



Transport for NSW

Commuter Car Park Program

St Marys Commuter Car Park Expansion

Determination Report



Artist's impression of the proposed St Marys Station Commuter Car Park Expansion, subject to change during detailed design



St Marys Commuter Car Park Expansion – Determination Report

Commuter Car Park Program

Ref – 6557526

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Document control

| | |
|----------------------------|--|
| Status: | Final |
| Date of issue: | February 2020 |
| Revision: | 0 |
| Document author: | Rima Exikanas |
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Glossary and abbreviations

| Term | Meaning |
|--------------------------------|--|
| CEMP | Construction Environmental Management Plan |
| CLMP | Community Liaison Management Plan |
| Construction Contractor | The Construction Contractor for the Proposed Activity would be appointed by TfNSW to undertake the detailed design and construction of the Proposed Activity. |
| Detailed design | Detailed design broadly refers to the process that the Construction Contractor undertakes (should the Proposed Activity proceed) to refine the concept design to a design suitable for construction (subject to TfNSW acceptance). |
| Determination Report | This document – a report prepared by TfNSW to assess and address certain matters to allow for a determination of the Proposed Activity under, and in accordance with Division 5.1 of the EP&A Act. |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> (NSW) |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> (NSW) |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth) |
| Infrastructure SEPP | <i>State Environmental Planning Policy (Infrastructure) 2007</i> (NSW) |
| LEP | Local Environmental Plan |
| LGA | Local Government Area |
| NES | Matters of 'National Environmental Significance' under the EPBC Act |
| NSW | New South Wales |
| Proponent | A person or body proposing to carry out an activity under Division 5.1 of the EP&A Act – in this instance, TfNSW. |
| Proposed Activity | The construction and operation of the St Marys Commuter Car Park Expansion. |
| REF | Review of Environmental Factors |
| TfNSW | Transport for NSW (the Proponent) |

Executive summary

Overview of Proposed Activity

Transport for NSW (TfNSW) is proposing to undertake the St Marys Commuter Car Park Expansion (the 'Proposed Activity') to improve customer experience at this location and in surrounding localities. TfNSW is the government agency responsible for the delivery of major transport infrastructure projects in NSW and is the proponent for the Proposed Activity.

The Proposed Activity is being delivered by the Commuter Car Park Program for Sydney Metro. The NSW Government is committed to delivering accessible public transport infrastructure, which is why TfNSW is providing more commuter car parks where they are needed. The delivery of commuter car parks at key transport interchanges will provide a range of benefits, including:

- improved customer access to the public transport network
- encouraging mode shift away from private vehicles
- improving the flexibility and reliability of customer's 'first and last mile' of their journey
- contributing to reducing congestion on our road network.

As part of this program, the Proposed Activity would aim to provide approximately 250 additional commuter car parking spaces at the existing commuter car park to the north of St Marys Station.

The key features of the Proposed Activity are summarised as follows:

- addition of two storeys to the existing four-storey car park with approximately 250 additional commuter car parking spaces
- a new lift shaft to the south of the existing shaft
- consideration of Transport Park&Ride infrastructure (i.e. Opal card activated boom gates)
- extension of the existing stairwells and lift shaft
- additional accessible parking spaces
- additional motorcycle parking spaces
- installation of closed-circuit television (CCTV), lighting and wayfinding signage for improved safety and security
- consideration of roof top solar panels (subject to detailed design)
- installation of additional structural elements to reinforce and support the new levels to meet the current construction code
- provision for future electric vehicle charging spaces
- construction of a new communications room
- ancillary works including utility adjustments, drainage works and landscaping.

TfNSW, as the Proponent for the Proposed Activity, has undertaken a Review of Environmental Factors (REF) that details the scope of works and environmental impacts associated with the Proposed Activity. The REF was prepared by GHD on behalf of TfNSW in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and clause 228 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Modifications to the Proposed Activity

Since the public display of the REF, no design changes have been made to the Proposed Activity.

Minor changes to traffic arrangements during the construction period are proposed. The impacts associated with the changes have been considered in accordance with clause 228 of the EP&A Regulation (refer to Chapter 3).

Should further modifications be required as a result of the detailed design process, these modifications would be assessed to determine consistency with the Conditions of Approval for the Proposed Activity, including significance of impact on the environment. Additional mitigation measures and/or consultation would be undertaken where necessary.

Purpose of this report

The purpose of this Determination Report is for TfNSW, as the Proponent of the St Marys Commuter Car Park Expansion, to comply with its obligations under Division 5.1 of the EP&A Act and determine whether or not to proceed with the carrying out of the Proposed Activity. TfNSW must make a determination in accordance with the provisions of Division 5.1 of the EP&A Act.

This report also presents a summary of the submissions provided during the public display of the REF, and TfNSW's response to the issues and comments raised in these submissions.

Conclusion

Based on the assessments in the REF, consideration of the submissions received and the changes subsequent to the public display of the REF, it is recommended that the Proposed Activity be approved, subject to the mitigation measures included in the REF and the proposed Conditions of Approval (refer Appendix B). TfNSW will continue to liaise with the community and other stakeholders as the Proposed Activity progresses through detailed design and into the construction phase.

1. Introduction

1.1. Background

The St Marys Commuter Car Park Expansion is being delivered by the Commuter Car Park Program for Sydney Metro. The NSW Government is committed to delivering accessible public transport infrastructure, which is why TfNSW is providing more commuter car parks where they are needed. The delivery of commuter car parks at key transport interchanges will provide a range of benefits, including:

- improved customer access to the public transport network
- encouraging mode shift away from private vehicles
- improving the flexibility and reliability of customer's 'first and last mile' of their journey
- contributing to reducing congestion on our road network.

TfNSW recognises the critical role commuter car parks play in improving the quality of access to public transport in the customer's first and last mile, particularly in middle and outer metropolitan areas.

Approximately 73 per cent of workers from the middle and outer urban sectors of Sydney predominantly drive the whole distance to work, with around 46 per cent of those workers commuting 20 kilometres to 60 kilometres daily (Australian Bureau of Statistics, 2016).

Improving the transport experience for customers is the focus of NSW Government transport initiatives. Commuter car parks are important gateways to the transport system and as such play a critical role in shaping the customer experience and perception of public transport.

The proposed *Sydney Metro - Western Sydney Airport* project, subject to a separate planning approval, involves permanent parking loss at the existing at-grade commuter car park on Harris Street. The expansion of the existing multi-storey car park (the Proposed Activity) would assist to offset future parking loss should the *Sydney Metro – Western Sydney Airport* project be granted planning approval.

The commuter car park expansion would also support the future metro station. The new metro station would connect St Marys to the Western Sydney International Airport and provide an easy, efficient and accessible interchange to the existing T1 Western Line.

The Proposed Activity would assist in responding to forecasted growth in the region and, as such, would support growth in commercial and residential development.

TfNSW is the Proponent for the St Marys Commuter Car Park Expansion (referred to as the 'Proposed Activity' for the purposes of this document). Also refer to Section 1.4 for a description of the Proposed Activity.

1.2. Review of Environmental Factors

A Review of Environmental Factors (REF) has been prepared by GHD on behalf of TfNSW in accordance with Sections 5.5 and 5.7 of the *Environmental Planning and Assessment 1979* (EP&A Act), and clause 228 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), to ensure that TfNSW takes into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposed Activity. The REF is included at Appendix A.

The St Marys Commuter Car Park Expansion REF was placed on public display from Friday 4 December 2020 to Friday 18 December 2020 year, with eight submissions received. Issues raised in these submissions are addressed in Section 2.3 of this report.

1.3. Determination Report

Prior to proceeding with the Proposed Activity, the Secretary for TfNSW must make a determination in accordance with Division 5.1 of the EP&A Act (refer Figure 1).

