



SIMTA Moorebank Intermodal Terminal Facility, Sydney, NSW (EBPC
2011/6229)

INDEPENDENT AUDIT REPORT

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Date	07/08/2019	Date	07/08/2019

Executive Summary

The Sydney Intermodal Terminal Alliance (SIMTA) is responsible for delivering the development of an intermodal facility, which involves the construction and operation of intermodal freight terminal facilities, linked to Port Botany and the interstate rail network.

The intermodal facility comprises two main areas, the Moorebank Precinct East (MPE) and Moorebank Precinct West (MPW). Both the MPE and MPW Projects include development of warehouse and distribution facilities, freight village, rail link and ancillary works such as vegetation clearing and landscaping, remediation, earthworks, road tie-ins, utilities installation/connection and signage.

This Independent Audit relates to the MPE Project (or the Project). The MPE Project will be developed in three stages:

- MPE Stage 1 – Construction of the Inter-model facility, comprising
 - Rail Access Land Package (Package 1) (RALP)
 - Import Export Terminal (Package 2) (IMEX)
- MPE Stage 2 – Construction of warehouse and distribution facilities (MPE Stg2)
- MPE Stage 3 – Extension of the terminal and completion of warehouse and distribution facilities (MPE Stg3).

As the MPE Project presented the potential for impacts to listed threatened species and communities and was to be conducted on Commonwealth land, a referral was made to the Federal Minister for the Environment. Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted in March 2014 (Approval No. 2011/6229), subject to a set of Conditions of Approval (CoA).

CoA 13 of EPBC 2011/6229 states

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.

On 3 May 2019, the delegate of the Minister, directed SIMTA to arrange for an Independent Audit (IA or audit) of the CoA to be undertaken within four months of the date of the direction. The IA needs to comply with the Department of the Environment and Energy (DotEE) document entitled *Independent Audit and Audit Report Guidelines for controlled actions which have been approved under Chapter 4 of the Environment Protection and Biodiversity Conservation Act 1999* (the Audit Guidelines)

The IA was conducted between 20 June and 24 July 2019, to satisfy the requirements of CoA 13, the DotEE directive and the Audit Guidelines. This Audit Report presents the methodologies implemented and findings from the IA.

Audit findings are presented in Section 3. Assessment of each CoA, along with details of evidence relied upon to make a finding is presented in Appendix A.

There were 72 requirements assessed, within 17 CoAs. Seven non-compliances were identified. These relate to:

- evidence not being available at the time of the audit to demonstrate that the Construction Environmental Management Plan (CEMP) and Flora and Fauna Management Plan (FFMP) for MPE Stg 2 had been approved as required by the CoA
- evidence not being available at the time of the audit to demonstrated that the revised CEMP and FFMP for MPE Stg 1 plans had been approved as required by the CoA
- information not being published on the website within the timeframes specified by the CoA and
- evidence not being available at the time of the audit to demonstrate that pre-clearance survey results, agreement between Defence or updates to plans were submitted to DotEE as required by the CoA.

There were four observations made in relation to the CoA, in regard to the notified date of commencement, content of documentation required under the approval and the approach to managing changes to the various management plans required by the CoA.

A review of the implementation of the MPE Project CEMPs and sub-plans is presented in Appendix B. The Project (both the Principal and its contractors) has demonstrated a high degree of implementation which indicates that the impacts associated with the Project are being prevented or mitigated in line with the EPBC Act Approval 2011/6229, as well as applicable State consents and licences.

The Auditor would like to thank the auditees representing SIMTA, CPB Contractors and Fulton Hogan for their high level of organisation, cooperation and assistance during the IA.

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1. Introduction

1.1 The Project

The Sydney Intermodal Terminal Alliance (SIMTA) is responsible for delivering the development of an intermodal facility, which involves the construction and operation of intermodal freight terminal facilities, linked to Port Botany and the interstate rail network. The site is located on both sides of Moorebank Avenue, Moorebank, within the Liverpool City Council Local Government Area, approximately 27 kilometres south-west of the Sydney Central Business District.

The intermodal facility comprises two separate project areas, namely Moorebank Precinct East (MPE) and Moorebank Precinct West (MPW). Both the MPE and MPW Projects include development of warehouse and distribution facilities, freight village, rail link and ancillary works such as vegetation clearing and landscaping, remediation, earthworks, road tie-ins, utilities installation/connection and signage.

This Independent Audit relates to the MPE Project (or the Project). The MPE Project will be developed in three stages:

- MPE Stage 1 – Construction of the Inter-modal facility, comprising
 - Rail Access Land Package (Package 1) (RALP)
 - Import Export Terminal (Package 2) (IMEX)
- MPE Stage 2 – Construction of warehouse and distribution facilities (MPE Stg2)
- MPE Stage 3 – Extension of the terminal and completion of warehouse and distribution facilities (MPE Stg3).

An overview of the MPE Project is presented in Figure 1.

As the MPE Project presented the potential for impacts to listed threatened species and communities and was to be conducted on Commonwealth land, a referral was made to the Federal Minister for the Environment. Approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was granted in March 2014 (Approval No. 2011/6229), subject to a set of Conditions of Approval (CoA). Approval No. 2011/6229 is held by SIMTA, comprising:

- Qube Holdings Limited (ACN: 149 723 053); and
- Aurizon Holdings Limited (ACN: 146 335 622).

In addition to EPBC Act Approval No. 2011/6229, a number of State Significant Development (SSD) consents apply to the MPE Project including:

- MPE Concept Plan – MP10_0193
- MPE Stage 1 (covering RALP and IMEX) – SSD6766
- MPE Stage 2 – SSD 7628.

An application to develop MPE Stage 3 has yet to be prepared.

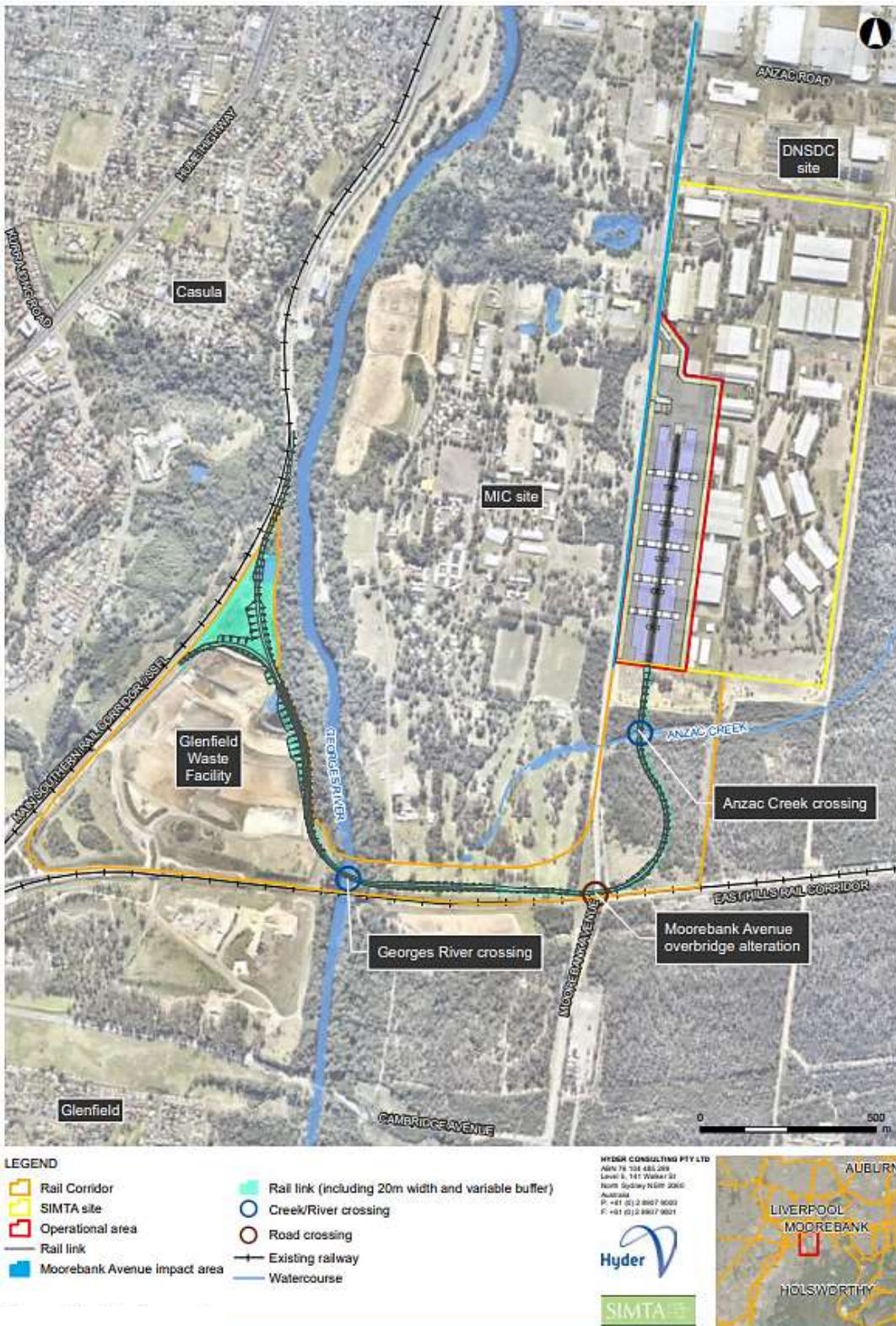


Figure 1: The MPE Project (source SIMTA Intermodal Terminal Facility- Stage 1: Environmental Impact Statement, Hyder 2015).

Works on the MPE Project undertaken to date include the following:

- Construction of the majority of the RALP, with nearly all the track installed, the Moorebank Avenue underpass and the Georges River Bridge are both constructed. Electrical and switching works, connections to the Southern Sydney Freight Line and site rehabilitation are ongoing.
- IMEX works are well advanced with the administration facility essentially complete, and the majority of works associated with asphaltting works for the rail loading and container storage areas completed. Lighting and drainage works are ongoing.
- MPE Stage 2 works are well underway with bulk earthworks continuing.

1.2 Approval requirements

CoA 13 of EPBC 2011/6229 states

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.

On 3 May 2019, the delegate of the Minister for the Environment and Energy, directed SIMTA to arrange for an Independent Audit (IA or audit) of the CoA to be undertaken within four months of the date of the direction. The IA needs to comply with the Department of the Environment and Energy (DotEE) document entitled *Independent Audit and Audit Report Guidelines for controlled actions which have been approved under Chapter 4 of the Environment Protection and Biodiversity Conservation Act 1999* (the Audit Guidelines)

The IA was conducted to satisfy the requirements of CoA 13, the DotEE directive and the Audit Guidelines.

1.3 The audit team

In accordance with Sections 5.2 – 5.4 of the Audit Guidelines, Independent Auditors must be suitably qualified, experienced and independent of the Project, and be approved by DotEE.

On 27 May 2019, SIMTA nominated an Audit Team to DotEE for approval. The Audit Team comprises:

- Derek Low: Masters of Environmental Engineering Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 114283)
- Steve Fermio: Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498)

Approval of the Audit Team was provided by DotEE on 13 June 2019. The letter is presented in Appendix C.

1.4 The objectives of the audit

The objective of this IA is to verify compliance with the relevant CoAs and assess the effectiveness of the environmental management on the Project.

1.5 The audit scope

This IA relates to the Project works from the granting of EPBC Act Approval No. 2011/6229 (6 March 2014) through to June 2019.

The IA scope covers two main aspects:

- An assessment of EPBC Act Approval No. 2011/6229 CoAs applicable to the phase of the development that is being audited. The Audit Criteria and Methodology submitted to DotEE as part of the nomination to use WolfPeak as the Audit Team, presented the CoAs that are subject to Audit. These are reflected in the Audit Table presented in Appendix A.
- An assessment of the management and implementation of post approval documents prepared to satisfy the CoAs. This involved reviewing how the mitigation measures from the Construction Environmental Management Plan/s, Flora and Fauna Management Plan/s and Threatened Flora Offset Management Plan were being implemented.

2. Audit methodology

2.1 Audit process

The IA was conducted in a manner consistent with AS/NZS ISO 19011.2014 – Guidelines for Auditing Management Systems (with the methodology presented in Figure 2) and the methodology set out in the DotEE Audit Guideline.

The Audit Methodology and Criteria identified the CoAs to be audited, the verification method to be used in order to make a finding, and the grades to be used in identifying a finding. DotEE approved this Audit Methodology and Criteria on 13 June 2019.

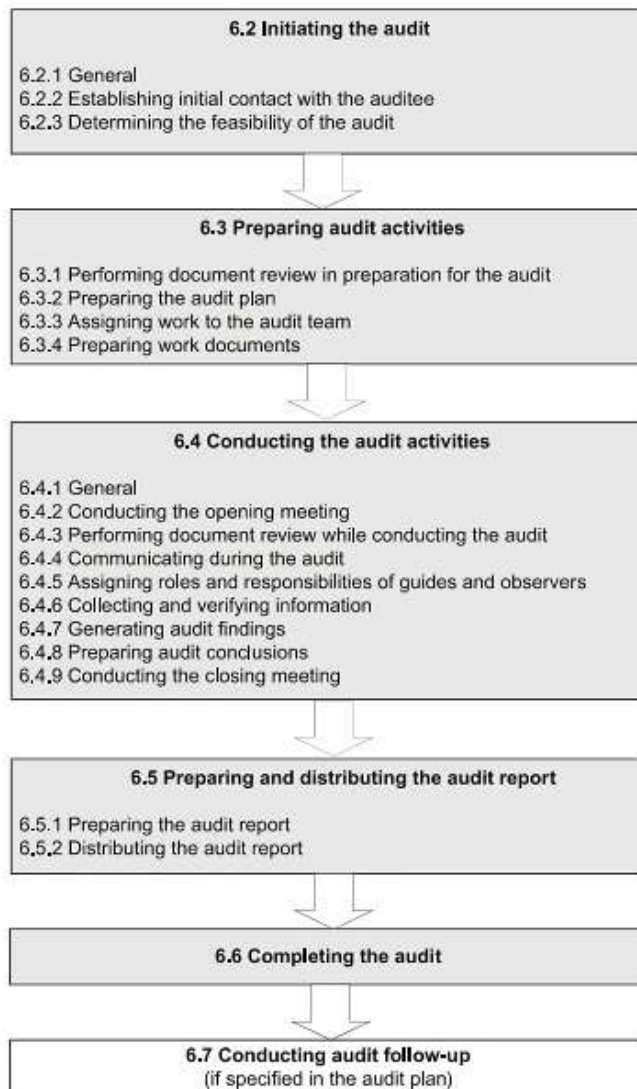


Figure 2: Audit activities overview (AS/NZS ISO 19011:2014). Subclause numbering refers to the relevant subclauses in the Standard.

2.1.1 Audit initiation and scope development

Prior to the commencement of the audit the following tasks were completed:

- Establish initial contact with the auditee
- Confirm the audit team
- Confirm the audit purpose, scope and criteria.

2.1.2 Preparing audit activities

The Independent Auditors performed a document review, and prepared the work documents and distributed these to the Project team (the auditees).

The primary documents reviewed are as follows:

- *SIMTA Intermodal Terminal Facility- Stage 1: Environmental Impact Statement, Hyder 2015* (MPE Stage 1 EIS)
- *Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Precinct East Stage 2, Arcadis 2016* (MPE Stage 2 EIS)
- *EPBC Act Approval No. 2011/6229*
- *Construction Environmental Management Plan Moorebank Precinct East Stage 1 – RALP No. 1, Revision K, EN-PLN-0013, CPB 26/04/17* (RALP CEMP) and the subordinate sub-plans
- *Construction Environmental Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-00000, Rev 6, SIMTA, 11/05/17* (IMEX CEMP) and the subordinate sub-plans
- *Sydney Intermodal Terminal Alliance, Moorebank Precinct East Stage 2, Construction Environmental Management Plan, SSS2-QPMS-EN-PLN-00000, Rev 5, SIMTA 27/09/18* (MPE Stg 2 CEMP) and the subordinate sub-plans.
- *Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1 – RALP No. 1 EN-PLN-0017, Revision J, CPB 26/04/17* (RALP FFMP)
- *Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0002, Revision 5, SIMTA 11/05/17* (IMEX FFMP)
- *Sydney Intermodal Terminal Alliance Moorebank Precinct East Stage 2 Construction Flora and Fauna Management Plan, MPEst2Con-QPMS-EN-PLN-00009, Revision 005, SIMTA 02/05/18* (MPE Stg2 FFMP)
- *Moorebank Intermodal Facility Threatened Flora Offset Management Plan, Rev D, Arcadis, 28/07/17* (the TFOMP)

2.1.3 Site personnel involvement

The on-site audit activities took place on 20, 26 and 28 June 2019. The following personnel took part in the on-site component of the IA:

- Ibrahim Awad – Environment Manager – Tactical (representing SIMTA)
- Ian Irwin – Environment Manager – Tactical (representing SIMTA)

- Peter Hatton – Environmental Representative – HBI Australia
- Nadia Eisenlohr – RALP Environmental Coordinator – CPB Contractors
- Brendan Hooton – IMEX Environment Manager – Fulton Hogan
- James Alchin – IMEX Environment Coordinator – Fulton Hogan
- Derek Low – Independent Auditor (WolfPeak).

In completing the IA, the Independent Auditors undertook interviews with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development between 20 and 28 June 2019.

Due to the fact that works on RALP, IMEX and MPE Stage 2 are so advanced (with the first set of works commencing in 2017 and both RALP and IMEX construction nearing completion), the Independent Auditors considered evidence gathered from interviews conducted during previous audits completed on the Project on 10 and 11 December 2018, as required under SSD 6766 and SSD 7628, where this evidence was relevant to the requirements of EPBC Act Approval No. 2011/6229. This evidence is presented in Appendix A, B and E and was considered in addition to the interviews completed and evidence gathered between 20 and 28 June 2019.

2.1.4 Site inspection

The on-site audit activities took place on 20, 26 and 28 June 2019. On 26 and 28 June 2019, audit activities included an inspection of the site and work activities. Photos are presented in Appendix E.

As stated in Section 2.1.3, works on RALP, IMEX and MPE Stage 2 are well advanced and, therefore, the Independent Auditors also considered evidence gathered from site inspections conducted during previous audits completed on the Project, as required under SSD 6766 and SSD 7628, where this evidence was relevant to the requirements of EPBC Act Approval No. 2011/6229. This evidence is presented in Appendix A, B and E and was considered in addition to the interviews completed and evidence gathered between 20 and 28 June 2019.

2.1.5 Document review

The IA included investigation and review of Project files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents were reviewed between 26 June 2019 and 12 July 2019. The full set of documents sighted are included with Appendices A and B.

Again due to the fact that works on RALP, IMEX and MPE Stage 2 are so advanced, the Independent Auditors also considered evidence sighted and reviewed during our previous independent audits completed on the Project, as required under SSD 6766 and SSD 7628, where this evidence was relevant to the requirements of EPBC Act Approval No. 2011/6229. This evidence is presented in Appendix A, B and E and was considered in addition to the interviews completed and evidence gathered between 20 and 28 June 2019.

2.1.6 Generating audit findings

IA findings were based on verifiable evidence. The evidence included:

- relevant records, documents and reports
- interviews of relevant site personnel
- photographs
- figures and plans; and
- site inspections of relevant locations, activities and processes.

Compliance status

The Auditor determined the compliance status of each compliance requirement in the Audit Tables, using the descriptors from the DotEE Audit Guideline, being:

- **Compliance:** A rating of 'compliance' is given when the auditee has complied with a condition or element of a condition.
- **Non-compliance:** A rating of 'non-compliance' is given when the auditee has not met a condition or an element of a condition.
- **Not applicable:** A rating of 'not applicable' at the time of the audit is given when the condition or element of a condition falls outside the scope of the audit e.g. if an activity has not yet commenced or a requirement has not been triggered.
- **Observation:** An 'observation' may be made about issues relevant to the protection of a matter of national environmental significance when the issue is not strictly related to compliance or non-compliance with a condition or element of a condition.

Note: As per the DotEE Audit Guideline, the above ratings are also used when measuring compliance for management plans, reports, or programs etc (however described) required by CoAs.

2.1.7 Completing the audit

The IA Report was distributed to the Approval holder to check factual matters and for input into actions in response to findings (where relevant). The Independent Auditors retained the right to make findings or recommendations based on the facts presented.

The Independent Auditors also declare to the best of our knowledge, all information provided in this IA Report is true, correct and complete. Certification of this is included in Appendix D.

3. Audit findings

This Section presents the findings of the IA. The Audit Tables provided in Appendices A and B present details of all the evidence collected, observed and provided in support of a finding.

3.1 Non-compliances

There were seven non-compliances identified against the CoAs.

Non-compliance with CoA 1

CoA 1 states:

For the better protection of the GHFF, the person taking the action must:

- a) not clear more than 11 hectares of GHFF foraging habitat,*
- b) engage a suitably qualified expert to undertake a pre-clearance survey(s) to confirm the absence of GHFF roosting camps within the rail easement, no more than 48 hours prior to the clearance of potential GHFF roosting habitat, and*
- c) notify the Department in writing of the results of pre-clearance surveys*

If the GHFF is detected roosting on site, all native vegetation clearance activities must halt until the person taking the action has complied with any directions the Minister may wish to issue regarding timing of construction or methods for dispersal of the GHFF.

