) a mediation system for complaints unable to be resolved.

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

- D3 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a **Construction Complaints Management System** consistent with *AS ISO 10002-2006 Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2004, MOD)* and maintain the System for the duration of construction and up to 12 months following completion of construction.

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

Provision of Electronic Information

- D4 Prior to commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the SSD, for the duration of construction. The Applicant shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:

- a) information on the current implementation status of the SSD;
- b) a copy of the documents listed in condition A1, and any documentation supporting modifications to this approval that may be granted from time to time;
- c) a copy of this approval and any future modification to this approval;
- d) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the SSD;
- e) a copy of each current report, plan, or other document required under this approval;
- f) the outcomes of compliance tracking in accordance with condition C4 of this approval; and
- g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

PART E CONSTRUCTION ENVIRONMENTAL MANAGEMENT

Approved Plans to be On-site

E1 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, relevant Council or the Certifying Authority.

Site Notice

E2 A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Contractor, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Contact Telephone Number

E3 The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Environmental Representative

E4 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall appoint a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel, and that has been approved by the Secretary. The Applicant shall employ the Environmental Representative(s) for the duration of construction of this stage, or as otherwise agreed by the Secretary. The Environment Representative(s) shall:

- a) be the principal point of advice in relation to the environmental performance of construction;
- b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Applicant upon the achievement of these plans/programs;

- c) have responsibility for considering, and advising the Applicant on, matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of construction;
- d) ensure that environmental auditing is undertaken in accordance with the Applicant's Environmental Management System(s);
- e) be given the authority to approve/reject minor amendments to the Construction Environment Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environment Management Plan;
- f) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts; and
- g) be consulted in responding to the community concerning the environmental performance of construction where the resolution of points of conflict between the Applicant and the community is required.

E5 The Environmental Representative shall prepare and submit to the Secretary a quarterly report on the Environmental Representative's actions and decisions on matters specified in condition E4. The reports shall be submitted within seven (7) days for the end of each quarter for the duration of construction, or as otherwise agreed by the Secretary. Notwithstanding, the Environmental Representative shall be given the independence to report to the Secretary at any time and/or at the request of the Secretary.

Construction Soil and Water Management

E6 Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition* (Landcom, 2004) shall be employed during construction to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

E7 Construction shall be undertaken to comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Bunding

E8 The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Riparian Corridor Works

E9 All activities taking place in, on or under waterfront land, as defined in the *Water Management Act 2000* should be conducted generally in accordance with the NSW Office of Water's Guidelines for Controlled Activities.

Incident Reporting

E10 The Applicant shall notify the Secretary and relevant public authorities of any incident with actual or potential significant on-site or off-site impacts on human health or the biophysical environment within 24 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the Secretary within seven days of the date on which the incident occurred.

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

E11 The Applicant shall meet the requirements of the Secretary or relevant public authority (as determined by the Secretary) to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition E10, within such period as the Secretary may require.

Heritage

E12 The Applicant shall not harm, modify or otherwise impact any heritage items outside the subject site.

Dangerous goods

E13 Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:

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

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

Dust Management

E14 The Applicant shall carry out all feasible and reasonable measures to minimise dust generated by the Development.

E15 During construction, the Applicant shall ensure that all loaded vehicles entering or leaving the site have their loads covered; and all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads.

Waste Management

E16 The reuse and/or recycling of waste materials generated on site shall be maximised as far as practicable, to minimise the need for treatment or disposal of those materials off site.

E17 All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with Waste Classification Guidelines (Department of Environment, Climate Change and Water 2009).

E18 All waste materials removed from the subject site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.

Construction Hours

E19 Construction shall be undertaken during the following standard construction hours:

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

E20 Activities resulting in a high noise impact shall only be undertaken:

- a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
- b) between the hours of 8:00 am to 1:00 pm Saturday; and
- c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

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

E21 Notwithstanding conditions E19 and E20, works may be undertaken outside the hours specified under those conditions in the following circumstances:

- a) construction works that cause LAeq (15 minute) noise levels that are:
 - (i) No more than 5 dB above rating background level at any residence in accordance with the *Interim Construction Noise Guideline (DECC, 2009)*; and
 - (ii) No more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline (DECC, 2009)* at other sensitive landuses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- d) construction works approved through an **Out-Of-Hours Work Protocol** prepared as part of the Construction Noise and Vibration Management Plan required by condition E34(b), provided the relevant Council, local residents and other affected stakeholders and sensitive receivers are informed of the timing and duration at least 48 hours prior to the commencement of the works; or
- e) identified works approved by the Secretary.