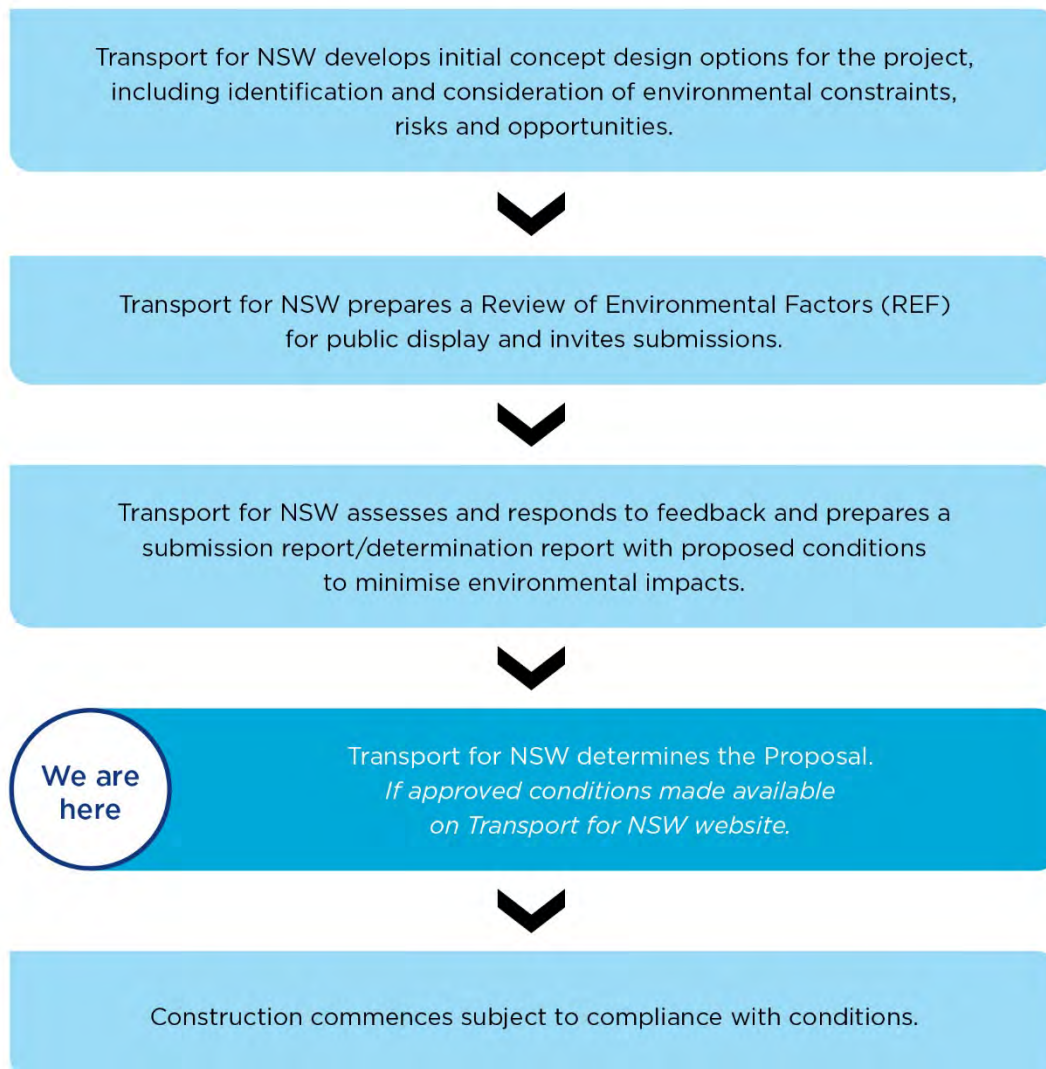


Figure 1 Planning approval process

The purpose of this Determination Report is to address the following to allow for a determination of the Proposed Activity:

- present a summary of the submissions received during the public display of the REF and TfNSW's response to the issues and comments raised in these submissions
- assess the environmental impacts with respect to the Proposed Activity, which are detailed in the environmental impact assessment (and any proposed modifications, as detailed and assessed in this Determination Report)
- identify mitigation measures to minimise potential environmental impacts
- determine whether potential environmental impacts are likely to be significant
 - address whether the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) apply to the Proposed Activity.

This report has been prepared having regard to, among other things, the objectives of TfNSW under the *Transport Administration Act 1988*:

- a) to provide an efficient and accountable framework for the governance of the delivery of transport services
- b) to promote the integration of the transport system
- c) to enable effective planning and delivery of transport infrastructure and services
- d) to facilitate the mobilisation and prioritisation of key resources across the transport sector
- e) to co-ordinate the activities of those engaged in the delivery of transport services
- f) to maintain independent regulatory arrangements for securing the safety of transport services.

1.4. Description of the Proposed Activity in the REF

The Proposed Activity is located in the suburb of North St Marys, in the local government area of Penrith City, about 41 kilometres west of Sydney's Central Business District. The Proposal site is situated about 10 metres north of St Marys Station on Harris Street. St Marys town centre, a commercial district centred along Queen Street, is located about 80 metres south of the site.

A detailed description of the Proposed Activity is provided in Chapter 3 of the St Marys Commuter Car Park Expansion REF, and would provide:

- addition of two storeys to the existing four-storey car park with approximately 250 additional commuter car parking spaces
- a new lift shaft to the south of the existing shaft
- consideration of Transport Park&Ride infrastructure (i.e. Opal card activated boom gates)
- extension of the existing stairwells and lift shaft
- additional accessible parking spaces
- additional motorcycle parking spaces
- installation of closed-circuit television (CCTV), lighting and wayfinding signage for improved safety and security
- consideration of roof top solar panels (subject to detailed design)
- installation of additional structural elements to reinforce and support the new levels to meet the current construction code
- provision for future electric vehicle charging spaces
- construction of a new communications room
- ancillary works including utility adjustments, drainage works and landscaping.

A schematic outlining the key features of the Proposed Activity is provided in Figure 2.

The need for, and benefits of the Proposed Activity are outlined in Chapter 2 of the REF.

Construction is expected to commence in early 2021 and take around 12 months to complete.

- Legend**
- Proposal site
 - Ancillary facilities and construction compound
 - Extension of existing lift shaft
 - New lift shaft
 - Stairwell to be extended
 - Potential vegetation removal/trimming
 - Ramp to be extended
 - Railway
 - T Train station



Figure 2 Key features of the Proposed Activity (indicative only, subject to detailed design)

2. Consultation and assessment of submissions

2.1. REF public display

The St Marys Commuter Car Park Expansion REF was placed on public display from 4 December 2020 to 18 December 2020 on the TfNSW corporate website¹ and TfNSW [Have Your Say website](https://yoursay.transport.nsw.gov.au/)². It was also advertised on the [NSW Have our Say website](http://www.haveyoursay.nsw.gov.au/)³.

Community consultation activities undertaken for the public display included:

- installation of project signage around St Marys Station and in the existing commuter car parks informing commuters of the Proposed Activity
- placement of an advertisement in the Penrith Western Weekender outlining the scope of the Proposed Activity, information on where to view the REF and specialist studies on the TfNSW website, along with details on how to make a submission
- creation of a dedicated project webpage on the TfNSW corporate website
- geographically targeted Facebook post to St Marys and surrounding suburbs to inform social media users of the Proposed Activity and a link to view the plans
- a community notification distributed to local residents and businesses via letterbox drop and made available to rail customers at the station to inform the community about the Proposed Activity and inviting feedback on the REF
- a briefing to Penrith City Council on 4 December 2020
- a letter outlining the scope of the Proposed Activity, information on where to view the REF and specialist studies on the TfNSW website, along with details on how to make a submission was sent to Penrith City Council as per the consultation requirements under clause 13 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

2.2. REF submissions

A total of eight submissions were received via letter, email, telephone and online submissions. Community submissions are addressed in Table 1.

Submissions included feedback on a range of issues in relation to the Proposed Activity. The key issues raised in submissions were:

- concerns that the proposed additional spaces would not be sufficient to accommodate the expected future growth of commuters
- concern that the existing car park is already at capacity and that the proposed additional spaces would be insufficient, particularly with the loss of the at-grade carpark for the Sydney Metro project.

¹ www.transport.nsw.gov.au/stmarys

² <https://yoursay.transport.nsw.gov.au/>

³ <http://www.haveyoursay.nsw.gov.au/>

2.3. Consideration and response to submissions

Community submissions

A summary of all issues raised and associated responses is provided in Table 1.