At the time of the audit, SIMTA had demonstrated that it had undertaken pre-clearance surveys in accordance with the condition, and that clearing of GHFF habitat had not exceeded 11ha. However there was no evidence available to demonstrate that SIMTA had provided the results of pre-clearance surveys to DotEE.

Non-compliance with CoA 5

CoA 5 states:

For the better protection of EPBC listed flora & the environment on Commonwealth land, the person taking the action must engage a suitably qualified expert to prepare a Flora and Fauna Management Plan (FFMP) for the approval of the Minister. The FFMP must include (but need not be limited to):

- a) details on the timing of native vegetation clearance works;*
- b) detailed maps of the rail link easement and construction zone showing:
 - i. permanent infrastructure and temporary works;*
 - ii. no-go areas; and*
 - iii. physical barriers used for the protection of native vegetation on Commonwealth land, and of EPBC Act listed Nodding Geebung and Small-flower Grevillea**
- c) measures to minimise the extent of native vegetation clearing upon Commonwealth land and the clearing of Nodding Geebung and Small-flower Grevillea,*

- d) provisions to ensure no more than 17 individuals of Nodding Geebung and 634 stems of Small-flower Grevillea are cleared;
- e) the results of targeted surveys for *Hibbertia* sp. Bankstown and Bynoe's Wattle (including the number of individuals recorded) and what measures will be implemented to avoid, mitigate and manage impacts to these species, if individuals are found on site;
- f) measures which allow terrestrial fauna to disperse naturally ahead of clearing activities, and minimise the risk of injury to individuals;
- g) actions to maintain or enhance the long-term viability of native vegetation adjoining the rail easement in particular, adjoining populations of Nodding Geebung and Smallflower Grevillea,
- h) measures to safeguard flora and fauna from the threat of weeds, fire, pathogens and unauthorised access, including (but not limited to) the commitments outlined in section 7.4.1 of the EIS (and summarised at Annexure A);
- i) ongoing monitoring to inform the adaptive management of native vegetation adjoining the rail easement.

Native vegetation clearance must not occur until the FFMP has been approved. The FFMP must be implemented once approved.

There was no evidence available at the time of the audit to demonstrate that the MPE Stg 2 FFMP was approved pursuant to CoA 5 (or, alternatively, that no such approval was required). Based on the status of works on MPE Stg 2 it is apparent that native vegetation clearing has occurred across MPE Stg 2. This clearing therefore appears to have occurred without the prior approval of the MPE Stg 2 FFMP, contrary to CoA 5. However, it should be noted that the clearing processes and protocols within the MPE Stg 2 FFMP are consistent with the clearing processes within the approved MPE Stg 1 FFMPs. Additionally, there is no evidence to suggest that the clearing works undertaken have resulted in impacts on EPBC Act protected matters beyond those impacts considered and approved under EPBC Approval 2011/6229.

Refer to Section 3.2 regarding observations in relation to the unapproved MPE Stg 2 FFMP.

Non-compliance with CoA 7

CoA 7 states:

For the better protection of Commonwealth land, the person taking the action must engage a suitably qualified expert(s) to prepare a Construction Environment Management Plan (CEMP), for the approval of the Minister. The CEMP must include in relation to construction of the proposed facility:

- a) details on the timing of construction works (accompanied by current and detailed maps);
- b) identification and quantification of all potential impacts associated with noise, vibration, air quality, traffic, light spill, hydrological changes, contamination, and indigenous heritage (including cumulative impacts associated with the DoFs proposed intermodal) upon Commonwealth land. Consideration must be given to people and communities at SME, DNSDC, Defence housing, and the environment more generally in neighbouring bushland areas. Of note, the air quality assessment must quantify all emissions arising from air pollutant sources for which there are established national air quality standards;
- c) the results of further investigations with regard to land contamination and indigenous heritage impacts (specifically, PADs two and three). If adverse impacts are identified details on how such

- matters will be managed / mitigated must also be provided Evidence of ongoing consultation with RAPs regarding further investigations for indigenous heritage objects/places must be provided;*
- d) refined details (including implementation timeframes) for the mitigation measures outlined in the EIS (sections 7.4.2, 7.4.3, 7.4.6, 7.4.7, 7.4.8 and 7.4.9) and summarised at Annexure A;*
 - e) a commitment to ensure no lights are installed above the height of 40 metres or, the maximum approved height of the intermodal warehouse buildings (whichever is less);*
 - f) identification of the trigger values and criteria for all matters mentioned in condition 7(b) (excluding light spill, land contamination and indigenous heritage) that will be adopted for monitoring and managing potential impacts to Commonwealth land;*
 - g) details of a comprehensive monitoring program (including locations, frequency and duration) for:
 - i. validating the anticipated impacts associated with condition 7(b); and*
 - ii. determining the effectiveness of proposed mitigation/management measures;**
 - h) provisions to revise the approved CEMP in response to monitoring associated with condition 7(g) including, details of response / contingency mechanisms to address any exceedances of the relevant trigger values;*
 - i) evidence of consultation with Defence regarding the adequacy of proposed mitigation measures in particular, those measures to mitigate potential light spill impacts upon residential dwellings within SME outside of standard construction hours , and*
 - j) details of a complaints handling procedure;*

Commencement of the action may not occur until the CEMP has been approved. The CEMP must be implemented once approved.

DotEE, in a letter dated 22 February 2019 (a letter clarifying matters arising out of the DotEE 'show cause' letter dated 11 February 2019), stated that the MPE Stg 2 CEMP was approved on 24 May 2017. This is inconsistent with an email sent from SIMTA to DotEE dated 12 December 2018 requesting that the Minister approve the MPE Stg 2 CEMP and FFMP. The correspondence suggests that as at 12 December 2018 that MPE Stg 2 CEMP had not been approved (and so could not have been approved on 24 May 2017).

At the time of the audit, there was no evidence (i.e. the actual letter of approval) available to verify that DotEE had in fact granted approval to the MPE Stg 2 CEMP. Based on the status of works on MPE Stg 2 at the time of the audit, it is apparent that the works had commenced without the MPE Stg 2 CEMP having been approved as required by CoA 7. That being said, the mitigation measures in the MPE Stg 2 CEMP and sub-plans are generally consistent with those in the approved MPE Stg 1 CEMP insofar as they relate to those matters protected by the EPBC Act. There is no evidence to suggest that the works undertaken have resulted in impacts on EPBC Act matters beyond those impacts contemplated by EPBC Approval 2011/6229.

Non-compliance with CoA 9

CoA 9 states:

For the better protection of Commonwealth land, the person taking the action must enter into a written agreement with Defence that specifies the use and ongoing maintenance of Moorebank Avenue. Prior to commencement of the action the person taking the action must provide a copy of that agreement to the Department.

According to the notification of commencement made under CoA 10 via an email from SIMTA to DotEE on 22 July 2019, commencement of the action took place on 26 June 2017. A copy of the agreement with MIC was not provided to DotEE until 07 July 2017. This delay did not appear to present any threat to or impact on matters of national environmental significance.

Non-compliance with CoA 12

CoA 12 states:

Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report (the Compliance Report) on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans or agreements as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the Compliance Report is published. The person taking the action must continue to annually publish the Compliance Report until such time as agreed in writing by the Minister.

Whilst the Project demonstrated that the Compliance Report was prepared and published in accordance with this condition, there was no evidence available at the time of the audit to demonstrate that proof of the date of publication was provided to DotEE. This omission does not appear to present any threat to or impact on matters of national environmental significance.

Non-compliance with CoA 14

CoA 14 states:

If the person taking the action wishes to carry out any activity otherwise than in accordance with any management plan as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, then that management plan must be implemented in place of the management plan originally approved.

There was no evidence available at the time of the audit to demonstrate that the Minister had approved:

- The revised (current) version of the RALP CEMP
- The revised (current) version of the RALP FFMP
- The revised (current) version of the IMEX CEMP
- The revised (current) version of the IMEX FFMP
- The revised (current) version of the MPE Stg 2 CEMP (refer to the non-compliance against CoA 7 regarding the approval of the original MPE Stg 2 CEMP)
- The revised (current) version of the MPE Stg 2 FFMP (refer to the non-compliance against CoA 5 regarding the approval of the original MPE Stg 2 FFMP).

Varied activities under the evolving RALP CEMP, RALP FFMP, IMEX CEMP and IMEX FFMP updates occurred through October 2017 – May 2019. No evidence was available at the time of the audit to demonstrate that the varied activities were not commenced until approval of the changed management plans had been granted by DotEE.

There was no evidence available at the time of the audit that demonstrated DotEE approval of the MPE Stg 2 CEMP or FFMP. MPE Stg 2 works are well advanced. There was no evidence available at the time of the audit to demonstrate that the MPE Stg 2 works were not commenced until approval of the original (or varied) MPE Stg 2 CEMP and FFMP had been granted by DotEE.

In relation to this non-compliance, the Independent Auditors note that each of the CEMPs include provisions for updating the documents (and their sub-plans, including the FFMPs) to ensure they remain effective and up to date. Additionally, the MPE Project has developed and implemented a systematic approach (referred to as a Request for Minor Amendment and Accordance Assessment) to manage updates which includes consideration as to whether the updates affect matters relevant to EPBC Act Approval No. 2011/6229.

Based on the approved versions of the RALP CEMP and FFMP, the latest versions published on the website and the Requests for Minor Assessments as listed in the RALP CEMP and FFMP Revision Tables, the changes made predominantly related to matters not relevant to the EPBC Approval, other than the fact they alter the construction footprint (or methods) for works carried out on Commonwealth land. As detailed in Figure 2 of the approved and current RALP CEMP, the Project has altered the footprint of works around the rail corridor, including areas known as the Bootland. Upon inspection of the Ecological No-Go Maps presented in Appendix C of both the approved and current RALP FFMPs, the adjustments would not impact on known EPBC listed flora and fauna. In the opinion of the Independent Auditors, the revisions made to the plans would result in equivalent or improved environmental outcomes over time.

Based on the approved version of the IMEX CEMP and FFMP, the latest versions published on the website and the Requests for Minor Assessments listed in the IMEX CEMP and FFMP Revision Tables, the changes made predominantly related to matters not relevant to the EPBC Approval, other than the fact they alter the construction footprint (or methods) for works carried out on Commonwealth land. As detailed in Figure 1 of the approved and current IMEX CEMP, the Project has altered the footprint of works around the eastern and northern extents of the approved project. Upon inspection of Figures 3 and 4 in both the approved and current IMEX FFMPs, the adjustments would not impact on known EPBC listed flora and fauna. In the opinion of the Independent Auditors, the revisions made to the plans would result in equivalent or improved environmental outcomes over time.

Based on the earlier version of the MPE Stg 2 CEMP provided by the auditee and the latest version published on the Project website, the Independent Auditors are unable to ascertain if Figure 1-1 has been altered (as identified by DotEE in its show cause letter of 11 February 2019), as the earlier version of the MPE Stg 2 CEMP does not have the figures included.

Based on the earlier version of the MPE Stg 2 FFMP provided by the auditee, the latest version published on the website and the Requests for Minor Assessments listed in the FFMP Revision Table, the changes made do not relate to matters relevant to listed threatened species and do not change the commitments or mitigation measures relevant to EPBC listed flora or fauna. As detailed in Figures 3-1a through 3-1c in both versions of the MPE Stg 2 FFMPs, the clearing boundaries for the MPE Stg 2 Project remain unchanged. In the opinion of the Independent Auditors, the revisions made to the plans would result in equivalent or improved environmental outcomes over time.

Non-compliance with CoA 17

CoA 17 states:

Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.

The current versions of the RALP CEMP and FFMP, IMEX CEMP and FFMP and MPE Stg 2 CEMP and FFMP are published on the website, not the versions approved by DotEE. The TFOMP was not able to be located on the website. There was no evidence available at the time of the audit to demonstrate that the management plans as approved by the Minister had been published within one month of their approval. These omissions do not appear to present any threat to or impact on matters of national environmental significance.

3.2 Observations

There were four observations identified in relation to the CoA.

Observation in relation to CoA 5

CoA 5 states:

For the better protection of EPBC listed flora & the environment on Commonwealth land, the person taking the action must engage a suitably qualified expert to prepare a Flora and Fauna Management Plan (FFMP) for the approval of the Minister. The FFMP must include (but need not be limited to):

- a) *details on the timing of native vegetation clearance works;*
- b) *detailed maps of the rail link easement and construction zone showing:*
 - i. *permanent infrastructure and temporary works;*
 - ii. *no-go areas; and*
 - iii. *physical barriers used for the protection of native vegetation on Commonwealth land, and of EPBC Act listed Nodding Geebung and Small-flower Grevillea*
- c) *measures to minimise the extent of native vegetation clearing upon Commonwealth land and the clearing of Nodding Geebung and Small-flower Grevillea,*
- d) *provisions to ensure no more than 17 individuals of Nodding Geebung and 634 stems of Small-flower Grevillea are cleared;*

- e) *the results of targeted surveys for Hibbertia sp. Bankstown and Bynoe's Wattle (including the number of individuals recorded) and what measures will be implemented to avoid, mitigate and manage impacts to these species, if individuals are found on site;*
- f) *measures which allow terrestrial fauna to disperse naturally ahead of clearing activities, and minimise the risk of injury to individuals;*
- g) *actions to maintain or enhance the long-term viability of native vegetation adjoining the rail easement in particular, adjoining populations of Nodding Geebung and Smallflower Grevillea,*
- h) *measures to safeguard flora and fauna from the threat of weeds, fire, pathogens and unauthorised access, including (but not limited to) the commitments outlined in section 7.4.1 of the EIS (and summarised at Annexure A);*
- i) *ongoing monitoring to inform the adaptive management of native vegetation adjoining the rail easement.*

Native vegetation clearance must not occur until the FFMP has been approved. The FFMP must be implemented once approved.

Some information required by CoA 5 has been omitted from the unapproved current MPE Stg 2 FFMP. There is no evidence in the MPE Stg 2 FFMP of the author's qualifications or experience, nor has this been provided elsewhere. There is no information within the MPE Stg 2 FFMP that details the timing of clearing works. There is no detail within the yet to be approved MPE Stg 2 FFMP detailing the provision to ensure no more than 17 individuals of Nodding Geebung and 634 stems of Small-flower Grevillea are cleared.

Observation in relation to CoA 10

CoA 10 states:

Within one month after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.

According to the notification of commencement made under CoA 10 via an email from SIMTA to DotEE on 22 July 2019, commencement of the action took place on 26 June 2017.

However, the Compliance Report states that construction commenced on 22 June 2017, which is inconsistent with the date provided in the notification to DotEE.

Observation in relation to CoA 12

CoA 12 states:

Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report (the Compliance Report) on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans or agreements as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the Compliance Report is published. The person taking the action must continue to annually publish the Compliance Report until such time as agreed in writing by the Minister.

The information presented in the Compliance Report to demonstrate implementation of the management plans is confined to individual statements to the effect that they have been implemented. There is no detail on how this position was reached, nor is any evidence provided in the Compliance Report to demonstrate that this is the case. The Independent Auditors note that omitting this information does not mean that the management plans weren't implemented, only that their implementation is not detailed within the Compliance Report. The Independent Auditors also note that based on the review of implementation of the management plans, as presented in Appendix B, the Project does appear to be implementing the plans as required by the CoA.

Observation in relation to CoA 14

CoA 14 states:

If the person taking the action wishes to carry out any activity otherwise than in accordance with any management plan as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan. The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, then that management plan must be implemented in place of the management plan originally approved.

As detailed in Section 3.1 a number of updates have occurred to the management plans without approval from the Minister. The Independent Auditors make the following observations in relation to this non-compliance.

The MPE Project has a complex regulatory setting and staged development approach. It is governed by the EPBC Act Approval 2011/6229, a State Concept Approval, two SSD Consents and at least two Environment Protection Licences. These interact with other approvals and licences applicable to the MPW Project. EPBC Act Approval 2011/6229 includes a note that recognizes that management plans may be aggregated (or disaggregated) and may cover both State and Commonwealth requirements. Presumably this note has been included to provide the Project with some degree of flexibility in preparing and updating its management plans and to allow effective implementation of controls when carrying out works.

The Independent Auditors suggest that the intent of CoA 14 is to prevent the Project from varying activities relevant to the EPBC Act Approval 2011/6229 without adequate assessment and approval, and to ensure that the changes do not result in a poorer environmental outcome on the Project. Each of the Project CEMPs (both the approved MPE Stg 1 CEMPs and the unapproved MPE Stg 2 CEMP) include provisions for updating the documents (and their sub-plans) to ensure they remain effective and up to date. Additionally, the Project appears to have a robust system for assessing and verifying whether the changes relate to matters covered by the EPBC Act Approval: 2011/6229. The updates to the management plans have gone through this system of review. No changes were identified as impacting on matters pertinent to the EPBC Act Approval 2011/6229. The Independents Auditors consider that the revisions made to the plans would result in equivalent or improved environmental outcomes over time, consistent with the objective of CoA 14.

The Independent Auditors suggest that requiring approval from DotEE for changes to the plans, where those changes do not relate to or impact on matters protected under the EPBC Act, presents unnecessary regulatory burden on both DotEE and the Project, with no tangible benefit. In this regard, it may be reasonable for DotEE and the Project to reach an agreement on the review process and triggers for Ministerial approval of updates as required by CoA 14. This would provide surety to both parties that the plans continue to remain effective over the life of the Project, and that the necessary approvals are being obtained for changes that relate to matters of national environmental significance.

4. Conclusions

This IA was conducted between 20 June and 30 July 2019, to satisfy the requirements of CoA 13, the DotEE directive and the Audit Guidelines. This Audit Report presents the methodologies implemented and findings from the IA.

Audit findings are presented in Section 3. Assessment of each CoA, along with details of evidence relied upon to make a finding, is presented in Appendix A.

There were 72 requirements assessed, within 17 CoAs. Seven non-compliances were identified. These relate to:

- evidence not being available at the time of the audit to demonstrate that the Construction Environmental Management Plan (CEMP) and Flora and Fauna Management Plan (FFMP) for MPE Stg 2 had been approved as required by the CoA
- evidence not being available at the time of the audit to demonstrate that the revised CEMP and FFMP for MPE Stg 1 plans had been approved as required by the CoA
- information not being published on the website within the timeframes specified by the CoA and
- evidence not being available at the time of the audit to demonstrate that pre-clearance survey results, agreement between Defence or updates to plans were submitted to DotEE as required by the CoA.

There were four observations made in relation to the CoA, in regards to content of documentation required under the approval, the notified date of commencement and the taken approach to managing changes to the management plans.

A review of the implementation of the MPE Project CEMPs and sub-plans is presented in Appendix B. The Project has demonstrated a high degree of implementation which indicates that the impacts associated with the Project are being prevented or mitigated in line with the EPBC Act Approval 2011/6229, as well as applicable State consents and licences.

The Auditor would like to thank the auditees representing SIMTA, CPB Contractors and Fulton Hogan for their high level of organisation, cooperation and assistance during the IA.

