



Transport  
for NSW

# New Intercity Fleet Maintenance Facility Project

## Determination Report



*Artist's impression of the new maintenance facility subject to detailed design.*

August 2017



Transport  
for NSW

# **New Intercity Fleet Maintenance Facility Determination Report**

**New Intercity Fleet Program  
Ref-5339920**

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## Document control

<b>Status:</b>	Final
<b>Date of issue:</b>	August 2017
<b>Revision:</b>	1.0
<b>Document authors:</b>	Philippa Hendy, Natalie Green
<b>Document reviewers:</b>	Lynne Clayton, Rachael de Zylva, Adam Lacey, Andrew Ha, Murray Harris, Ben Groth, Louise Sureda

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## Glossary and abbreviations

Term	Meaning
<b>Addendum SIS and REF</b>	The Addendum – Species Impact Statement and Review of Environmental Factors prepared by WSP (October 2016) which is included at Appendix C.
<b>Additional SIS</b>	The Additional Species Impact Statement prepared by WSP (May 2017), that specifically targets Mahony’s Toadlet ( <i>Uperoleia mahonyi</i> ) which is included at Appendix D.
<b>CBD</b>	Central Business District
<b>CEMP</b>	Construction Environmental Management Plan
<b>CoA</b>	Conditions of Approval included at Appendix F.
<b>Combined Submissions Report</b>	The Combined Submissions Report prepared by WSP (August 2017), which considers design changes and responses made during the various public exhibitions which is included at Appendix E.
<b>Concept design</b>	The concept design is the preliminary design presented in the New Intercity Fleet Maintenance Facility REF, which would be refined by the Contractor (should the Proposed Activity proceed) to a design suitable for construction (subject to TfNSW acceptance).
<b>Contractor</b>	The Contractor/s for the Proposed Activity that TfNSW will appoint to undertake the detailed design, construction and operation of the Proposed Activity.
<b>Detailed design</b>	Detailed design broadly refers to the process that the Contractor undertakes (should the Proposed Activity proceed) to refine the concept design to a design suitable for construction (subject to TfNSW acceptance).
<b>Determination Report</b>	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 Part 5 of the EP&A Act.
<b>DoEE</b>	Australian Government Department of the Environment and Energy
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i> (NSW)
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
<b>Infrastructure SEPP</b>	<i>State Environmental Planning Policy (Infrastructure) 2007</i> (NSW)
<b>kV</b>	Kilovolt
<b>LGA</b>	Local Government Area
<b>MNES</b>	Matters of ‘national environmental significance’ listed under the EPBC Act
<b>NSW</b>	New South Wales

<b>Term</b>	<b>Meaning</b>
<b>OEH</b>	NSW Office of Environment and Heritage
<b>Proponent</b>	A person or body proposing to carry out an activity under Part 5 of the EP&A Act – in this instance, Transport for NSW.
<b>Proposed Activity</b>	The construction and operation of the New Intercity Fleet Maintenance Facility at Kangy Angy as generally described in the REF, SIS, Addendum SIS and REF, and Additional SIS.
<b>REF</b>	The Review of Environmental Factors prepared by WSP (June 2016) for the Proposed Activity which is included at Appendix A.
<b>Roads and Maritime</b>	NSW Roads and Maritime Services (formerly Roads and Traffic Authority)
<b>SIS</b>	The Species Impact Statement prepared by WSP, June 2016 to assess the biodiversity impacts associated with project which is included at Appendix B.
<b>Standing roads</b>	Tracks for holding trains within the maintenance facility
<b>TSC Act</b>	<i>Threatened Species Conservation Act 1995 (NSW)</i>
<b>TfNSW</b>	Transport for NSW
<b>WSP</b>	A professional services firm commissioned by TfNSW to prepare the various environmental impact assessment documents and the Combined Submissions Report (also formerly WSP   Parsons Brinckerhoff).

# Executive summary

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## Overview of Proposed Activity

Transport for NSW (TfNSW) is responsible for improving the customer experience of transport services, transport policy and regulation, planning and program administration, procuring transport services, and infrastructure and freight.

TfNSW is the Proponent for the Proposed Activity, which is part of the New Intercity Fleet program. The Proposed Activity involves construction and operation of a new maintenance facility at Kangy Angy on the NSW Central Coast to maintain the new trains, which make up the New Intercity Fleet.

TfNSW, as the Proponent for and one proposing to carry out the Proposed Activity, commissioned the Review of Environmental Factors (REF), Species Impact Statement (SIS), Addendum SIS and REF, and Additional SIS that details the scope of works and environmental impacts associated with the Proposed Activity. The REF, SIS, Addendum SIS and REF, and Additional SIS were prepared by WSP 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 in June-July 2016, the following design changes have been made to the Proposed Activity:

- modification to the number of detention basins
- identification of the preferred alignment for the Ausgrid 33 kV power line
- refinement of the alignment for the relocation of the existing Sydney Trains 11 kV and 66 kV power lines
- nominated location for a signalling building with the site
- modification to the construction methodology for the access road bridge from Enterprise Drive
- Enterprise Drive intersection arrangement
- Further refinement of the earthwork volumes and site fill levels.

More information on these changes is provided in Chapter 3, and has been assessed in the Combined Submissions Report included at Appendix E. The impacts associated with the design changes have also been considered in accordance with clause 228 of the EP&A Regulation.

Should further design modifications be required as a result of the detailed design process, these modifications would be assessed to determine consistency with the Conditions of Approval (CoA) 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 Proposed Activity, to comply with its obligations under Part 5 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 Part 5 of the EP&A Act.



## Conclusion

In conclusion, the environmental impact assessment (REF, SIS, Addendum SIS and REF, Additional SIS, Combined Submissions Report and Determination Report) is recommended to be approved under Part 5 of the EP&A Act subject to the environmental management measures included in the Combined Submissions Report, the CoA; the OEH Conditions of Concurrence for the SIS and Additional SIS and the conditions of approval imposed by the Department of the Environment and Energy (DoEE) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

# 1 Introduction

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## 1.1 Background

Transport for NSW (TfNSW) is the NSW Government's lead public transport agency that ensures planning and policy is fully integrated across all modes of transport in NSW. It manages a multi-billion dollar budget allocation for train, bus, ferry, light rail and taxi services and related infrastructure in NSW.

TfNSW is responsible for improving the customer experience of transport services, transport policy and regulation, planning and program administration, procuring transport services, infrastructure and freight.

In May 2014, the NSW Government announced its intention to invest in the procurement of the New Intercity Fleet, a fleet of trains that will carry Central Coast, Newcastle, the Blue Mountains and South Coast customers to and from Sydney. The introduction of the New Intercity Fleet will allow for the replacement of the older train fleets currently used to provide intercity services.

As a direct result of the procurement of the New Intercity Fleet trains, a maintenance facility is proposed to be constructed on the Central Coast at Kangy Angy to maintain the new trains.

TfNSW is the Proponent for and one proposing to carry out the Proposed Activity.

## 1.2 Review of Environmental Factors

The Review of Environmental Factors (REF) was prepared by WSP on behalf of TfNSW in accordance Part 5 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 (included at Appendix A) was placed on public display from 6 June 2016 to 4 July 2016.

## 1.3 Species Impact Statements

The Species Impact Statement (SIS) was prepared by WSP, on behalf of TfNSW in accordance with the Chief Executive Requirements (for the NSW Office of Environment and Heritage (OEH)) issued 11 February 2016, and detailed the ecological impacts associated with the Proposed Activity. The SIS (included at Appendix B) was placed on public exhibition with the REF from 7 June 2016 to 8 July 2016, and a second time from 21 October 2016 to 21 November 2016.

The Additional SIS was later prepared by WSP, on behalf of TfNSW, to specifically target Mahony's Toadlet (*Uperoleia mahonyi*). Mahony's Toadlet, which was identified in the previous SIS as an undescribed species of *Uperoleia*, was formally described in November 2016 (Clulow et al., 2016) and subsequently given a provisional listing as an "endangered species" under the *Threatened Species Conservation Act 1995* (TSC Act) on 10 March 2017. The Additional SIS (included at Appendix D) was prepared in accordance with the requirements of the Chief Executive Requirements issued on 23 March 2017, and placed on public exhibition from 31 May 2017 to 30 June 2017.

## 1.4 Addendum SIS and REF

An Addendum – Species Impact Statement and Review of Environmental Factors was prepared by WSP (October 2016) with minor updates and corrections to reflect recent changes to, and minor clarifications of the identified conservation status for selected species. The Addendum is included at Appendix C, and was included as part of the public display of the EPBC documentation (refer Section 1.5).

## 1.5 Environment Protection and Biodiversity Conservation Act 1999 Controlled Action Assessment

A referral was submitted to the Australian Government Department of the Environment and Energy (DoEE) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to potential for significant impacts to matters of national environmental significance (MNES) as a result of carrying out the Proposed Activity.

Following the review of the referral, DoEE advised TfNSW that it considered the Proposed Activity a ‘controlled action’ due to potential impacts to the Critically Endangered Regent Honeyeater and Swift Parrott, both of which are listed under the EPBC Act.

The controlled action was assessed by the ‘preliminary documentation’ method, in accordance with the requirements of the EPBC Act and *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). The preliminary documentation was placed on public display from 21 October 2016 to 21 November 2016.

## 1.6 Combined Submissions Report

A (cumulative) total of 210 submissions were received regarding the Proposed Activity across the public display/exhibition periods as follows:

- REF & SIS - June 2016 to July 2016: 132 submissions
- SIS & EPBC Documentation (including Addendum SIS & REF) - October 2016 to November 2016: 62 submissions
- Additional SIS - May 2017 to June 2017: 16 submissions.

Issues raised in these submissions are addressed in the Combined Submissions Report included at Appendix E.

## 1.7 Determination Report

Prior to carrying out the Proposed Activity, the Secretary for TfNSW must assess and determine the Proposed Activity in accordance with Part 5 of the EP&A Act (refer Figure 1).

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

- examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Proposed Activity – such matters are detailed in the environmental impact assessment (and any proposed modifications, as detailed and assessed in the Combined Submissions Report and this Determination Report)
- identify mitigation measures to minimise potential environmental impacts
- determine whether the Proposed Activity is likely to significantly affect the environment (including critical habitat) or threatened species, populations or ecological communities or their habitats.

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

- a) to plan for a transport system that meets the needs and expectations of the public
- b) to promote economic development and investment
- c) to provide integration at the decision-making level across all public transport modes
- d) to promote greater efficiency in the delivery of transport infrastructure projects
- e) to promote the safe and reliable delivery of public transport and freight services.