Table 1 Responses to community submissions received

| No. | Submission no. | Issue/s raised | TfNSW response |
|----------|---|---|---|
| 1 | Car park capacity and demand | | |
| 1.1 | STM01 STM02 STM03 STM05 STM07 | <p>Concern that the proposed number of parking spaces is inadequate and would not meet the current parking demand or expected increase in demand with the Sydney Metro project.</p> <p>Concern that the existing car park is already at capacity.</p> | <p>The Proposed Activity would provide approximately 250 additional car parking spaces. This would assist in offsetting the future loss of the at-grade car park (should the Sydney Metro – Western Sydney Airport project be granted planning approval), resulting in a net increase of about 120 additional car parking spaces for commuters in the long-term.</p> <p>The existing multi-storey car park was designed to allow future expansion by two levels only. Providing more than the proposed two levels would not be feasible and would raise a number of structural and safety concerns.</p> <p>The Proposed Activity does not preclude the development of alternative parking solutions in other areas of St Marys. TfNSW will continue to monitor commuter car parking in the St Marys area in line with future transport strategies, which would include assessment of flow on effects for road and surrounding land uses.</p> <p>It is noted that considerations for the conversion of an at-grade car park on Gidley Street to a multi-storey car park are currently underway by Penrith City Council. If approved, the proposed car park would provide about 650 parking spaces.</p> |
| 1.2 | STM05 STM07 | <p>Noted that there is a high demand for parking on the southern side of St Marys Station and that a more suitable location for the Proposed Activity would be on the southern side of the station where more spaces could be provided.</p> | <p>The aim of the Proposed Activity is to provide additional parking spaces in the vicinity of St Marys Station to help cater for the future demand and to offset the future loss of the at-grade car park on Harris Street (should the Sydney Metro – Western Sydney Airport proposal be granted planning approval).</p> <p>The Proposed Activity would include the construction of an additional two levels on the existing multi-storey car park. The offsetting of car parking spaces immediately adjacent to the at-grade car park would better cater for commuters using the existing car park.</p> |

| No. | Submission no. | Issue/s raised | TfNSW response |
|-----|----------------|--|---|
| | | | <p>However, the Proposed Activity does not preclude the development of alternative parking solutions in other areas of St Marys. TfNSW will continue to monitor commuter car parking in the St Marys area in line with future transport strategies.</p> <p>It is noted that considerations for the conversion of an at-grade car park on Gidley Street to a multi-storey car park are currently underway by Penrith City Council. If approved, the proposed car park would provide about 650 parking spaces on the southern side of St Marys Station.</p> |
| 1.3 | STM07 | Requested additional parking spaces by including additional levels to cater for future demand. | The existing multi-storey car park was designed to allow future expansion by two levels only. Providing more than the proposed two levels would not be feasible and would raise a number of structural and safety concerns. |
| 1.4 | STM03 | Queried the number of car spaces being removed. | <p>The key objective of the Proposed Activity is to provide an increased number of commuter parking spaces. The Proposed Activity would not result in the permanent loss of car parking spaces. As discussed in Section 6.1 of the REF, construction works would result in the temporary loss of about 290 commuter car parking spaces. The number of car parking spaces to be affected during construction would be confirmed during construction planning and would be minimised as far as practicable.</p> <p>The proposed Sydney Metro - Western Sydney Airport project, subject to a separate planning approval, involves the permanent parking loss of about 126 car parking spaces at the existing at-grade commuter car park on Harris Street (located to the immediate east of the multi-storey car park).</p> <p>The expansion of the existing multi-storey car park (the Proposed Activity) would assist in offsetting the future parking loss (should the Sydney Metro – Western Sydney Airport project be granted planning approval), resulting in a net increase of about 120 additional car parking spaces for commuters in the long-term.</p> |

| No. | Submission no. | Issue/s raised | TfNSW response |
|----------|----------------|---|--|
| 2 | Design | | |
| 2.1 | STM01 | Requested motorcycle parking spaces to be sloped to provide easier access. | The additional car park storeys will be constructed in line with the Building Code of Australia and other relevant standards to accommodate all vehicles that would use the car park, including motorcycles. The layout and design of the additional parking spaces would be similar to existing parking arrangements. |
| 2.2 | STM04 | Requested closed-circuit television (CCTV) within fire exits, stairwells and lift shafts. | The Proposed Activity includes the installation of additional CCTV security cameras on the new levels for improved security and safety. The final locations and number of CCTV security cameras will be determined by a site-specific risk assessment which would be undertaken during the detailed design phase. |
| 2.3 | STM04 | Requested direct access to the station from the middle levels of the multi-storey car park to reduce lift wait times. | The Proposed Activity includes construction of an additional lift shaft which would assist in reducing lift wait times for customers. The existing access between the current car park and St Marys Station is able to accommodate the predicted increase in the car park users transiting to and from the station. Therefore, direct access to the station from the mid-levels of the car park would not be provided as part of the Proposed Activity. Furthermore, St Marys Station has lifts which provide an accessible pathway to and from the station platforms. Similarly, the existing car park lifts would be extended to service the new parking levels, and therefore the additional levels would not introduce additional travel via stairs for customers who would utilise the lifts. |
| 2.4 | STM04 | Requested additional lifts in case of future vandalism. | The Proposed Activity includes the installation of an additional lift shaft to enhance safety and access. Should the lifts not be suitable for use, the stairs would continue to be accessible and monitored by CCTV. |
| 3 | Other | | |
| 3.1 | STM05 | Concerned about the loss of parking on the southern side of St Marys Station. | The Proposed Activity does not involve the removal of commuter car parking on the southern side of St Marys Station. The loss of parking on the southern side of St Marys Station is associated with the Sydney Metro – Western Sydney Airport project and was assessed by Sydney Metro in the <i>Sydney Metro – Western Sydney Airport Environmental Impact Statement</i> . The feedback regarding the loss of parking on the southern side of St Marys Station will be provided to Sydney Metro for further consideration. |

| No. | Submission no. | Issue/s raised | TfNSW response |
|-----|----------------|--|---|
| 3.2 | STM08 | Queried the costing of the Proposed Activity. | The Proposed Activity will be costed when a construction contractor is awarded, following the determination of planning approval for the Proposed Activity. This is expected to occur in early 2021, prior to construction commencing. |
| 3.3 | STM06 | Requested improvements to amenity of the area around St Marys Station and the bus station. | Noted. This is outside the scope of the Proposed Activity. Works proposed at St Marys Station as part of the Sydney Metro – Western Sydney Airport project would play a vital role in the revitalisation and renewal of St Marys as a strategic centre and would include improvements to the visual amenity of the area. |

Other stakeholder submissions

A notification letter outlining the scope of the Proposed Activity was sent to Penrith City Council on 4 December 2020 in accordance with the consultation requirements under clause 13 of the Infrastructure SEPP, which provides Council with 21 days to provide a response. Follow up telephone and email correspondence was made with Penrith City Council on 12 January 2021.

At the time of preparing this Determination Report, no written submission had been received from Council. Correspondence from Council on 14 January 2021 noted in the interim, that car parking in St Marys should be considered as part of a broader strategy for the town centre.

Since public display of the REF, consultation with Council has been ongoing. Correspondence from Council meetings on 12 October 2020 and 3 December 2020 noted the following key considerations for the design:

- cumulative impacts of nearby projects
- loss of customer parking
- traffic and access impacts
- connectivity between the station concourse and the commuter car park.

Each of these considerations are addressed in the REF. TfNSW would continue to consult with Council throughout detailed design of the Proposed Activity.

2.4. Future consultation

Should TfNSW proceed with the Proposed Activity, consultation activities would continue, including consultation with Penrith City Council regarding design development. In addition, TfNSW would notify residents, businesses and community members in the lead up to and during construction. The consultation activities would help to ensure that:

- local council and other stakeholders have an opportunity to provide feedback on the detailed design
- the community and stakeholders are notified in advance of any upcoming works, including changes to pedestrian or traffic access arrangements and out of hours construction activities
- accurate and accessible information is made available
- a timely response is given to issues and concerns raised by the community
- feedback from the community is encouraged.

The [TfNSW email address](mailto:projects@transport.nsw.gov.au)⁴ and TfNSW Infoline (1800 684 490) would continue to be available during the construction phase. Targeted consultation methods, such as use of letters, notifications, signage and verbal communications, would continue to occur. The [TfNSW project website](https://www.transport.nsw.gov.au/projects/current-projects/st-marys)⁵ would also include updates on the progress of construction.