5. Limitations

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Appendix A. Audit Criteria and Methodology

Audit Criteria and Methodology: SIMTA Moorebank Intermodal Terminal Facility, Sydney, NSW (EBPC 2011/6229)

Client: Qube Holdings, represented by Tactical Group

Date of Report: 24/07/19

Report prepared by: D Low

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
Protection of EPBC flora and fauna & the environment on Commonwealth land					
1	For the better protection of the GHFF, the person taking the action must: a) not clear more than 11 hectares of GHFF foraging habitat,	<p>The MPE Stg 1 EIS Appendix S predicted that there would be approximately 4.8ha of GHFF habitat removed for the Project. This predominantly relates to the construction of the RALP.</p> <p>The MPE Stg 2 EIS Appendix O predicted only isolated trees offering potential nesting would be removed by the Project. As such this is not discussed further.</p> <p>Pre-clearance survey reports for RALP indicate approximately 1 ha of GHFF was subject to clearing. Post-clearance survey drawings show that works have generally aligned with approved working boundary.</p> <p>An overview of MPE Stg 1 and MPE Stg 2 clearing of GHFF habitat as reported to DotEE 03/04/19 indicates that the total area of GHFF cleared is approximately 9.88ha.</p>	<p><i>Sydney Intermodal Terminal Alliance (SIMTA) Intermodal Terminal Facility - Stage 1 Biodiversity Assessment Report, Hyder 2015 (MPE Stg 1 EIS Appendix S)</i></p> <p><i>Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Precinct East Stage 2 Biodiversity Assessment Report, Arcadis 2016 (MPE Stg 2 EIS Appendix O).</i></p> <p>Pre-clearance Check Lists and Pre-clearance Reports from AMBS Ecology + Heritage:</p> <ul style="list-style-type: none"> - <i>Pre-Clearance Report for the Rail Corridor North of G12 Access Track to IMEX Terminal (Butcher's Knife)</i> - <i>Pre-clearance Check List for The Compound East Site</i> - <i>Pre-clearance Check List for the Area West of Moorebank Avenue</i> - <i>Pre-clearance Check List for the Compound Site West between Chainages 40.62 and 40.88</i> - <i>Pre-clearance Check List for the Georges River Riparian Area between Chainages 40.50 and 40.62</i> - <i>Pre-clearance Check List for the Moorebank Avenue Native Vegetation Strip between Chainages 41.11 and 41.56</i> - <i>Pre-Clearance Report for the Rail Corridor south of G12 Access Track to Moorebank Avenue (Southern Boot Land and RailCorp Land)</i> - <i>Trimming and Removal of Trees Adjacent to Georges River Riparian Zone</i> - <i>Pre-clearance Check List for Vegetation between Southern Sydney Freight Line and the Main South Line</i> - <i>Pre-clearance Check List for the Placement of a Power Pole</i> - <i>Pre-clearance Check List for the Rail Alignment Site between Chainages 40.62 and 41.11</i> - <i>Pre-clearance survey - mowing of portion of the SME Golf Course</i> - <i>Pre-Clearance Check List for the RailCorp Land South of MPE Site</i> - <i>Pre-clearance Check List for Vegetation to the north of the Eastern Compound</i> - <i>Pre-Clearance Check List for the Amended Corridor West of the Georges River</i> <p>Post-clearing survey drawings:</p> <ul style="list-style-type: none"> - MITD Bootland Temporary Fence 27/07/18 - Butcher's Knife Boundary Set Out 27/07/18 - Compound Entry Working Bdy Survey MB2S CH40970, 14/02/18 - Plan View Construction Boundary Moorebank Compound combined 03/11/17 - Plan View Toe Batter Moorebank East v61 180221AA6 61 Earthworks, 21/02/18 - Plan View Working Boundary CH 41465 TO CH 41500, 02/11/17 - Plan View Working Boundary CH 40860 TO CH 40970, 02/11/17 - Grey Headed Flying Fox Habitat, clearing extent map, Arcadis 20/03/19 	Review of Pre and post-clearance survey data	Compliant
	For the better protection of the GHFF, the person taking the action must: b) engage a suitably qualified expert to undertake a pre-clearance survey(s) to confirm the absence of GHFF roosting camps within the rail easement, no more than 48 hours prior to the clearance of potential GHFF roosting habitat	<p>The representatives from AMBS, whom undertook the surveys were appropriately qualified (as evidenced by their CVs).</p> <p>Pre-clearance checklists and surveys were conducted by AMBS Ecologists. Permits to clear vegetation include a check to verify EPBC CoAs relating to GHFF are met. Records show that where the surveys identified GHFF habitat, surveys were either conducted within 48 hrs of clearing or ecologists were present to inspect and supervise during clearing. This is verified also through AMBS invoices.</p>	<p>CV: C Jackson, AMBS Ecologist CV: M Semeniuk, AMBS Director of Fauna</p> <p>Pre-clearance Check Lists and Pre-clearance Reports from AMBS Ecology + Heritage as listed in response to CoA 1a) above.</p> <p>Permits to clear vegetation:</p> <ul style="list-style-type: none"> - #002_20170710_Main Compound Permit - #003_PCLV_SFFL_MSL Corridor - #004_Eastern Compound_Clearance Permit - #005_Moorebank Avenue West - Vegetation Clearance Permit - #006_permit to clear Georges river bridge east - #007_Georges River East (uphill of Tarakan Rd)_Vegetation Permit_20170907 - #008_Georges River East (downhill)_Vegetation Permit_20170908(original) - #009_Moorebank Ave West EEC_Vegetation Permit_20170908 - #010_Permit to clear - #011_Permit to Clear Land or Vegetation_signed_moorebank Ave overbridge - #020_Permit to clear - #021_20171117_RAE Stockpile_Permit - #022_Main Compound - #023_Permit to clear_Georges River Bridge - #024_Permit to clear_Georges River Bridge - #025_20180628 - Permit to Clear Land or Vegetation 	<p>Review of Expert qualifications</p> <p>Review of Pre-clearance survey reports including timing</p>	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
			<ul style="list-style-type: none"> - #026_Permit to Clear land Butchers Knife - #027_20180919_Permit to clear - #028_20181011_Permit to clear - #029_20181217_Permit to clear_RailCorpMAR - #030_Permit Tree pruning <p>AMBS invoice INV-0471 covering:</p> <ul style="list-style-type: none"> - Vegetation clearing supervision/attendance, Compound West 12 July 2017 - Vegetation clearing supervision/attendance, Compound East, Georges River & Moorebank Ave 11 Sept 2017 - Vegetation clearing supervision/attendance, Trees along Georges River 4 Oct 2017 - Vegetation clearing supervision/attendance, Compound East / Stockpile area 17 Nov 2017 <p>AMBS invoice INV-0504 covering:</p> <ul style="list-style-type: none"> - Vegetation clearing supervision/attendance Compound East incl. dam dewatering 25 August 2017, - Vegetation clearing supervision/attendance, Dam de-watering 20 Sept 2017 <p><i>Pre-clearance Survey and Clearance Supervision Summary memorandum, AMBS 18/12/17</i></p>		
	For the better protection of the GHFF, the person taking the action must: c) notify the Department in writing of the results of pre-clearance surveys	<p>The correspondence from 07/06/19 indicates that CPB had provided Qube with the result of the pre-clearance surveys through the presentation of 18 x pre-clearance reports.</p> <p>AMBS provided a summary memorandum detailing vegetation clearance supervision work undertaken in relation to the Moorebank Precinct East RALP No.1 project corridor (study area) between July and November 2017. The memorandum states that in addition to the pre-clearing surveys, clearing was done under supervision of the ecologist. No GHFF roosts were identified.</p> <p>Non-compliance: Whilst the Project has demonstrated that pre-clearance surveys were completed in accordance with the approval, at the time of the audit, there was no evidence available to demonstrate that Qube had provided the results of pre-clearance surveys to DotEE.</p>	<p>Correspondence between CPB and Qube (CPB Con-GCOR-003141), 07/06/19</p> <p><i>Pre-clearance Survey and Clearance Supervision Summary memorandum, AMBS 18/12/17</i></p>	Review of Pre-clearance report and submissions to the Department	Non-compliant
	If the GHFF is detected roosting on site, all native vegetation clearance activities must halt until the person taking the action has complied with any directions the Minister may wish to issue regarding timing of construction or methods for dispersal of the GHF	The documentation presented does not identify the presence of any roosting GHFF. Interviewed auditees indicate that no roosting GHFFs were encountered.	<p>Pre-clearance Check Lists and Pre-clearance Reports from AMBS Ecology + Heritage as listed in response to CoA 1a) above.</p> <p>Permits to clear vegetation as listed in response to CoA 1b) above.</p> <p>AMBS invoices INV 0504 as listed in response to CoA 1b) above.</p> <p><i>Pre-clearance Survey and Clearance Supervision Summary memorandum, AMBS 18/12/17</i></p> <p>Interview with auditees 26 and 28/06/19</p>	<p>Review of Identification / incident reports</p> <p>Review of Stop work orders</p> <p>Review of Notification to Minister</p> <p>Review of Directive from Minister</p>	Not applicable
2	For the better protection of the Macquarie Perch, the person taking the action must: a) engage a suitably qualified expert to design (or provide input on the design of) all crossings which are proposed to be implemented across Macquarie Perch habitat. Any such crossings must be of a suitable design that provides for the passage requirements of Macquarie Perch;	The Design Report was prepared by suitably qualified experts and it details how the design of the Georges River Bridge has been designed to allow passage of the Macquarie Perch. The described design was observed during construction on 26/06/19. No issues observed.	<p>Moorebank Intermodal Terminal Development – Package 1 - RALP No.1, Design Report – Georges River Bridge, Aurecon 09/08/16</p> <p>CV: L Baker, Aurecon CV: M Lugar, Aurecon</p> <p>Site observation 26/06/19</p>	<p>Review of Expert qualification</p> <p>Review of Design reports</p>	Compliant
	For the better protection of the Macquarie Perch, the person taking the action must: b) implement all feasible and practicable measures that ensure sedimentation and / or erosion (as a result of the proposed action) do not lead to any further reductions in the water quality, or degradation of, Macquarie Perch habitat	<p>The Project has adequately documented the feasible and practicable measures to manage erosion and sedimentation and impacts on water quality impacts and Macquarie Perch. The documented controls have been observed by the Auditor in the field.</p> <p>Whilst two incidents have occurred, (turbid water event 01/02/18, and flood event 28/11/18), the Project has demonstrated that all feasible controls were being implemented.</p>	<p><i>Construction Soil and Water Management Plan Moorebank Precinct East Stage 1 RALP No. 1, EN-PLN-0024, CPB 28/03/19 (CSWMP)</i></p> <p><i>Erosion and Sediment Control Plan 16006 series, ERSED Environmental Pty Ltd 24/10/17.</i></p> <p><i>Erosion and Sediment Control Plan N01031-EN-PESCP-EWKS-0010-2, CPB 20/11/18</i></p> <p><i>Erosion and Sediment Control Plan 16006 series, ERSED Environmental Pty Ltd 11/01/19.</i></p> <p>Weekly and pre-wet weather inspection checklist 27/11/18</p> <p>Weekly inspection checklist 18/12/18</p> <p>Weekly inspection checklist 24/01/19</p> <p>Weekly inspection checklist 26/02/19</p>	<p>Review of Erosion and sediment control plans</p> <p>Review of Site inspections and incident reports that relate to soil and water controls</p>	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
			<p>Weekly and pre-wet weather inspection checklist 14/03/19 Weekly inspection checklist 10/04/19</p> <p><i>Incident Investigation – Turbid Water in Georges River Moorebank Intermodal Terminal Development Package 1 – RALP No 1. EPL #20966 (incident date: 01/02/2018)</i></p> <p><i>MPE Rail Link - Georges River Causeway – UPDATE, (flood event report, 28 and 29/11/18), CPB to Tactical</i></p> <p>SSD 6766 CoA C12 daily fish inspection register and daily diary.</p> <p>Site inspection 26/06/19.</p>		
3	For the better protection of Hibbertia so. Bankstown, the person taking the action must engage a suitably qualified expert to undertake a targeted search for individuals of Hibbertia so. Bankstown within all areas of potential habitat during the species' flowering period	<p>The BAR covers MPE Stg 1 works. It identifies the author qualifications. The BAR details the targeted searches undertaken (method and results) of Hibbertia so. Bankstown before and during project works (up to September 2017).</p> <p>The MPE Stg 2 EIS Appendix O states that the presence of Hibbertia so. Bankstown is unlikely to occur within the project footprint and no further action was required. As such this is not discussed further.</p>	<p><i>Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Project East Stage 1 Biodiversity Assessment Report, Arcadis 03/10/17. (BAR)</i></p> <p><i>Sydney Intermodal Terminal Alliance (SIMTA) Intermodal Terminal Facility - Stage 1 Biodiversity Assessment Report, Hyder 2015 (MPE Stg 1 EIS Appendix S)</i></p> <p><i>Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Precinct East Stage 2 Biodiversity Assessment Report, Arcadis 2016 (MPE Stg 2 EIS Appendix O).</i></p>	<p>Review of Expert qualifications</p> <p>Review of Investigations reports</p>	Compliant
4	For the better protection of Bynoe's Wattle, the person taking the action must engage a suitably qualified expert to undertake a field habitat assessment that targets the ecological requirements of Bynoe's Wattle, in all areas of Castlereagh Scribbly Gum Woodland likely to be cleared as a result of the proposed action.	<p>The MPE Stg 1 BAR identifies the author qualifications. The BAR details the targeted searches undertaken (method and results) of Bynoe's Wattle before and during project works (up to May 2017).</p> <p>The MPE Stg 2 EIS Appendix O states that the presence of Hibbertia so. Bankstown is unlikely to occur within the project footprint and no further action was required. As such this is not discussed further.</p>	<p><i>Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Project East Stage 1 Biodiversity Assessment Report, Arcadis 03/10/17. (BAR)</i></p>	<p>Review of Expert qualifications</p> <p>Review of Investigations reports</p>	Compliant
	If the assessment determines there is potential for the species to occur on site, then a suitably qualified expert must undertake a targeted search for individuals of Bynoe's Wattle within all areas of potential habitat identified by the habitat assessment during the species' flowering period.	<p>The MPE Stg 1 BAR details the targeted searches undertaken (method and results) of Bynoe's Wattle before and during project works (up to May 2017). Targeted searches were undertaken. Bynoe's Wattle was identified outside the Project footprint to the east and south-east.</p>	<p><i>Sydney Intermodal Terminal Alliance (SIMTA) Moorebank Project East Stage 1 Biodiversity Assessment Report, Arcadis 03/10/17. (BAR)</i></p>	<p>Review of Habitat assessment report</p> <p>Review of Targeted search report</p>	Compliant
Flora and Fauna Management Plan					
5	For the better protection of EPBC listed flora & the environment on Commonwealth land, the person taking the action must engage a suitably qualified expert to prepare a Flora and Fauna Management Plan (FFMP) for the approval of the Minister.	<p>FFMPs were prepared for the RALP, IMEX and MPE Stg2 packages of work. Approval was granted by a delegate of the Minister for the RALP and IMEX FFMPs on 24/05/17.</p> <p>An FFMP was also prepared for MPE Stg 2 package of work.</p> <p>Observation: There is no detail within the yet to be approved MPE Stg 2 FFMP of the authors qualifications and experience.</p>	<p><i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1 – RALP No. 1 EN-PLN-0017, Revision J, CPB 26/04/17 (RALP FFMP)</i></p> <p><i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0002, Revision 5, SIMTA 11/05/17 (IMEX FFMP)</i></p> <p><i>Sydney Intermodal Terminal Alliance Moorebank Precinct East Stage 2 Construction Flora and Fauna Management Plan, MPESt2Con-QPMS-EN-PLN-00009, Revision 005, SIMTA 02/05/18 (MPE Stg2 FFMP)</i></p>	<p>Review of Expert qualifications</p> <p>Review of FFMP approval from Minister</p>	Compliant
	The FFMP must include (but need not be limited to): a) details on the timing of native vegetation clearance works	<p>This requirement is addressed in RALP CEMP Section 1.3 and FFMP Section 1.3</p> <p>This requirement is addressed in IMEX FFMP Table 11 FF2.3 and Section 4.2.1</p> <p>Observation: There is no detail within the yet to be approved MPE Stg 2 FFMP detailing the timing of clearing works.</p>	<p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Rail Access Land Package No.1 - Construction Management Plans, DotEE 24/05/17 (DotEE approval letter for the RALP FFMP).</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Import Export Terminal - Construction Management Plans DotEE 24/05/17 (DotEE approval letter for the IMEX FFMP).</i></p>	<p>Review of FFMP for details of timing of clearing</p>	Compliant
	The FFMP must include (but need not be limited to): b) detailed maps of the rail link easement and construction zone showing: i. permanent infrastructure and temporary works; ii. no-go areas; and iii. physical barriers used for the protection of native vegetation on Commonwealth land, and of EPBC Act listed Nodding Geebung and Small-flower Grevillea	<p>This requirement is addressed in RALP FFMP Sections 7.2 and 7.3 and Attachment C: Ecology Sensitive Area and No-Go Maps</p> <p>This requirement is addressed in IMEX FFMP Figure 1, Table 11 FF2.1, Table 11 FF2.1 and FF2.2.</p> <p>This requirement is addressed in the MPE Stg 2 FFMP section 3.1.</p>		<p>Review of FFMP maps and items listed</p>	Compliant
	The FFMP must include (but need not be limited to):	<p>This requirement is addressed in RALP FFMP Sections 7.1 – 7.4, 7.9</p> <p>This requirement is addressed in IMEX FFMP Table 11 FF2.1, Section 5.1.</p>		<p>Review of FFMP to identify measures to</p>	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
	c) measures to minimise the extent of native vegetation clearing upon Commonwealth land and the clearing of Nodding Geebung and Small-flower Grevillea	This requirement is addressed in Section 3.3 of the MPE Stg 2 FFMP.		minimize clearing of target species	
	The FFMP must include (but need not be limited to): d) provisions to ensure no more than 17 individuals of Nodding Geebung and 634 stems of Small-flower Grevillea are cleared	This requirement is addressed in RALP FFMP Sections 7.1 – 7.3 This requirement is addressed in IMEX FFMP Section 3.5, Table 9 Observation: There is no detail within the yet to be approved MPE Stg 2 FFMP detailing the provision to ensure no more than 17 individuals of Nodding Geebung and 634 stems of Small-flower Grevillea are cleared.		Review of FFMP to identify measures to prevent excessive clearing of target species	Compliant
	The FFMP must include (but need not be limited to): e) the results of targeted surveys for Hibbertia sp. Bankstown and Bynoe's Wattle (including the number of individuals recorded) and what measures will be implemented to avoid, mitigate and manage impacts to these species, if individuals are found on site;	This requirement is addressed in the RALP FFMP Sections 5.2.1, 5.3, 7.2, 7.3, 9.2 (as well as the MPE Stage 1 EIS) This requirement is addressed in IMEX FFMP Section 3.5, Section 5 This requirement is addressed in the MPE Stg 2 FFMP Section 3.1 and Section 3.3.		Review of FFMP targeted surveys and implementation of controls from the surveys (if required)	Compliant
	The FFMP must include (but need not be limited to): f) measures which allow terrestrial fauna to disperse naturally ahead of clearing activities, and minimise the risk of injury to individuals	This requirement is addressed in the RALP FFMP Sections 7.4, 7.9 This requirement is addressed in IMEX FFMP Table 11 FF3.3 This requirement is addressed in the MPE Stg 2 FFMP Section 3.3.		Review of FFMP to identify measures to allow dispersion of fauna and to minimize risk of injury	Compliant
	The FFMP must include (but need not be limited to): g) actions to maintain or enhance the long-term viability of native vegetation adjoining the rail easement in particular, adjoining populations of Nodding Geebung and Smallflower Grevillea,	This requirement is addressed in the RALP FFMP Section 7.9 and Appendix C This requirement is addressed in IMEX FFMP Section 3.5, Table 9 This requirement does not relate to MPE Stg 2 works.		Review of FFMP to identify actions for long term viability of target species	Compliant
	The FFMP must include (but need not be limited to): h) measures to safeguard flora and fauna from the threat of weeds, fire, pathogens and unauthorised access, including (but not limited to) the commitments outlined in section 7.4.1 of the EIS (and summarised at Annexure A)	This requirement is addressed in the RALP FFMP Sections 6.1, 7.9 This requirement is addressed in IMEX FFMP Table 11 FF1.2, FF3.3, FF3.5, FF6.8 This requirement is addressed in the MPE Stg 2 FFMP		Review of FFMP for measures to safeguard flora and fauna from identified threats	Compliant
	The FFMP must include (but need not be limited to): i) ongoing monitoring to inform the adaptive management of native vegetation adjoining the rail easement	This requirement is addressed in the RALP FFMP Section 8.4. This requirement is not relevant to the IMEX FFMP or MPE Stg 2 FFMP.		Review of FFMP to identify ongoing monitoring regime for specified area	Compliant
	Native vegetation clearance must not occur until the FFMP has been approved. The FFMP must be implemented once approved	The RALP FFMP was approved 24/05/17. The IMEX FFMP was approved 24/05/17. Construction commenced on 22/06/2017. Non-compliance: The approval does not state that the MPE Stg 2 FFMP does not require approval from DotEE. There was no evidence available at the time of the audit to demonstrate that the MPE Stg 2 FFMP was approved, or did not require approval. The clearing of native vegetation works occurred in 2018. The clearing works were conducted in accordance with the yet to be approved MPE Stg 2 FFMP. The clearing processes and protocols within the MPE Stg 2 FFMP are consistent with the processes within the approved MPE Stg 1 FFMPs. Refer to Appendix B for information relating to the degree of implementation of the FFMP. Refer response to condition 14 for information relating to amendments to the FFMP.	Refer to Appendix B for information relating to the degree of implementation of the FFMP. Refer response to condition 14 for information relating to amendments to the FFMP.	Review of dates of approval and dates of commencement of works. Review through assessment of implementation of FFMP mitigation measures	Non-compliant
Threatened Flora Offset Management Plan					
6	For the better protection of Nodding Geebung, Small-flower Grevillea (and potentially, Hibbertia sp. Bankstown and	The TFOMP was prepared and submitted to DotEE for approval. It captures matters raised in this condition and comments raised by DotEE during its preparation and was approved by DotEE on 29/08/17.	Moorebank Intermodal Facility Threatened Flora Offset Management Plan, Rev D, Arcadis, 28/07/17 (the TFOMP) EPBC 2011/6229 – SIMTA Moorebank Intermodal Facility letter, 29/08/17 (DotEE approval of the TFOMP).	Review of Expert qualifications	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
	Bynoe's Wattle pending the outcome of conditions 3) and 4) the person taking the action must engage a suitably qualified expert to prepare a Threatened Flora Offset Management Plan (TFOMP) (or plans) for the approval of the Minister.	As detailed in Section 1.2 of the TFOMP, the document was prepared by a senior ecologist and senior environmental consultant.	Site inspection 26 and 28/06/19, including at Anzac Creek, Bootlands boundary and Georges River. No go flagging and signage installed to prevent access to areas outside approved construction footprint. IMEX herbicide application record 09/05/19.	Review of TFOMP Ministerial approval	
	The TFOMP must include (but need not be limited to): a) details of a direct offset that satisfies the requirements of the Department's offset policy, in accordance with the offset user guide (including timeframes for the delivery or acquisition of the direct offset)	This requirement is addressed in the TFOMP Sections 4.1, 5. The strategy identifies calculations and rationale behind offsetting for the target species.	RALP Alligator weed identification, spray and inspection photos from September 2017 and inspection records from 25/05/18, weeds included. MPE specific induction rev7. Direction on cleaning plant and machinery for weeds and designated areas of use covered. Email from SIMTA to DotEE dated 31/08/19 entitled <i>EPBC 2011/6229 Moorebank Management Plans approval</i>	Review of TFOMP direct offset strategy	Compliant
	The TFOMP must include (but need not be limited to): b) map(s) and shapefiles that identify the location and boundaries of the direct offset	This requirement is addressed in the TFOMP Section 5, Figure 5-3. The maps identify the locations and boundaries for offsetting.		Review of TFOMP maps used for offsetting	Compliant
	The TFOMP must include (but need not be limited to): c) details of the management actions and performance objectives which will maintain and enhance the Nodding Geebung and Small-flower Grevillea habitat and/or population covered by the TFOMP (including the duration, intensity, and timing of management actions)	This requirement is addressed in the TFOMP Section 6. The measures include measures such as weed control, management of fire for conservation, management of human disturbance (e.g. illegal mountain bike trails management), retention of regrowth and remnant native vegetation, funding of conservation.		Review of TFOMP for actions and objectives to manage target species	Compliant
	The TFOMP must include (but need not be limited to): d) an assessment of the baseline population and distribution for Nodding Geebung and Small-flower Grevillea within the direct offset, including: i. the number of plants protected and their location; and ii. plant and habitat condition	This requirement is addressed in the TFOMP Section 5. The population and distribution of target species are identified and assessed.		Review of TFOMP for assessment of target species	Compliant
	The TFOMP must include (but need not be limited to): e) measures for regular monitoring of the status of individuals of Nodding Geebung and Small-flower Grevillea and their habitat as measured against the baseline population and distribution, including: i. fluctuations in population size and distribution; and ii. response to disturbances and/or management actions	This requirement is addressed in the TFOMP Section 7. It details the monitoring program for the target species, noting that it is the responsibility of the landowner to undertake as part of the biobanking agreement.		Review of TFOMP for measures to monitor and manage changes to target species	Compliant
	The TFOMP must include (but need not be limited to): f) provisions to revise the approved TFOMP in response to monitoring associated with condition 6(e)	This requirement is addressed in the TFOMP Section 7, whereby review of the document is recommended every 5 years, driven by the performance of offsetting identified in annual compliance reporting.		Review of TFOMP for change provisions	Compliant
	Native vegetation clearance must not occur until the TFOMP has been approved. The TFOMP must be implemented once approved.	TFOMP was approved on was approved by DotEE on 29/08/17. On 31/08/17 SIMTA advised that it had not commenced any clearing of native vegetation until such time as the TFOMP was approved. The TFOMP identifies management of threatened flora species measures in section 6.4. These include: <ul style="list-style-type: none"> Restrict access to sites Create and maintain weed free bushland areas Monitor species for grazing or damage Ensure appropriate fire regimes for species Protect individuals from pedestrian traffic along formal tracks, use fencing if required Ensure that this species is considered in all works and future planning matters. 		Review of TFOMP approval date. Review through assessment of implementation of TFOMP mitigation measures	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
		Based on records and site controls observed on 26 and 28/06/19, the Project had been effectively restricting access to offset areas, undertaking weed management on the project footprint to prevent weeds spreading to offset areas. Monitoring, managing internal pedestrian movements and consideration of the species in future planning matters are the responsibility of the landowner as part of the biobanking agreement.			
	Should the action result in, or be likely to result in, residual impacts to <i>Hibbertia</i> sp. Bankstown or Bynoe's Wattle (as determined by the Minister), the TFOMP must also demonstrate how it meets the standards described in (a) to (f), for these two species.	This requirement is addressed in the TFOMP Section 7		Review of TFOMP for details on management of target species	Compliant
Construction Environment Management Plan					
7	For the better protection of Commonwealth land, the person taking the action must engage a suitably qualified expert(s) to prepare a Construction Environment Management Plan (CEMP), for the approval of the Minister.	CEMPs were prepared for the RALP, IMEX and MPE Stg2 packages of work. The authors qualifications are detailed in each of the documents. The authors are suitably qualified and experienced. Approval was granted by a delegate of the Minister for the RALP and IMEX CEMPs on 24/05/17.	<i>Construction Environmental Management Plan Moorebank Precinct East Stage 1 – RALP No. 1, Revision K, EN-PLN-0013, CPB 26/04/17 (RALP CEMP)</i> <i>Construction Environmental Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-00000, Rev 6, SIMTA, 11/05/17 (IMEX CEMP)</i> <i>Sydney Intermodal Terminal Alliance, Moorebank Precinct East Stage 2, Construction Environmental Management Plan, SSS2-QPMS-EN-PLN-00000, Rev 5, SIMTA 27/09/18 (MPE Stg 2 CEMP).</i>	Review of Expert qualifications Review of CEMP Ministerial approval	Compliance
	The CEMP must include in relation to construction of the proposed facility: a) details on the timing of construction works (accompanied by current and detailed maps)	This requirement is addressed in the RALP CEMP: - Part A, Section 1.2, 1.3, Figure 1 - Part D, Appendix F This requirement is addressed in the IMEX CEMP Section 2.3 This requirement is addressed in the MPE Stg 2 CEMP Section 1.4.	<i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Rail Access Land Package No.1 - Construction Management Plans, DotEE 24/05/17 (DotEE approval letter for the RALP CEMP).</i> <i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Import Export Terminal - Construction Management Plans DotEE 24/05/17 (DotEE approval letter for the IMEX CEMP).</i>	Review of CEMP for details on construction and maps	Compliant
	The CEMP must include in relation to construction of the proposed facility: b) identification and quantification of all potential impacts associated with noise, vibration, air quality, traffic, light spill, hydrological changes, contamination, and indigenous heritage (including cumulative impacts associated with the DoFs proposed intermodal) upon Commonwealth land. Consideration must be given to people and communities at SME, DNSDC, Defence housing, and the environment more generally in neighbouring bushland areas. Of note, the air quality assessment must quantify all emissions arising from air pollutant sources for which there are established national air quality standards	This requirement is addressed in the RALP CEMP: - Part A, Sections 7.1, 7.2 - Part C, Section 9 - Part D, Appendix D Note that aspect specific management plans are included in the CEMP suite of documents that deal with these issues including the RALP CTAMP, CNVMP, CHMP, CAQMP, CSWMP. Further detail on quantification of emissions is presented in <i>SIMTA Moorebank Intermodal Facility - Air Quality Impact Assessment, Environ, 26/05/15 (MPE Stg1 EIS Appendix M)</i> . This requirement is addressed in the IMEX CEMP Sections 3 – 10. Note that aspect specific management plans are included in the CEMP suite of documents that deal with these issues including the IMEX CTAMP, CNVMP, CHMP, CAQMP, CMP, CSWMP. This requirement is addressed in the MPE Stg 2 CEMP Sections 2 – 4 and the aspect specific sub-plans including the MPE Stg 2 CSWMP, CDWMP, CAQMP, CNVMP, CTAMP, CHMP, CCMP.	<i>Potential breach of approval conditions attached to EPBC 2011/6229, DotEE 11/02/19</i> <i>Clarification of potential breach of approval conditions attached to EPBC 2011/6229, DotEE 22/02/19</i> Email from SIMTA to DotEE 12/11/18 entitled <i>EPBC 2011/6229 Moorebank Management Plans - Stage 2 For Review and Approval.</i> <i>Construction Traffic and Access Management Plan Moorebank Precinct East Stage 1 RALP No. 1, TM-PLN-0027, CPB, 08/01/2019 (RALP CTAMP)</i> <i>Construction Noise and Vibration Management Plan Moorebank Precinct East Stage 1 RALP No. 1, EN-PLN-0022, CPB 28/03/2019 (RALP CNVMP)</i> <i>Construction Heritage Management Plan Moorebank Precinct East Stage 1 RALP No. 1, EN-PLN-0021, CPB 30/11/17 (RALP CHMP)</i> <i>Construction Air Quality Management Plan Moorebank Precinct East Stage 1 RALP No. 1, EN-PLN-0014, CPB 28/03/19 (RALP CAQMP)</i> <i>SIMTA Moorebank Intermodal Facility - Air Quality Impact Assessment, Environ, 26/05/15 (MPE Stg1 EIS Appendix M).</i>	Review of CEMP for details on environmental and community impacts arising from works on Commonwealth Land Review of Air Quality assessment for quantification of potential air emissions where there is a national standard.	Compliant
	The CEMP must include in relation to construction of the proposed facility: c) the results of further investigations with regard to land contamination and indigenous heritage impacts (specifically, PADs two and three). If adverse impacts are identified details on how such matters will be managed / mitigated must also be provided. Evidence of ongoing consultation with RAPs regarding further investigations for indigenous heritage objects/places must be provided.	This requirement is addressed in the RALP CEMP: - Part C, Section 9 - Part D, Appendix D - CHMP - Aboriginal Archaeological Salvage Strategy This requirement is addressed in the IMEX CEMP suite of documents that deal with these issues including the IMEX CHMP and CMP. This requirement is addressed in the MPE Stg 2 CEMP Sections 2 – 4 and the aspect specific sub-plans including the MPE Stg 2 CSWMP, CHMP, CCMP.	<i>Construction Soil and Water Management Plan Moorebank Precinct East Stage 1 RALP No. 1, EN-PLN-0024, CPB 28/03/19 (RALP CSWMP)</i> <i>Moorebank Intermodal Terminal Development (Package 1) Aboriginal Archaeological Salvage Strategy Final, CPB Contractors Pty Ltd, Extent, 07/03/17</i> <i>Community Communications Strategy, Moorebank Precinct East Stage 1 RALP No. 1, CU-PLN-0032, CPB 30/11/17 (RALP CCS)</i> <i>Construction Heritage Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0004, Rev 12, SIMTA 11/01/19 (IMEX CHMP)</i>	Review of CEMP for results from further investigations of contaminated land and heritage. Review of management measures in circumstances of adverse impacts. Review of consultation with RAPs	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
	The CEMP must include in relation to construction of the proposed facility: d) refined details (including implementation timeframes) for the mitigation measures outlined in the EIS (sections 7.4.2, 7.4.3, 7.4.6, 7.4.7, 7.4.8 and 7.4.9) and summarised at Annexure A [of the Approval]	This requirement is addressed in the RALP CEMP Part C, Section 9, and Section 7 of the RALP CTAMP, CNVMP, CHMP, CFFMP, CAQMP, CSWMP. This requirement is addressed in the IMEX CEMP Sections 3 – 10. Note that aspect specific management plans are included in the CEMP suite of documents that deal with these issues including the IMEX CTAMP, CNVMP, CHMP, CAQMP, CMP, CSWMP. This requirement is addressed in the MPE Stg 2 CEMP Sections 2 – 4 and the aspect specific sub-plans including the MPE Stg 2 CSWMP, CDWMP, CAQMP, CNVMP, CTAMP, CHMP, CCMP.	<i>Construction Soil and Water Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EPM-PLN-00008, Rev 11, SIMTA 11/01/19 (IMEX CSWMP)</i> <i>Construction Air Quality Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0003, Rev 8, SIMTA 11/01/19 (IMEX CAQMP)</i> <i>Construction Noise and Vibration Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0007, Rev 13, SIMTA 11/01/19 (IMEX CNVMP)</i> <i>Construction Traffic and Access Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-PLN-00006, Rev 10, SIMTA, 11/01/19 (IMEX CTAMP)</i>	Review of CEMP mitigation measures	Compliant
	The CEMP must include in relation to construction of the proposed facility: e) a commitment to ensure no lights are installed above the height of 40 metres or, the maximum approved height of the intermodal warehouse buildings (whichever is less)	This requirement is not relevant to the RALP package of works. This requirement is addressed in the IMEX CEMP Compliance tracking matrix. This requirement is addressed in the MPE Stg 2 CEMP Sections 2.5.3.2 and related Design Reports.	<i>Contamination Management Plan Moorebank Precinct East Stage 1, Package 2, 17040RP01, Rev 2, SIMTA 16/02/17 (IMEX CMP)</i> <i>Community Communication Strategy Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-00001, Rev 6, SIMTA 11/01/19 (IMEX CCS)</i>	Review of CEMP commitments on external lighting	Compliant
	The CEMP must include in relation to construction of the proposed facility: f) identification of the trigger values and criteria for all matters mentioned in condition 7(b) (excluding light spill, land contamination and indigenous heritage) that will be adopted for monitoring and managing potential impacts to Commonwealth land	This requirement is addressed in the RALP CEMP Part C, Section 9, and Sections 7, 8 of the RALP CTAMP, CNVMP, CHMP, CFFMP, CAQMP, CSWMP. This requirement is addressed in the IMEX CTAMP, CNVMP, CHMP, CAQMP, CMP, CSWMP as relevant. This requirement is addressed in the MPE Stg 2 CEMP Sections 2 – 4 and the aspect specific sub-plans including the MPE Stg 2 CSWMP, CDWMP, CAQMP, CNVMP, CTAMP, CHMP, CCMP.	<i>Construction Soil and Water Management Plan Moorebank Precinct East Stage 2, SSS2-QPMS-EN-APP-00023, Rev 8, SIMTA 27/09/18 (MPE Stg 2 CSWMP)</i> <i>Construction and Demolition Waste Management Plan Moorebank Precinct East Stage 2, MPESt2Con-QPMS-EN-PLN-00006, Rev 6, SIMTA 27/09/18 (MPE Stg 2 CDWMP)</i> <i>Construction Air Quality Management Plan Moorebank Precinct East Stage 2, SSS2-QPMS-EN-PLN-00005, Rev 5, SIMTA, 27/09/18 (MPE Stg 2 CAQMP)</i> <i>Construction Noise and Vibration Management Plan Moorebank Precinct East Stage 2, SSS2-QPMS-EN-APP-00029, Rev 6, SIMTA 27/09/2018 (MPE Stg 2 CNVMP)</i>	Review of CEMP trigger action and response protocols	Compliant
	The CEMP must include in relation to construction of the proposed facility: g) details of a comprehensive monitoring program (including locations, frequency and duration) for: i. validating the anticipated impacts associated with condition 7(b); and ii. determining the effectiveness of proposed mitigation/management measures	This requirement is addressed in the RALP CEMP Part B, Elements 3, 4, 11, 12, Part C Section 9, and Section 8 of the RALP CTAMP, CNVMP, CHMP, CFFMP, CAQMP, CSWMP. This requirement is addressed in the IMEX CTAMP, CNVMP, CHMP, CAQMP, CMP, CSWMP as relevant. This requirement is addressed in the MPE Stg 2 CEMP Sections 2 – 4 and the aspect specific sub-plans including the MPE Stg 2 CSWMP, CDWMP, CAQMP, CNVMP, CTAMP, CHMP, CCMP.	<i>Construction Heritage Management Plan Moorebank Precinct East Stage 2, Rev 7, SSS2-QPMS-EN-PLN-00024, SIMTA 27/09/18 (MPE Stg2 CHMP)</i> <i>Construction Traffic and Access Management Plan Moorebank Precinct East Stage 2, SSS2-QPMS-EN-APP-00022, Rev 10, SIMTA, 06/11/18 (MPE Stg2 CTAMP)</i> <i>Contamination Management Plan Stage 2 Moorebank Precinct East, EP Risk Management 17/04/19 (MPE Stg2 CCMP).</i>	Review of CEMP monitoring programs.	Compliant
	The CEMP must include in relation to construction of the proposed facility: h) provisions to revise the approved CEMP in response to monitoring associated with condition 7(g) including, details of response / contingency mechanisms to address any exceedances of the relevant trigger values	This requirement is addressed in the RALP CEMP Part B Element 12 and Section 8 of the RALP CTAMP, CNVMP, CHMP, CFFMP, CAQMP, CSWMP. This requirement is addressed in the IMEX CEMP Section 1.6 This requirement is addressed in the MPE Stg 2 CEMP Section 1.2.7.	<i>Construction Community Communication Strategy Moorebank Precinct East Stage 2 – Construction, MPESt2Con-QPMS-EN-PLN-00001, Rev 3, SIMTA 13/04/18 (MPE Stg2 CCS).</i> Refer to Appendix B for information relating to the degree of implementation of the CEMP. Refer response to condition 14 for information relating to amendments to the CEMP.	Review of CEMP process for revision and corrective actions	Compliant
	The CEMP must include in relation to construction of the proposed facility: i) evidence of consultation with Defence regarding the adequacy of proposed mitigation measures in particular, those measures to mitigate potential light spill impacts upon residential dwellings within SME outside of standard construction hours, and	This requirement is addressed in RALP CEMP Part A Section 3.3, Part D Appendix G, Part D Appendix H. This requirement is addressed in the IMEX CEMP Section 1.3 This requirement is addressed in the MPE Stg 2 CEMP Section 1.2.4.		Review of CEMP consultation with Defence on mitigation measures	Compliant
	The CEMP must include in relation to construction of the proposed facility: j) details of a complaints handling procedure	This requirement is addressed in RALP CEMP Part B Element 6, Element 9 and the RALP CCS. This requirement is addressed in the IMEX CEMP Section 7 and the IMEX CCS. This requirement is addressed in the MPE Stg 2 CCS.		Review of CEMP complaints handling process	Compliant
	Commencement of the action may not occur until the CEMP has been approved. The CEMP must be implemented once approved	The RALP CEMP was approved 24/05/17. The IMEX CEMP was approved 24/05/17. Construction commenced on 22/06/2017. Non-compliance: Based on the DotEE show cause letter, dated 11/02/19 (and clarification letter, dated 22/02/19), DotEE state that the MPE Stg 2 CEMP was		Review of dates of approval and dates of commencement of works	Non-compliance