**Figure 1: Part 5 planning approval process**

## 1.8 Description of the Proposed Activity in the REF

An overview of the Proposed Activity is provided in the Executive Summary of the REF with full details set out in Chapter 4.

The new maintenance facility would include about six kilometres of electrified railway (in total), would be seven tracks wide at its widest point, would cover an area of approximately 500,000 square metres bounded by a perimeter fence.

The key features of the maintenance facility would comprise:

- maintenance facility elements:
  - fleet maintenance building
  - six standing roads (for maintenance works on the train sets and to hold trains) and one standing road for wheel lathe operations
  - auxiliary workshops
  - electronic clean room
  - material storage, including flammable liquid storage
  - wheel lathe
  - automatic train wash
  - site access roads
- miscellaneous buildings:
  - administration (including training rooms)
  - facilities for presentation and train maintenance staff
  - signalling building
  - security
  - compressed air building
  - water treatment plant
  - substation building
  - power supply (traction power, bulk power, signalling power supply)
- other infrastructure including:
  - new railway track infrastructure on the western side of the existing rail corridor to allow for trains to enter and exit the maintenance facility site from the Main North railway line
  - a new rail bridge (consisting of two separate structures) over Chittaway Creek and Turpentine Road
  - a new access roadway and bridge to the maintenance facility site off Enterprise Drive
  - a new flood access road between Orchard Road and the proposed new access roadway
  - a series of drainage detention ponds
  - staff car park

- relocation of the existing high voltage (HV) power transmission lines (Ausgrid and Sydney Trains HV assets) and combined services route (i.e. rail related utilities such as power, communications and signalling cables).

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

Construction is expected to commence in late 2017. Operation of the maintenance facility, including commissioning is scheduled to commence in 2019.

## 2 Consultation and assessment of submissions

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### 2.1 REF public display

The REF was placed on public display from 6 June 2016 to 4 July 2016 at four locations, as well as on the [Transport for NSW website](http://www.transport.nsw.gov.au/projects/intercity-fleet)<sup>1</sup> and the NSW Government [Have Your Say website](http://www.haveyoursay.nsw.gov.au)<sup>2</sup>

Community consultation activities undertaken for the public display included:

- two community information sessions at Central Coast Steiner School:
  - Saturday 18 June 2016, 10am to 1pm
  - Thursday 23 June 2016, 4pm to 7pm
- distribution of a project information newsletter to about 2,100 nearby residents, businesses and stakeholders
- public display of the REF at:
  - TfNSW, Level 5, Tower A, Zenith Centre 821 Pacific Highway, Chatswood
  - Department of Premier and Cabinet, Level 3, 131 Donnison Street, Gosford
  - Central Coast Council (Wyong), 2 Hely Street, Wyong
  - Tuggerah Library and Council Services, 50 Wyong Road, Tuggerah
- placement of ads in the Central Coast Express Advocate, Newcastle Herald and Wyong Regional Chronicle
- one on one meetings with potentially impacted residents
- placement of information on the TfNSW website.

### 2.2 Species Impact Statement public exhibition

The SIS was prepared and exhibited concurrently with the REF during the same exhibition period.

The SIS was placed on public exhibition again from 21 October 2016 to 21 November 2016. The SIS was made available on the TfNSW website and at the following display locations:

- NSW Office of Environment and Heritage, Level 14, 59 Goulburn Street, Sydney
- TfNSW, Level 5, Tower A, Zenith Centre 821 Pacific Highway, Chatswood
- NSW Department of Planning and Environment, 23-33 Bridge Street, Sydney (note the second exhibition period was displayed at the Departments new office at Level 22, 320 Pitt Street Sydney)
- Central Coast Council, 2 Hely Street, Wyong
- Central Coast Council, 49 Mann Street, Gosford
- Nature Conservation Council, Level 14, 338 Pitt Street, Sydney

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<sup>1</sup> <http://www.transport.nsw.gov.au/projects/intercity-fleet>

<sup>2</sup> <http://www.haveyoursay.nsw.gov.au>

- Total Environment Centre, Level 1, 99 Devonshire Street Surry Hills (note for second exhibition period only)
- Tuggerah Library and Council Services, 50 Wyong Road, Tuggerah (note for second exhibition period only)

### **2.3 EPBC preliminary documentation public display**

The preliminary documentation under the EPBC Act was placed on public display from 21 October 2016 to 21 November 2016 along with the Addendum SIS and REF. The EPBC documentation was made available on the TfNSW website and at the following display locations:

- NSW Office of Environment and Heritage – Level 14, 59 Goulburn Street, Sydney
- TfNSW, Level 5, Tower A, Zenith Centre, 821 Pacific Highway, Chatswood
- NSW Department of Planning and Environment – Level 22, 320 Pitt Street, Sydney
- Central Coast Council – 49 Mann Street, Gosford
- Central Coast Council – 2 Hely Street, Wyong
- Tuggerah Library and Council Services – 50 Wyong Road, Tuggerah
- Nature Conservation Council – Level 14, 338 Pitt Street, Sydney
- Total Environment Centre – Level 1, 99 Devonshire Street, Surry Hills.

### **2.4 Additional SIS public exhibition**

The Additional SIS was placed on public exhibition from 31 May 2017 to 30 June 2017. The Additional SIS was made available on the TfNSW website and at the following display locations:

- NSW Office of Environment and Heritage – Level 14, 59 Goulburn Street, Sydney
- TfNSW – Level 5, Tower A, Zenith Centre, 821 Pacific Highway, Chatswood
- NSW Department of Planning and Environment – Level 22, 320 Pitt Street, Sydney
- Central Coast Council – 49 Mann Street, Gosford
- Central Coast Council – 2 Hely Street, Wyong
- Tuggerah Library and Council Services – 50 Wyong Road, Tuggerah
- Nature Conservation Council – Level 14, 338 Pitt Street, Sydney
- Total Environment Centre – Level 1, 99 Devonshire Street, Surry Hills.

### **2.5 Submissions summary**

A (cumulative) total of 210 submissions were received during the various public display periods, including five from government agencies and government representatives. Submissions included feedback on a range of issues in relation to the Proposed Activity. The key issues raised in submissions were:

- options development and site selection
- biodiversity
- hydrology drainage and flooding



- noise and vibration.

The Combined Submissions Report was prepared to address the issues raised in submissions received during the various public exhibitions and is included at Appendix E. The Combined Submissions Report also identifies additional investigations and clarifications to the REF, including the following:

- flood study and flood impact assessment
- lighting impact assessment
- supplementary noise and vibration assessment
- REF clarifications and editorial errors.

## 2.6 Future consultation

Should TfNSW proceed with the Proposed Activity, consultation activities would continue, including consultation with Central Coast Council. In addition Transport for NSW 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 [Transport for NSW email address](mailto:projects@transport.nsw.gov.au)<sup>3</sup> and 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 [Transport for NSW website](https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet)<sup>4</sup> would also include updates on the progress of construction.

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<sup>3</sup> [projects@transport.nsw.gov.au](mailto:projects@transport.nsw.gov.au)

<sup>4</sup> <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet>

## **3 Changes to the Proposed Activity**

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Since the public display of the REF in June-July 2016, design development has progressed resulting in a number of design changes to the Proposed Activity, which are summarised below. The environmental impacts associated with these design changes has been assessed in Chapter 6 of the Combined Submissions Report (refer Appendix E).

### **3.1 Modification to the number of detention basins**

The modified design would provide for a total of three detention basins (reduced from 14). While the total number of detention basins has been reduced in comparison to the design assessed in the REF, the overall volume of water which would be detained within the three modified detention basins would be similar to that previously assessed.

### **3.2 Identification of the preferred alignment for the Ausgrid 33 kV power line**

Two potential route options were previously identified and assessed in the REF. Based on discussions with the asset owner, the preferred alignment for the relocation of the Ausgrid 33 kV power line has now been nominated as the general alignment of Option 2 presented in the REF. Refer to Figure 4.1 in the Combined Submissions Report for this revised project boundary.

### **3.3 Refinement of the alignment for the relocation of the existing Sydney Trains 11 kV and 66 kV power lines**

The alignment of the Sydney Trains 11 kV and 66 kV services between the southern extent of the site and the traction substation has been refined, and would extend through shared poles. Five new joint use poles would then be required between the cross over point for the 66 kV power line.

### **3.4 Relocation of a signalling building within the site**

The location of the signalling building has been nominated and will be located adjacent to the realigned section of Turpentine Road and Ourimbah Road.

### **3.5 Modification to the construction methodology for the access road bridge from Enterprise Drive**

Due to the geological conditions of the site, the proposed methodology for the construction of the access road bridge has been refined and would be undertaken using driven (impact) piles instead of bored piles as proposed in the REF.

### **3.6 Enterprise Drive intersection arrangement**

The treatment for the intersection of Enterprise Drive and Old Chittaway Road has been finalised as a roundabout arrangement.

### **3.7 Further refinement of the earthwork volumes and site fill levels**

Ongoing design development to the Proposed Activity has allowed for the refinement of the site levels with a proposed cut volume of 19,655 m<sup>3</sup> and fill volume of 133,770 m<sup>3</sup>.

## 4 Consideration of the environmental impacts

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### 4.1 NSW Environmental Planning and Assessment Act 1979

Chapter 7 of the REF assesses the likely effects of the Proposed Activity on the environment and threatened species, populations or ecological communities, or their habitats in accordance with sections 111 and 112 of the EP&A Act.

In accordance with the factors set out in clause 228(3) of the EP&A Regulation, an assessment is provided in Section 9.3 of the REF and in Appendix C of the Combined Submissions Report (for design changes since the REF).

The likely significance of the environmental impacts of the Proposed Activity have also been assessed in accordance with the then NSW Department of Planning's 1995 best practice guideline [\*Is an EIS Required?\*](#)<sup>5</sup>.

In summary, the assessments concluded that the Proposed Activity is not likely to significantly affect the environment with the exception of potential impacts to threatened species, populations and ecological communities. However, under section 112(1C) of the EP&A Act, where potential impacts to threatened species, populations and ecological communities are assessed through a species impact statement and the remaining impacts associated with an activity are not anticipated to be significant (with the implementation of suitable management and mitigation measures) an environmental impact statement (EIS) is not required.

For the Proposed Activity, potential impacts to threatened species, populations and ecological communities have been assessed through the preparation of the SIS, Addendum – SIS and REF, and Additional SIS; with OEH as a concurrent determining authority (refer to Section 4.2 for more information). Accordingly, an EIS under Part 5.1 of the EP&A Act was not required.