⁴ projects@transport.nsw.gov.au

⁵ <https://www.transport.nsw.gov.au/projects/current-projects/st-marys>

3. Changes to the Proposed Activity

3.1. Assessment of design changes

Minor changes to construction activities have been proposed since the St Marys Commuter Car Park Expansion REF was prepared. These changes are outlined in Table 2, along with a discussion of the impacts. Unless explicitly stated otherwise in the table below, it is considered that impacts related to other aspects are considered to be consistent with the findings of the REF including with respect to clause 228 of the EP&A Regulation and impacts to matters of NES. Where additional mitigation measures are required, these have been included as Conditions of Approval in Appendix B.

Table 2 Assessment of changes

| Aspect of the Proposed Activity | Change | Discussion of impacts |
|---------------------------------|--|--|
| Construction work areas | One additional area on the Forrester Road roundabout (west of the existing multi-storey car park) has been identified as a temporary work area for the construction period. The additional area is shown on Figure 3. For clarity, Figure 3 also shows the temporary work area on the southern side of Harris Street. | The proposed work area on Forrester Road is expected to be used infrequently for loading and unloading activities. Activities at this location may temporarily impact the existing bus zone, taxi zone and may restrict access to the drop-off / pick-up area. These potential impacts are consistent with the findings of the REF and expected to be manageable with the implementation of the Construction Traffic Management Plan (refer to Condition of Approval 36). |
| Construction traffic access | The proposed temporary access route for construction vehicles has been revised and is shown in Figure 3. The existing entry from Harris Street into the car park would be restricted to construction vehicles for the duration of the construction period. Commuters accessing the at-grade car park would be restricted to the entry/exit on the eastern-most side of the site. | The revised temporary access route for construction vehicles would result in temporary impacts on parking and access including: <ul style="list-style-type: none"> - the loss of up to 20 car parking spaces in the at-grade car park to facilitate safe access for commuter vehicles - temporary delays for commuters entering/exiting the car park. <p>With the additional loss of 20 parking spaces, a total of 310 commuter car parking spaces may be impacted during construction.</p> <p>The proposed impacts would be temporary and considered to be manageable with the implementation of a Construction Traffic Management Plan (refer to Condition of Approval 36). Measures would include scheduling deliveries to avoid morning and evening peak periods, installing signage, demarcating access within the car park and notifying the community in advance of works commencing.</p> |



Legend

- Red outline: Proposal site
- Yellow arrow: Construction vehicle entry and exit
- Hatched brown area: Ancillary facilities and construction compound
- Yellow hatched area: Temporary staging area during construction
- Black line with cross-ticks: Railway
- Yellow circle with 'T': Train station

N
0 10
Meters
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56

Car park entry proposed to be used by construction vehicles only

Proposed construction vehicle access

Temporary closure of existing car park entry to commuters

St Marys Station

Figure 3 Proposed changes during construction

3.2. Changes to construction hours

The Minister for Planning and Public Spaces has made a number of Orders under Section 10.17 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in response to the COVID-19 pandemic. This includes the *Environmental Planning and Assessment (COVID-19 Development – Infrastructure Construction Work Days No. 2) Order 2020* (the 'Order'), which commenced on 24 December 2020, and is applicable to construction activities for projects which have been subject to an assessment under Division 5.1, or approval under Division 5.2 of the EP&A Act.

The Order extends the standard construction hours to allow infrastructure construction work on Saturday, Sunday and Public holidays (7am to 6pm), without the need for any approval (excluding high noise generating works such as rock breaking or pile driving and the like). Whilst no further approvals are required for these extended working hours, in the event that Transport for NSW would seek to utilise the extended working hours permitted by the Order, advance notification would be provided to the community.

4. Consideration of the environmental impacts

4.1. NSW Environmental Planning and Assessment Act 1979

The REF addresses the requirements of Section 5.5 of the EP&A Act. In considering the Proposed Activity, all matters affecting or likely to affect the environment are addressed in the REF and the Determination Report and associated documentation.

In accordance with the checklist of matters pursuant to clause 228(3) of the EP&A Regulation, an assessment is provided in Chapter 6 and Appendix B of the REF. A review of the clause 228 checklist was undertaken to consider the impacts of the proposed construction modifications, however, the impacts are consistent with the assessment undertaken as part of the REF.

In respect of the Proposed Activity an assessment has been carried out regarding potential impacts on critical habitat, threatened species, populations or ecological communities or their habitats, under Section 5.7 of the EP&A Act.

The likely significance of the environmental impacts of the Proposed Activity has been assessed in accordance with the then NSW Department of Planning's 1995 best practice guideline [*Is an EIS Required?*](#)⁶ It is concluded that the Proposed Activity is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats. Accordingly, an environmental impact statement under Division 5.2 of the EP&A Act is not required.

4.2. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

As part of the consideration of the Proposed Activity, all matters of national environmental significance (NES) and any impacts on Commonwealth land for the purposes of the EPBC Act have been assessed. In relation to NES matters, this evaluation has been undertaken in accordance with Commonwealth Administrative Guidelines on determining whether an action has, will have, or is likely to have a significant impact. A summary of the evaluation is provided in Chapter 6 and Appendix A of the REF.

It is considered that the Proposed Activity described in the REF is not likely to have a significant impact on any Commonwealth land and is not likely to have a significant impact on any matters of NES.

⁶ Refer to the National Library of Australia's 'Trove' website
<http://trove.nla.gov.au/work/7003034?selectedversion=NBD11474648>

5. Conditions of Approval

If approved, the Proposed Activity would proceed subject to the Conditions of Approval included at Appendix B.

6. Conclusion

Having regard to the assessment in the REF, consideration of the submissions received and the changes to construction activities subsequent to the public display of the REF, it can be concluded that the Proposed Activity is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats. Consequently, an environmental impact statement (EIS) is not required to be prepared under Division 5.2 of the EP&A Act.

It is also considered that the Proposed Activity does not trigger any approvals under Part 3 of the EPBC Act.

The environmental impact assessment (REF and Determination Report) is recommended to be approved subject to the proposed mitigation and environmental management measures included in the Conditions of Approval (refer to Appendix B).

Determination

St Marys Commuter Car Park Expansion

APPROVAL

I, Sally Durham, as delegate of the Secretary, Transport for NSW:

1. Have examined and considered the Proposed Activity in the *St Marys Commuter Car Park Expansion Review of Environmental Factors* (December, 2020) and the *St Marys Commuter Car Park Expansion Determination Report* (February, 2021) in accordance with Section 5.5 of the *NSW Environmental Planning and Assessment Act 1979*.
2. Determine on behalf of Transport for NSW (the Proponent) that the Proposed Activity may be carried out in accordance with the Conditions of Approval in this Determination Report (February, 2021), consistent with the Proposed Activity described in the *St Marys Commuter Car Park Expansion Review of Environmental Factors* (December, 2020).



Sally Durham
A/ Director Planning, Environment and Sustainability
Safety, Environment and Regulation Division
Transport for NSW

Date: 18/02/2021

References

Transport for NSW, 2020, St Marys Commuter Car Park Expansion Review of Environmental Factors, December 2020

Sydney Metro, 2020, *Sydney Metro – Western Sydney Airport Environmental Impact Statement Summary*, Sydney

Appendix A Review of Environmental Factors

Please refer to the TfNSW website to access the St Marys Commuter Car Park Expansion REF (Desksite 6532677):

<https://www.transport.nsw.gov.au/projects/current-projects/st-marys>

Appendix B Conditions of Approval

CONDITIONS OF APPROVAL

St Marys Commuter Car Park Expansion

Note: these Conditions of Approval must be read in conjunction with the final mitigation measures in the St Marys Commuter Car Park Expansion Review of Environmental Factors.