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
		<p>approved on 24/05/17. This is contrary to a later email from SIMTA to DotEE (dated 12/11/18) requesting DotEE approve the MPE Stg 2 CEMP and FFMP. There was no primary evidence (i.e.: the actual letter of approval) to verify that DotEE had granted approval to the MPE Stg 2 CEMP at the time of the audit.</p> <p>Refer to Appendix B for information relating to the degree of implementation of the CEMP.</p> <p>Refer response to condition 14 for information relating to amendments to the CEMP.</p>			
Operation Environment Management Plan					
8	<p>For the better protection of Commonwealth land, the person taking the action must engage a suitably qualified expert(s) to prepare an Operation Environment Management Plan (OEMP) for the approval of the Minister.</p> <p>The OEMP must include in relation to operation of the proposed facility: a) identification and quantification of all potential impacts associated with noise, vibration, air quality, traffic and light spill (including cumulative impacts associated with the DoFs proposed intermodal) upon Commonwealth land. Consideration must be given to people and communities at SME, DNSDC , Defence housing, and the environment more generally in neighbouring bushland areas. Of note, the air quality assessment must quantify all emissions arising from air pollutant sources for which there are established national air quality standards</p> <p>The OEMP must include in relation to operation of the proposed facility: b) refined details (including implementation timeframes) for the mitigation measures outlined in the EIS (sections 7.4.2, 7.4.6, 7.4.7, 7.4.8 and 7.4.9) and summarised at Annexure A</p> <p>The OEMP must include in relation to operation of the proposed facility: c) refined details of how heavy vehicles entering and exiting the site will be processed including information on access and circulation both into, and within, the intermodal facility grounds</p> <p>The OEMP must include in relation to operation of the proposed facility: d) measures to ensure no heavy vehicles entering or exiting the intermodal facility park, or wait, on Moorebank Avenue</p> <p>The OEMP must include in relation to operation of the proposed facility: e) identification of the trigger values and criteria for all matters mentioned in condition 8(b) (excluding light spill) that will be adopted for monitoring and managing potential impacts to those Commonwealth land</p> <p>The OEMP must include in relation to operation of the proposed facility: e) identification of the trigger values and criteria for all matters mentioned in condition 8(b) (excluding light spill) that</p>	<p><i>The Auditor understands that the Project is still in construction and that this requirement has not been triggered. As such it does not form part of the Audit Criteria</i></p>			