Construction Noise and Vibration

E22 The Applicant shall implement all feasible and reasonable noise mitigation measures with the aim of achieving the following construction noise management levels and vibration criteria:

- a) construction noise management levels established using the *Interim Construction Noise Guideline (DECC 2009)*;
- b) vibration criteria established using the *Assessing Vibration: a Technical Guide (DECC 2006)* (for human exposure); and
- c) the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage)*.

Any construction activities identified as exceeding the construction noise management levels and/or vibration criteria shall be managed in accordance with the Construction Noise and Vibration Management Plan required by condition E34(b).

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

Construction Traffic Noise

E23 The Applicant is to ensure that construction vehicles operate so as to minimise any construction noise impacts from the construction site. Measures that could be used include toolbox talks, contracts that include provisions to deal with unsatisfactory noise performance for the vehicle and/or the operator, and specifying non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.

E24 No use of compression brakes shall be permitted for construction vehicles associated with construction in the vicinity of the subject site.

Review of Operational Sleep Disturbance Impacts

E25 The Applicant shall prepare a review of sleep disturbance impacts based on detailed design, including:

- a) An assessment of how often noise events occur, the time of day they occur and whether there are any times of day when there is a clear change in the noise environment;

- b) Confirm the operational sleep disturbance predictions identified in the documents listed under Condition A1; and
- c) Consider appropriate noise mitigation measures where required.

The report shall be prepared in consultation with the EPA and be submitted to the satisfaction of the Secretary within 6 months of commencement of construction, unless otherwise agreed by the Secretary.

Transport and Access

- E26 A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre (TMC) for any activity likely to impact on the operational efficiency of the road network, allowing the use of specified public road space at approved times. The Applicant must allow a minimum of 10 working days for processing from date of receipt and include a Traffic Control Plan with any application.
- E27 Construction shall be carried out, where feasible and reasonable, to avoid the use of local roads (through residential streets) by heavy vehicles to gain access to the site and/or ancillary facilities.
- E28 Construction vehicles (including staff vehicles) shall be managed to:
 - a) minimise parking or queuing on public roads;
 - b) minimise idling and queuing in local residential streets where practicable;
 - c) adhere to the nominated haulage routes identified in the Construction Traffic and Access Management Plan required under condition E35(a); and
 - d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.
- E29 Safe pedestrian and cyclist access through or around worksites shall be maintained during construction. In circumstances where pedestrian and cyclist access is restricted due to construction activities, a satisfactory alternate route shall be provided and signposted, including provision of temporary footpaths where pedestrian access is reliant on grassed verges.
- E30 Access to all properties affected by the carrying out of construction shall be maintained, where feasible and reasonable, unless otherwise agreed by the relevant property owner or occupier. Any access physically affected by construction shall be reinstated to at least an equivalent standard, unless agreed with by the property owner.

Biodiversity

- E31 No threatened species or communities can be cleared other than that required for construction.
- E32 The existing mature trees located on the eastern side of Moorebank Avenue shown on Drawing LA01 (Landscape Masterplan) dated 30.3.2015 shall be retained, unless where required to be removed for construction of a permanent access point to the terminal site. Trees to be retained shall be protected and maintained during pre-construction and construction activities in accordance with *AS4970-2009 Protection of trees on development sites*. Details of tree protection must be provided to the Certifying Authority prior to the commencement of construction.