Schedule of acronyms and definitions used:

| Acronym | Definition |
|----------|--|
| ADEIA | TfNSW Associate Director Environmental Impact Assessment (or nominated delegate) |
| ADEM | TfNSW Associate Director Environmental Management (or nominated delegate) |
| ADSPD | TfNSW Associate Director Sustainability, Planning and Development (or nominated delegate) |
| AFC | Approved For Construction |
| CECR | Construction Environmental Compliance Report |
| CEMP | Construction Environmental Management Plan |
| CIR | Contamination Investigation Report |
| CLMP | Community Liaison Management Plan |
| CMP | Contamination Management Plan |
| CoA | Condition of Approval |
| dBA | Decibels (A-weighted scale) |
| ECM | Environmental Controls Map |
| EIA | Environmental Impact Assessment |
| EPA | NSW Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EPL | Environment Protection Licence issued by the Environmental Protection Authority under the <i>Protection of the Environment Operations Act 1997</i> . |
| EMR | Environmental Management Representative |
| EMS | Environmental Management System |
| HIS | Heritage Interpretation Strategy |
| ISCA | Infrastructure Sustainability Council of Australia |
| ISO | International Standards Organisation |
| OEH | Former NSW Office of Environment and Heritage |
| ONVMP | Operational Noise and Vibration Management Plan |
| OOHWP | Out of Hours Works Protocol |
| PECM | Pre-Construction Environmental Compliance Matrix |
| POCR | Pre-Operational Compliance Report |
| RBL | Rating Background Level |
| REF | Review of Environmental Factors |
| SMP | Sustainability Management Plan |
| TfNSW | Transport for NSW |

| Acronym | Definition |
|----------------|-----------------------------------|
| TMP | Traffic Management Plan |
| UDLP | Urban Design and Landscaping Plan |

| Term | Definition |
|--|--|
| Construction | Includes all work in respect of the Project, other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, or other activities determined by the TfNSW ADEM to have minimal environmental impact such as minor access roads, minor adjustments to services/utilities, establishing temporary construction compounds (in accordance with this approval), or minor clearing (except where threatened species, populations or ecological communities would be affected, unless otherwise agreed by the ADEM). |
| Contamination | The presence in, on or under land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment. |
| Designated Works | Includes tunnelling, blasting, piling, excavation or bulk fill or any vibratory impact works including jack hammering and compaction, for Construction. |
| Emergency Work | Includes works to avoid loss of life, damage to external property, utilities and infrastructure, prevent immediate harm to the environment, contamination of land or damage to a heritage (Aboriginal or non-Aboriginal) item. |
| Environmental Impact Assessment (EIA) | The documents listed in Condition 1 of this approval. |
| Environmental Management Representative (EMR) | An independent environmental representative appointed to the Project or a delegate nominated by Transport for NSW. |
| Feasible | A work practice or abatement measure is feasible if it is capable of being put into practice or of being engineered and is practical to build given project constraints such as safety and maintenance requirements. |
| Noise Sensitive Receiver | In addition to residential dwellings, noise sensitive receivers include, but are not limited to, hotels, entertainment venues, pre-schools and day care facilities, educational institutions (e.g. schools, TAFE colleges), health care facilities (e.g. nursing homes, hospitals), recording studios, places of worship/religious facilities (e.g. churches), and other noise sensitive receivers identified in the Environmental Impact Assessment. |
| Project | The construction and operation of the St Marys Commuter Car Park Expansion as described in the Environmental Impact Assessment. |
| Proponent | A person or body proposing to carry out an activity under Division 5.1 of the EP&A Act – in the case of the Project, Transport for NSW. |
| Reasonable | Selecting reasonable measures from those that are feasible involves making a judgment to determine whether the overall benefits outweigh the overall adverse social, economic and environmental effects, including the cost of the measure. |

CoA Condition

General

1. Terms of Approval

The Project shall be carried out generally in accordance with the environmental impact assessment (EIA) for this Project, which comprises the following documents:

- a) *St Marys Commuter Car Park Expansion – Review of Environmental Factors* (GHD on behalf of Transport for NSW, December 2020)
- b) *St Marys Commuter Car Park Expansion – Determination Report* (GHD on behalf of Transport for NSW, February 2020).

In the event of an inconsistency between these conditions and the EIA, these conditions will prevail to the extent of the inconsistency.

2. Project Modifications

Any modification to the Project as approved in the EIA would be subject to further assessment. This assessment would need to demonstrate that any environmental impacts resulting from the modifications have been minimised. The assessment shall be subject to approval under delegated authority by TfNSW, and any additional requirements from the assessment of the Project modification must be complied with.

3. Statutory Requirements

These conditions do not remove any obligation to obtain all other licences, permits, approvals and land owner consents from all relevant authorities and land owners as required under any other legislation for the Project. The Proponent shall comply with the terms and conditions of such licences, permits, approvals and permissions.

4. Pre-Construction Environmental Compliance Matrix

A pre-Construction Environmental Compliance Matrix (PECM) for the Project (or such stages of the Project as agreed to by the Environmental Management Representative (EMR)) shall be prepared detailing compliance with all relevant conditions and mitigation measures prior to commencement of construction. The PECM shall also include details of approvals, licences and permits required to be obtained under any other legislation for the Project.

A copy of the PECM shall be submitted to the ADEM for approval, at least 21 days prior to commencement of construction of the Project (or within such time as otherwise agreed to by the ADEM).

5. Pre-operation compliance report

A pre-operation compliance report (POCR) for the Project shall be prepared, prior to commencement of operation of the Project. The POCR shall detail compliance with all conditions of approval, licences and permits required to be obtained under any other legislation for the project.

The Proponent shall:

- a) submit a copy of the POCR to the EMR for review. The EMR is to be given a minimum period of 7 days to review and provide any comments to the Proponent in relation to the POCR.
- b) upon completion of the EMR review period submit a copy of the POCR to the ADEM (or nominated delegate) for approval. The POCR is to be provided to the ADEM at least one month prior to the scheduled operation of the Project (or such time as otherwise agreed to by the ADEM).

6. Construction Environmental Compliance Report

A Construction Environmental Compliance Report (CECR) for the Project shall be prepared which addresses the following matters:

- a) compliance with the Construction Environmental Management Plan (CEMP) and these conditions
- b) compliance with any approvals or licences issued by relevant authorities for the construction of the Project
- c) implementation and effectiveness of environmental controls (the assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP)
- d) environmental monitoring results, presented as a results summary and analysis
- e) details of the percentage of waste diverted from landfill and the percentage of spoil beneficially reused
- f) number and details of any complaints, including summary of main areas of complaint, actions taken, responses given and intended strategies to reduce recurring complaints (subject to privacy protection)
- g) details of any review and amendments to the CEMP resulting from construction during the reporting period
- h) any other matter as requested by the ADEM.

The CECR shall:

- (i) be submitted to the EMR for review. The EMR is to be given a minimum period of seven days to review and provide any comments to TfNSW in relation to the CECR
- (ii) be submitted to the ADEM for approval upon completion of the EMR review period.

The first CECR shall report on the first six months of construction and be submitted within six weeks of expiry of that period (or at any other time interval agreed to by the ADEM). CECRs shall be submitted no later than six months after the date of submission of the preceding CECR (or at other such periods as requested by the ADEM) for the duration of construction.

The final CECR shall detail compliance with all Conditions of Approval, licences and permits required to be obtained under any other legislation for the Project.

7. Graffiti and Advertising

Hoardings, site sheds, fencing, acoustic walls around the perimeter of the site, and any structures built as part of the Project shall be maintained free of graffiti and advertising not authorised by TfNSW during the construction period. Graffiti and unauthorised advertising shall be removed or covered within the following timeframes:

- a) offensive graffiti will be removed or concealed within 24 hours
- b) highly visible (yet inoffensive) graffiti will be removed or concealed within a week
- c) graffiti that is neither offensive or highly visible will be removed or concealed within a month
- d) any unauthorised advertising material will be removed or concealed within 24 hours.

Communications**8. Community Liaison Management Plan**

A Community Liaison Management Plan (CLMP) shall be prepared and implemented to engage with government agencies, relevant councils, landowners, community members and other relevant stakeholders (such as utility and service providers, bus companies, Taxi Council and businesses). The CLMP shall comply with the obligations of these conditions and should include, but not necessarily be limited to:

- a) a comprehensive, project-specific analysis of issues and proposed strategies to manage issues through the duration of the Project
- b) details of the communication tools (traditional and digital) and activities that will be used to inform and engage the community and stakeholders

CoA Condition

- c) a program for the implementation of community liaison activities relating to key construction tasks with strategies for minimising impacts and informing the community
- d) policies and procedures for handling community complaints and enquiries, including the Contractor's nominated 24 hour contact for management of complaints and enquiries
- e) analysis of other major projects/influences in the area with the potential to result in cumulative impacts to the community and strategies for managing these.

The CLMP shall be prepared to the satisfaction of the Director Community Engagement (or nominated delegate) prior to the commencement of construction and implemented, reviewed and revised as appropriate during the construction of the Project.