### 4.2 NSW Threatened Species Conservation Act 1995

Under section 112(1B) of EP&A Act, a determining authority (TfNSW) must not carry out an activity that is in respect of land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations or ecological communities, or their habitats unless a species impact statement (or an EIS containing an species impact statement) has been prepared in accordance with the TSC Act.

A desktop analysis of existing vegetation mapping and field validation surveys identified that the vegetation within the Proposed Activity site comprised four vegetation communities. Of these, one threatened ecological community was identified – Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregion, which is listed as Endangered under the TSC Act. Based on the potential impacts, a SIS was considered to be required and was prepared for the Proposed Activity.

An Additional SIS was later prepared specifically for Mahony's Toadlet which had been identified as an undescribed frog during site investigations for the initial SIS, which was later formally described in November 2016 (Clulow et al., 2016) and subsequently given a provisional listing as an "endangered species" under the TSC Act on 10 March 2017.

The Chief Executive of OEH issued its concurrence for the SIS on 22 August 2016 and for the Additional SIS on 29 August 2017. The conditions of concurrence are attached in Appendix G and Appendix H (respectively).

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<sup>5</sup> Refer to the National Library of Australia's 'Trove' website <http://trove.nla.gov.au/work/7003034?selectedversion=NBD11474648>

### **4.3 Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

As part of the consideration of the Proposed Activity, all matters of national environmental significance (MNES) and any impacts on Commonwealth land for the purposes of the EPBC Act have been assessed. 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 on MNES or Commonwealth Land. A summary of the evaluation is provided in Section 9.4 of the REF and Appendix C of the Combined Submissions Report (provided in Appendix E).

The assessment undertaken concluded 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 MNES.

Notwithstanding, the Proposed Activity was referred to DoEE, which determined that the Proposed Activity constituted a Controlled Action due to potential impacts on two critically endangered bird species (the Swift Parrot and Regent Honeyeater).

Following the public display and assessment by the 'preliminary documentation' method and lodgement of the EPBC Submissions Report, DoEE issued approval for the Proposed Activity on 5 May 2017 (refer Appendix I – note this approval is separate to the NSW Part 5 determination that is the subject of this Determination Report).

## 5 Conditions of Approval

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If approved, the Proposed Activity would proceed subject to the Conditions of Approval included at Appendix F. It is noted that the Secretary for TfNSW should not consider any conditions for the purposes of making a determination under Part 5 of the EP&A Act, particularly to the extent that such conditions are proposed to be imposed to mitigate environmental impacts.

## 6 Conclusion

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It is noted that the Proposed Activity was assessed in the SIS and Additional SIS as likely to have a significant impact on Swamp Sclerophyll Forest and Mahony's Toadlet (*Uperoleia mahonyi*). In accordance with section 112 of the EP&A Act, concurrences have been obtained from the Chief Executive of the Office of Environment and Heritage (respectively for the SIS and Additional SIS), prior to making a determination under Part 5 of the EP&A Act (refer Appendix G and Appendix H).

The Proposed Activity was assessed as not likely to have a significant impact on any other threatened species, populations or ecological communities, or their habitats.

The environmental impact assessments prepared for the Proposed Activity in accordance with the requirements of Part 5 of the EP&A Act conclude that (aside from impacts to Swamp Sclerophyll Forest and Mahony's Toadlet) the Proposed Activity is not likely to significantly affect the environment.

In conclusion, TfNSW recommends that the Secretary for TfNSW approve the carrying out of the Proposed Activity having regard to the environmental impact assessment (REF, SIS, Addendum SIS and REF, Additional SIS, Combined Submissions Report and Determination Report) prepared in accordance under Part 5 of the EP&A Act. TfNSW recommends that any such approval be subject to the environmental management measures included in the Combined Submissions Report, CoA, the OEHL Conditions of Concurrence for the SIS and Additional SIS and the conditions of approval under the EPBC Act.

## References

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CLULOW, S., ANSTUS, M., KEOGH, J. S. & CATULLO, R. 2016. *A new species of Australian frog (Myobatrachidae: Uperoleia) from the New South Wales mid-north coast sandplains.* Zootaxa, 4184, 285-315.

# Appendix A      Review of Environmental Factors

## Desksite References

Review of Environmental Factors Volume 1: 5188641

Review of Environmental Factors Volume 2 (Part A): 5188631

Review of Environmental Factors Volume 2 (Part B): 5188636

Link to TfNSW website: <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility>



# Appendix B Species Impact Statement

## Desksite References

Species Impact Statement: 5190508

Link to TfNSW website: <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility>

# **Appendix C      Addendum – Species Impact Statement and Review of Environmental Factors**

## Desksite References

Addendum – Species Impact Statement and Review of Environmental Factors: 5430575

Link to TfNSW website: <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility>

# Appendix D Additional Species Impact Statement

## Desksite References

Additional Species Impact Statement: 5693618

Link to TfNSW website: <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility>

# Appendix E Combined Submissions Report

## Desksite References

Combined Submissions Report: 5572109

Link to TfNSW website: <https://www.transport.nsw.gov.au/projects/current-projects/new-intercity-fleet-program-maintenance-facility>

# Appendix F      Conditions of Approval

## CONDITIONS OF APPROVAL

### New Intercity Fleet Maintenance Facility, Kangy Angy

Note: these conditions of approval must be read in conjunction with the final management measures in the Combined Submissions Report.

#### Schedule of acronyms and definitions used:

Acronym	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>ADEM</b>	Associate Director Environmental Management, TfNSW (or nominated delegate)
<b>ADSPD</b>	Associate Director Sustainability Planning and Development, TfNSW (or nominated delegate)
<b>CECR</b>	Construction Environmental Compliance Report
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLP</b>	Community Liaison Plan
<b>DoEE</b>	Australian Department of the Environment and Energy
<b>ECM</b>	Environmental Controls Map
<b>EIA</b>	Environmental Impact Assessment
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
<b>EPL</b>	Environment Protection Licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997 (NSW)</i>
<b>EMR</b>	Environmental Management Representative
<b>EMS</b>	Environmental Management System
<b>ICNG</b>	NSW Interim Construction Noise Guideline
<b>INP</b>	NSW Industrial Noise Policy
<b>ISO</b>	International Standards Organisation
<b>NSW</b>	New South Wales
<b>OEH</b>	NSW Office of Environment and Heritage
<b>OEMP</b>	Operational Environmental Management Plan

<b>Acronym</b>	<b>Definition</b>
<b>ONVR</b>	Operational Noise and Vibration Review
<b>OOHWP</b>	Out of hours work protocol
<b>PCSR</b>	Pre-Construction Sustainability Report
<b>PDP</b>	Public Domain Plan
<b>PECM</b>	Pre-Construction Environmental Compliance Matrix
<b>POCR</b>	Pre-Operation Compliance Report
<b>RBL</b>	Rating background level
<b>REF</b>	Review of Environmental Factors
<b>RING</b>	NSW Rail Infrastructure Noise Guideline
<b>RNP</b>	NSW Road Noise Policy
<b>SIS</b>	Species Impact Statement
<b>TfNSW</b>	Transport for NSW
<b>TMP</b>	Traffic Management Plan
<b>UDP</b>	Urban Design Plan
<b>VMP</b>	Vegetation Management Plan

<b>Term</b>	<b>Definition</b>
<b>Construction</b>	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 EMR 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).
<b>Contamination</b>	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.
<b>Designated Works</b>	Includes tunnelling, blasting, piling, excavation or bulk fill or any vibratory impact works including jack hammering and compaction, for Construction.
<b>Emergency Work</b>	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 (indigenous or non-indigenous) item.
<b>Environmental Impact Assessment (EIA)</b>	The documents listed in Condition 1 of this approval.
<b>Environmental management representative</b>	An independent environmental representative appointed to the Project, or a delegate nominated by Transport for NSW.
<b>Feasible</b>	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.
<b>Maintenance Building</b>	The Maintenance Building refers to a single building located in the Project site that comprises the primary maintenance building, an administration building and storage/delivery areas within a single building envelope.
<b>Noise Sensitive Receiver</b>	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.
<b>Project</b>	The construction and operation of the New Intercity Fleet Maintenance Facility, Kangy Angy as described in the Environmental Impact Assessment.
<b>Proponent</b>	A person or body proposing to carry out an activity under Part 5 of the EP&A Act – in the case of the Project, Transport for NSW.
<b>Reasonable and feasible</b>	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, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.

## General

1

**Terms of Approval**

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

Document	Author	Date
New Intercity Fleet Maintenance Facility Project – Review of Environmental Factors (REF)	WSP	June 2016
New Intercity Fleet Maintenance Facility Project – Species Impact Statement (SIS)	WSP	June 2016
Addendum – Species Impact Statement and Review of Environmental Factors	TfNSW	October 2016
Office of Environment and Heritage – Species Impact Statement – Conditions of Concurrence (SIS Conditions of Concurrence)	OEH	August 2016
Approval under <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Approval)	DoEE	May 2017
New Intercity Fleet Maintenance Facility Project – Additional Species Impact Statement (Additional SIS)	WSP	May 2017
Office of Environment and Heritage – Species Impact Statement – Conditions of Concurrence (Additional SIS Conditions of Concurrence)	OEH	August 2017
New Intercity Fleet Maintenance Facility Project – Combined Submissions Report (Combined Submissions Report)	WSP	August 2017
New Intercity Fleet Maintenance Facility Project – Determination Report	TfNSW	August 2017

In the event of an inconsistency between the:

- a) REF Determination,
- b) EPBC Approval,
- c) SIS Conditions of Concurrence, and
- d) Additional SIS Conditions of Concurrence;

the most stringent standard shall apply to the extent of the inconsistency.