Construction Environmental Management Plan

- E33 Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP). The CEMP is to be prepared in consultation with the EPA, OEH, DPI Water, DPI Fisheries, and the relevant Council, for the approval of the Secretary. The

CEMP shall outline the environmental management practices and procedures that are to be followed during construction. The CEMP is to be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Secretary shall consider the comments of the Office of Strategic lands in its consideration of the CEMP. The CEMP shall include, but not necessarily be limited to:

- a) a description of activities to be undertaken during construction;
- b) statutory and other obligations that the Applicant is required to fulfil during construction, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- c) a description of the roles and responsibilities for relevant employees involved in construction, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors, are aware of their environmental and compliance obligations under these conditions of approval;
- d) an environmental risk analysis to identify the key environmental performance issues associated with construction; and
- e) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the CEMP:
 - (i) measures to monitor and manage dust emissions including dust from stockpiles, traffic on unsealed internal roads and materials tracking from construction sites onto public roads;
 - (ii) measures for the handling, treatment and management of hazardous and contaminated materials (including asbestos);
 - (iii) measures to monitor and manage waste generated during construction including but not necessarily limited to: general procedures for waste classification, handling, reuse, and disposal; use of secondary waste material in construction wherever feasible and reasonable; procedures or dealing with green waste including timber and mulch from clearing activities; and measures for reducing demand on water resources (including potential for reuse of treated water from sediment control basins);
 - (iv) measures to monitor and manage hazard and risks;
 - (v) measures to monitor and rectify any impacts to third party property and infrastructure, including details of the process for rectification or compensation of affected landowners, and timeframes for rectification works or compensation processes; and
 - (vi) the issues identified in condition E34.

The CEMP shall include procedures for its periodic review and update (including the sub-plans required under condition E34, as necessary (including where minor changes can be approved by the Environmental Representative)).

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

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

Construction Environmental Management Plan — Sub Plans

E34 As part of the CEMP for the SSD, the Applicant shall prepare and implement:

- a) a **Construction Traffic and Access Management Plan** to ensure traffic and access controls are implemented to avoid or minimise impacts on traffic, pedestrian and cyclist access, and the amenity of the surrounding environment. The Plan shall be developed in consultation with the relevant Council, emergency services, road user groups, and relevant pedestrian and bicycle user groups, and include, but not necessarily be limited to:
- (i) identification of construction traffic routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes;
 - (ii) details of vehicle movements for construction sites and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points;
 - (iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts;
 - (iv) details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access;
 - (v) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction;
 - (vi) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists;
 - (vii) details of measures to manage traffic movements, parking, loading and unloading at ancillary facilities during out-of-hours work;
 - (viii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists, consistent with the Community Communication Strategy required under condition D1;
 - (ix) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
 - (x) mechanisms for the monitoring, review and amendment of this plan.
- b) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts will be minimised and managed. The Plan shall be consistent with the guidelines contained in the Interim Construction Noise Guidelines (Department of Environment and Climate Change 2009). The plan shall be developed in consultation with the EPA and shall include, but not be limited to:
- (i) identification of the work areas, site compounds and access points;
 - (ii) identification of sensitive receivers and relevant construction noise and vibration goals applicable to the SSD and stipulated in the conditions above;
 - (iii) details of construction activities and an indicative schedule for works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios, including at ancillary facilities) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;
 - (iv) an **Out-of-Hours Work Protocol** for the assessment, management and approval of works outside of standard construction hours as defined in condition E19 of this approval, for the Secretary's approval. The Out-of-Hours Work Protocol must detail:

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

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

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

place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified; and

(vii) mechanisms for the monitoring, review and amendment of this plan.

PART F PRIOR TO OPERATIONS

Post-Construction Dilapidation Report

- F1. The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works:
- a) This report is to ascertain whether the construction works created any structural damage to footpaths, roads, buildings and other utilities in the vicinity of the development.
 - b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report ; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads as a result of construction.
 - c) The report shall be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS and the Secretary.

Easements

- F2. Prior to the commencement of operation, the Applicant shall submit the final draft section 88B instrument, if relevant to the Certifying Authority and the Secretary for information.