9. Community Notification and Liaison

The local community shall be advised of any activities related to the Project with the potential to impact upon them.

Prior to any site activities commencing and throughout the Project duration, the community is to be notified of works to be undertaken, the estimated hours of construction and details of how further information can be obtained (i.e. contact telephone number/email, website, newsletters etc.) including the 24 hour construction response line number.

Construction-specific impacts including information on traffic changes, access changes, detours, services disruptions, public transport changes, high noise generating work activities and work required outside the nominated working hours shall be advised to the local community at least seven days prior to such works being undertaken or other period as agreed to by the Director Community Engagement or as required by the Environment Protection Authority (EPA) (where an Environment Protection Licence (EPL) is in effect).

10. Website

Project information shall be made available to members of the public, either on dedicated pages on the TfNSW/Project website or details provided as to where hard copies of this information may be accessed. Project information to be provided includes:

- a) a copy of the documents referred to under Condition 1 of this approval
- b) a list of environmental management reports that are publicly available
- c) 24 hour contact telephone number for information and complaints.

All documents uploaded to the website must be compliant with the *Web Content Accessibility Guidelines Version 2.0*.

11. Complaints Management

A 24 hour construction response line number shall be established and maintained for the duration of construction.

Details of all complaints received during construction are to be recorded on a complaints register. A verbal response to phone enquiries on what action is proposed to be undertaken is to be provided to the complainant within two hours during all times construction is being undertaken and within 24 hours during non-construction times (unless the complainant agrees otherwise). A verbal response to written complaints (email/letter) should be provided within 48 hours of receipt of the communication. A detailed written response is to be provided to the complainant within seven calendar days for verbal and/or written complaints.

Information on all complaints received during the previous 24 hours shall be forwarded to the Environmental Management Representative (EMR) each working day.

Environmental Management**12. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) shall be prepared prior to the commencement of construction which addresses the following matters, as a minimum:

- a) traffic and pedestrian management (in consultation with the relevant roads authority)
- b) noise and vibration management
- c) water and soil management
- d) air quality management (including dust suppression)
- e) Aboriginal and non-Aboriginal heritage management
- f) biodiversity management
- g) storage and use of hazardous materials
- h) contaminated land management (including acid sulphate soils)
- i) weed management
- j) waste management
- k) environmental incident reporting and management procedures
- l) non-compliance and corrective/preventative action procedures
- m) details of approvals, licences and permits required to be obtained under any other legislation for the Project.

The CEMP shall:

- (i) comply with the Conditions of Approval, conditions of any licences, permits or other approvals issued by government authorities for the Project, all relevant legislation and regulations, and accepted best practice management
- (ii) comply with the relevant requirements of Guideline for Preparation of Environmental Management Plans (Department Infrastructure, Planning and Natural Resources, 2004)
- (iii) include a pre-construction environmental compliance matrix for the Project (or such stages of the Project as agreed to by the EMR) that details compliance with all relevant conditions and mitigation measures
- (iv) include an Environmental Policy.

In preparing the CEMP the following shall be undertaken:

1. consultation with government agencies and relevant service/utility providers (as required)
2. a copy of the CEMP submitted to the EMR for review
3. a copy of the CEMP submitted to the Associate Director Environmental Management (ADEM) for approval upon completion of the EMR review period
4. review and update the CEMP at regular intervals, and in response to any actions identified as part of the EMR's audit of the document
5. ensure updates to the CEMP are made within seven days of the completion of the review or receipt of actions identified by any EMR audit of the document, and be submitted to the EMR for approval.

The CEMP must be approved by the ADEM prior to the commencement of construction work associated with the Project.

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13. Environment Personnel

Suitably qualified and experienced environmental management personnel shall be available and be responsible for implementing the environmental objectives for the Project, including undertaking regular site inspections, preparation of environmental documentation and ensuring the Project meets the requirements of the Environmental Management System (EMS).

Details of the environmental personnel, including relevant experience, defined responsibilities and resource allocation throughout the project (including time to be spent on-site/off-site) are to be submitted for the approval of the ADEM, at least 21 days prior to commencement of construction of the Project (or such time as otherwise agreed by the ADEM).

Any adjustments to environmental resource allocations (on-site or off-site) are to be approved by the ADEM.

14. Environmental Management Representative

Prior to the commencement of construction, the ADEM shall appoint an EMR for the duration of the construction period for the Project.

The EMR shall provide advice to the ADEM in relation to the environmental compliance and performance of the Project. The EMR shall have responsibility for:

- a) considering and advising TfNSW on matters specified in these conditions and compliance with such
- b) reviewing and where required by the ADEM, providing advice on the Project's induction and training program for all persons involved in the construction activities and monitoring implementation
- c) periodically auditing the Project's environmental activities to evaluate the implementation, effectiveness and level of compliance of on-site construction activities with authority approvals and licences, the CEMP and associated plans and procedures, including carrying out site inspections weekly, or as required by the ADEM
- d) reporting weekly to TfNSW, or as required by the ADEM
- e) issuing a recommendation for work to stop immediately, if in the view of the EMR circumstances so require. The stop work recommendation may be limited to specific activities if the EMR can easily identify those activities
- f) requiring reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts
- g) reviewing corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections
- h) providing reports to TfNSW on matters relevant to the carrying out of the EMR role as necessary
- i) where required by the ADEM, providing advice on the content and implementation of the CEMP and Environmental Controls Map (ECM) in accordance with the conditions
- j) reviewing and approving updates to the CEMP.

The EMR shall be available during construction activities to inspect the site(s) and be present on-site as required

15. Environmental Controls Map

An Environmental Controls Map (ECM) shall be prepared and implemented in accordance with TfNSW's *Guide to Environmental Controls Map* (SD-015) prior to the commencement of construction for implementation for the duration of construction. The ECM is to be endorsed by the EMR and may be prepared in stages, as set out in the CEMP.

A copy of the ECM shall be submitted to the EMR for review and endorsement. The EMR is to be given a minimum period of seven days to review and endorse the ECM. Following receipt of the EMR's endorsement, the ECM shall be submitted to the ADEM for approval, at least 14 days prior to commencement of construction (or such time as is otherwise agreed by the ADEM).

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The ECM shall be prepared as a map – suitably enlarged (e.g. A3 size or larger) for mounting on the wall of a site office and included in site inductions, supported by relevant written information.

Updates to the ECM shall be made within seven days of the completion of the review or receipt of actions identified by any EMR audit of the document and submitted to the EMR for approval.

Hours of Work

16. Standard Construction Hours

Construction activities shall be restricted to the hours of 7:00 am to 6:00 pm (Monday to Friday); 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays except for the following works which are permitted outside these standard hours:

- a) any works which do not cause noise emissions to be more than 5dBA higher than the rating background level (RBL) at any nearby residential property and/or other noise sensitive receivers
- b) out of hours work identified and assessed in the EIA or the approved Out of Hours Work Protocol (OOHWP)
- c) the delivery of plant, equipment and materials which is required outside these hours as requested by police or other authorities for safety reasons and with suitable notification to the community as agreed by the ADEM
- d) Emergency Work to avoid the loss of lives, property and/or to prevent environmental harm
- e) any other work as agreed by the ADEM and considered essential to the Project, or as approved by EPA (where an EPL is in effect).

17. High Noise Generating Activities

Rock breaking or hammering, jack hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel and any other activities which result in impulsive or tonal noise generation shall not be undertaken for more than three hours, without a minimum one hour respite period unless otherwise agreed to by the ADEM, or as approved by EPA (where relevant to the issuing of an EPL).

Noise and Vibration

18. Construction Noise and Vibration

Construction noise and vibration mitigation measures shall be implemented through the CEMP, in accordance with TfNSW's *Construction Noise and Vibration Strategy* (ST-157) and the EPA's *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). The mitigation measures shall include, but not limited to:

- a) details of construction activities and an indicative schedule for construction works
- b) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly sensitive noise receivers
- c) detail what reasonable and feasible actions and measures shall be implemented to minimise noise impacts (including those identified in the EIA)
- d) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise and vibration complaints
- e) an Out of Hours Work Protocol (OOHWP) for the assessment, management and approval of works outside the standard construction hours identified in Condition 16 of this approval, including a risk assessment process which deems the out of hours activities to be of low, medium or high environmental risk, is to be developed. All out of hours works are subject to approval by the EMR and/or ADEM or as approved by EPA (where relevant to the issuing of an EPL). The OOHWP should be consistent with the TfNSW *Construction Noise and Vibration Strategy* (ST-157)
- f) a description of how the effectiveness of actions and measures shall be monitored during the proposed works, identification of the frequency of monitoring, the locations at

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which monitoring shall take place, recording and reporting of monitoring results and if any exceedance is detected, the manner in which any non-compliance shall be rectified.

