



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

Moorebank Intermodal Terminal Project – Concept, Moorebank, New South Wales
(EPBC 2011/6086)

This decision to vary conditions of approval is made under section 143 of the
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Approved action

Person to whom the approval is granted	Qube RE Services (No. 2) Pty Ltd ACN: 605 751 782
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Proposed action	To construct and operate the Moorebank Intermodal Terminal Project, in Southwest Sydney, NSW. [see referral EPBC 2011/6086; and variations approved on 1 July 2014 and 2 February 2016]
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Variation

Variation of conditions attached to approval	The variation is: Delete conditions 2 and 14 to the approval and substitute with conditions 2 and 14 as specified below. Add conditions 2A, 2B and 3A as specified below. Delete definition of Construction attached to the approval and substitute with the definition specified below Add definitions of Moorebank Avenue , Site Contamination NEPM and PFAS NEMP as specified below. Add Annexure 3, as specified below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments and Post Approvals Branch
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Signature	
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Date of decision	17 September 2019
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Conditions of approval

2. For the protection of the environment, including **listed threatened species and communities**, the person taking the action must prepare a construction environmental management plan (CEMP) addressing at least the elements specified in Conditions 5 to 13. Apart from **early works**, as described in Condition 3, the person taking the action must not **commence construction** until all specified CEMP approvals have been obtained in writing. The approved CEMP must be implemented.
- 2A. The CEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and the person taking the action must not **commence construction** of any stage until all specified approvals required for that stage have been obtained in writing.
- 2B. The CEMP corresponding to the stage that is confined to the upgrade of **Moorebank Avenue** is exempt from the requirements of Condition 8(d).
- 3A. For the protection of the environment, including **listed threatened species and communities**, the person taking the action must implement the following for the stage that is confined to the upgrade of **Moorebank Avenue**:
 - a) comprehensively sample the soil, sediment, surface water, groundwater, and other material at **Moorebank Avenue** for PFAS contamination prior to any construction commencing. Sampling must be consistent with the requirements set out in the **Assessment of Site Contamination NEPM** and sufficient to delineate any site contamination (with 95% confidence). PFAS must be analysed in samples at ultratrace level and reported in accordance with guidance set out in the **PFAS NEMP**;
 - b) record the origin, nature, volume, concentrations and masses of PFAS contaminants, source location, and intended placement location of soil and other material imported to **Moorebank Avenue**;
 - c) analyse and record the origin, nature, volume, concentrations and masses of PFAS contaminants, of soil, sediment, water and other materials taken, excavated, extracted or discharged from within **Moorebank Avenue**, at an appropriate frequency to allow for effective management intervention;
 - d) record the source location, and intended disposal destination of soil, sediment, water and other materials taken, excavated, extracted or discharged from within **Moorebank Avenue**;
 - e) not infiltrate, recharge, discharge, or re-use water arising from dewatering if the mean concentrations of PFAS contaminants exceed the ecosystem freshwater guideline values for the 95% species protection set out in the **PFAS NEMP**;
 - f) treat water in (d) above the limits set in (e) to remove the PFOS and PFOA content to at or below these limits before being infiltrated, recharged or discharged¹;
 - g) manage, treat, remediate, or dispose of any soil with concentrations of PFOS, PFHxS, or the sum of PFOS+PFHxS greater than 0.01 mg/kg and below 50mg/kg or ppm, and / or concentrations of PFOA greater than 0.3 mg/kg and below 50mg/kg or ppm, in accordance with the **PFAS NEMP**;
 - h) in accordance with the **PFAS NEMP**, treat, remediate, completely contain, or destroy any PFAS-contaminated material including water and excavated soil, with a PFOS, PFOA, or PFHxS content above 50 milligrams per kilogram (mg/kg or ppm) such that PFAS contaminants are prevented from entering the environment;

¹ It is recognised that there may be operational constraints on treatment plant process that mean treatment levels may vary over time. With this in mind water must not be re-infiltrated if it is more than 50% above the limit (i.e., 0.195 µg/L and 330 µg/L).

- i) not re-use excavated and extracted soils and sediments until the conditions in (g) and (h) are met. Temporary or long term stockpiling of soils, sediments and materials, such as while analysis is undertaken, must be in accordance with guidance set out in the **PFAS NEMP**.
14. To address residual impacts on protected biodiversity values, including *listed threatened species and communities*, the person taking the action must submit to the Minister for approval a Biodiversity Offset Strategy and Management Plan (BOSaMP). The BOSaMP must be prepared by a *suitably qualified expert* and must:
- be consistent with the biodiversity offsets strategy provided at Appendix E to the *finalised EIS*
 - incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the *finalised EIS* that are described as 'mandatory'
 - incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the *finalised EIS* that are described as 'subject to review' or justify any alternative protocols
 - offset impacts on protected biodiversity values including *listed threatened species and communities* in accordance with the **FBA**
 - include map(s) and *shapefiles* that identify the location and boundaries of all offset sites and
 - involve the protection and management in perpetuity of the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at Annexure 2 (now known as the BA341 biobank site).

The approval holder must not **commence construction** other than directly required for the upgrade of Moorebank Avenue until the BOSaMP has been approved by the **Minister** in writing. The approved BOSaMP must be implemented.