External Lighting

- F3. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the Certifying Authority, in consultation with the relevant Council and RMS, evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Operation Environmental Management Plan

- F4. The Applicant shall prepare and implement (following approval) an Operation Environmental Management Plan (OEMP). The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with relevant agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:
- a) a description of activities to be undertaken during operation (including staging and scheduling);
 - b) statutory and other obligations that the Applicant is required to fulfil during operation, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and polices;
 - c) overall environmental policies, guidelines and principles to be applied to the operation of the project;
 - d) a description of the roles and responsibilities for relevant employees involved in the operation of the project, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under these conditions of approval;

- e) an environmental risk analysis to identify the key environmental performance issues associated with the operation phase;
- f) details of management and monitoring of environmental performance, including the actions to be taken to address identified potential adverse environmental impacts (and any impacts arising from staging of the project construction). In particular, the following environmental performance issues shall be addressed in the Plan:
 - (i) noise emissions including measures for regular performance monitoring of noise generated by the project and measures to proactively respond to and deal with noise complaints;
 - (ii) a description of the proposed and/or implemented measures to minimise visual impact project components, such as landscaping and design considerations;
 - (iii) procedures for the monitoring and maintenance of the watercourse crossings to achieve stable creek bed and banks;

The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary. Operation shall not commence until written approval has been received from the Secretary.

The approval of an Operation Environmental Management Plan does not relieve the Applicant of any requirement associated with this project approval. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this approval, the requirements of this approval prevail.

Operational Noise

- F5. Prior to the commencement of operation, the Applicant shall prepare a Brake Squeal Report on brake squeal identifying the following:
- a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);
 - b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;
 - c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and
 - d) Any monitoring system proposed to capture brake squeal.

Traffic Management

- F6. The Applicant shall prepare and implement (following approval) an Operational Traffic Management Plan to for the proposed vehicle booking system. The plan shall be prepared in consultation with the Cargo Movement Coordination Centre and include details on container turnaround times and interoperable technology (such as Port Botany RFID tags). The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary.
- F7. The Applicant shall undertake signal decommissioning (where required) in consultation with RMS prior to the commencement of operation. The Applicant shall bear the full cost associated with the decommissioning/removal/disposal of the traffic signals and associated equipment.

- F8. The Applicant shall create an easement within the site at the traffic signals to allow RMS to maintain traffic signal components, if required by the design and condition C24. If no easement is required, access to signals should be maintained for maintenance purposes at all times.

PART G DURING OPERATIONS

Damage Rectification

- G1. Within 6 weeks of commencement of operation, unless otherwise agreed by the Secretary, the Applicant shall undertake road pavement deflection testing of the truck routes as defined by Condition E34(a). If the deflection tests show an increase in deflection as a result of the truck routes associated with construction, the Applicant shall undertake pavement rehabilitation of the affected road pavements to achieve the pavement deflection that existing prior to the commencement of works.
- G2. Within 3 months of commencement of operation, unless otherwise agreed by the Secretary, the Applicant shall carry out rectification work to the extent of the damage resulting from the construction works at the Applicant's expense and to the reasonable requirements of the owners.

Registration of Easements

- G3. Within 3 months of commencement of operation, the Applicant shall provide to the Certifying Authority evidence that all easements required by this approval, and other licences, approvals and consents, have been lodged for registration or registered at the NSW Land and Property Information.

Signage

- G4. Signage shall be installed in accordance with Drawing A3001 Issue C (Terminal – Signage Details) dated 14/04/2015, unless otherwise agreed by the Secretary.

Dangerous Goods

- G5. The quantities of Dangerous Goods present at any time on the site or transported from and to the terminal site shall be kept below the screening threshold quantities listed in the Hazardous and Offensive Development Guidelines Applying SEPP 33, (DP&E 2011). The screening threshold quantities for each Dangerous Goods shall be defined in accordance with Table 1: Screening Methods of Applying SEPP 33.

Operational Noise, Air Quality, Monitoring and Reporting

- G6. Port shuttle operations must use:
- a) Locomotives that incorporate available best practice noise and emission technologies. Prior to the construction of the rail link connecting to the site, the Applicant must submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and the EPA that justifies the technology proposed and how it meets the objective of best practice noise and emission technologies; and
 - b) Wagons that incorporate available best practice noise technologies including as a minimum, permanently coupled 'multi-pack' steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology). Prior to the commencement of operation, the Applicant must submit a report to the Secretary for consideration and approval that has been

prepared in consultation with TfNSW and the EPA that justifies the technology proposed and how it meets the objective of best practice noise technologies.