For the avoidance of doubt, the New Intercity Fleet Maintenance Facility Project – Determination Report includes the Conditions of Approval for the New Intercity Fleet Maintenance Facility pertaining to the determination under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2

**Project Modifications**

Any modification to the Project as approved in the EIA would be subject to further assessment. The assessment shall be subject to approval under delegated authority by TfNSW. The Proponent shall comply with any additional requirements from the assessment of the Project modification



Term	Definition
3	<p><b>Statutory Requirements</b></p> <p>These conditions do not relieve the Proponent of the 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.</p>
<b>Compliance Reporting</b>	
4	<p><b>Pre-Construction Environmental Compliance Matrix</b></p> <p>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.</p> <p>The PECM shall:</p> <ol style="list-style-type: none"> <li>a) be submitted to the EMR for review. The EMR is to be given a minimum period of 7 days to review and provide any comments in relation to the PECM</li> <li>b) upon completion of the EMR review period, be submitted to the Associate Director Environmental Management (ADEM) for approval, at least 14 days (or within such time as otherwise agreed to by the ADEM) prior to commencement of construction of the Project.</li> </ol>
5	<p><b>Construction Environmental Compliance Reports</b></p> <p>Construction Environmental Compliance Reports (CECRs) for the Project shall be prepared which addresses the following matters:</p> <ol style="list-style-type: none"> <li>a) compliance with the construction environmental management plan (CEMP) and these conditions</li> <li>b) compliance with TfNSW's NSW Sustainable Design Guidelines - Version 3.0 compliance checklist (7TP-FT-249)</li> <li>c) compliance with any approvals or licences issued by relevant authorities for construction of the Project</li> <li>d) compliance with the Combined Submissions Report management measures, SIS mitigation measures and Additional SIS mitigation measures</li> <li>e) 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)</li> <li>f) environmental monitoring results, presented as a results summary and analysis</li> <li>g) details of the percentage of waste diverted from landfill and the percentage of spoil beneficially reused</li> <li>h) 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)</li> <li>i) details of any review and amendments to the CEMP resulting from construction during the reporting period</li> <li>j) any other matter as requested by the ADEM.</li> </ol> <p>Each CECR shall be submitted to the EMR for review, and then ADEM for approval. The first CECR shall report on the first six months of construction and be submitted within 21 days of expiry of that period (or at any other time interval agreed to by the ADEM). CECRs shall be submitted no later than three 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.</p>

**Term****Definition****6 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 POCR shall:

- a) be submitted to the EMR for review. The EMR is to be given a minimum period of 7 days to review and provide any comments in relation to the POCR.

upon completion of the EMR review period be submitted to the ADEM 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).

**Communications****7 Community Liaison Plan**

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

- a) details of the protocols and procedures for disseminating information and engaging the community and other key stakeholders about construction activities (including timing and staging) and any associated impacts during the construction period
- b) stakeholder and issues identification and analysis
- c) procedures for dealing with complaints or disputes and response requirements, including advertising the 24 hour construction response line number
- d) details (including a program) of training for all employees, contractors and sub-contractors on the requirements of the CLP.

Sub-plans to the CLP will be developed as required. These sub-plans will detail site-specific consultation and communication requirements for construction works that impact residents, transport customers and other stakeholders and businesses. They will also identify further mitigation measures and processes to reduce construction impacts.

The CLP shall be prepared to the satisfaction of the Director Community Engagement at least 21 days prior to the commencement of any site activities for the Project commencing and implemented, reviewed and revised as appropriate during construction of the Project.

**8 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/ parking 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 7 days prior to such works being undertaken or other period as agreed to by the Director Community Engagement or as required by Environment Protection Authority (EPA) (where an environment protection licence (EPL) is in effect).

Term	Definition
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**9 Website**

The Proponent shall provide electronic information (or details of where hard copies of this information may be accessed by members of the public) related to the Project, on dedicated pages within its existing website, including:

- 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.
- d) community notifications.

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

**10 Complaints Management**

The Proponent shall establish and maintain a 24 hour construction response line number. 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 2 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 7 calendar days for verbal and/or written complaints.

Information on all complaints received during the previous 24 hours shall be forwarded to the EMR and the Proponent each working day.

**Environmental Management**

**11** A Construction Environmental Management Plan (CEMP) shall be prepared prior to commencement of construction, for implementation for the duration of construction. The CEMP is to address 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) indigenous and non-indigenous heritage management
- f) flora and fauna management
- g) storage and use of hazardous materials
- h) contaminated land management (including acid sulphate soils)
- i) weed management
- j) waste management
- k) bushfire risk
- l) sustainability
- m) environmental incident reporting and management procedures
- n) non-compliance and corrective/preventative action procedures..

The CEMP shall:

1. 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
2. comply with the relevant requirements of *Guideline for Preparation of Environmental Management Plans* (Department Infrastructure, Planning and Natural Resources, 2004)

Term	Definition
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3. include an Environmental Policy
4. be prepared in consultation with government agencies and relevant service/utility providers
5. be submitted to the EMR for review. The EMR is to be given a minimum period of 7 days to review and provide any comments on the CEMP
6. once reviewed by EMR, be submitted to the ADEM for approval at least 14 days (or within such time as otherwise agreed to by the ADEM) prior to commencement of construction of the Project
7. be reviewed and updated at regular intervals, and in response to any actions identified as part of the EMR's audit of the document. Updates to the CEMP shall be made within 7 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.

**12 Environmental Management Representative**

Prior to the commencement of construction, the ADEM shall appoint an Environmental Management Representative (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 the Proponent 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 the Proponent, or as required by the ADEM
- e) issuing a recommendation to the Proponent 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 the Proponent 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.

**13 Environmental Controls Map**

An Environmental Controls Map (ECM) shall be prepared in accordance with the TfNSW *Guide to Environmental Controls Map (3TP-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.

**Term****Definition**

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 7 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 to by the ADEM).

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 7 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.

**Site-specific Environmental Management****14****Operational Environmental Management Plan**

An Operational Environmental Management Plan (OEMP) shall be prepared by the maintenance facility operator prior to commencement of operation 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) indigenous and non-indigenous heritage management
- f) flora and fauna management
- g) storage and use of hazardous materials
- h) contaminated land management (including acid sulphate soils)
- i) weed management
- j) waste management
- k) bushfire risk
- l) sustainability
- m) environmental incident reporting and management procedures
- n) non-compliance and corrective/preventative action procedures

The OEMP 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 an Environmental Policy
- iv) include a noise and vibration sub-plan which is to consider the environmental management measures listed in the New Intercity Fleet Maintenance Facility Noise and Vibration Impact Assessment and Combined Submissions Report in order to meet the requirements of Condition 22 and 25.

The maintenance facility operator shall:

1. consult with NSW Train Link, government agencies and relevant service/utility providers as part of the preparation of the OEMP
2. submit a copy of the OEMP to the EMR for review

Term	Definition
	<p>3. submit a copy of the OEMP to the ADEM at least one month prior to the commencement of operation, for approval</p> <p>The OEMP must be approved by the ADEM prior to the commencement of operation of the Project.</p>
<b>Hours of Work</b>	
15	<p><b>Standard Construction Hours</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) any works which do not cause noise emissions to be more than 5 dBA higher than the rating background level at any nearby residential property and/or other noise sensitive receivers</li> <li>b) out of hours work identified and assessed in the EIA or the approved out of hours work protocol (OOHWP)</li> <li>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</li> <li>d) emergency work to avoid the loss of lives, property and/or to prevent environmental harm</li> <li>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).</li> </ul>
16	<p><b>High Noise Generating Activities</b></p> <p>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 3 hours, without a minimum 1 hour respite period unless otherwise agreed to by the ADEM, or as approved by EPA (where relevant to the issuing of an EPL), unless inaudible at nearby residential properties and/or other noise sensitive receivers.</p>
<b>Noise and Vibration</b>	
17	<p><b>Construction Noise and Vibration</b></p> <p>Construction noise and vibration mitigation measures shall be implemented through the CEMP, in accordance with TfNSW's <i>Construction Noise Strategy (7TP-ST-157)</i> and the EPA's <i>Interim Construction Noise Guideline</i> (Department of Environment and Climate Change, 2009). The mitigation measures shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>a) details of construction activities and an indicative schedule for construction works</li> <li>b) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly sensitive noise receivers</li> <li>c) detail what reasonable and feasible actions and measures shall be implemented to minimise noise impacts (including those identified in the EIA)</li> <li>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 complaints</li> <li>e) an out of hours work protocol (OOHWP) for the assessment, management and approval of works outside the standard construction hours identified in Condition 15 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 <i>Construction Noise Strategy</i></li> </ul>

Term	Definition
	<p>f) a description of how the effectiveness of actions and measures shall be monitored during the proposed works, clearly indicating the frequency of monitoring, the locations at 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.</p>
<p><b>18</b></p>	<p><b>Vibration Criteria</b></p> <p>Vibration (other than from blasting) resulting from construction and received at any structure outside of the Project shall be limited to:</p> <p>a) for structural damage vibration – German Standard DIN 4150:Part 3 – 1999: <i>Structural Vibration in Buildings: Effects on Structures</i></p> <p>b) for human exposure to vibration – the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).</p> <p>These limits apply unless otherwise approved by the ADEM through the CEMP. or as approved by EPA (where relevant to the issuing of an EPL).</p>
<p><b>19</b></p>	<p><b>Non-Tonal Reversing Beepers</b></p> <p>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.</p>
<p><b>20</b></p>	<p><b>Piling</b></p> <p>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.</p>
<p><b>21</b></p>	<p><b>Noise Impact on Educational Facilities</b></p> <p>Potentially affected pre-schools, schools, universities and any other affected permanent educational institutions shall be consulted in relation to noise mitigation measures to identify any noise sensitive periods (e.g. exam periods). As much as reasonably practicable noise intensive construction works in the vicinity of affected educational buildings are to be minimised.</p>
<p><b>22</b></p>	<p><b>Operational Noise and Vibration Levels</b></p> <p>Operational noise levels (<math>L_{Aeq(15\text{ minute})}</math>) from the facility are to comply with the requirements of the <i>Industrial Noise Policy</i> (EPA, 2000) at surrounding residential receivers of the maintenance facility for daytime, evening and night-time periods.</p> <p>Operational noise levels (<math>L_{A1(60\text{ second})}</math>) from horn testing, brake testing and the train movement warning system are not to exceed the Rating Background Level by more than 15 dBA (<math>L_{A1(60\text{ second})} \leq RBL + 15\text{ dBA}</math>) at surrounding residential receivers of the maintenance facility for evening (6pm-10pm) and night-time (10pm-7am) periods.</p> <p>Operation of the new rail turn outs are to comply with the requirements of the <i>NSW Rail Infrastructure Noise Guideline</i> (EPA, 2013). Augmentation of track infrastructure on the Main North Line to provide access to and from the maintenance facility is to include a provision with the aim of installing turnouts which avoid the generation of impulsive noise (e.g. use of 'swing nose' turnouts).</p>
<p><b>23</b></p>	<p><b>Operational Noise and Vibration Review</b></p> <p>Prior to commencement of laying of rail track, construction of the maintenance building or the construction of physical noise mitigation structures, an Operational Noise and Vibration Review (ONVR) shall be prepared to confirm the final physical mitigation measures for operational noise and vibration that would be implemented to satisfy the requirements of Condition 22.</p>