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
	<p>will be adopted for monitoring and managing potential impacts to those Commonwealth land</p> <p>The OEMP must include in relation to operation of the proposed facility: g) provisions to revise the approved OEMP in response to monitoring associated with condition 8(f) including, details of response / contingency mechanisms to address any exceedances of the relevant trigger values</p> <p>The OEMP must include in relation to operation of the proposed facility: h) evidence of consultation with Defence regarding the adequacy of proposed mitigation measures</p> <p>The OEMP must include in relation to operation of the proposed facility: i) details of a complaints handling procedure</p> <p>Commencement of operations may not occur until the OEMP has been approved. The OEMP must be implemented once approved.</p>				
9	For the better protection of Commonwealth land, the person taking the action must enter into a written agreement with Defence that specifies the use and ongoing maintenance of Moorebank Avenue. Prior to commencement of the action the person taking the action must provide a copy of that agreement to the Department	<p>Written agreement was entered into with MIC on 25/01/17. It is the auditors understanding based on correspondence from SIMTA to DotEE on 07/07/17, that ownership of the land was transferred from Defence to MIC and, therefore agreement with MIC (and not Defence) was required for the use and maintenance of Moorebank Avenue. This agreement was provided to DotEE at that time.</p> <p>Non-compliance: According to the notification of commencement under CoA 10 and the Compliance Report, commencement of the action took place on either 22 or 26/06/17. A copy of the agreement with MIC was not provided to DotEE until 07/07/17.</p>	<p><i>ASX Announcement, Qube and MIC reach financial close, Moorebank Intermodal Company and Qube 25/01/17.</i></p> <p>Correspondence from SIMTA to DotEE, 07/07/17 entitled <i>MPE EPBC Approval (2011/6229) - Condition 9 Maintenance of Moorebank Ave</i></p> <p>Email from SIMTA to DotEE, dated 22/07/19, entitled <i>EPBC 2011/6229 Moorebank Management Plans - Stage 1 Package 1 and 2 - updated plans for review and approval</i> (Notification of commencement of controlled action)</p>	<p>Review of written agreement</p> <p>Review of submission of agreement to Department and dates of commencement of works</p>	Non-compliant
Administrative conditions					
10	Within one month after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	<p>SIMTA notified DotEE on 22/07/19 that construction commenced on 26/06/17 and that native vegetation clearing would not commence until approval of the TFOMP in accordance with condition 6.</p> <p>Observation: Based on other information presented in the Compliance Report, that construction commenced on 22/06/17, which varies from that presented in the notification to DotEE.</p>	Email from SIMTA to DotEE, dated 22/07/19, entitled <i>EPBC 2011/6229 Moorebank Management Plans - Stage 1 Package 1 and 2 - updated plans for review and approval</i> (Notification of commencement of controlled action)	Review of notice of commencement to the Department and date of commencement of works.	Compliant
11	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plan or agreement required by this approval, and make them available upon request to the Department	Other than the items listed as not being available, the Project was able to demonstrate that it maintained accurate records that were retrievable.	Documents referred to elsewhere in this table and referred to in Appendix B.	Review of records referred to elsewhere in this table or as otherwise used to support findings.	Compliant
	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.	Noted	Documents referred to elsewhere in this table and referred to in Appendix B.	Review of records referred to elsewhere in this table or as otherwise used to support findings.	Compliant
	Summaries of audits will be posted on the Department's website. The results of audits may also be publicized through the general media.	Noted. This requirement is triggered following completion of this audit and will be actioned by DotEE.	Noted	To be fulfilled following completion of the Audit Report.	Not applicable
12	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report (the Compliance Report) on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans or agreements as specified in the conditions.	<p>The 12-month anniversary fell on either the 22 or 26/06/18 (refer observation in relation to CoA 10). The Compliance Report was prepared on 21/08/18 (authorized on 12/09/18) and sent for upload onto the website on 14/09/18. This is within 3 months of the 12-month anniversary.</p> <p>The Compliance Report addresses compliance with each of the conditions of the approval. No non-compliances were identified.</p>	<p><i>Qube Holdings Limited Moorebank Intermodal Terminal Facility Commonwealth Compliance Report EPBC Approval No. 2011/6229, ARC-EN-RPT-COMM-MPE-001, Rev 2, Arcadis 21/08/18 (the Compliance Report)</i></p> <p>Email SIMTA to Elton, dated 14/09/18, requesting upload of the Compliance Report.</p>	Review Compliance Report content and dates of preparation and publishing on website	Compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
		Observation: The information presented to demonstrate implementation of the management plans is confined to individual statements to the effect that they have been implemented. There is no detail on how this position was reached, nor is any evidence provided in the Compliance Report to demonstrate that this is the case. The Auditor notes that omitting this information does not mean that the management plans weren't implemented, only that their implementation is not detailed within the report.			
	Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the Compliance Report is published.	The 12-month anniversary fell on either the 22 or 26/06/18 (refer observation in relation to CoA 10). The Compliance Report was prepared on 21/08/18 (authorized on 12/09/18) and sent for upload onto the website on 14/09/18. This is within 3 months of the 12-month anniversary. The Compliance Report addresses compliance with each of the conditions of the approval. No non-compliances were identified. Non-compliance: There was no evidence available at the time of the audit to demonstrate that proof of the date of publication was reported to DotEE.	<i>Qube Holdings Limited Moorebank Intermodal Terminal Facility Commonwealth Compliance Report EPBC Approval No. 2011/6229, ARC-EN-RPT-COMM-MPE-001, Rev 2, Arcadis 21/08/18 (the Compliance Report)</i> Email SIMTA to Elton, dated 14/09/18, requesting upload of the Compliance Report.	Review date of correspondence to the Department and date of publishing of Compliance Report	Non-compliant
	The person taking the action must continue to annually publish the Compliance Report until such time as agreed in writing by the Minister.	Construction commenced 22/06/17. The next Compliance Report must be published by 26/09/19.	<i>Qube Holdings Limited Moorebank Intermodal Terminal Facility Commonwealth Compliance Report EPBC Approval No. 2011/6229, ARC-EN-RPT-COMM-MPE-001, Rev 2, Arcadis 21/08/18 (the Compliance Report)</i>	Review of publishing of Compliance Reports on website	Not applicable
13	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.	This Audit constitutes the audit directed by the Minister.	This Audit.	This Audit	Compliant
	The independent auditor must be approved by the Minister prior to the commencement of the audit.	The independent auditors were approved by DotEE on 13 June 2019. Refer appendix C.	<i>Re: EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility, Sydney, NSW - Approval of independent auditor and audit criteria, 13/06/19 (DotEE approval of audit team and audit criteria)</i> -	Review of Minister's approval of auditors	Compliant
	Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister			Review of Minister's approval of Audit Criteria	Compliant
14	If the person taking the action wishes to carry out any activity otherwise than in accordance with any management plan as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan.	Section 2.6 of the approved RALP CEMP details on how to manage changes to the Project and the Project documentation (including the CEMP and sub-plans). Based on the information provided, the RALP CEMP and sub-plans have undergone 22 x Requests for Minor Amendments. These relate to adjustments to works boundaries, design refinements, work layouts within the Project, connections to existing rail and road infrastructure, general updates for periodic reviews of the documents, and updates in response to changed approved or regulatory status (specifically in relation to the Land Environment Court Decision from March 2018 and variations to the Project's Environment Protection Licence). These Requests for Minor Amendments have resulted in 6 x updates to the RALP CEMP from that approved by DotEE and 7 x updates to the RALP FFMP from that approved by DotEE. Based on the approved version of the RALP CEMP (Revision K), the latest version published on the website (RALP CEMP Rev7) and the listed Request for Minor Assessments listed in the CEMP Revision Table, the changes made predominantly relate to matters not relevant to the EPBC Approval (other than the fact they adjust works on Commonwealth land) and do not change the commitments or mitigation measures relevant to EPBC Act listed flora or fauna. However as detailed in Figure 2 of the approved and current RALP CEMP, the Project has altered the footprint of works around the rail corridor, including areas known as the Bootland. Upon inspection of the Ecological No-Go Maps presented in Appendix C of both the approved and current FFMPs, the adjustments would not impact on known EPBC listed flora and fauna. Non-compliance: Whilst an updated version of the RALP CEMP was submitted to DotEE on 18/03/19, there is no evidence to demonstrate that the current version of the RALP CEMP has been approved by DotEE. Based on the approved version of the RALP FFMP (Revision J), the latest version published on the website (RALP FFMP Rev6) and the listed Request for Minor Assessments listed in the FFMP Revision Table, the changes made predominantly relate to matters not relevant to the EPBC Approval and do not change the commitments or mitigation measures relevant to EPBC Act listed	<i>Construction Environmental Management Plan Moorebank Precinct East Stage 1 – RALP No. 1, Revision K, EN-PLN-0013, CPB 26/04/17 (RALP CEMP)</i> <i>Construction Environmental Management Plan Moorebank Precinct East Stage 1 – RALP No. 1, Revision 06, EN-PLN-0013, CPB 01/05/19 (RALP CEMP Rev7)</i> <i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1 – RALP No. 1 EN-PLN-0017, Revision J, CPB 26/04/17 (RALP FFMP)</i> <i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1 – RALP No. 1 EN-PLN-0017, Revision 6J, CPB 26/04/17 (RALP FFMP Rev6)</i> <i>Construction Environmental Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-00000, Rev 6, SIMTA, 11/05/17 (IMEX CEMP)</i> <i>Construction Environmental Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-00000, Rev 12, SIMTA, 11/01/19 (IMEX CEMP Rev12)</i> <i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0002, Revision 5, SIMTA 11/05/17 (IMEX FFMP)</i> <i>Construction Flora and Fauna Management Plan Moorebank Precinct East Stage 1, Package 2, IMEX-QPMS-EN-PLN-0002, Revision 13, SIMTA 11/01/2019 (IMEX FFMP Rev13)</i> <i>Sydney Intermodal Terminal Alliance, Moorebank Precinct East Stage 2, Construction Environmental Management Plan, SSS2-QPMS-EN-PLN-00000, Rev 5, SIMTA 27/09/18 (MPE Stg 2 CEMP).</i> <i>Sydney Intermodal Terminal Alliance, Moorebank Precinct East Stage 2, Construction Environmental Management Plan, SSS2-QPMS-EN-PLN-00000, Rev 6, SIMTA 12/02/19 (MPE Stg 2 CEMP).</i>	Review of Project updates to management plans Review of submission and Minister approval of updated plans	Non-compliant

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
		<p>flora or fauna. As detailed in Figure 2 of the approved and current RALP CEMP, the Project has altered the footprint of works around the rail corridor, including areas known as the Bootland. Upon inspection of the Ecological No-Go Maps presented in Appendix C of both the approved and current FFMPs, the adjustments would not impact on known EPBC listed flora and fauna.</p> <p>Non-compliance: Whilst an updated version of the RALP FFMP was submitted to DotEE on 18/03/19, there is no evidence to demonstrate that the current version of the RALP FFMP has been approved by DotEE.</p> <p>Section 1.6 of the IMEX CEMP include details on how to manage changes to the Project and the Project documentation (including the CEMP and sub-plans).</p> <p>Based on the information provided, the IMEX CEMP and sub-plans have undergone 15 x Requests for Minor Amendments. These relate to adjustments to construction methodologies and phasing, adjustments to boundaries, design refinements, work layouts within the Project and updates in response to changed approved or regulatory status (specifically in relation to the Land Environment Court Decision from March 2018 and variations to the Project's Environment Protection Licence). These Requests for Minor Amendments have resulted in 6 x updates to the IMEX CEMP from that approved by DotEE and 8 x updates to the IMEX FFMP from that approved by DotEE.</p> <p>Based on the approved version of the IMEX CEMP (Revision 6), the latest version published on the website (IMEX CEMP Rev12) and the listed Request for Minor Assessments listed in the CEMP Revision Table, the changes made do not relate to matters relevant to the EPBC Approval, other than the fact they alter the construction footprint (or methods) for works carried out on Commonwealth land. As detailed in Figure 1 of the approved and current IMEX CEMP, the Project has altered the footprint of works around the eastern and northern extents of the approved project. Upon inspection of Figures 3 and 4 in both the approved and current IMEX FFMPs, the adjustments would not impact on known EPBC listed flora and fauna.</p> <p>Non-compliance: Whilst an updated version of the IMEX CEMP was submitted to DotEE on 18/03/19, there is no evidence to demonstrate that the current version of the IMEX CEMP has been approved by DotEE.</p> <p>Based on the approved version of the IMEX FFMP (Revision 5), the latest version published on the website (IMEX FFMP Rev13) and the listed Request for Minor Assessments listed in the FFMP Revision Table, the changes made do not relate to matters relevant to listed threatened species and do not change the commitments or mitigation measures relevant to EPBC listed flora or fauna. As detailed in Figure 1 of the approved and current IMEX CEMP, the Project has altered the footprint of works around the eastern and northern extents of the approved project. Upon inspection of Figures 3 and 4 in both the approved and current IMEX FFMPs, the adjustments would not impact on known EPBC listed flora and fauna.</p> <p>Non-compliance: Whilst an updated version of the IMEX FFMP was submitted to DotEE on 18/03/19, there is no evidence to demonstrate that the current version of the IMEX FFMP has been approved by DotEE.</p> <p>Section 1.2.7 of the MPE Stg 2 CEMP includes details on how to manage changes to the Project and the Project documentation (including the CEMP and sub-plans).</p> <p>Based on the information provided, the MPE Stg 2 CEMP and sub-plans have undergone 16 x Requests for Minor Amendments. These relate to adjustments to construction methodologies and phasing, adjustments to boundaries, design refinements, work layouts within the Project and updates in response to changed approved or regulatory status. These Requests for Minor Amendments</p>	<p><i>Sydney Intermodal Terminal Alliance Moorebank Precinct East Stage 2 Construction Flora and Fauna Management Plan, MPESt2Con-QPMS-EN-PLN-00009, Revision 005, SIMTA 02/05/18 (MPE Stg2 FFMP)</i></p> <p><i>Sydney Intermodal Terminal Alliance Moorebank Precinct East Stage 2 Construction Flora and Fauna Management Plan, MPESt2Con-QPMS-EN-PLN-00009, Revision 06, SIMTA 27/09/18 (MPE Stg2 FFMP)</i></p> <p><i>Moorebank Intermodal Facility Threatened Flora Offset Management Plan, Rev D, Arcadis, 28/07/17 (the TFOMP)</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Rail Access Land Package No.1 - Construction Management Plans, DotEE 24/05/17 (DotEE approval letter for the RALP FFMP).</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Import Export Terminal - Construction Management Plans DotEE 24/05/17 (DotEE approval letter for the IMEX FFMP).</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Rail Access Land Package No.1 - Construction Management Plans, DotEE 24/05/17 (DotEE approval letter for the RALP CEMP).</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Import Export Terminal - Construction Management Plans DotEE 24/05/17 (DotEE approval letter for the IMEX CEMP).</i></p> <p><i>EPBC 2011/6229 – SIMTA Moorebank Intermodal Facility letter, 29/08/17 (DotEE approval of the TFOMP).</i></p>		

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
		<p>have resulted in 1 x update to the MPE Stg2 CEMP and 1 x update to the MPE Stg 2 FFMP.</p> <p>Based on the earlier version of the MPE Stg 2 FFMP provided by the auditee, the latest version published on the website The Independent Auditors are unable to ascertain if Figure 1-1 has been altered as the earlier version of the MPE Stg2 CEMP does not have the figures included.</p> <p>Non-compliance: There was no primary evidence (i.e.: the actual letter of approval) to verify that DotEE had granted approval to the MPE Stg 2 CEMP at the time of the audit. Refer response to CoA 7 regarding the approval of the MPE Stg2 CEMP.</p> <p>Non-compliance: There was no evidence available at the time of the audit to demonstrate that the updated revision of the MPE Stg 2 CEMP was approved.</p> <p>Based on the earlier version of the MPE Stg 2 FFMP (Revision 5) provided by the auditee, the latest version published on the website (MPE Stg 2 FFMP Rev6) and the listed Request for Minor Assessments listed in the FFMP Revision Table, the changes made do not relate to matters relevant to listed threatened species and do not change the commitments or mitigation measures relevant to EPBC listed flora or fauna. As detailed in Figures 3-1a through 3-1c in both versions of the MPE Stg2 FFMPs, the clearing boundaries for the MPE Stg 2 Project remain unchanged.</p> <p>Non-compliance: The approval does not state that the MPE Stg 2 FFMP does not require approval from DotEE. There was no evidence available at the time of the audit to demonstrate that the original or varied MPE Stg 2 FFMP was approved, or did not require approval. Refer to response to CoA 5 for further detail.</p>			
	The varied activity shall not commence until the Minister has approved the varied management plan in writing. The Minister will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time.	<p>Varied activities under the evolving RALP CEMP, RALP FFMP, IMEX CEMP and IMEX FFMP updates occurred through October 2017 – May 2019. Approval of the changes has not occurred.</p> <p>Non-compliance: There is no evidence available at the time of the audit to demonstrate that the varied works were not commenced until approval of the changed RALP or IMEX CEMP had been granted by DotEE.</p> <p>The MPE Stg 2 Project is well advanced. There is no evidence of DotEE approval of the MPE Stg 2 CEMP or FFMP.</p> <p>Non-compliance: There is no evidence available at the time of the audit to demonstrate that the MPE Stg 2 works were not commenced until approval of the original (or varied) MPE Stg 2 CEMP and FFMP had been granted by DotEE.</p> <p>Observation: The Independent Auditors suggest there may be benefits in establishing an agreement between DotEE and the project on what changes trigger the need for approval to updates to the plans.</p>	Site inspection 26 and 28/06/19.	<p>Review date of Ministers approval of updates to plans</p> <p>Review of date of commencement of change</p>	Non-compliance
	If the Minister approves the revised management plan, then that management plan must be implemented in place of the management plan originally approved	<p>The revised plans had not been approved by the DotEE.</p> <p>Refer to Appendix B for information relating to the degree of implementation of the CEMP, FFMP and TFOMP.</p>	<p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Rail Access Land Package No.1 - Construction Management Plans, DotEE 24/05/17 (DotEE approval letter for the RALP FFMP).</i></p> <p><i>EPBC 2011/6229 - SIMTA Moorebank Intermodal Terminal Facility Import Export Terminal - Construction Management Plans DotEE 24/05/17 (DotEE approval letter for the IMEX FFMP).</i></p> <p><i>Potential breach of approval conditions attached to EPBC 2011/6229, DotEE 11/02/19</i></p> <p><i>Clarification of potential breach of approval conditions attached to EPBC 2011/6229, DotEE 22/02/19</i></p>	Review of Ministers approval of plans and implementation of the plan	Not applicable
15	If the Minister believes that it is necessary or convenient for the better protection of Listed Threatened species or the environment on Commonwealth land to do so, the Minister may request that the person taking the action make specified revisions to any management plan, as specified in the conditions and submit the revised management plan for the Minister's written approval.	The auditor is not aware of any directive or request from DotEE to revise the CEMP, FFMP or TFOMP following their approval on 24/05/2017.	-	Review of Minister's directive	Not applicable

Cond No.	Requirement	Independent Auditors Comments	Evidence	Verification Method	Compliance Finding
	The person taking the action must comply with any such request. The revised approved management plan must be implemented.	The auditor is not aware of any directive or request from DotEE to revise the CEMP, FFMP or TFOMP following their approval on 24/05/2017.	-	Review of Proponent response to Minister's directive	Not applicable
	Unless the Minister has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions	The auditor is not aware of any directive or request from DotEE to revise the CEMP, FFMP or TFOMP following their approval on 24/05/2017.		Review date of Ministers approval of update Review of date of commencement of change	Not applicable
16	If, at any time after five 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	Noted. Construction commenced on 22/06/2017	<i>Qube Holdings Limited Moorebank Intermodal Terminal Facility Commonwealth Compliance Report EPBC Approval No. 2011/6229, ARC-EN-RPT-COMM-MPE-001, Rev 2, Arcadis 21/08/18 (the Compliance Report)</i>	NA – Construction commenced on 22/06/2017.	Not applicable.
17	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website.	The RALP CEMP and FFMP on the website are the current versions, not the versions approved by DotEE. The IMEX CEMP and FFMP on the website are the current versions, not the versions approved by DotEE. The MPE Stg2 CEMP and FFMP could not be verified that they had been approved. The TFOMP could not be verified that it had been approved, nor could it be located on the SIMTA website. Non-compliance: The RALP and IMEX CEMP and FFMP published on the website are not the versions approved. The TFOMP was not able to be located on the website.	https://simta.com.au/mpe-2/	Review of project website	Non-compliant
	Each management plan must be published on the website within one month of being approved	Non-compliance: There was no evidence available at the time of the audit to demonstrate that the documents approved, had been published within one month of their approval.	-	Review of dates of approval and dates of publishing	Non-compliant
Notes	Management plans referred to in conditions 5 to 8 may be re-organised for administrative efficiency provided that all specified requirements are addressed and that each document is submitted with a clear description of the condition(s) it is intended to satisfy. For example, management plans may be further aggregated or disaggregated by construction stage, geographic area or management theme (including by 'species' in the case of condition 6). Where a plan is used to satisfy the requirements of both the State and the Commonwealth, that plan must clearly articulate where each of the Commonwealth's conditional criteria have been addressed within that plan.	Noted. The plans have been structured to cover <ul style="list-style-type: none"> • MPE Stg1 RALP • MPE Stg 1 IMEX • MPE Stg 2. 	Noted	Noted.	Noted

Appendix B. CEMP and Sub-plan review of implementation

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding						
IMEX CEMP and Sub-plans									
IMEX CEMP									
9.2.1	<p>Non-compliance to Operational Control procedures or to the Environmental Management System that cannot be rectified immediately shall be recorded and addressed through Aconex.</p> <p>The following environmental issues / non-conformances have been identified as corrective actions.</p> <ul style="list-style-type: none"> • Internal inspection outcomes that cannot be rectified immediately • Incidents and associated corrective actions • Internal audit observations/non-compliance • Client audits or other notice of non-compliance • Notices or action from regulatory authorities • Breach of legislative requirements or permit/license conditions and project approvals • Repetitive observations which have not been resolved in a timely manner <p>Where deemed necessary by the Project Environmental Manager and as a result of revisions to project scope or changes to project risks, additional Environmental Risk Action Plans to control potential impacts will be developed.</p> <p>A corrective actions (CARs) will be issued where there is a non-compliance with any of the requirements of this CEMP during site inspections, audits or incident investigations. CARs are differentiated by risk ranking. The nominated timeframes to resolve items on the CAR Register.</p> <table border="1"> <tr> <td>1</td> <td>Action needs to be commenced immediately to resolve the issue</td> </tr> <tr> <td>2</td> <td>Action needs to be resolved within 1 week</td> </tr> <tr> <td>3</td> <td>Action needs to be resolved within 1 month</td> </tr> </table>	1	Action needs to be commenced immediately to resolve the issue	2	Action needs to be resolved within 1 week	3	Action needs to be resolved within 1 month	<p>Fulton Hogan operates an incident management system.</p> <p>Sighted:</p> <p>Non-Conformance Register:</p> <ul style="list-style-type: none"> - NCR 209 – issues with construction water as identified by ER 18/6/19. The report includes description of matter, root cause (investigation), corrective / preventative action, and process for authorisation. The report has comments to be addressed by the ER. - NCR 201 – incorrect water sampling point on 29/03/19. Wet weather up-stream and downstream monitoring was conducted at the incorrect locations. <p>Observation: Whilst the incident management system is mature, appears to be functioning and appropriately captures and communicates matters relating to incident action close out, it does not necessary reflect the process identified in the CEMP. Specifically the system does not use the risk ratings as listed in this section of the CEMP.</p>	Compliant
1	Action needs to be commenced immediately to resolve the issue								
2	Action needs to be resolved within 1 week								
3	Action needs to be resolved within 1 month								
9.4.1	<p>The contractor shall complete a monthly environmental report for submission to SIMTA as well as an ongoing tracking report against conditions of consent.</p> <p>The report is to include specific details as outlined below:</p> <ul style="list-style-type: none"> • Status of control measures • Update to plans • Erosion and Sediment Control Plans (ESCPs) 	<p>6-monthly Compliance Report – refer https://simta.com.au/mpe-2/</p> <p>Sighted monthly environmental report for March 2019, and drive showing reports from December 2017</p>	Compliant						