- G7. The Applicant shall install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations on the rail link. The system shall capture the noise from each individual train passby noise generation event, and include information to identify:
- a) Time and date of freight train passbys;
 - b) Imagery or video to enable identification of the rolling stock during day and night;
 - c) LAeq(15hour) and LAeq(9hour) from rail operations; and
 - d) LAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or
 - e) Other alternative information as agreed with, or required by, the Secretary.

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

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

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

- G8. The following measures must be implemented during operation:
- a) The use of automatic rail lubrication equipment in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers, where required; and
 - b) Measures to ensure the rail cross sectional profile is maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel / rail contact position and hence to encourage proper rolling stock steering.
- G9. The transfer of containers between Port Botany and the IMEX terminal must not commence until the rail connection to the SSFL is operational.
- G10. Containers must be transferred from Port Botany to the site and from the site to Port Botany by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (eg an incident, breakdown, derailment or emergency maintenance on the rail line). The Secretary may at any time request the Applicant to demonstrate that the transport of containers between the site and Port Botany container terminals is by rail. This is to be demonstrated upon request by the Secretary for the prior 12 month period.
- G11. The Applicant shall prepare a six-monthly report to the Secretary with the results of container and vehicle monitoring for a period of 3 years, or as otherwise agreed with the Secretary, from the commencement of operation of the IMEX terminal. The Secretary shall consider the need for further reporting following a review of the results for year 3. The report shall include:
- a) The number of twenty foot equivalent units dispatched and received during the period;
 - b) A record of heavy vehicle entry by date and approximate time; and

- c) The number of light vehicles turning right into the terminal site from Moorebank Avenue and turning left from the terminal site onto Moorebank Avenue for a representative day.
- G12. All container handling equipment, purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard or achieve an equivalent emission control performance to those standards listed in this condition.
- G13. The Applicant must carry out any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.
- G14. Heavy road freight vehicles are not permitted to use Moorebank Avenue south of the East Hills Railway corridor. A main gate monitoring system (eg CCTV) shall be installed to identify heavy vehicles turning left from the terminal site onto Moorebank Avenue, or turning right from Moorebank Avenue to the terminal site. The Secretary may at any time request the Applicant to provide a heavy vehicle monitoring report for the prior 12 month period.
- G15. Within 12 months of the commencement of operation of the project, or as otherwise agreed by the Secretary, the Applicant shall undertake operational noise monitoring to compare actual noise performance of the project against noise performance predicted in the review of noise mitigation measures predicted in documents specified under condition A1 of this approval, and prepare an Operational Noise Report to document this monitoring. The Report shall include, but not necessarily be limited to:
- a) noise monitoring to assess compliance with the operational noise levels predicted in documents specified under condition A1 of this approval;
 - b) a review of the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy* (EPA, 2011);
 - c) sleep disturbance impacts compared to those determined in Condition E25;
 - d) 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;
 - e) 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;
 - f) any required recalibrations of the noise model taking into consideration factors such as actual traffic numbers and 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; and
 - h) identification of additional feasible and reasonable measures to those predicted in the documents specified under condition A1 of this approval, that would be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (EPA, 2011), when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

The Applicant shall provide the Secretary and the EPA with a copy of the Operational Noise Report within 60 days of completing the operational noise monitoring referred to in (a) above or as otherwise agreed by the Secretary.

Independent Environmental Audit

- G16. Within 12 months of the commencement of operation, and thereafter at any other stage bi-annually if required by the Secretary, the Applicant shall commission and pay the full cost of an **Independent Environmental Audit** of the SSD. This audit shall:
- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;

- b) include consultation with the relevant agencies and local Councils;
- c) assess the environmental performance of the SSD and assess whether it is complying with the requirements in this approval, and any other relevant approvals (including any assessment, plan or program required under these approvals);
- d) review the accuracy of predicted environmental outcomes discussed in the documents listed in condition A1;
- e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
- f) recommend measures or actions to improve the environmental performance of the SSD, and/or any strategy, plan or program required under these approvals.

Within 60 days of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary and relevant public authorities, together with its response to any recommendations contained in the audit report.