19. Vibration Criteria

Vibration (other than from blasting) resulting from construction and received at any structure outside of the Project shall be limited to:

- a) for structural damage vibration - German Standard *DIN 4150: Part 3 – 1999: Structural Vibration in Buildings: Effects on Structures*
- b) for human exposure to vibration – the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006) which includes British Standard *BS 7385-2:1993 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)*.

These limits apply unless otherwise approved by the ADEM through the CEMP

20. Non-Tonal Reversing Beepers

Non-tonal reversing beepers (or an equivalent mechanism) shall be fitted and used on all construction vehicles and mobile plant regularly used on-site (i.e. greater than one day) and for any out of hours work.

21. Piling

Wherever practical, piling activities shall be completed using non-percussive piles. If percussive piles are proposed to be used, approval of the ADEM shall be obtained prior to commencement of piling activities.

22. Operational noise and vibration

Prior to commencement of construction, an operational noise and vibration management plan (ONVMP) shall be prepared to confirm the final mitigation measures for operational noise and vibration that would be implemented.

The ONVMP shall be prepared in consultation with Sydney Trains and other relevant stakeholders. The ONVMP shall:

- (i) consider any changes to the predicted noise and vibration levels identification in the EIA as a result of the detailed design process
- (ii) examine all reasonable and feasible noise and vibration mitigation measures consistent with NSW Noise Policy for Industry (EPA, 2017) and NSW Road Noise Policy (DECCW, 2011)
- (iii) identify specific physical and other mitigation measures for controlling noise and vibration at the source and at the receiver (if relevant) including location, type and timing of implementation of the proposed operational noise and vibration mitigation measures
- (iv) identify how the detailed design process has incorporated measures and/or design solutions to minimise the occurrence of operational noise from typical use of the car park such as wheel squeal
- (v) seek feedback from directly affected receivers on the final mitigation measures proposed in the review.

The Proponent shall submit a copy of the ONVMP to the EMR for review and endorsement. The EMR is to be given a minimum period of 7 days to review and endorse the ONVMP. Following receipt of the EMR's endorsement, the ONVMP shall be submitted to the ADEM (or nominated delegate) for approval, at least one (1) month prior to commencement of construction (or such time as is otherwise agreed to by the ADEM).

The approved physical noise mitigation measures are to be installed prior to the commencement of operations, unless otherwise agreed by the ADEM.

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23. Operational noise compliance monitoring

In order to validate the predicted noise levels identified in the ONVMP, monitoring shall be undertaken within three (3) months of commencement of operation. The noise and vibration monitoring shall be undertaken to confirm compliance with the predicted noise and vibration levels, or as modified by the reasonable and feasible review.

Should the results of monitoring identify exceedances of the predicted noise and vibration levels, additional reasonable and feasible mitigation measures would be implemented in consultation with the affected property owners to the satisfaction of the ADEM.

Contamination and Hazardous Materials

24. Unidentified Contamination (Other Than Asbestos)

If previously unidentified contamination (excluding asbestos) is discovered during construction, work in the affected area must cease immediately, and an investigation must be undertaken and report prepared to determine the nature, extent and degree of any contamination. The level of reporting must be appropriate for the identified contamination in accordance with relevant EPA guidelines, including the *Guidelines for Consultants Reporting on Contaminated Sites* (Office of Environment and Heritage, 2011).

A copy of any contamination report shall be submitted to the EMR for review. The EMR is to be given a minimum period of seven days to review.

A revised copy of the report shall be submitted to the ADEM for consideration upon completion of the EMR review period. The ADEM shall determine whether consultation with the relevant council and/or EPA is required prior to continuation of construction works within the affected area.

Note: *In circumstances where both previously unidentified asbestos contamination and other contamination are discovered within a common area, nothing in these conditions shall prevent the preparation of a single investigation report to satisfy the requirements of both Condition 24 and Condition 25.*

25. Asbestos Management

If previously unidentified asbestos contamination is discovered during construction, work in the affected area must cease immediately, and an investigation must be undertaken and a report prepared to determine the nature, extent and degree of the asbestos contamination. The level of reporting must be appropriate for the identified contamination in accordance with relevant EPA, Safe Work Australia and SafeWork NSW guidelines and include the proposed methodology for the remediation of the asbestos contamination. Remediation activities must not take place until receipt of the investigation report.

Works may only recommence upon receipt of a validation report from a suitably qualified contamination specialist that the remediation activities have been undertaken in accordance with the investigation report and remediation methodology.

Note: *In circumstances where both previously unidentified asbestos contamination and other contamination are discovered within a common area, nothing in these conditions shall prevent the preparation of a single investigation report to satisfy the requirements of both Condition 24 and Condition 25.*

26. Storage and Use of Hazardous Materials

Construction hazard and risk issues associated with the use and storage of hazardous materials shall be addressed through risk management measures, which shall be developed prior to construction as part of the overall CEMP, in accordance with relevant EPA guidelines, TfNSW's *Chemical Storage and Spill Response Guidelines* (SD-066) and Australian and ISO standards. These measures shall include:

- a) the storage of hazardous materials, and refuelling/maintenance of construction plant and equipment are to be undertaken in clearly marked designated areas designed to contain spills and leaks
- b) spill kits, appropriate for the type and volume of hazardous materials stored or in use, to be readily available and accessible to construction workers. Kits are to be kept at hazardous materials storage locations, in site compounds and on specific construction

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vehicles. Where a spill to a watercourse is identified as a risk, spill kits are to be kept in close proximity to potential discharge points in support of preventative controls

- c) all hazardous materials spills and leaks to be reported to site managers and actions to be immediately taken to remedy spills and leaks
- d) training in the use of spill kits to be given to all personnel involved in the storage, distribution or use of hazardous materials.

Erosion and Sediment Control

27. Erosion and Sediment Control

Soil and water management measures shall be prepared, implemented and maintained as part of the CEMP for the mitigation of water quality impacts during construction of the Project. The management measures shall be prepared in accordance with *Managing Urban Stormwater: Soils and Construction Volume 1 4th Edition* (Landcom, 2004).

Heritage Management

28. Aboriginal and Non-Aboriginal Heritage

If previously unidentified Aboriginal or non-Aboriginal heritage/archaeological items are uncovered during construction works, the procedures contained in the TfNSW *Unexpected Heritage Finds Guideline* (SD-115) shall be followed and all works in the vicinity of the find shall cease. The EMR shall be immediately notified to co-ordinate a response, which may include seeking appropriate advice from a suitably qualified and experienced Heritage Advisor (in consultation with Heritage NSW, and/or the Energy, Environment and Science Group of the Department of Planning, Industry and Environment, as applicable). Works in the vicinity of the find shall not re-commence until clearance has been received from TfNSW and/or the Heritage Advisor.

Flora and fauna

29. Removal of Trees or Vegetation

Separate approval, in accordance with TfNSW's *Removal or Trimming of Vegetation Application* (FT-078), is required for the trimming, cutting, pruning or removal of trees or vegetation where the impact has not already been identified in the EIA for the Project. The trimming, cutting, pruning or removal of trees or vegetation shall be undertaken in accordance with the conditions of that approval.

30. Replanting Program

All cleared vegetation shall be offset in accordance with TfNSW's *Vegetation Offset Guide* (ST-149). All vegetation planted on-site is to consist of locally native species, unless otherwise agreed by the ADEM, following consultation with the relevant council, where relevant, and/or the owner of the land upon which the vegetation is to be planted.