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	<ul style="list-style-type: none"> • Progress against performance indicators • Environmental hazards and incidents • Number of environmental inspections and key outcomes • Number and subject of toolbox talks • Volume of water consumed • Tonnes of waste produced and recycled • Ongoing monthly recycle percentage • Energy consumption. 	Observation: Resource usage and recycling components of the report are not included. These aspects are reported within the ISCA and waste reporting sent to SIMTA separately.	
IMEX Bushfire Management Strategy			
BM4	Firefighting equipment will be made available at designated locations in site offices and within site vehicles. These will be well maintained in accordance with AS1851:2012	Sighted fire extinguishers on site. Sighted REMAC Fire Safety 6 monthly inspection, test and tag report for fire safety equipment.	Compliant
BM6	Water trucks will be available on site at all times	Sighted water trucks on site 28/06/19	Compliant
BM7	Hazardous materials transport, containment and storage will comply with the relevant regulations of the Dangerous Goods Safety Act 2004. All hazardous materials will be stored in accordance with the relevant Australian Standards in designated areas.	Sighted hazardous materials container with internal bunding. Observation: No sign identifying location or presence of SDSs at Hazchem storage.	Compliant
BM8	No hot works permitted during total fire bans	Sighted Daily Pre-starts noting that no hot works were permitted on the 15 August 2018 and 21 September 2018. Sighted correspondence from RFS 21/9/18 stating that the Project does not need to restrict hot works on total fire ban days provided it complies with the requirement of Govt Gazette 16 (9/2/18).	Compliant
BM15	Fire trails will remain clear of vehicles and plant to enable access for management of APZs.	Sight inspection 28/06/19. No fire trails exist on the IMEX project.	Not applicable
IMEX Construction Noise and Vibration Management Plan			
NV2 & NV3	A site-specific induction will be provided to all site personnel, contractors and sub-contractors with an emphasis on understanding and managing noise impacts from the work activities being undertaken. This will include the location of receptors, specific mitigation measures, site hours of operation, noise complaints procedure, etc. as well as the consequences of not complying with these mitigation measures	This is evident in the site-specific project induction Rev6 and the online induction.	Compliant
NV1	As per CoC – E2 c) the approved hours of work, the name of the site/project manager, the responsible managing company, its address and 24 hour contact phone number for any inquiries, including construction/noise complaints will be displayed at the site, typically near site entrance points.	Sighted signage at the gate. Observation: Section 7.2 of the Community Consultation Strategy outlines that notifications will be issued across the agreed distribution area at least 7 days prior to works	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding																																			
	<p>Notification will be conducted in accordance with the processes established within the Community Communication Strategy. Notification will occur detailing all upcoming construction activities at least 14 days prior to commencement of relevant works.</p> <p>The Project website, information and response lines, email distribution list and any applicable community based forums will also be utilised for this purpose.</p> <p>Consultation in response to complaints (if received) will be undertaken, refer to Section 9 of this Plan for further detail.</p>	<p>which may have an impact on the community or stakeholders. This mitigation measure is not consistent with the NVMP stating 14 days prior to commencement of relevant works. Both documents should be consistent.</p> <p>Additionally section 9 of the NVMP referred to in this mitigation measure does not include further detail about consultation in response to complaints.</p>																																				
Additional Mitigation Measures Matrix (AMMM)	<table border="1" data-bbox="405 571 1066 975"> <thead> <tr> <th colspan="5" data-bbox="405 571 1066 608">Mitigation Measures</th> </tr> <tr> <th colspan="5" data-bbox="405 608 1066 644">L_{den}, H_{den} Noise Level above Background (RRL) in dBA</th> </tr> <tr> <th data-bbox="405 644 645 681">Time Period</th> <th data-bbox="645 644 741 681">0 to 10</th> <th data-bbox="741 644 837 681">11 to 20</th> <th data-bbox="837 644 934 681">21 to 30</th> <th data-bbox="934 644 1066 681">>30</th> </tr> <tr> <th></th> <th data-bbox="645 681 741 718">Noticeable</th> <th data-bbox="741 681 837 718">Clearly Audible</th> <th data-bbox="837 681 934 718">Moderately Intrusive</th> <th data-bbox="934 681 1066 718">Highly Intrusive</th> </tr> </thead> <tbody> <tr> <td data-bbox="405 718 645 834">OOHW Mon-Fri (10pm-7am)</td> <td></td> <td></td> <td></td> <td>AA, M, IB,</td> </tr> <tr> <td data-bbox="405 834 645 887">Period 2 Sat (10pm-8am)</td> <td>LB</td> <td>M, LB</td> <td>M, IB, LB, PC, SN</td> <td>LB, PC, SN</td> </tr> <tr> <td data-bbox="405 887 645 975">Sun/Pub Hol (6pm-7am)</td> <td></td> <td></td> <td></td> <td>PC, SN</td> </tr> </tbody> </table>	Mitigation Measures					L _{den} , H _{den} Noise Level above Background (RRL) in dBA					Time Period	0 to 10	11 to 20	21 to 30	>30		Noticeable	Clearly Audible	Moderately Intrusive	Highly Intrusive	OOHW Mon-Fri (10pm-7am)				AA, M, IB,	Period 2 Sat (10pm-8am)	LB	M, LB	M, IB, LB, PC, SN	LB, PC, SN	Sun/Pub Hol (6pm-7am)				PC, SN	<p>These comply with the Out of Hours Inaudible Work Permits dated 14/9/18 and 17/05/18.</p> <p>Out of hours works applications;</p> <ul style="list-style-type: none"> - Sighted OOHW no 028 application 07/06/19 – ongoing. Works modelled to be <5db above BG, and ER approval 07/06. - Sighted OOHW no.022 application 04/03/19. Works modelled as inaudible. <p>Sighted notification to residents of upcoming OOHW on 2/7/19 (issued 27/6/19). Sighted letterbox drop distribution map for OOHW for Telstra works under Piccolo me.</p> <p>Notifications available on website https://simta.com.au/news/</p>	Compliant
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NV8	<p>Quieter and less vibration emitting construction methods will be used where feasible and reasonable. The following will occur:</p> <p>Selection plant and equipment based on least noise and vibration emission levels where reasonable</p> <p>Use of low-vibration generating equipment/vibration dampeners or alternative construction methodology will be considered if necessary</p> <p>Using noise source controls, such as the use of residential class mufflers, to reduce noise from all plant and equipment including excavators and trucks</p> <p>Plant and equipment will be regularly maintained and repaired or replaced if it becomes noisy</p> <p>The least noisy available construction equipment will be used</p> <p>Silenced generators and compressors will be used where possible</p> <p>Quiet plant and processes will be selected wherever feasible, specifically, reversing alarms will be procured or retrofitted that are quieter and display less annoying characteristics. Such alarms will include “smart alarms” and “quacker alarms” will occur where possible</p>	<p>Observed non-tonal reverse alarms in operation 28/6/19.</p> <p>Pumps and generators used on site are silenced, observed generator near butchers knife 28/6/19.</p>	Compliant																																			

IMEX Construction Air Quality Management Plan

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
AQ30	Continuous boundary monitoring for reactive dust management. Trigger thresholds for PM10 will be established to enable staged responses for precipitating control actions, depending on the level of intervention needed, e.g. increased watering rate and frequency of watering (see Section 6.2).	<p>Sighted Dustrack and DD gauge on Moorebank Ave.</p> <p>Sight Fulton Hogan Realtime dustrack data. The system records hourly dust and provides alerts to environmental staff of exceedances of 50mg/m3 hrly avg</p> <p>Sighted text message alerts to Env Coordinator phone for 24 and 25/5/19.</p> <p>Sighted report to DPE on 23 and 28/5/19 for exceedances of criteria – not attributable to site activities.</p>	Compliant
AQ1	Modify working practices by limiting clearing, stripping and spoil handling during periods of adverse weather (hot, dry and windy conditions) and when dust is seen leaving the site.	<p>Refer response to AQ30.</p> <p>Sighted strong wind modification record 22 and 23/11/18. The form is completed by the foreman to evidence what they are doing to minimise dust..</p> <p>Sighted inspection records 29/01/19, 27/02/19, 03/04/19, 11/03/19 the inspection checklists include review of relevant environmental risks and controls.</p> <p>ER inspection report 13/06/19, ER inspections occur fortnightly, with required actions issued and close out evidence through Aconex</p> <p>Arcadis surveillance record 09/10/18.</p>	Compliant
AQ22	Dirt, sand and other materials that have been tracked onto public roads beyond the site boundary will be cleaned using a road sweeper as soon as practicable, but at a frequency of no less than twice daily during construction hours	<p>IMEX has installed controls to prevent material tracking. Sighted controls in the field 28/06/19 and streetsweeper in operation 26/06/19.</p> <p>Observation: Whilst not attributable to any one project (IMEX, RALP, MPE Stg 2, MPW), the combination of works in the area has resulted in material tracking onto and along Moorebank avenue.</p>	Compliant
AQ3	All disturbed areas where trees and other vegetation are removed are to be stabilised and or revegetated/ rehabilitated in accordance with the contractual requirements as soon as practical following final land shaping	<p>The site is effectively sealed, with HBB and asphalt being applied during the site visit 28/6/19. Works are confirmed to approved boundaries by either fencing or flagging.</p> <p>Polymer and water is being applied on exposed surfaces.</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
AQ23	All trucks delivering fill or leaving the site with spoil material will have their load covered.	Sighted delivery driver induction Rev 4. Managing loads is covered.	Compliant
AQ6	Use water sprays as a suppressant during road construction, when movement of materials generates visible dust and during dusty activities such as ballast dumping and compacting.	Refer response to AQ3. No road construction is occurring on the IMEX project.	Compliant
IMEX Construction Heritage Management Plan			
HM16	If an item (or suspected item) of heritage is discovered, the Unexpected Heritage Finds Procedure will be implemented (Section 5.1). All work in the area of the find will cease immediately, the heritage value of the find will be assessed including a determination as to whether the impacts are consistent with those identified within the EIS, mitigation measures.	Supervisor site diary and environmental manager inspections December 2018. No heritage items have been found.	Compliant
HM12	Environment Manager to undertake weekly inspections and monitoring of construction activities to ensure compliance with the requirements of CoCs and this plan. Site supervisor to undertake daily inspections and undertake maintenance of fencing where required. Records of inspections will be maintained.	Supervisor site diary and environmental manager inspections December 2018.	Compliant
HM4	The preparation of a Heritage Interpretation Strategy will be undertaken by SIMTA in consultation with the NSW Heritage Division and approved by the Secretary prior to the commencement of construction activities affecting the WWII store buildings. However, prior to demolition of any structures, the heritage interpretation specialist must attend site with the contractor and SIMTA to detail what elements of the structures must be retained and how these must be cared for prior to installation for heritage interpretation.	Approved Heritage Interpretation Strategy is available on the Project website dated February 2017.	Compliant
HM5	Plan construction activities to ensure that they remain within the construction boundary as identified in Figure 1. Where activities may need to extend beyond the site boundary, additional heritage investigations will be undertaken to identify and manage any additional heritage items that may occur in these areas and to ensure that these items are not harmed, modified or damaged in any way.	N/A – Not required for Stage 1 works, however extension of the sight boundary is required for Stage 2 works.	Not applicable
HM8	High visibility protective fencing will be installed around Aboriginal stone artefact sites and non-Aboriginal heritage structures within proximity to the construction works under the guidance of an appropriately qualified heritage consultant.	N/A – No non-aboriginal heritage structures	Not applicable
HM22	Undertake a reassessment of the heritage value of the site upon completion of the works in consultation with Liverpool City Council and the Heritage Council of NSW	This is being managed under the Heritage Interpretation Plan (MPE wide plan). Sighted HIP dated 27/6/19, it includes a consultation log in Appendix A: OEH and LCC were consulted in the development of the document.	Compliant
IMEX Construction Soil and Water Quality Management Plan			
SW10	Contaminated Material Stockpiling All USTs and associated infrastructure within the Project site would be decommissioned and most likely removed by a suitably qualified contractor. During this process, any hydrocarbon impacted soils identified will be chased out from the walls and base of the excavations formed. Excavated material would be segregated and stockpiled, based on initial screening levels of contamination, on an area of plastic sheeting that would provide a separation layer between the potentially contaminated soils and surface soils. Excavation validation sampling would then be undertaken in accordance with the RAP to confirm that contaminated soils have been removed to the practicable limits of excavation. Clean or validated material would be used to backfill the excavation.	Site Audit Statement Part A dated 12/10/16 issued for the IMEX No 1 and surrounding site by JBS&G No additional works requiring RAP. All asbestos from Stage 1 works will be removed as part of Stage 2 works. Sighted asbestos material found that was fenced off and signposted.	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	Impacted soils would be bio-remediated, in accordance with the NSW EPA Best Practice Note: Landfarming (2014). Impacted soils would be spread out on the designated, lined and banded bioremediation area. The soils would be turned monthly over a period of three to four months.		
SW13	The vegetated area down gradient of the eastern cut area will provide further treatment of any runoff coming from the disturbed catchment following treatment through the perimeter control of a mulch bund or sediment fence. This will provide additional area for infiltration of runoff and the vegetation will facilitate further settlement of fines.	Works have progressed so that this control has become redundant. MPE Stg 2 works are now being carried out on the land specified by this mitigation measure.	Not applicable
SW15	<p>Inspections and Wet Weather</p> <p>Construction water quality structures and sediment controls will be implemented and maintained until such times as disturbed areas have been stabilised. Weather forecast will be checked daily by supervisors and wet weather plans will be developed accordingly. Wet weather plans during pre-rainfall inspections will include predicted rainfalls and erosion sediment controls will be implemented accordingly.</p> <p>The Site Supervisor and Project Environmental Manager will continually inspect the site's environmental controls during active works and when controls are required to be installed and left on site between shifts, and within 24 hours of expected rainfall. An inspection of the site will also be undertaken following heavy rainfall events (within 18 hours following an event of sufficient intensity to cause runoff onsite), further details of monitoring and inspection requirements are outlined in section 6.3 of this CSWMP.</p> <p>The Site Supervisor and Environmental Manager will also inspect the site prior to Rostered Day Off (RDO site shut-down day) weekends or other periods of extended closure.</p> <p>Permanent and temporary sediment control structures which become blocked or overloaded with sediments will be cleaned out using appropriate methods such as an excavator, backhoe or by manual means. Cleaning shall be performed prior to or when the accumulated sediment has reduced the capacity of the structure to less than 60%, based on a visual assessment.</p> <p>Silt collected from cleaning temporary and permanent sediment and erosion control measures shall be mixed with dry material and incorporated into the works where deemed appropriate.</p>	<p>Daily pre-starts are conducted outlining the predicted weather patterns daily. Inspections are also undertaken prior and post rainfall.</p> <p>Sighted</p> <ul style="list-style-type: none"> - 28/09/18 October shutdown inspection - 29/11/18 Post rainfall inspection - 27/11/18 Prior to heavy rainfall inspection 	Compliant
SW18	<p>Criteria for Discharge to Water from areas identified as not potentially contaminated.</p> <p>Water quality performance targets are derived from the mitigations measures defined within the EIS approval requirements and are summarised in Table 5.1 below.</p> <p>Dewatering discharge criteria.</p> <p>Total Suspended Solids (TSS) 50mg/L</p> <p>pH 6.5-8.5</p> <p>Oil and Grease Visible sheen</p> <p>Prior to discharge, the quality of the discharge is to be tested and characterised to demonstrate compliance. Turbidity (NTU) may be used in place of total suspended solids (TSS) to determine compliance if a statistical correlation is established which identifies the relationship between NTU and TSS for water quality in any potential excavations (construction works) that require de-watering due to pooling during rainfall event, and require de-watering, to determine the NTU equivalent of 50mg/L before its use. The determining</p>	<p>Sighted Dewatering Permit 17/10/18. Sighted basin daily inspection records.</p> <p>Sighted dewater permits for 28/6/19 -21/3/19. Results satisfactory prior to pumping. Sighted ALS lab report for 20/6/19. Results generally align with field results. All pumps fitted with float devices or fixed to scaffolding to prevent hitting turbid layer.</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	authority/EPA must be provided with a copy of this statistical correlation assessment methodology and results and approve the methodology prior to using NTU in place of TSS.		
SW16	Trade waste and sewage will be generated during the Project. Sewage waste will be disposed of by a licensed waste contractor in accordance with Sydney Water and OEH requirements. Trade waste will be discharged to the sewer through a trade waste agreement with Sydney Water.	Sighted Trade Waste Service Agreement.	Compliant
SW22	<p>A Flood Emergency Response Plan (FERP) has been addressed as an Environmental Risk Action Plan (ERAP) within CEMP Appendix A:</p> <ul style="list-style-type: none"> • Monitor meteorological conditions – develop contingency strategy for rainfall > 100mm in 24hours or potential for > 1in 5 ARI • All chemicals, fuels and other hazardous substances to be in secured containers and stored within a sealable shipping container • Remove plant and equipment from low lying areas • Secure plant that cannot be removed <p>Review site drainage flow paths:</p> <ul style="list-style-type: none"> • Redirect site drainage to prevent flooding of residential/business premises • Ensure site drainage does not concentrate surface flow • Review and address the potential for excess water entering the site • Review and maintain erosion and sedimentation controls • Evacuate personnel to safe refuge area in the north of the site based on likely flood behaviour. 	The Flood Emergency Response Plan is located in the CEMP and was updated October 2018.	Compliant
SW6	A stabilised site access is to be located on Moorebank Avenue, and a truck wheel wash bay, is proposed via a detour along the Main IMT construction haul road, to the north of the Main IMT compound area (refer to Environmental Control Mapping, Appendix Q of this CEMP). The wheel wash is to be used by all trucks leaving the site, limiting the risk of sediment being transported onto Moorebank Avenue and other public roads. The stabilised site access is to be installed in accordance with SD 6-14. Where required, a street sweeper will also be utilised as required during the construction phase of the project	<p>Sighted sealed access to Moorebank avenue 28/6/19.</p> <p>Sighted aerial photo showing previous wheel wash on site. This was recently removed and is being relocated. Sighted draft ESCP 17000295 which shows proposed location. This will be installed once ready.</p>	Compliant
SW17	<p>Concrete Washout</p> <p>The Site Supervisor will locate a designated washout area a minimum of 20m away from any natural watercourses or drainage lines</p> <p>a concrete washout pit will be established within the approved project limits for cleaning out the concrete pump and be located in as flat an area as possible.</p> <p>Inflows will be redirected around the washout</p> <p>The washout is to be established prior to the arrival of the concrete trucks;</p> <p>Concrete truck chutes and concrete pump and hand tools may be washed within concrete washout pit but concrete trucks must return to the batch plant to washout agitators, where possible;</p> <p>Concrete for testing will be placed in to skip bins, where volumes are significant enough to warrant this technique;</p> <p>Excess concrete will be left to harden over night before removal from the washout</p> <p>The washout will be lined with black construction plastic.</p> <p>Concrete Washout areas will be set up in accordance with the intent of the NSW EPA guideline 'Environmental Best Management Practice Guideline for Concreting Contractors' (2002).</p>	<p>There is very limited concreting occurring on site as works are well advanced.</p> <p>No issues.</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
SW24	Bio-retention systems will be incorporated into the site stormwater design, including rain gardens and bioswales, where deemed appropriate. These structures will also act as on-site detention basins, minimising the velocity and volume of flows leaving the site during storm events. Bio-retention systems will be designed to achieve the pollution reduction targets set out in the Liverpool DCP.	Sighted bioswale along the eastern alignment of Moorebank Ave on 28/6/19.	Compliant
IMEX Construction Traffic and Access Management Plan			
TR4	<p>Construction under Traffic In areas where construction is occurring immediately adjacent to through traffic, the following traffic control techniques would be used to delineate and/or separate construction works from through traffic:</p> <ul style="list-style-type: none"> • Temporary road deviations or detours • Raised pavement markers and clear line markings • Channelisation using line delineators • Directional and regulatory signage. 	Sighted signage, markers and delineation during the site inspection. No construction is occurring in the road corridor of Moorebank Ave, which is the only through traffic location on the Project	Not applicable
TR9	<p>Heavy Vehicle Movements The following provisions will be applied to the movement of heavy vehicles across the site:</p> <ul style="list-style-type: none"> • Heavy vehicle movements will occur outside of peak traffic conditions where possible; • Heavy vehicle drivers are to abide by the construction vehicle code of conduct (see Appendix B); and • Roads and Maritime Services, local council and local police should be notified before the commencement of heavy vehicle movements • A left turn ban into site and a right turn ban will apply for all heavy vehicles leaving the site and a right turn ban into site will also apply to minimise the use of Cambridge Avenue causeway. 	Sighted Vehicle Management Plan email sent to contractors making deliveries. Sighted issue of driver induction and VMP and heavy vehicle record sheet to HBV contractors 11/4/19. Observation: the third and fourth requirement within this mitigation measure should be reviewed for relevance an appropriateness.	Compliant
TR16	<p>Drivers Code of Conduct A Driver Code of Conduct will be issued to all haulage subcontractors and suppliers. This conduct is included in Appendix B of this report</p>	Driver Code of Conduct captured in the Fulton Hogan Delivery Driver induction (rev4 onwards).	Compliant
TR3	<p>Pre and Post Construction Requirements The contractor will work with SIMTA to ensure all pre-construction Traffic and Access requirements are addressed to the satisfaction of the Certifying Authority prior to construction commencing. This will include:</p> <ul style="list-style-type: none"> • Pre-Construction Dilapidation Report in accordance with CoC C17. • Road pavement deflection testing in accordance with CoC C18. • Road Safety Audit in accordance with CoC C24. • Post-Construction Dilapidation Report in accordance with CoC F1. 	Dilapidation reports completed for; <ul style="list-style-type: none"> • Moorebank Avenue • Cambridge Avenue • Roundabout and Roadways at Glenfield These are available on the project website and these were approved by McKenzie Group on 11/4/17. Road Pavement Deflecting Testing Report completed April 2017, data plots show deflection testing intervals A road safety audit was undertaken on 4/4/17 and consultation with LCC and TfNSW concluded on 15/5/17. The Road Safety Audit Report refers to the condition and makes recommendations in relation to road safety issues.	Compliant
IMEX Contaminated Land Management Plan			