Definitions

Construction means any horizontal or vertical works, including the erection of any structures or the formation of any hardstand surfaces, as well as any preparatory earthworks or clearing of vegetation, in relation to the action, with the exception of:

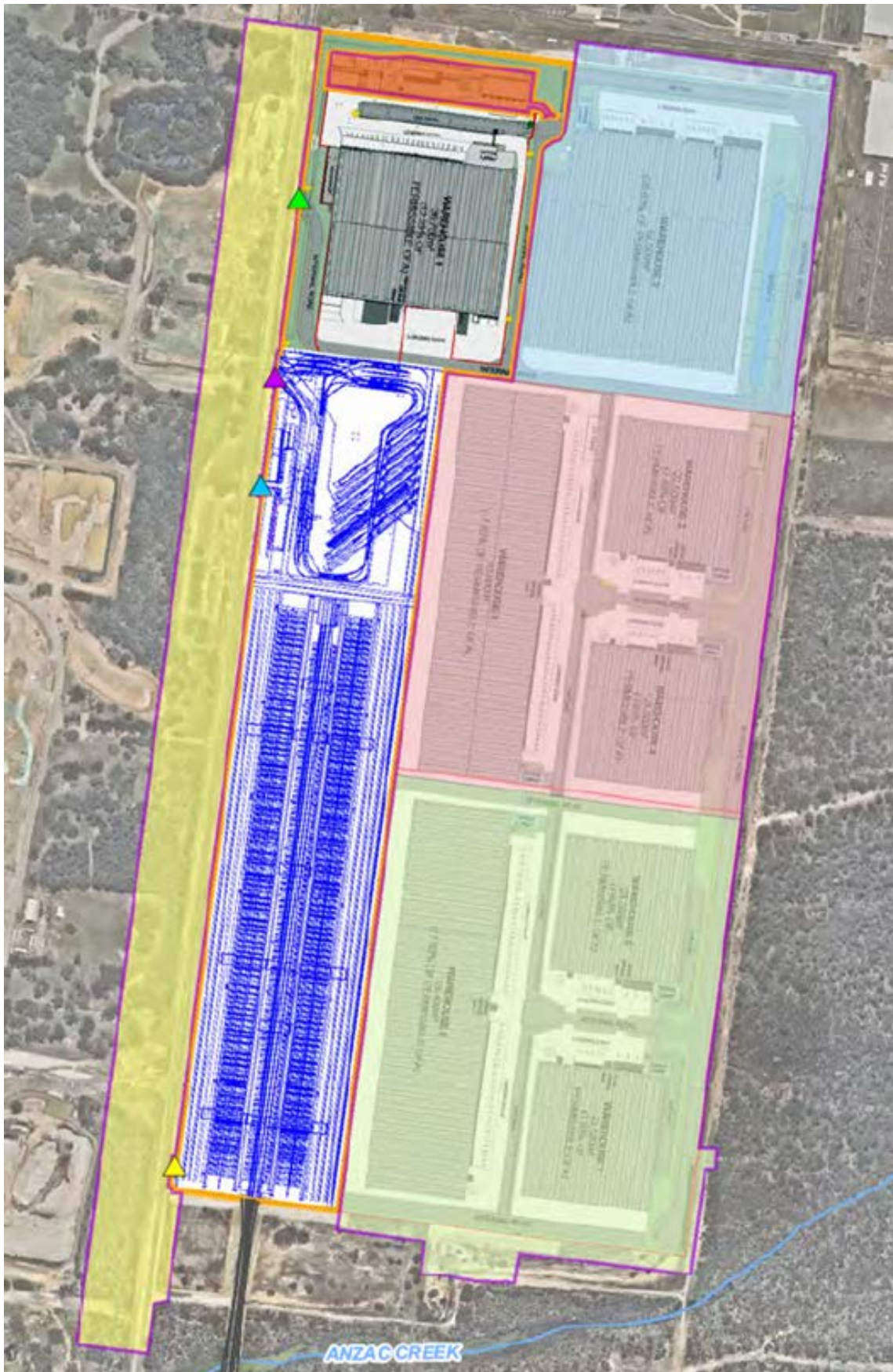
- installation of temporary signage
- installation of temporary fencing
- erection of temporary site compounds and construction facilities or relocation of services not requiring the clearance of any ***listed threatened species and communities*** or endangers ecological communities for the purpose of the New South Wales *Biodiversity Conservation Act 2016*
- exploration, mitigation or asset protection measures required in the fulfilment of these or other conditions of regulatory approval.

Moorebank Avenue means the area highlighted in yellow in Annexure 3.

PFAS NEMP means the current published version of the *PFAS National Environmental Management Plan* as updated from time to time (as published by the Heads of Environment Protection Agencies Australia and New Zealand (HEPA); currently version 2.0 (consultation draft), published in March 2019 and accessible via the Environment Protection Agency Victoria website [www.epa.vic.gov.au/your-environment/land-and-groundwater/pfas-in-victoria/pfas-nemp-2-0].

Site Contamination NEPM means the *National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) 1999, amended (varied) on 11 April 2013 and registered 15 May 2013*, by National Environment Protection Council (NEPC); Commonwealth of Australia, Canberra [www.nepc.gov.au/nepms/assessment-site-contamination].

Annexure 3 – Moorebank Avenue



Moorebank Avenue is the area shaded yellow in this Annexure.