Term	Definition
	<p>The ONVR shall be prepared in consultation with Sydney Trains (where relevant), NSW Train Link and other relevant stakeholders. The ONVR shall:</p> <ul style="list-style-type: none"> <li>a) examine all reasonable and feasible noise and vibration mitigation measures consistent with <i>Rail Infrastructure Noise Guideline</i> (EPA, 2013) and <i>Industrial Noise Policy</i> (EPA, 2000)</li> <li>b) 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</li> <li>c) seek feedback from directly affected receivers on the final mitigation measures proposed in the review.</li> </ul> <p>A copy of the ONVR shall be submitted to the EMR for review and endorsement. The EMR is to be given a minimum period of 7 days to review and endorse the ONVR. Following receipt of the EMR's endorsement, the ONVR shall be submitted to the ADEM for approval, at least one month prior to commencement of laying of rail track, construction of the maintenance building or the construction of physical noise mitigation structures (or such time as is otherwise agreed to by the ADEM).</p> <p>The approved physical mitigation measures are to be installed prior to the commencement of operations, unless otherwise agreed by the ADEM.</p>
24	<p><b>Operational Noise Compliance Monitoring</b></p> <p>In order to validate compliance with the requirements of Condition 22 and performance of operational noise mitigation measures identified in the ONVR, monitoring shall be undertaken within three months of commencement of operation. The noise and vibration monitoring shall be undertaken to confirm compliance with the predicted noise and vibration levels.</p> <p>Should the results of monitoring identify exceedances of the operational noise levels identified in Condition 22, 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.</p>
25	<p><b>Warning Sounds</b></p> <p>Warning sounds associated with the movements of rolling stock shall only occur in emergency traffic or pedestrian safety situations but not as part of normal operations of the Project. Testing of warning sounds on rolling stock shall only be undertaken wholly within the Maintenance Building.</p>
26	<p><b>Maintenance Building Materials</b></p> <p>The Maintenance Building is to be designed and constructed to achieve a sound insulation performance of at least 26dB Rw (weighted sound reduction index). In the event this would not achieve compliance with the requirements of Condition 22, additional noise mitigation measures are to be provided to ensure that compliance with the requirements of Condition 22.</p>
<b>Contamination and Hazardous Materials</b>	
27	<p><b>Unidentified Contamination (Other Than Asbestos)</b></p> <p>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 <i>Guidelines for Consultants Reporting on Contaminated Sites</i>.</p> <p>The contamination report(s) shall be:</p>



Term	Definition
	<p>a) submitted 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 report</p> <p>b) Upon completion of the EMR review period, the EMR shall determine whether consultation with the relevant council and/or EPA is required prior to continuation of construction works within the affected area.</p> <p><b>Note:</b> <i>In circumstances where both previously unidentified asbestos contamination and other contamination are discovered within a common area, nothing is these conditions shall prevent the preparation of a single investigation report to satisfy the requirements of both Condition 27 and Condition 28.</i></p>
28	<p><b>Asbestos Management</b></p> <p>If previously unidentified asbestos contamination 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 the asbestos contamination. The level of reporting must be appropriate for the identified contamination in accordance with relevant EPA 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.</p> <p>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.</p> <p><b>Note:</b> <i>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 27 and Condition 28.</i></p>
29	<p><b>Storage and Use of Hazardous Materials</b></p> <p>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 by the construction contractor prior to construction as part of the overall CEMP, in accordance with relevant EPA guidelines, TfNSW <i>Chemical Storage and Spill Response Guideline</i> and Australian and ISO standards. These measures shall include:</p> <p>a) the storage of hazardous materials, and refuelling/maintenance of construction plant and equipment to be undertaken in clearly marked designated areas that are designed to contain spills and leaks</p> <p>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 to be kept at hazardous materials storage locations, in site compounds and on specific construction vehicles. Where a spill to a watercourse is identified as a risk, spill kits to be kept in close proximity to potential discharge points in support of preventative controls</p> <p>c) all hazardous materials spills and leaks to be reported to site managers and actions to be immediately taken to remedy spills and leaks</p> <p>d) training in the use of spill kits to be given to all personnel involved in the storage, distribution or use of hazardous materials.</p>
	<p><b>Erosion and Sediment Control</b></p>
30	<p><b>Erosion and Sediment Control</b></p> <p>Soil and water management measures shall be prepared and implemented as part of the CEMP for the mitigation of water quality impacts during construction of the Project. The management measures shall be prepared and implemented in accordance with <i>Managing Urban Stormwater; Soils and Construction 4<sup>th</sup> Edition</i> (Landcom, 2004).</p>

Term	Definition
<b>Heritage Management</b>	
<b>31</b>	<p><b>Indigenous and Non-Indigenous Heritage</b></p> <p>If previously unidentified Indigenous or non-Indigenous heritage/archaeological items are uncovered during construction works, the procedures contained in the TfNSW <i>Unexpected Heritage Finds Guideline</i> (3TP-SD-115) shall be followed and all works in the vicinity of the find shall cease. The Proponent shall be immediately notified to co-ordinate a response, which may include seeking appropriate advice from a suitably qualified and experienced heritage consultant (in consultation with the Heritage Division, OEH where appropriate). Works in the vicinity of the find shall not re-commence until clearance has been received from TfNSW and/or the heritage consultant.</p>
<b>32</b>	<p><b>Archival Recording</b></p> <p>Photographic archival recording of the Turpentine Road/Chittaway Creek underpass shall be undertaken in accordance with OEH (Heritage Division) guidelines prior to construction of the new bridges.</p> <p>A copy of the archival recording shall be lodged with Sydney Trains, Central Coast Council, the local historical society and the Heritage Division of the Office of Environment and Heritage.</p>
<b>Site specific Heritage Management</b>	
<b>33</b>	<p><b>Aboriginal Heritage Assessment</b></p> <p>Prior to the commencement of construction, an Aboriginal Cultural Heritage Assessment Report (ACHAR) shall be prepared for areas of the Project site identified as having moderate or high potential for Aboriginal heritage. The ACHAR is to be undertaken in accordance with the following guidelines:</p> <ol style="list-style-type: none"> <li>a) <i>Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH, 2011)</li> <li>b) <i>Code of practice for archaeological investigation of Aboriginal objects in New South Wales</i> (Department of Climate Change and Water, 2010)</li> <li>c) <i>Aboriginal cultural heritage consultation requirements for proponents</i> (Department of Climate Change and Water, 2010).</li> </ol> <p>If the results of the ACHAR confirm Aboriginal objects are present and would be harmed, an Aboriginal Heritage Impact Permit must be obtained in accordance with the requirements of the <i>National Parks and Wildlife Act 1974</i> prior to the object(s) being impacted.</p>
<b>Flora and Fauna</b>	
<b>34</b>	<p><b>Removal of Trees or Vegetation</b></p> <p>Separate approval, in accordance with TfNSW's <i>Application for Removal or Trimming of Vegetation</i>, is required prior to the trimming, cutting, pruning or removal of any trees or vegetation where the impact has not already been identified and assessed 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.</p>
<b>35</b>	<p><b>Vegetation Management Plan</b></p> <p>A Vegetation Management Plan (VMP) shall be developed prior to the commencement of any works which will require the removal of, or impacts to vegetation. The VMP is to identify/include the following:</p> <ol style="list-style-type: none"> <li>a) preparation of a map(s) of a suitable scale and size which identifies areas of vegetation to be protected, and vegetation approved for removal (respectively)</li> <li>b) the methodology to be used for the on site demarcation of areas of vegetation to be</li> </ol>

Term	Definition
	<p>retained and removed (respectively)</p> <p>c) identification and inclusion of all applicable recommendations and requirements pertaining to flora/fauna/biodiversity management contained within the EIA</p> <p>d) measures to be implemented on site throughout the works to ensure that biodiversity impacts are managed in accordance with the requirements of the EIA.</p> <p>A copy of the VMP shall be submitted to the EMR for review and endorsement. The EMR is to be given a minimum period of 7 days to review and endorse the VMP. Following receipt of the EMR's endorsement, the VMP shall be submitted to the ADEM for approval, at least one month prior to commencement of works which would remove, or have an impact upon vegetation (or such time as is otherwise agreed to by the ADEM).</p> <p>The preparation of the VMP may be undertaken in stages where agreed to by the ADEM.</p>
<b>36</b>	<p><b>Vegetation Removal Validation Audit</b></p> <p>Following the on site demarcation of areas of vegetation to be retained and removed (respectively) for the Project, but prior to the commencement of works affecting vegetation, a validation audit is to be conducted by a suitably qualified and experienced ecologist who is independent of the construction contractor(s), in consultation with the EMR, to confirm that areas have been demarcated in accordance with the map(s) contained in the VMP and the requirements of the EIA.</p> <p>The ecologist shall prepare an audit report which confirms whether the demarcation activities are compliant with the requirements of the EIA, for submission to the EMR for review and endorsement. The EMR is to be given a minimum period of 7 days to review and endorse the audit report.</p> <p>Following receipt of the EMR's endorsement, the audit report shall be submitted to the ADEM for approval, at least 7 days prior to commencement of works which would remove, or have an impact upon vegetation (or such time as is otherwise agreed to by the ADEM).</p>
<b>37</b>	<p><b>Inductions</b></p> <p>The location of, and measures to protect, all sensitive vegetation are to be included as part the Project site induction prior to personnel commencing on site. The location of, and measures to protect this vegetation are to be clearly marked on all Environmental Control Maps.</p>
<b>38</b>	<p><b>Replanting Program</b></p> <p>All vegetation planted on-site is to consist of locally endemic 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.</p>
<b>39</b>	<p><b>Mitigation Measures in the Species Impact Statement and Additional Species Impact Statement</b></p> <p>The mitigation measures contained in Chapter 7 of the Species Impact Statement (WSP, June 2016) and Chapter 6 of Additional Species Impact Statement (WSP, May 2017) shall be implemented to minimise impacts to biodiversity.</p>
<b>40</b>	<p><b>Biodiversity Offsets Strategy</b></p> <p>A Biodiversity Offsets Strategy shall be prepared and approved (prior to construction works commencing) in accordance with the requirements of the NSW Office of Environment and Heritage (OEH) Conditions of Concurrence (for both the Species Impact Statement and Additional Species Impact Statement), and the EPBC Approval.</p>
<b>41</b>	<p><b>Biodiversity Offsets Package</b></p> <p>A Biodiversity Offsets Package shall be prepared in accordance with the requirements of the NSW Office of Environment and Heritage (OEH) Conditions of Concurrence (for both the Species Impact Statement and Additional Species Impact Statement), and the EPBC</p>