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
7.1.4.2.1 Friable and Non-Friable Asbestos	<p>Prior to Excavation:</p> <ul style="list-style-type: none"> Workers and visitors to the asbestos work area will be made aware of the encountered soil contamination and only authorised people shall enter the asbestos work area, which must contain a perimeter barrier separate to the site boundaries to restrict entry. Where the asbestos work area boundary is also the site perimeter boundary, an exclusion zone of at least 5 m shall be erected beyond the work area perimeter boundary (if practical/possible) to restrict access to the asbestos work area; and Asbestos removal caution signs shall be placed on the perimeter barrier (or exclusion zone barrier, whichever is furthest from the asbestos removal work area), as per AS 1319. 	<p>Sighted previous asbestos removal signage and fencing dated 30/10/18.</p> <p>The removal of asbestos is undertaken as part of Stage 2 works by Liberty.</p>	Compliant
	<p>A WorkCover permit for friable asbestos removal works or WorkCover notification for non-friable asbestos removal works shall be sought by the licensed asbestos removal contractor. Friable asbestos removal permits must be submitted at least 7 days prior to any friable asbestos being disposed off-site;</p>	<p>Sighted WorkCover notification dated 26/07/18. It extends to 2023.</p>	Compliant
7.1.5.1 Daily Static Airborne Asbestos Fibre Monitoring	<p>During excavation works or any other works that may disturb significant asbestos in soil onsite, airborne asbestos fibre monitoring may be undertaken by the Asbestos Consultant using calibrated portable air sampling pumps. Monitoring will be conducted at 4 locations around the site boundaries each day over an approximate 4 to 6-hour period and targeting any neighbouring sensitive receptors and with consideration to the daily location of works.</p>	<p>(as above)</p>	Compliant
	<p>The results of air monitoring will be available on a 24-hour turnaround time basis.</p> <p>Daily air monitoring reports shall be displayed in a common area outside of the asbestos work area (e.g. site office or lunch shed) or be able to be produced upon request.</p>	<p>Sighted displayed on the site notice board.</p>	Compliant
	<p>Following the completion of any asbestos removal works, a final site walkover will be completed by the asbestos consultant to inspect the site ground surface for the presence of ACM. Any ACM observed will be removed and placed in asbestos waste bags in accordance with Safe Work Australia (2011). Once a successful inspection has been completed and both the licensed asbestos removal contractor and the asbestos consultant are satisfied there is no visible residual asbestos impacts on the ground surface, the area shall be deemed suitable for re-occupation and a clearance report issued by the asbestos consultant. Should clearance for the removal of friable asbestos be required, the final inspection and clearance report should be completed by a licensed asbestos assessor.</p>	<p>Auditees noted that the removal of asbestos is undertaken as part of Stage 2 works by Liberty. Clearance certificates issued.</p>	Compliant
8 TRACKING SYSTEM: EXCAVATED CONTAMINATED MATERIALS	<p>The following information should be recorded in a tracking register, and kept on site for review of by the Principal Contractor and Environmental Consultant:</p> <ul style="list-style-type: none"> Location where contaminated material was excavated (including coordinates); Measurements of the resulting excavation (length, width and depth) to determine estimated volume of material removed. Rationale for excavation (unexpected find etc.); A description of the excavated material, including dimensions of stockpiles and estimated volumes; Location of where excavated material was stockpiled (including coordinates, placement on hardstand or similar material etc.); Details of any sampling of the resulting excavation and/or stockpile for validation/classification purposes including; number of samples collected; date of sampling; NATA accredited laboratory; waste classification etc.; 	<p>A waste register was sighted for materials being sent offsite.</p> <p>The IMEX site was cleared by Liberty prior to handover and the documents were submitted to the NSW EPA Accredited Auditor and the Fulton Hogan at this time. As such the IMEX package is cleared of contamination issues and there have been no unexpected finds associated with the site to date.</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	<ul style="list-style-type: none"> If the material was disposed offsite, then details of the appropriately licenced landfill facility where the material was sent, including volume, truck movements, waste docket and dates of disposal etc.; and Details of material used to backfill the excavation (if applicable), including source of material and assessment of suitability to use on site (i.e. VENM certification). 		
5.3 HCB	<p>Hexachlorobenzene (HCB) impacted soils have been noted to be present in the south-eastern corner of the Stage 1 site. Should soils in this area be disturbed the following actions should be undertaken:</p> <ul style="list-style-type: none"> Implementation of the Unexpected Finds Protocol (UFP) (Section 10); Excavation and stockpiling of potentially impacted soils; Sampling and validation by the Environmental Consultant of stockpiled soils for potential reuse at a frequency as described in Schedule B2, Section 7.5.2 of the NEPM (NEPC, 2013) for the following contaminants of potential concern (COPC): TRH, VOCs, semi-volatile organic compounds (SVOCs), metals and asbestos; Comparison of validation results to EPA endorsed criteria to assess the suitability of the material to remain onsite; Should the material be unsuitable for reuse onsite, classification of the material by the Environmental Consultant in accordance with the NSW EPA Waste Classification Guidelines (NSW EPA, 2014a). The management of HCB impacted waste soils will be conducted in accordance with the NSW EPA's schedule of chemical wastes chemical control order 2004; Validation of walls and floors of excavated areas by the Environmental Consultant using a sampling density of 1 validation sample per 25 m² for the COPCs as stated above; Comparison of validation results to NSW EPA endorsed criteria to confirm the validation of the excavation; and Preparation of validation/clearance and/or waste classification documentation. 	Auditees noted that this is addressed under the Site Audit Statement. No unexpected finds have occurred. Works are now building up from base layers (rather than excavation).	Not applicable
4.1 Bioremediation	<p>The JBS&G (October 2016) document that soil remediation works has been completed The risk assessment has reportedly also been completed, however, the LNAPL source removal is still ongoing.</p> <p>Should additional hydrocarbon impacted soils in the former refuelling area, or elsewhere onsite, be disturbed, bioremediation of soils in accordance with well-developed industry standards for land farming including NSW EPA Best Practice Note: Land farming can be undertaken for reuse of soils on-site.</p>	Auditees identified that no additional material has been identified.	Not applicable
IMEX Flood Emergency Response Plan			
5.2 Flood Response	<p>Within 24 hours prior to a predicted flood impacting the Project site, the requirements set out in the CERP will be implemented including the following general requirements:</p> <ul style="list-style-type: none"> All staff to be alerted of the impending flood conditions Mobile construction equipment, excess material, skips and hazardous substances will be removed from the flood prone area to areas of higher ground Power will be turned off until such a time that it is deemed safe to turn it back on Site toilets and septic tanks to be pumped out into tankers Loose materials to be moved out of flood prone area or secured 	<p>No flood events were predicted to impact the site during the audit period. The 27 November 2018 storm event did not qualify for IMEX.</p> <p>Sighted pre-rainfall inspection for 27/11/18.</p>	Not applicable

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	<ul style="list-style-type: none"> Emergency erosion and sediment controls will be implemented. This may include temporary bunds to divert water around key areas such as stockpiles and reduce risk to surrounding properties which might otherwise be affected Evacuation of staff to a refuge location safe from flood prone areas Monitoring of BoM will continue throughout this process to ensure up to date information is available.		
5.2 Flood response	Monitor: Daily weather (intense heavy rainfall) / precipitation forecast monitoring	Sighted Environment coordinator weather monitoring apps. Sighted pre-start documents that include weather.	Compliant
IMEX Greenhouse Gas Management Plan			
GHG12	Plant and equipment will be regularly maintained	Sighted plant pre-start checklists. Which includes maintenance checks.	Compliant
GHG13	Plant and equipment will not be left on idle when not in use.	Sighted face to face induction which includes reference to idling.	Compliant
GHG14	Fuel efficient plant and equipment will be selected where practical and feasible, and equipment which uses lower GHG intensive fuel would be used. Consider use of alternative fuels and power such as biodiesel and hybrid technology in plant and equipment.	Plant selection is based on being fit for purpose rather than fuel efficiency. The auditees indicated that alternative fuels had been considered but not taken up.	Compliant
GHG17	Each contractor is required to report on GHG emissions, fuel and electricity usage on a monthly basis.	This is received on a monthly basis. Cleary Bros example provided dated 7/12/18. Sighted NGER report for February 2019. It captures consumption of energy consumption and fuel use etc. this is received from each subbie and collated into the IMEX NGERS report using an online tool.	Compliant
IMEX Waste and Resource Management Plan			
WR2	All waste will be classified and disposed of in accordance with the NSW EPA "Waste Classification Guidelines."	Sighted waste register to May 2019. Recycling of material is at 86% recycled. Sighted EP1223 Waste classification report for the drums. The material came back as GSW. All other material is pre-classified under the Waste Classification Guidelines.	Compliant
WR3	A waste register of waste collected for disposal and/or recycling will be maintained and include the license details for waste disposal facilities and carriers (where necessary)	Sighted waste register to May 2019. Recycling of material is at 86% recycled. Sighted grasshopper March 2019 report. The report template identifies licenced facilities. No material is being disposed of to offsite developments under s143.	Compliant
WR12	Segregation of waste in bins/skips:	Sighted waste bins/skips during site visit.	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	<ul style="list-style-type: none"> • General waste • Hazardous • Metal • Office waste comingled recyclables. 		
4.7.2 Unlicensed Facilities – Section 143	<p>For waste being transported to an unlicensed facility, or any area that is not owned by SIMTA, a section 143 notice (Appendix A) must be submitted to the client under a hold point. The notice must be signed by the landholder who is receiving the waste:</p> <ul style="list-style-type: none"> • No waste will be transported until the hold point has been released; • Waste will be accurately described on the notice, and waste delivery arrangements will be confirmed with the landholder prior to transporting materials; • The waste receiver will also be provided with a copy of the EPA Waste Acceptance Information to ensure that they are aware of their legal obligations. 	<p>Sighted waste register to May 2019. Recycling of material is at 86% recycled.</p> <p>Sighted grasshopper March 2019 report. The report template identifies licenced facilities.</p> <p>No material is being disposed of to offsite developments under s143</p>	Not applicable
4.8.3 Water	<p>Construction activities that are likely to use potable water were investigated to determine potential reduction opportunities. Below are potential measures that could be implemented during construction to reduce use of potable water:.</p> <p>Potable water consumption will be minimised by:</p> <ul style="list-style-type: none"> • Considering use of rainwater for office toilet supply • Utilising water which may accumulate during construction of the bioretention swale wherever possible • Use of water efficient equipment on site and in the offices • Application of spray mist on hoses • Use of polymers/covers to reduce dust rather than dust suppression using water • Use of binding agents in sub-grade stabilisation • Reuse of washdown water <p>The above opportunities have been evaluated and analysed based on their economic viability and their potential for implementation during construction. Where opportunities were not considered to add value or be economically viable they were not progressed any further.</p>	<p>The site uses water from the basins is used to reduce the use of potable water. Water in the stand pipe is used for the water cart when available.</p>	Compliant
IMEX Flora and Fauna Management Plan			
FF3.4	<p>Management of noxious weeds is to be undertaken in accordance with the Noxious Weeds Act 1993 and include details relating to the monitoring, management and where necessary eradication of weeds, disposal of green waste, and vehicle/plant weed wash down protocols including:</p> <ul style="list-style-type: none"> • Weed areas to be flagged; • Weeds to be sprayed two weeks prior to clearing or stripped and disposed of offsite at a licenced waste facility. Weedy material must not be mulched or retained on site; • Equipment used for treating weed infestation(s) will be cleaned prior to moving to a new area within the Proposal site to minimise the likelihood of transferring any plant material and soil; • Soil stripped and stockpiled from areas containing known weed infestations are to be stored on cleared land at least 40 m from native vegetation. Stockpiles to be banded and covered to minimise potential of seed washing away; • Weed contaminated spoil to be removed to licenced landfill and • Plant and equipment brought on to site must be cleaned and free of deleterious material, mud and other material that may harbour weed seeds <p>Weekly inspections will also be undertaken. The identification of weeds will be included as part of this inspection.</p>	<p>IMEX is essentially sealed. the works have progressed to a point where weed management is redundant.</p> <p>Sighted herbicide application record 09/05/19</p> <p>Observation: Whilst the weekly inspection form does not include weed management as a specific item, if weeds were identified by IMEX, Arcadis, Tactical or the ER, these would be identified for treatment.</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
FF5.1	<p>The immediate intent of rehabilitation actions throughout the Project site is to re-establish site surfaces as soon as possible after disturbance to assist with erosion mitigation, and prevent the establishment of weed species. Actions will include:</p> <ul style="list-style-type: none"> • Rehabilitation to commence as soon as practical after use of disturbed area has ceased. • Where soil has been compacted, ripping may be required prior to re-spread of topsoil. • Seed with native species to stabilise disturbed areas. • Where rainfall is not sufficient, watering may be required. • Where required, install temporary fencing until stabilisation is achieved. <p>Ongoing treatment of weed infestations is required throughout construction</p>	<p>IMEX is essentially sealed. the works have progressed to a point where weed management is redundant.</p> <p>Sighted herbicide application record 09/05/19</p> <p>Sighted bioswale and batter seeding and revegetation efforts during site visit.</p>	Compliant
FF7.2	<p>Management of Grey-headed Flying Fox</p> <p>The project Ecologist is to undertake a pre-clearing survey to detect the presence of any threatened species, including the Grey-headed Flying Fox</p>	<p>Refer to response to EPBC 2011/6229 Condition 1 – 4.</p>	Compliant
RALP CEMP and sub plans			
RALP CEMP			
5.1	<p>Changes to planned operations that have potential environmental consequences are identified</p> <p>Personnel promptly report any ‘medium’ or ‘major’ changes that could affect the environment and community in accordance with the Managing HSE Impacts of Change procedure.</p> <p>A ‘medium’ or ‘major’ change could result from a change to design, plant (fixed and mobile), systems, personnel and work methods such that the absence of a considered review could compromise the project’s ability to comply with its obligations and/or result in an inadequate range of controls which could lead to an incident or result in community nuisance.</p> <p>A ‘medium’ change is one which includes permanent changes to Work Pack methodology or work conditions. A ‘major’ change is one which is site-wide or requires a revision of CAPs.</p> <p>Personnel have received appropriate training to identify changes and apply change management processes. This includes all supervisory staff being informed of the need to have changes approved prior to commencing relevant works. Where a change has the potential to impact on the project approval, an Accordance Assessment (AA) will be required.</p>	<p>RFMA = minor administrative change. The ER signs off on ERs.</p> <p>AA = an accordance assessment is a review for material changes. The change triggers and assessment against EIS, CEMP, CoC and EPBC etc.</p> <p>Sighted Request for Minor Amendment register for RALP. 22 x RFMAs to date.</p> <p>Sighted records for RFMA AA 001 – 022. These relate to adjustments to works boundaries, design refinements, work layouts within the Project, connections to existing rail and road infrastructure, general updates for periodic reviews of the documents, and updates in response to changed approved or regulatory status (specifically in relation to the Land Environment Court Decision from March 2018 and variations to the Project’s Environment Protection Licence). These Requests for Minor Amendments have resulted in 6 x updates to the RALP CEMP from that approved by DotEE and 7 x updates to the RALP FFMP from that approved by DotEE.</p>	Compliant
5.2	<p>Risks associated with identified changes are assessed and controlled before changes are implemented</p>	<p>The RFMAs sighted, that resulted in a change to the CEMP being RFMA 011, 012, 013, 015,</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	<p>All proposed changes are documented, including the assessment of risks relating to the change. Key personnel affected by the change are involved in the risk assessment. All changes are requested or sponsored by a supervisor or manager, who then becomes the change owner. Input from environmental personnel is sought as necessary.</p> <p>The approach to risk assessment and the implementation of controls will follow the requirements of Element 4 of the CEMP</p>	<p>016, 017, 018, 019 involved review and authorisation by key personnel. The RFMAs include a review of environmental risks and mitigations.</p>	
6.4	<p>Environmental complaints and enquiries are recorded and responded to appropriately</p> <p>All environmental related complaints will be classified according to the Incident Classification Matrix and recorded in Synergy. Details to be captured are as per Section 7.3 of the Community Communication Strategy (CCS).</p> <p>Complaints are treated as an incident and managed according to Element 9 of the CEMP. Corrective actions are agreed and implemented, with accountabilities and time frames assigned. Each complainant will be advised of the results of the investigation of their complaint and any proposed remedial action.</p> <p>Records of pollution complaints will be kept and managed as per the requirements of the EPL.</p>	<p>Sighted complaints registers covering July 2017 – June 2019.</p> <p>No complaints were received for RALP within the audit period.</p> <p>Complaints received were in relation to the broader intermodal project.</p> <p>Observation: the complaint register on the website presents only a single complaint. Yet the registers presented include approximately 30 x complaints received during the construction period.</p>	Compliant
7.2	<p>Environmental training needs required to deliver this CEMP are identified and documented within the Project's training matrix. In populating the training matrix, the environmental training requirements for each role are addressed, including competency, needs and capability.</p> <p>The Environment Manager will contribute to the development of the training matrix.</p> <p>The performance and development management process provides an opportunity to identify and plan the delivery of training needs not provided in the training matrix, or that are necessary to aid in the development of the individual.</p>	<p>Sighted CPB training matrix.</p> <p>Observation: the matrix was approximately 1 year old. It is unclear how often the matrix is updated.</p>	Compliant
RALP Air Quality Management Plan			
AQ6	<p>Establish stabilised access, rumble grids, wash bays or similar for site exits to minimise mud on public roads. Sweepers shall be used periodically to clean public roads where mud has been deposited.</p>	<p>Sighted:</p> <ul style="list-style-type: none"> - Erosion and Sediment Control Plans (ESCPs): 16006 ESCP EW 0013-1-241017, 16006 ESCP EW-0014-1-021117, 16006 ESCP EW-0015-1-031117. - Site erosion and sediment controls in the field (19/12/17), consistent with ESCPs. <p>No current access / egress points on with public roads or accessways. Separate contractor / project (Liberty) managing site</p>	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<p>access / egress. No material tracking on road at RALP access gates observed during site visit.</p> <p>Observation: Whilst not attributable to any one project (IMEX, RALP, MPE Stg 2, MPW), the combination of works in the area has resulted in material tracking onto and along Moorebank avenue.</p>	
AQ20	Water suppression to be used for active earthwork areas, stockpiles, gravel roads to reduce windblown dust emissions	<p>Sighted:</p> <ul style="list-style-type: none"> - Water cart receipts for October 2017, showing use. - Water cart in operation 26/06/19. 	Compliant
AQ27	Stockpiles will be located away from sensitive receivers, where feasible and reasonable, and protected from the elements through barriers, covering, or establishing a cover crop.	<p>Sighted:</p> <ul style="list-style-type: none"> - Workpack CAP006 WP004-01, stockpile locations defined. - Stockpile stabilisation works in the field. 	Compliant
AQ35	Dust complaints will be handled by the Communications Manager and the Environment Manager, in accordance with the complaints handling process in the Community Communication Strategy.	<p>Sighted:</p> <ul style="list-style-type: none"> - Complaints register 19/08/17 – 19/10/17. Method, time and date and contact details recorded. Responses provided in a timely manner. <p>Complaints are handled in the first instance by the external project-wide community relations firm (Elton) and can be escalated to the Environment Manager as needed, as specified in the Community Communication Strategy.</p> <p>Refer response to CEMP Section 6.4 regarding publishing of complaints, which is a requirement under the NSW consent.</p>	Compliant
AQ9	Water sprays and/or water carts to be used as required for dampening exposed surfaces to control dust generation.	Sighted: Polymer and watercart observed in the field 26/6/19.	Compliant
AQ26	Trucks carrying spoil onto or off site are to be covered. Tailgates, under-rigs, wheels and towing apparatus of all trucks to be checked to ensure they are clean and secure, prior to leaving the worksite	GWF weighbridge acts as inspection for incoming material including covers.	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<p>No material is being hauled off site.</p> <p>Wheel wash is available at GWF to wash down plant as required.</p> <p>Sighted Delivery driver induction form LCMS-4-89 V10 includes communication to drivers on need to check that loads are secured, and clear trucks of debris prior to exit.</p> <p>Sighted HVNL/COR delivery checklists for March and February 2019. This is completed by the traffic controller. The checklist includes need to cover / restrain</p> <p>Sighted wheel wash facility 26/6/19.</p>	
AQ37	Minimise the removal and disturbance of vegetation and undertake rehabilitation, seeding or grassing as soon as practicable (in compliance with the Blue Book)	Sighted rehabilitation at Georges River and Moorebank Ave road underpass 26/6/19.	Compliant
RALP Flora and Fauna Management Plan			
FF1	Site inductions will include a briefing regarding the local threatened flora and native fauna of the site, their significance and protocols to be undertaken if they are encountered in addition to the locations and extents of no-go zones.	<p>Sighted:</p> <ul style="list-style-type: none"> - Project induction and MPE site specific induction book rev5. Combined, they cover information on threatened species, protocols if flora & fauna encountered. A small map of no-go zones in the handbook is included. - Workpack CAP006 WP004-01, Site Environmental Plans are included showing locations of threatened flora and fauna and NO GO Zones. 	Compliant
FF2	<p>The extent of vegetation clearing will be clearly identified on construction plans. Clearly identifying sensitive areas ('no-go areas') which cannot be impacted by construction and managing clearing such that clearing activities are constrained to these approved areas only. Exclusion fencing shall be installed prior to construction to minimise the extent of cleared vegetation.</p> <p>The width of clearing shall be limited to 20 metres within the riparian corridor of the Georges River and Anzac Creek.</p>	<p>Sighted:</p> <ul style="list-style-type: none"> - CEMP Appendix F and Workpack CAP006 WP004-01. Constraints and no go areas are mapped. - Correspondence between CPB design and environment team (29/09/17) verifying 20m corridor. - Pre-clearing checklist, survey (entitled Moorebank Intermodal Terminal Precinct East RALP No. 1 Pre-clearance Check List for the Georges River Riparian Area between Chainages 40.50 and 	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<p>40.62, dated 7/9/17) and Permit to Clear for east bank of Georges River (Ch 40500 – 40620) identifying approved areas for clearing.</p> <p>Exclusion fencing and no go area signage in the field 9/12/17.</p>	
FF3	<p>Pre-clearance surveys will be completed by the Project Ecologist prior to the commencement of clearing activities for the Rail Link – see section 7.2 for more detail.</p> <p>Surveys will target, as a minimum, the species listed in Section 5.3, including but not limited to <i>Acacia bynoeana</i>, <i>Grevillea parviflora</i> subsp. <i>parviflora</i>, <i>Hibbertia fumana</i>, <i>Hibbertia puberula</i> subsp. <i>puberula</i>, and <i>Persoonia nutans</i>.</p>	<p>Sighted:</p> <ul style="list-style-type: none"> - Project ecologist pre-clearance survey (entitled Moorebank Intermodal Terminal Precinct East RALP No. 1 Pre-clearance Check List for the Georges River Riparian Area between Chainages 40.50 and 40.62, dated 7/9/17) and Permit to Clear for east bank of Georges River (Ch 40500 – 40620). Searches for threatened species are part of the methodology of the pre-clearance survey, target species are included in the Permit to Clear. 	Compliant
FF4	<p>In circumstances where native vegetation or mature tree clearing is required outside of the biodiversity study area, an ecologist will inspect the proposed area and provide advice on the impact to flora and fauna and appropriate management.</p> <p>Any additional clearing will need to be justified, require appropriate approval and addressed within the Biodiversity Offset Package if affecting protected vegetation.</p>	<p>Clearing beyond the biodiversity study area required for the RAE stockpile works.</p> <p>Sighted:</p> <ul style="list-style-type: none"> - Change Compliance Review – RAE Golf Course Temporary Stockpile Area Moorebank Precinct East Stage 1 RALP No. 1, which includes ecological assessment (entitled Moorebank Intermodal Terminal Precinct East RALP No. 1 Pre-clearance Check List for Vegetation to the north of the Eastern Compound, dated 25/9/17). <p>No impact on protected vegetation anticipated as a result of the stockpiling works.</p>	Compliant
FF9	The extent of vegetation clearing will be clearly identified on construction plans.	Refer response to FF2.	Compliant
FF35	Follow up inspections and weed control will be undertaken to continue to suppress weeds in management sites.	<p>Sighted:</p> <ul style="list-style-type: none"> - Weed management strategy in Attachment E of the FFMP. 	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<ul style="list-style-type: none"> Environmental checklist for 18/08/2017. Section 7 includes weed management. <p>Correspondence between CPB and Liverpool council, dated 11, 12 and 18/7/17, about weed inspections and management.</p>	
FF28	Seed collection will be undertaken, where possible, at least 12 months prior to the commencement of revegetation. This is only to occur within the Riparian zones of the Georges River and Anzac Creek (not within the Boot Land). It will be carried out by the Bush Regeneration Contractor under supervision by the Project Ecologist and the Environment Manager.	<p>Seed collection was not possible from within the corridor. Some have been collected within a 5 km radius.</p> <p>Sighted replanting 26/6/19</p>	Compliant
FF21	Management of noxious weeds will be undertaken in accordance with the Noxious Weeds Act 1993 and include details relating to the monitoring, management and where necessary eradication of weeds, disposal of green waste, and vehicle/plant weed wash down protocols if required.	Sighted areas subject to weed management at Anzac Creek and Georges River 26/6/19.	Compliant
FF44	The response of <i>Hibbertia puberula</i> subsp. <i>puberula</i> , <i>Persoonia nutans</i> and <i>Grevillea parviflora</i> subsp. <i>parviflora</i> to disturbance measures within the impacted and adjoining areas of land of the rail link will be monitored.	<p>Sighted AMBS monitoring report for <i>Persoonia nutans</i> and <i>Grevillea parviflora</i> subsp. <i>parviflora</i> along RALP rail corridor for May 2019. No notable recovery.</p> <p>Monitoring in the offset areas are the responsibility of the landholder as per the biobanking agreement.</p>	Compliant
RALP Heritage Management Plan			
H1	All cultural heritage items and places to be preserved will be fenced/flagged and sign posted as No-go zones and shown on relevant site plans and communicated to the relevant workforce. These No-go zones must be observed at all times until a Permit to Enter No-go Zone has been authorised.	No cultural heritage items and places are being preserved on the site. Salvage of heritage item MA14 were carried out in accordance with SSD 6766 CoC C15. No unexpected finds have occurred since.	Compliant
H2	All Personnel will undertake a Site Induction which includes Indigenous Heritage and Non-Indigenous heritage. Specific training will be provided to persons likely to impact on heritage items or values.	<p>Sighted:</p> <ul style="list-style-type: none"> Project induction and MPE site specific induction book rev5. They cover indigenous and non-indigenous heritage. Aboriginal Archaeological Salvage Strategy (dated 07/03/17), Environmental Work Method Statement (EWMS) MA 14 Salvage Works (dated 23/03/17) providing specific training for these works. Construction Area Plan CAP-001 and Workpack CAP-001-WP-001 Heritage Dig. They include details 	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<p>on management of heritage encounters.</p> <p>Prestart briefing for works likely to impact heritage item, dated 14/3/17.</p>	
H12	In the event that previously undiscovered Aboriginal objects, sites or places (or potential Aboriginal objects, sites or places) are discovered during construction, all works in the vicinity of the find should cease and SIMTA should determine the subsequent course of action in consultation with a heritage professional, relevant Registered Aboriginal Parties and/or the relevant State government agency as appropriate.	<p>No unexpected finds to date.</p> <p>Sighted:</p> <p>Unexpected finds procedure in Attachment D of the HMP, dated 06/04/17. The procedure addresses necessary requirements.</p>	Compliant
RALP Noise and Vibration Management Plan			
NV1	Undertake construction activities within the nominated hours of work to comply with contractual and legal requirements	<p>Sighted:</p> <ul style="list-style-type: none"> - Project induction and MPE site specific induction book rev5. They cover permissible hours of work. - Workpack CAP006 WP004-01, permissible hours included. 	Compliant
NV2	Any works that need to occur outside these hours must be approved by the Project Director or Environment Manager. All equipment must be serviced and maintained according to manufacturer's recommendations, or more frequently if required to minimise noise generated.	<p>Sighted:</p> <ul style="list-style-type: none"> - OOHW permit entitled N01031-EN-FRM-0001-A_OOWH_November & December Possession 2017, signed by Environment Manager and Project Manager. 	Compliant
NV12	Noise monitoring conducted in accordance with the requirements of the CoA and EPL and at a frequency and at locations to confirm compliance with the regulatory limits will be conducted.	<p>Sighted:</p> <ul style="list-style-type: none"> - Periodic noise compliance monitoring record (dated 11/08/17) taken at receiver, - Out of Hours noise compliance monitoring record (dated 20/08/17) taken at receiver. - Noise Monitoring Register (capturing data from 2/12/17) showing full suite of monitoring events including date, time, location, results and compliance. 	Compliant
NV5	Where intermittent high frequency noise is a high risk, and pending safety requirements, the least noise-intrusive reversing alarms must be used.	<p>Sighted</p> <ul style="list-style-type: none"> - Sighted OOHW permit for main possession works 10-13/5/19 for tamper works. The CNVIS identified 	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<p>potential noise impacts. The OOHW works included justification and mitigation measures (including non-tonal beepers, monitoring and notification). Sighted also notification map. Sighted also ER endorsement for the works dated 23/4/19.</p> <ul style="list-style-type: none"> - Sighted OOHW permit for 24 hr tamping 11-14/6/19. The CNVIS identified potential noise impacts. The OOHW works included justification and mitigation measures (including scheduling of works so high noise activities are during the day time period only, works with lower impacts to have priority for night works. Noise monitoring and notifications also completed). <p>They include need to use non-tonal beepers.</p>	
NV12	Noise monitoring conducted in accordance with the requirements of the CoA and EPL and at a frequency and at locations to confirm compliance with the regulatory limits will be conducted.	<p>Sighted realtime noise monitoring loggers in operation run by Ems B&K. the data can be viewed through a web portal.</p> <p>Sighted attended noise monitoring register for RALP (Spreadsheet WIP). It includes monthly (periodic and OOHW monitoring up to May 2019). It includes the NMLs and measured noise and any comment in response to exceedances.</p>	Compliant
NV16	<p>All equipment is serviced and maintained according to, as a minimum, the manufacturer's recommendations, or more frequently if required to minimise noise generated. Where the manufacturer's requirements are not available then industry best practice maintenance is applied.</p> <p>Plant Induction inspection performed on all plant prior to commencing on site (by Safety team)</p>	Sighted plant onboarding checklist for 14t excavator 29/5/19, plant 254 31/10/18, plant 2872/5/19, plant unit 90 12/4/19. The plant checks include need to check maintenance records when coming onto site for the first time.	
NV17	Where required, vibration monitoring conducted in accordance with the CoA and EPL and at a frequency and at locations to confirm compliance with the regulatory limits will be conducted.	No vibratory works within proximity to receivers.	Not applicable
NV23	Ground borne vibration levels would be measured and monitored to establish the minimum working separation between the equipment and nearby vibration sensitive receivers and buildings that have the	As above.	Not applicable