Lighting

31. Lighting Scheme

A lighting scheme for the construction and operation of the Project is to be developed by a suitably qualified lighting designer and prepared in accordance with *AS 1158 Lighting for Roads and Public Spaces* and *AS 4282 Control of the Obtrusive Effects of Outdoor Lighting*. The lighting scheme shall address the following as relevant:

- a) consideration of lighting demands of different areas
- b) strategic placement of lighting fixtures to maximise ground coverage
- c) use of LED lighting
- d) minimising light spill by directing lighting into the car park
- e) control systems for lighting that dim or switch-off lights settings according to the amount of daylight the zone is receiving
- f) motion sensors to control low traffic areas

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- g) allowing the lighting system to use low light or switch off light settings while meeting relevant lighting Standards requirements, and
- h) ensuring security and warning lighting is not directed at neighbouring properties.

The proposed lighting scheme shall be submitted to TfNSW's technical (design) team for review. Any comments are to be adequately addressed.

Sustainability

32. Sustainability Officer

A suitably qualified and experienced Sustainability Officer shall be appointed who is responsible for implementing the sustainability objectives for the Project, in line with the Project's overarching Sustainability Strategic Management Plan.

Details of the Sustainability Officer including defined responsibilities, duration and resource allocation throughout the appointment are to be submitted to the satisfaction of the Associate Director Sustainability, Planning & Development (ADSPD) prior to the preparation of the Sustainability Management Plan.

The responsibilities of the Sustainability Officer will not be shared with other positions on the Project unless approved by the ADSPD.

33. Sustainability Management Plan

A Sustainability Management Plan (SMP) which details the approach to managing sustainability requirements and opportunities during design and construction shall be prepared. The SMP shall include the following as a minimum:

- a) a completed electronic checklist demonstrating compliance with the TfNSW *Sustainable Design Guidelines Version 4.0* (ST-114)
- b) a statement outlining the Construction Contactor's own corporate sustainability policies, obligations, goals, targets and commitments
- c) a description of the processes and methodologies for encouraging and identifying innovative sustainability outcomes on the Project, and the areas targeted for innovative sustainable solutions to be explored and/or implemented on the Project
- d) the approach to the identification of opportunities to reduce carbon emissions, energy use and embodied lifecycle impacts of the Project. This should include a summary of initiatives proposed for implementation to meet energy and carbon management objectives and targets
- e) the approach to sustainable procurement including how procurement processes have taken in to account the principles of *ISO 20400: 2017 – Sustainable Procurement* in the selection of all materials, products and services
- f) a description of the processes, standards and procedures for undertaking climate change risk assessments and strategies for mitigation of risks associated with climate change and extreme weather events.

A copy of the SMP shall be submitted to the ADSPD for review and approval at SDR for approval (unless otherwise agreed with the ADSPD).

34. Sustainable Design Guideline V4

The project shall register with TfNSW and comply with the requirements of the TfNSW *Sustainable Design Guidelines Version 4.0* (ST-114) ratings methodologies, including achieving a final *Sustainable Design Guidelines Version 4.0* (ST-114) SILVER rating to be applied throughout the design and as-built stages of the project.

CoA Condition

35. Pre-operation Sustainability Report

A Pre-operational Sustainability Report (POSR) to be completed at practical completion of the works.

This report will cover as a minimum:

- a) final sustainability outcomes of the works (consolidated project data and SDGV4 final rating certification)
- b) consolidated final reporting against the sustainability targets of the project
- c) sustainability lessons learnt from the project
- d) handover notes for the operator to operate and maintain the sustainable assets correctly (i.e. electric vehicle charging systems and solar photovoltaic systems).

The Proponent shall submit a copy of the POSR to the ADSPD for approval, at least 14 days post the completion of construction (or within such time as otherwise agreed to by the ADSPD).

Traffic, Transport and Access

36. Traffic Management Plan

A construction Traffic Management Plan (TMP) shall be prepared as part of the CEMP which addresses, as a minimum, the following matters:

- a) ensuring adequate road signage at construction work sites to inform motorists and pedestrians of the work site ahead to ensure that the risk of road accidents and disruption to surrounding land uses is minimised
- b) maximising safety and accessibility for pedestrians and cyclists
- c) ensuring adequate sight lines to allow for safe entry and exit from the site
- d) ensuring access to railway stations, businesses, entertainment premises and residential properties (unless affected property owners have been consulted and appropriate alternative arrangements made)
- e) managing impacts and changes to on and off street parking and requirements for any temporary replacement provision
- f) parking locations for construction workers away from stations and busy residential areas and details of how this will be monitored for compliance
- g) routes to be used by heavy construction-related vehicles to minimise impacts on sensitive land uses and businesses
- h) details for relocating kiss-and-ride, taxi ranks and rail replacement bus stops if required, including appropriate signage to direct customers, in consultation with the relevant bus operator. Particular provisions should also be considered for the accessibility impaired
- i) measures to manage traffic flows around the area affected by the Project, including as required regulatory and direction signposting, line marking and variable message signs and all other traffic control devices necessary for the implementation of the TMP.

Consultation with the relevant roads authority must be undertaken during the preparation of the TMP, as required. The performance of all Project traffic arrangements must be monitored during construction.

37. Road Condition Reports

Prior to construction commencement, road condition surveys and reports on the condition of roads and footpaths to be affected by construction shall be prepared. Any damage resulting from the construction of the Project, aside from that resulting from normal wear and tear, shall be repaired at the Proponent's expense.

CoA Condition

38. Road Safety Audit

A Road Safety Audit shall be undertaken as part of the detailed design process and on completion of construction. The Road Safety Audit shall include but not be limited to detailed assessment of sight distances for vehicles exiting or entering the car park and mitigation measures proposed.

The Road Safety Audit is to be submitted to and accepted by TfNSW. The findings of the Road Safety Audit shall be provided to Penrith City Council for information.

Urban Design and Landscaping

39. Urban Design and Landscaping Plan

An Urban Design and Landscaping Plan (UDLP) is to be submitted to TfNSW and endorsed by the Precincts and Urban Design team. The UDLP is to address the fundamental design principles as outlined in *'Around the Tracks' – urban design for heavy and light rail* (TfNSW, Interim 2016). The UDLP shall:

- a) demonstrate a robust understanding of the site through a comprehensive site analysis to inform the design direction, demonstrate connectivity with street networks, transport modes, active transport options, and pedestrian distances
- b) identify opportunities and challenges
- c) establish site-specific principles to guide and test design options
- d) demonstrate how the preferred design option responds to the design principles established in *Around the Tracks*, including consideration of Crime Prevention through Environmental Design Principles.

The UDLP is to include the Public Domain Plan for the chosen option and shall provide analysis of the:

- (i) landscape design approach including design of pedestrian and bicycle pathways, street furniture, interchange facilities, new planting and opportunities for public art
- (ii) materials schedule including materials and finishes for proposed built works, colour schemes, paving and lighting types for public domain, fencing and landscaping
- (iii) an Artist's Impression or Photomontage to communicate the proposed changes to the precinct.

The following design guidelines are available to assist and inform the UDLP for the Project:

- *TAP Urban Design Plan Guidelines* (TfNSW, Draft 2018)
- *Commuter Car Parks Urban Design Guidelines* (TfNSW, Interim 2017)
- *Managing Heritage Issues in Rail Projects Guidelines* (TfNSW, Interim 2016)
- *Creativity Guidelines for Transport Systems* (TfNSW, Interim 2016)
- *Water Sensitive Urban Design Guideline SD-106* (TfNSW, 2017).

The UDLP shall be:

1. prepared prior to concept design and finalised
2. prepared in consultation with councils and relevant stakeholders
3. prepared by a registered architect and/or landscape architect.

Site-specific Conditions

40. Construction Worker Parking

The Contractor shall ensure that construction workers do not park in designated commuter car parking spaces (permanent or offset) unless otherwise agreed with TfNSW.

41. Vibration Impacts to Non-indigenous Heritage

In addition to the requirements of Conditions 16 and 17, the following controls are to be implemented to protect listed heritage structures associated with St Marys Railway Station Group within proximity to the works including the footbridge structure, platforms, signal box and station buildings:

- a) attended vibration monitoring is to be undertaken at the commencement of vibration generating activities to determine site specific safe working distances for cosmetic damage
 - b) vibration intensive work must not proceed within the safe working distances for cosmetic damage unless a permanent vibration monitoring system is installed approximately one metre from the building footprint, to warn operators (via flashing light, audible alarm, SMS etc.) when vibration levels are approaching the peak particle velocity objective
 - c) if an exceedance is recorded, vibratory works are to cease immediately, and less vibration intensive methods of construction or equipment implemented to achieve compliance.
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