Term	Definition
	Approval.
42	<p><b>Mahony’s Toadlet and Wallum Froglet Conservation Management Plan</b></p> <p>A Mahony’s Toadlet and Wallum Froglet Conservation Management Plan shall be prepared and implemented in accordance with the commitments and requirements of the Additional Species Impact Statement and OEH Conditions of Concurrence for the Additional Species Impact Statement which addresses, as a minimum, the following:</p> <ul style="list-style-type: none"> <li>a) environment induction training</li> <li>b) site hygiene management</li> <li>c) temporary and permanent frog exclusion fencing</li> <li>d) procedures for pre-clearing surveys and relocation</li> <li>e) construction works procedures</li> <li>f) reporting procedures</li> <li>g) retention of onsite habitat</li> <li>h) creation of habitat enhancement areas</li> <li>i) monitoring procedures for onsite conservation areas (inclusive of retained habitat and created habitat).</li> </ul> <p>The Conservation Management Plan is to be submitted to the ADEM at least one month prior to the commencement of construction for approval.</p>
<b>Site specific to Riparian Areas</b>	
43	<p><b>Waterway Crossings</b></p> <p>Waterway crossings and bridges must be designed and constructed in accordance with Department of Primary Industries’ <i>“Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (Fairfull and Witheridge, 2003).</p>
44	<p><b>Scour Protection</b></p> <p>Natural rock is to be used (e.g. sandstone, dolerite etc) for scour protection, unless otherwise agreed by the ADEM. The use of gabion baskets/ mattresses within creek channels, banks or riparian areas is not permitted.</p> <p>Rock material for scour protection is to be sourced from the local area where material is suitable and available.</p>
<b>Property</b>	
45	<p><b>Property Condition Surveys</b></p> <p>Subject to landowner agreement, property condition surveys shall be completed prior to piling, excavation or bulk fill or any vibratory impact works including jack hammering and compaction (Designated Works) in the vicinity of the following buildings/structures:</p> <ul style="list-style-type: none"> <li>a) all buildings/structures/roads within a plan distance of 100 metres from the edge of the Designated Works</li> <li>b) all heritage listed buildings and other sensitive structures within 50 metres from the edge of the Designated Works.</li> </ul> <p>Property condition surveys need not be undertaken if a risk assessment indicates that selected buildings/structures/roads identified in (a) and (b) will not be affected as determined by a qualified geotechnical and construction engineering expert with appropriate registration on the National Professional Engineers Register prior to commencement of Designated Works.</p> <p>Selected potentially sensitive buildings and/or structures shall first be surveyed prior to the commencement of the Designated Works and again immediately upon completion of the Designated Works.</p>

Term	Definition
	<p>All owners of assets to be surveyed, as defined above, are to be advised (at least 14 days prior to the first survey) of the scope and methodology of the survey, and the process for making a claim regarding property damage.</p> <p>A copy of the survey(s) shall be given to each affected owner. A register of all properties surveyed shall be maintained.</p> <p>Any damage to buildings, structures, lawns, trees, sheds, gardens, etc. as a result of construction activity direct and indirect (i.e. including vibration and groundwater changes) shall be rectified at no cost to the owner(s), no later than three months following completion of construction, unless otherwise agreed by the ADEM.</p>
<b>Sustainability</b>	
46	<p><b>Sustainability Officer</b></p> <p>A suitably qualified and experienced Sustainability Officer is to be appointed who is responsible for implementing the sustainability objectives of the Project.</p> <p>Details of the Sustainability Officer, including defined responsibilities, duration and resource allocation throughout the appointment, consistent with TfNSW's sustainability objectives are to be submitted to the satisfaction of the Associate Director Sustainability Planning and Development (ADSPD), prior to preparation of the PCSR.</p>
47	<p><b>Pre-Construction Sustainability Report</b></p> <p>Prior to commencement of construction, a Pre-Construction Sustainability Report (PCSR) shall be prepared to the satisfaction of the ADSPD. The PCSR shall include the following minimum components:</p> <ol style="list-style-type: none"> <li>a) a completed electronic checklist demonstrating compliance with TfNSW's <i>NSW Sustainable Design Guidelines Version 3.0</i> (TTP-ST-114)</li> <li>b) a statement outlining the Proponent's corporate sustainability obligations, goals, targets, in house tools, etc</li> <li>c) a section specifying a process to identify and progress innovation initiatives on the project as appropriate. The process should identify any areas of innovation that are currently being explored and/or implemented on the Project.</li> </ol> <p>A copy of the PCSR shall be submitted to the ADSPD for approval, at least 14 days prior to the commencement of construction (or within such time as otherwise agreed to by the ADSPD).</p>
48	<p><b>Infrastructure Sustainability Council of Australia Ratings</b></p> <p>The Project must be registered with the Infrastructure Sustainability Council of Australia (ISCA), and the Proponent shall achieve a minimum "Infrastructure Sustainability Rating Tool" overall score of 65 for the 'Design', 'As-built' and 'Operating' components of the Project.</p> <p><i>Note: In the event of any inconsistency between the requirements of the NSW Sustainable Design Guidelines Version 3.0 and ISCA ratings, the more stringent requirements shall apply to the extent of the inconsistency.</i></p>
<b>Traffic and Access</b>	
49	<p><b>Traffic Management Plan</b></p> <p>A construction Traffic Management Plan (TMP) shall be prepared as part of the CEMP which addresses, as a minimum, the following:</p> <ol style="list-style-type: none"> <li>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</li> <li>b) maximising safety and accessibility for pedestrians and cyclists</li> </ol>

Term	Definition
	<ul style="list-style-type: none"> <li>c) ensuring adequate sight lines to allow for safe entry and exit from the site</li> <li>d) ensuring access to businesses, entertainment premises and residential properties is maintained (unless affected property owners have been consulted and appropriate alternative arrangements made)</li> <li>e) managing impacts and changes to on and off street parking and requirements for any temporary replacement provision</li> <li>f) routes to be used by heavy construction-related vehicles to minimise impacts on sensitive land uses and businesses</li> <li>g) 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.</li> </ul> <p>The relevant roads authority shall be consulted during preparation of the TMP, as required. The performance of all Project traffic arrangements are to be monitored regularly during construction, and updated as required.</p>
<b>50</b>	<p><b>Road Condition Reports</b></p> <p>Prior to the commencement of construction, or other Project activities that may impact on road condition, road condition surveys and reports on the condition of roads and footpaths 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 no cost to the owner of the asset, no later than three months following completion of construction, unless otherwise agreed by the ADEM.</p>
<b>51</b>	<p><b>Road Safety Audit</b></p> <p>A Road Safety Audit would be undertaken as part of the detailed design process and on completion of construction. The Road Safety Audit would include specific assessment of:</p> <ul style="list-style-type: none"> <li>a) sight distances for vehicles exiting or entering the new roundabout on Enterprise Drive/Old Chittaway Road and mitigation measures proposed</li> <li>b) assessment of the Enterprise Drive/Old Chittaway Road intersection and mitigation measures proposed.</li> </ul> <p>The Road Safety Audit is to be submitted to and accepted by the TfNSW Project Manager.</p>
<b>Urban Design</b>	
<b>52</b>	<p><b>Urban Design Plan</b></p> <p>An Urban Design Plan (UDP) shall be prepared which demonstrates design excellence in the essential urban design requirements of the Project, as evident in the following matters:</p> <ul style="list-style-type: none"> <li>a) the appropriateness of the proposed design with respect to the existing surrounding landscape, built form, behaviours and use-patterns (including consideration of Crime Prevention Through Environmental Design principles). This is to include but not be limited to: <ul style="list-style-type: none"> <li>i) connectivity with surrounding local and regional movement networks including street networks, other transport modes and active transport networks. Existing and proposed paths of travel for pedestrians and bicycles should be shown</li> <li>ii) integration with surrounding local and regional open space and or landscape networks. Existing and proposed open space infrastructure/landscape elements should be shown</li> <li>iii) integration with surrounding streetscape including street wall height, active frontages, awnings, street trees, entries, vehicle cross overs etc</li> <li>iv) integration with surrounding built form (existing or desired future) including building height, scale, bulk, massing and land use. Avoiding large expanses of blank walls through the use of varied materials, colours, textures or opening where possible.</li> </ul> </li> <li>b) design detail that is sensitive to the amenity and character of the local area and</li> </ul>

Term	Definition
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- heritage items located within or adjacent to the Project site
- c) total water management principles to be integrated into the design where considered appropriate
  - d) any other matters which the conditions require the UDP to address.

The UDP shall be:

1. prepared and submitted to TfNSW with the first design submission and updated and submitted with subsequent design submissions
2. prepared in consultation with council and relevant stakeholders
3. prepared by a registered architect and/or landscape architect who has appropriate and relevant urban design expertise

The plan is to be prepared in consultation with TfNSW's Precincts and Urban Design team at the commencement of the design phase.

**53**

**Public Domain Plan**

A Public Domain Plan (PDP) shall be prepared which demonstrates design excellence in the essential urban design requirements of the Project, as evident in the following matters:

- a) materials, finishes, colour schemes and maintenance procedures including graffiti control for new walls, barriers and fences
- b) location and design of pedestrian and bicycle pathways, street furniture including relocated bus and taxi facilities, bicycle storage (where relevant), telephones and lighting equipment
- c) landscape treatments and street tree planting to integrate with surrounding streetscape which, at a minimum, must address the following:
  - i) landscape details, including details of soil preparation, mulches, plant selection, plant sizes (planting container and expected final sizes)
  - ii) a schedule which details the landscape maintenance requirements to be implemented for the 12 month period following the commencement of operation
- d) opportunities for public art created by local artists to be incorporated, where considered appropriate, into the Project
- e) total water management principles to be integrated into the design where considered appropriate
- f) design measures included to meet TfNSW's *NSW Sustainable Design Guidelines - Version 3.0 (7TP-ST-114)*
- g) identification of design and landscaping aspects that will be open for stakeholder input, as required
- h) any other matters which the conditions require the PDP to address.

The PDP shall be:

1. prepared and submitted to TfNSW with the first design submission and updated and submitted with subsequent design submissions
2. prepared in consultation with council and relevant stakeholders
3. prepared by a registered landscape architect.

The plan is to be prepared in consultation with TfNSW's Precincts and Urban Design team at the commencement of the design phase.

Lighting	
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**54**

**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 "Road

Term	Definition
	<p><i>Lighting</i>” and AS 4282 “<i>Control of the Obtrusive Effect of Outdoor Lighting</i>”. The lighting scheme shall address the following as relevant:</p> <ol style="list-style-type: none"> <li>consideration of lighting demands of different areas</li> <li>strategic placement of lighting fixtures to maximise ground coverage</li> <li>use of LED lighting</li> <li>minimising light spill by directing lighting into the facility</li> <li>control systems for lighting that dim or switch-off lights settings according to the amount of daylight the zone is receiving</li> <li>motion sensors to control low traffic areas</li> <li>allowing the lighting system to use low light or switch off light settings while meeting relevant lighting Standards requirements, and</li> <li>ensuring security and warning lighting is not directed at neighbouring properties.</li> </ol> <p>The lighting scheme is to be prepared in consultation with TfNSW’s Precincts and Urban Design team at the commencement of the design phase.</p>
<b>Air Quality</b>	
55	<p><b>Dust Management Plan</b></p> <p>A Dust Management Plan shall be prepared as part of the CEMP which addresses, as a minimum, the following:</p> <ol style="list-style-type: none"> <li>details of construction activities likely to generate dust</li> <li>details of site-specific mitigation measures</li> <li>details of surveys required to measure the dust condition of existing buildings within the vicinity of the Project, including identification of the buildings to be surveyed</li> <li>a mechanism for making, recording and responding to air quality complaints</li> <li>locations of dust monitors</li> <li>procedures for activities to be undertaken in the event of dust level exceedances.</li> </ol>
<b>Hydrology, Drainage and Flooding</b>	
56	<p><b>Flood Impact Assessment</b></p> <p>The detailed design process shall ensure that the Project will not increase flood levels downstream or upstream of the project site for events up to and including the 1 in 100 year ARI (+ 10% for climate change).</p> <p>As part of this process, and prior to the finalisation of detailed design, a detailed Flood Impact Assessment is to be developed in accordance with the NSW Government’s <i>Floodplain Development Manual</i> (Department of Infrastructure, Planning and Natural Resources, 2005), to confirm the potential impacts of the Project on the regional flood and local drainage processes as a result of the detailed design process. The detailed Flood Impact Assessment shall identify management and mitigation measures to be implemented to ensure that flooding impacts are appropriately managed.</p> <p>The flood impact assessment is to be prepared in consultation with Central Coast Council.</p> <p>A copy of the detailed flood impact assessment shall be submitted to the ADEM for approval, prior to completion of the detailed design (or such time as is otherwise agreed to by the ADEM).</p>
57	<p><b>Groundwater Assessment</b></p> <p>A detailed Groundwater Assessment is to be developed as part of, but prior to the finalisation of the detailed design process undertaken to confirm the potential impacts of the Project on local and regional groundwater conditions. The Groundwater Assessment shall identify management and mitigation measures to be implemented to ensure that groundwater impacts are appropriately managed.</p>



Term	Definition
	<p>The Groundwater Assessment shall be prepared in consultation with the NSW Office of Water, and Central Coast Council, and include consideration of impacts to adjacent groundwater dependent ecosystems.</p> <p>A copy of the detailed groundwater assessment shall be submitted to the ADEM for approval, prior to completion of the detailed design (or such time as is otherwise agreed to by the ADEM).</p>

**Graffiti and Advertising**

**58**

**Graffiti and Advertising**

Hoardings, site sheds, fencing, acoustic walls around the perimeter of the site, and any structures built as part of the Project are to be maintained free of graffiti and advertising not authorised by TfNSW during the construction period. Graffiti and unauthorised advertising will 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.

END OF CONDITIONS

# **Appendix G      SIS Concurrency Conditions**

## Desksite References

SIS Concurrency Conditions: 5359836

**ATTACHMENT 1: CONCURRENCE CONDITIONS FOR A PROPOSED PROPOSED INTERCITY FLEET MAINTENANCE FACILITY PROJECT AT 53-55 ORCHARD ROAD, KANGY ANGY, NSW, 2258 BY TRANSPORT FOR NEW SOUTH WALES**

**CONCURRENCE CONDITIONS**

1. The development must be undertaken in accordance with the Species Impact Statement (SIS) including but not limited to the ameliorative measures documented in Section 7 of the SIS, notwithstanding Condition 2, below.

*Reason: To ensure that the proposal is undertaken as described in the SIS and incorporates amelioration measures for threatened species as agreed to by the Minister administering the Threatened Species Conservation Act 1995 (TSC Act) in this Concurrence Report.*

2. The proponent must provide an appropriate biodiversity offset strategy, and subsequent biodiversity offset package to the satisfaction of OEH, noting that OEH's preference is for physical land based offsets and/or the retirement of biodiversity credits in accordance with either (i) fully implementing the BioBanking Scheme for the project in accordance with Part 7A of the *Threatened Species Conservation Act 1995*; OR, (ii) implementing the 'OEH principles for the use of biodiversity offsets in NSW'. [<http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm>], OR (iii) as otherwise agreed by OEH. Under the 'principles based' option, OEH understands that an offset package may include a mix of: the provision of an offsite land based offset; the retirement of an appropriate number and type of biodiversity credits (both ecosystem and species credits) in accordance with BioBanking, or supplementary measures, such as the payment of sufficient funds into the 'Saving Our Species' program for Biconvex Paperbark. However, any supplementary measures will be capped at no more than 10% of the monetary value of the overall offset package.
3. The proponent must provide an (i) appropriate biodiversity offset strategy before construction work on the proposed development site can commence, and (ii) appropriate biodiversity offset package (including the purchase of any land based offsets, the retirement of appropriate biodiversity credits and/or implementation of supplementary measures) within 12 months of the commencement of construction works. Both the strategy and package must be undertaken to the satisfaction of and approved by the Senior Team Leader Planning, Hunter Central Coast Region, OEH within the above timeframes.

*Reason: To enable the proponent to quantify that the offset package is able to fully and appropriately offset impacts described for the proposal described in the SIS and effectively incorporates amelioration measures for threatened species as agreed to by the Minister administering the TSC Act in this Concurrence Report.*

4. The measures stated in Section 7 of the SIS must be implemented in addition to the following conditions:
  - (a) Any translocation of *Melaleuca biconvexa*, by either seed collection or soil biomass transfer is currently outside the realms of the Saving Our Species project for this species and is therefore considered to be additional to offset requirements for impacts for this threatened species. Any translocated plants must be monitored annually for five (5) years.

\*Please note, OEH does not consider translocation as a suitable offset option for consideration as a 'supplementary measure', given the uncertainty of its effectiveness, with respect to securing and/or maintaining the long-term conservation of the species being impacted upon. As such this process will be seen as an additional measure over and above the formal offset requirements. In this instance, OEH sees some merit in the project particularly from the view of testing current translocation techniques and strategies for the species. In addition, future 'species credits' could be generated from the site if the species becomes established and they persist. Under this scenario such credits could be utilised for a future project or sold to a third party if the site is registered as a BioBank site. OEH would like to be kept informed of the progress of the translocation project, receive updates and be sent a copy of the final report.

- (b) Any translocated plants or soil biomass must be placed within the area enclosed by exclusion fencing to protect the plants from grazing by herbivores or trampling;
- (c) Translocation must be supervised by an appropriately qualified ecologist;
- (d) Each translocated plant or soil biomass must be allocated a unique number, be photographed, have its maximum height measured and its location recorded by GPS (Eastings and Northings in World Geodetic System (WGS) 84, Zone 56);
- (e) The translocation must be done in accordance with '*Guidelines for the Translocation of Threatened Plants in Australia* (Second edition)' produced by the Australian Network for Plant Conservation (dated 2004);
- (f) The translocated plants must be monitored on an annual basis for a period of five (5) years in which the number and height of live stems; presence of flower buds, open flowers; developing fruit, ripe fruit or old fruit stem, number of dead stems, height of dead stems per plant is noted, and each translocated plant is photographed. Annual monitoring reports are to be submitted to the Senior Team Leader Planning, Hunter Central Coast of OEH in the Regional Operations office in Newcastle within 3 months of the monitoring event occurring; and
- (g) Weeding and other appropriate activities, as determined by an appropriately qualified ecologist and or an accredited bush regenerator, may be conducted in and around the translocated plants of, or soil biomass containing Biconvex Paperbark.

Reasons: (a) To preserve the genetic variation of this isolated population of *Melaleuca biconvexa*; (b) to learn more about the ecology of this species and how this species may be managed to ensure its survival.

# **Appendix H      Additional SIS Concurrency Conditions**

## Desksite References

Additional SIS Concurrency Conditions: 5810149

## ATTACHMENT 1: CONCURRENCE CONDITIONS FOR A PROPOSED INTERCITY FLEET MAINTENANCE FACILITY PROJECT AT 53-55 ORCHARD ROAD, KANGY ANGY, NSW, 2258 BY TRANSPORT FOR NEW SOUTH WALES

### FINAL CONCURRENCE CONDITIONS

1. The development must be undertaken in accordance with the Additional Species Impact Statement (SIS) including but not limited to the ameliorative measures documented in Section 6.2 of the SIS.
2. The proponent must provide a biodiversity offset package to the satisfaction of OEH Senior Team Leader Planning, Hunter Central Coast Region for impacts to Mahony's Toadlet. The biodiversity offset package may include one or more of the following:
  - a. Purchase and retirement of Mahony's Toadlet species credits
  - b. Off-site offsets containing known Mahony's Toadlet habitat secured as biodiversity stewardship sites
  - c. Financial contribution to the Saving Our Species Conservation Project for Mahony's Toadlet
3. The proponent must demonstrate to the satisfaction of the OEH Senior Team Leader Planning, Hunter Central Coast Region that the proponent is able to secure and implement a biodiversity offsetting package within 24 months of the commencement of construction works.
4. Where any proportion of the offset package utilises the purchase and retirement of Mahony's Toadlet (*Uperoleia mahonyi*) species credits (as per Condition 2a), any land-based offsets must be provided in known Mahony's Toadlet habitat. OEH's assessment is that the development footprint will affect about 18.7 ha of suitable habitat for this species. Mahony's Toadlet is a species-credit species with a Tg value of 0.125. A total of 1,496 credits to be retired for Mahony's Toadlet.
5. The proponent must provide an offset for the Wallum Froglet that provides 31 Wallum Froglet credits to be retired.
6. The Conservation Management Plan (CMP) must include the management and monitoring of Mahony's Toadlet across the entire site (as shown by the 'subject site' on Figure 2.2 of the SIS) and be prepared in consultation with OEH.
7. Monitoring for this species in the project area under the CMP must be conducted annually for a period of ten (10) years (or as otherwise agreed by OEH) to assess the success of the mitigation measures. If construction commences on or before September 2018 then monitoring must commence immediately. If construction commences after September 2018 then monitoring must commence 12 months before construction commences. Annual monitoring reports must be submitted to the OEH Planning Senior Team Leader, Hunter Central Coast Branch ([rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)) within 3 months of the monitoring event occurring.

Note: 'Construction' means any bulk earthworks (including levelling, cut and fill, or excavation that causes major disturbance to the ground surface) or the clearance of native vegetation (including the cutting down, removing or uprooting of native vegetation), excluding investigative works and service or utility relation works (and associated construction compounds).

# **Appendix I      EPBC conditions of approval**

## Desksite References

EPBC conditions of approval: 5662092



**Approval**

**New Intercity Fleet Maintenance Facility, Kangy Angy, NSW (EPBC 2016/7681)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

<b>person to whom the approval is granted</b>	Transport for NSW
<b>proponent's ABN</b>	ABN: 18 804 239 602
<b>proposed action</b>	To construct and operate a new train maintenance facility at a site in Kangy Angy, NSW [See EPBC Act referral 2016/7681].

**Approval decision**

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

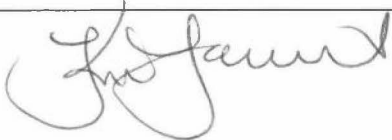
**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2050.

**Decision-maker**

<b>name and position</b>	Kim Farrant Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
<b>signature</b>	
<b>date of decision</b>	5.5.17



## Conditions attached to the approval

1. The person taking the action must implement conditions 1, 10, 12, 13, 31, 35, 36, 37 of the **state conditions of approval**, as they relate to avoiding and mitigating the impacts of the action on **protected matters**.
2. To minimise the impacts of the action on Groundwater Dependent Ecosystems that support or may support Biconvex Paperbark located onsite and offsite, the person taking the action must implement conditions 51 and 52 of the **state conditions of approval** and must prepare and implement a Groundwater Management Plan as described in section 7.10.4 of the **review of environmental factors**, and:
  - a. the Groundwater Management Plan must be submitted to the **Department** at least 1 month before **construction** commences, and construction cannot commence until the plan is approved by the **Minister**.
3. The person taking the action must not clear more than 19.6ha of high quality swamp forest and 3.6ha of wet open forest that is foraging habitat for the Swift Parrot and Regent Honeyeater within the impact area, as identified in Annexures 1 and 2.
4. To compensate for the impacts to foraging habitat for the Swift Parrot, the person taking the action must provide an offset package in accordance with the offset requirements calculated under BioBanking for the relevant plant community types, and:
  - a. must meet at least 90% of the offset requirement through direct offsets, which must be located in the Central Coast region or Lake Macquarie region and must be consistent with the on-ground actions identified in the **national recovery plan for the Swift Parrot** to manage and protect Swift Parrot habitat at the landscape scale.
  - b. may meet up to 10% of the offset requirement through **supplementary measures**, which must be consistent with actions identified in the **national recovery plan for the Swift Parrot**.
5. To compensate for the impacts to foraging habitat for the Regent Honeyeater, the person taking the action must provide an offset package in accordance with the offset requirements calculated under BioBanking for the relevant plant community types, and:
  - a. must meet at least 90% of the offset requirement through direct offsets, which must be located in the Central Coast region or Lake Macquarie region and must be consistent with the on-ground actions identified in the **national recovery plan for the Regent Honeyeater** to improve the extent and quality of Regent Honeyeater habitat.
  - b. may meet up to 10% of the offset requirement through **supplementary measures**, which must be consistent with actions identified in the **national recovery plan for the Regent Honeyeater**.
6. To quantify the offset requirements under BioBanking and the equivalent offset package for the **protected matters** referred to in conditions 4 and 5, the person taking the action must implement conditions 2 and 3 of the **OEH conditions of concurrence**, and:
  - a. the Biodiversity Offset Strategy must be submitted to the **Department** at least 1 month before **construction** commences, and **construction** cannot commence until the strategy is approved by the **Minister**;

- b. the Biodiversity Offset Strategy must:
- i. demonstrate how the proposed offset package will meet the requirements of conditions 4 and 5;
  - ii. identify and describe the proposed offset sites, and include maps clearly depicting Swift Parrot and Regent Honeyeater habitat within the offset sites;
  - iii. identify how the offset sites will be legally secured in perpetuity;
  - iv. identify the long term objectives for future condition of the offset sites, management and monitoring actions, and timeframes for implementation;
  - v. provide details of proposed **supplementary measures**, and the monetary value of each component of the offset package;
  - vi. be implemented if approved.
7. The person taking the action must notify the Department in writing of any proposed change to the **state conditions of approval** referred to in conditions 1 and 2, or the **OEH conditions of concurrence** referred to in condition 6, within 14 days of proposing a change, and notify the Department of any change to the **state conditions of approval** referred to in conditions 1 and 2, or the **OEH conditions of concurrence** referred to in condition 6, within 14 days of a change to conditions being finalised.
8. Within 30 days after the **commencement** of the action, the person taking the action must advise the Department in writing of the actual date of **commencement**.
9. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans and strategies required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval.
10. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval and provide documentary evidence providing proof of the date of publication to the **Department**. The person taking the action must continue to publish the reports until such time as agreed to in writing by the Minister.
11. The person taking the action must notify the **Department** by email (to [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au) or an email advised by the **Department**) of any actual or potential non-compliance with the conditions of this approval, including any plan or strategy required by the conditions of this approval, within 7 days of the person taking the action becoming aware of the actual or potential non-compliance.
12. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
13. The person taking the action may choose to revise a management plan or strategy approved by the **Minister** under conditions 2 and 6 without submitting it for approval under

section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must notify the **Department** in writing that the approved plan or strategy has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:

- a. an electronic copy of the revised management plan showing changes to the plan;
- b. an explanation of the differences between the revised management plan and the approved management plan;
- c. the reasons the person taking the action considers that taking the action in accordance with the revised management plan would not be likely to have a **new or increased impact**.

14. The person taking the action may revoke their choice under condition 13 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan or strategy, without approval under section 143A of the Act, the plan or strategy approved by the **Minister** must be implemented.

15. Condition 13 does not apply if the revisions to the approved strategy include changes to environmental offsets provided under the strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan or strategy would, or would not, be likely to have **new or increased impacts**.

16. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a **new or increased impact**, then:

- a. Condition 13 does not apply, or ceases to apply, in relation to the revised plan or strategy; and
- b. The person taking the action must implement the plan or strategy approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 13, 14 and 15 in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 13 does not apply for one or more specified plans or strategies required under the approval.

17. Conditions 13 to 16 are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan or strategy to the **Minister** for approval.

18. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

19. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all plans and strategies referred to in these conditions of approval on their website. Each plan or strategy must be published on the website within 1 month of being approved by the **Minister** or being submitted under condition 13a.

## Definitions

**Department** means the Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

**Commencement** means any works associated with the action, other than surveys, acquisitions, fencing and signage.

**Construction** means any bulk earthworks (including levelling, cut and fill, or excavation that causes major disturbance to the ground surface) and/or clearance of native vegetation (including the cutting down, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation), excluding investigative works and service/utility relocation works (and associated construction compounds).

**Minister** means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

**National recovery plan for the Swift Parrot** means the document cited as Saunders, D.L. & C.L. Tzaros (2011). *National Recovery Plan for the Swift Parrot* (*Lathamus discolor*), Birds Australia, Melbourne or as replaced from time to time.

**National recovery plan for the Regent Honeyeater** means the document cited as Department of the Environment (2016). *National Recovery Plan for the Regent Honeyeater* (*Anthochaera phrygia*), Commonwealth of Australia, Canberra or as replaced from time to time.

**New or increased impact** means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan or strategy that has been approved by the Minister.

**OEH conditions of concurrence** means the concurrence conditions attached to the Threatened Species Concurrence for the Proposed New Intercity Fleet Maintenance Facility Project granted under section 112C of the *NSW Environmental Planning and Assessment Act 1979* as in force or existing from time to time.

**Protected matters** means the threatened species protected by the controlling provisions for the action that the Department has considered impacts to, namely the Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Anthochaera phrygia*), and Biconvex Paperbark (*Melaleuca biconvexa*).

**Review of environmental factors** means the document titled *New Intercity Fleet Maintenance Facility Project – Review of Environmental Factors* authored by WSP Parsons Brinckerhoff dated June 2016.

**State conditions of approval** means the conditions attached to the approval under Part 5 of the *NSW Environmental Planning and Assessment Act 1979* for the New Intercity Fleet Maintenance Facility Project as in force or existing from time to time.

**Supplementary measures** means actions that do not directly offset the impacts on the protected matter but are anticipated to lead to benefits for the protected matter, for example funding for research or educational programs.





# Appendix J Environmental Impact Assessment Determination

## New Intercity Fleet Maintenance Facility Project, Kangy Angy

### APPROVAL

I, LOUISE SUREDA, as delegate of the Secretary, Transport for NSW:

1. Have examined and considered the Proposed Activity in the New Intercity Fleet Maintenance Facility Project Review of Environmental Factors (June 2016), Species Impact Statement (June 2016), Addendum – Species Impact Statement and Review of Environmental Factors (October 2016), Additional Species Impact Statement (May 2017), Combined Submissions Report (August 2017) and Determination Report (August 2017) in accordance with the provisions of section 111 of the *Environmental Planning and Assessment Act 1979* (NSW).
2. Note that the Proposed Activity was assessed as likely to have a significant impact on Swamp Sclerophyll Forest and Mahony's Toadlet (*Uperoleia mahonyi*), and, in accordance with section 112 of the *Environmental Planning and Assessment Act 1979* (NSW), concurrences have been obtained from the Chief Executive of the Office of Environment and Heritage prior to this determination (refer also to 4 and 5 below). The Proposed Activity was not assessed as likely to have a significant impact on any other threatened species, populations or ecological communities, or their habitats.
3. 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, consistent with the proposal described in the New Intercity Fleet Maintenance Facility Project Review of Environmental Factors as amended by the Combined Submissions Report and this Determination Report.
4. Note that the Proposed Activity must also be undertaken in accordance with the 'Concurrence Conditions for a Proposed Intercity Fleet Maintenance Facility Project at 53-55 Orchard Road, Kangy Angy, NSW, 2258 by Transport for NSW' issued 22/08/2016 by the Chief Executive of the Office of Environment and Heritage.

5. Note that the Proposed Activity must also be undertaken in accordance with the 'Concurrence Conditions for a Proposed Intercity Fleet Maintenance Facility Project at 53-55 Orchard Road, Kangy Angy, NSW, 2258 by Transport for NSW' issued 29/08/2017 by the Chief Executive of the Office of Environment and Heritage.
  
6. Note that the Proposed Activity must also be undertaken in accordance with the Conditions of Approval (EPBC 2016/7681) issued 05/05/2017 under delegation of the Federal Minister for the Environment and Energy.



Louise Sureda  
Director Planning and Environment Services  
Infrastructure and Services  
**Transport for NSW**

Date: 29/8/17