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	potential to be impacted when vibration generating equipment is used during construction of the SIMTA proposal.		
NV27	Where required, pre- and postconstruction dilapidation surveys of sensitive structures where blasting and/ or vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria)	<p>Dilapidation surveys have been undertaken by CPB. The reports were approved by the PCA on 11/04/2017.</p> <p>The reports were submitted to RMS, the Secretary, LCC and CCC on 16/5/17.</p> <p>CTAMP</p> <p>Pre-construction dilapidation report – Cambridge Ave and Causeway Glenfield</p> <p>Pre-construction dilapidation report – Moorebank Ave Glenfield</p> <p>Pre-construction dilapidation report – Cambridge Ave Glenfield</p> <p>Pre-construction dilapidation report – roundabout and roadways Glenfield</p> <p>Post construction dilapidation surveys are pending.</p>	Compliant
RALP Soil and Water Management Plan			
SW3	Erosion and sediment controls must be installed prior to or immediately upon any disturbance to vegetation or soil. These controls must remain in place until revegetation, stabilisation or hard scaping has occurred.	<p>Sighted:</p> <ul style="list-style-type: none"> - Erosion and Sediment Control Plans (ESCPs): 16006 ESCP EW 0013-1-241017, 16006 ESCP EW-0014-1-021117, 16006 ESCP EW-0015-1-031117. <p>Site erosion and sediment controls consistent with ESCPs in the field.</p>	Compliant
SW7	Water discharged from site is in strict accordance with the site's dewatering procedure, which is approved by the Environment Manager.	<p>Sighted:</p> <ul style="list-style-type: none"> - Dewatering and Discharge Procedure in Attachment G of SWMP (dated 21/04/17) - Approved dewater permit for 21/08/17 (dewater to land on construction footprint). 	Compliant
SW11	All re-fuelling points, including refuelling/lube trucks, will carry hydrocarbon spill kits.	Sighted:	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<ul style="list-style-type: none"> - Site Environment Plans for earthworks and rail corridor works, refuelling and spill kit locations are identified and are in same location. - Spill kits in the field at main compound and Georges River Bridge 	
SW6	Sediment laden water (dirty water) captured onsite must be preferentially reused e.g. dust control.	CPB prioritises reuse of construction water for dust suppression over discharge. Sighted permit to pump 8/4/19 to 13/4/19, 01/4/19 to 02/04/19, 19/03/19 to 23/03/19.	Compliant
SW9	An adequate number of concrete washout facilities must be maintained at all times. The washout facilities will be isolated from surface water flows using bunds to prevent contamination of clean surface waters and will be lined to prevent contamination of soil and ground water.	There is no concrete washout facility on site.	Not applicable
SW18	Stockpiles will be located away from flow paths on appropriate impermeable surfaces to minimise potential sediment transportation.	The stockpile area is positioned adjacent the office, away from flow paths.	Compliant
SW28	Stabilisation of waterways including their beds and banks is to be commenced immediately after the completion of any works within these areas. Long term stabilisation will use, where possible, soft-engineering solutions that mimic a natural system.	Anzac Creek stabilisation sighted 26/6/19. Georges River works ongoing.	Compliant
RALP Traffic and Access Management Plan			
TA1	Road Conditions Contractor must ensure that any road, footpath, shared path or cycleway which is open to the public is at all times provided in accordance with the relevant Approvals.	Sighted: <ul style="list-style-type: none"> - Traffic Control Plans and Road Occupancy Licence for shoulder works on Cambridge Avenue. TCP demonstrates ongoing access during works. 	Compliant
TA7	Construction vehicles will operate so as to minimise any construction noise impacts from the construction site. Measures that will be used may include toolbox talks, contracts that include provisions to deal with unsatisfactory noise performance for the vehicle and/or the operator, and specifying non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.	Sighted: <ul style="list-style-type: none"> - Project induction and MPE site specific induction book rev5. They cover noise management from plant, vehicles and equipment. - OOHW permit entitled N01031-EN-FRM-0001-A_OOWH_November & December Possession 2017, it specifies required controls including non-tonal beepers. 	Compliant
TA13	Construction vehicles (including staff vehicles) will be managed to adhere to the nominated haulage routes.	Sighted:	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
		<ul style="list-style-type: none"> - Workpack CAP006 WP004-01, designated haulage route defined. - MPE site specific induction book rev5, page 2 identifies nominated access route from Chatham Avenue to the site. - Heavy Haulage routes in Attachment E of CTAMP (15/05/17). - Haulage routes in the field consistent with the plans. 	
MPE Stg 2 CEMP Sub-plans			
MPE Stg2 Air Quality Management Plan			
AQ1	The Construction Contractor will deploy water carts during Construction to ensure topsoils/subsoil are moist	Water carts sighted during site inspection	Compliant
AQ7	All vehicles on-site will be confined to a designated route with a speed limit of 30km/hr enforced	20Km / hour speed limit signage observed during site inspection	Compliant
AQ9	Shaker grid and / or wheel cleaning will be used to minimise the potential for dirt tracking. A street sweeper would be made available to clean any dirt mud tracking.	Rumble grid observed and street sweepers observed during site inspection	Compliant
AQ17	Exposed areas and stockpiles will be watered regularly	Stockpile watering and stabilisation with polymer was noted during the site inspection	Compliant
MPE Stg 2 Construction And Demolition Waste Management Plan			
WR2	All liquid and non-liquid waste will be assessed, classified, managed and disposed of in accordance with the NSW EPA Waste Classification Guidelines.	This has been met through condition B117. All applicable standards and guidelines are followed in the Construction and Demolition Waste Management Plan . JBS&G Waste Classification Reports dated 19 July 2018, 9 August 2018 and 5 September 2018 sighted. Fulton Hogan waste register sighted during audit.	Compliant
WR4	All sampling and waste classification data will be retained for the life of the development in accordance with the requirements of the EPA. In addition, a waste register of waste collected for disposal and/or recycling will be maintained and include the license details for waste disposal facilities and carriers (where necessary).	Fulton Hogan waste register sighted during audit.	Compliant
WR5	Good housekeeping will be maintained with waste removed to designated areas.	Waste materials were being stored in skips and designated areas at all sites as noted during the site inspection. No significant litter or windblown waste observed on site	Compliant
WR6	Waste management equipment must not be visible from Moorebank Avenue. Waste bins must be provided in a designated area that is easily and safely accessible for workers. Signage on bins, skips, or areas for collection and storage of all wastes.	No bins or skips were visible from Moorebank Avenue during site visit on 11 December 2018.	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
WR10	<p>Stockpiles will be managed as follows:</p> <ul style="list-style-type: none"> • Located outside of the drip line of retained trees • Located a minimum of 50 m away from concentrated water flows and at least 20 m from class 1 and 2 waterways <p>ESC controls around mulch stockpiles will be designed to divert up-gradient water around the stockpile. Material characterisation reports/certifications showing that fill material is VENM / ENM will be required before it is accepted onsite for stockpiling. In addition, each truck will be visually checked and documented to confirm that only approved materials that are consistent with the waste classification reports are allowed to enter the Project site. Only fully tarped loads are to be accepted by the gatekeeper.</p>	ERSED controls noted around stockpiles including stormwater diversion drains. All stockpiles located outside vegetated areas.	Compliant
4.1.1 MONITORING	<p>The Construction Contractor must monitor all waste and report on all waste generated via the Project reporting system monthly. The information required will include:</p> <ul style="list-style-type: none"> • Date, quantity and type of each waste movement (e.g. spoil, inert and non-hazardous waste and office waste groups) • Classification of the waste transported and disposal operator that removed the waste • Intended destination of the waste including treatment/disposal/recycling facility destination • Quantity recycled, reused on site, landfilled etc • Licence details of the disposal facility and carrier where necessary • s143 approved notice where relevant. 	Fulton Hogan waste register sighted which includes appropriate categorisation of waste and up to date records of wastes generated from their site	Compliant
MPE Stg 2 Flora and Fauna Management Plan			
FF1	<p>Clearing limits and the Project boundary must be identified on all design, construction and operational drawings as well as sensitive area drawings. Clearing limits are to be delineated by installing highly visible barrier or tape with “No-Go signage” as shown on the drawings. The southern and eastern boundary of the construction footprint must be located at least 10 metres from the edge of the area of occupied habitat within the Bootland.</p>	No Go Zones observed during site inspection. They are clearly delineated on site, signposted and flagged or fenced.	Compliant
FF5	Undertake pre-clearing fauna surveys as outlined in the Clearing Protocol	Pre-clearing inspection reports dated 19/04, 19/07, 03/08/18 by Biosis sighted. Microbat pre-clearing survey dated 28/03/18 sighted	Compliant
FF6	Where practicable, install nest boxes and/or microbat roost boxes in vegetation to be retained within the precinct, to compensate for the loss of hollow-bearing trees from the construction footprint.	No additional nest boxes have been installed as a result of MPE Stage 2 clearing for the reasons outlined in the Memo dated 21/12/18 from Carl Corden, Consultant Ecologist, Arcardis.	Compliant
MPE Stg 2 Heritage Management Plan			
HM1	<p>All site staff, including subcontractors must attend an induction which details locations and types of heritage sites, legislation and other project requirements. Heritage sites will be further communicated in toolbox talks, prestart briefings and prior to works in or adjacent to heritage areas. Content of the induction will include site identification, materials likely to be uncovered, and requirement to notify the Contractor’s Environmental Manager in the event that any potential object of archaeological or cultural origin is uncovered. Personnel directly involved in implementing heritage control measures on site will be given specific training in the various</p>	Contractors’ inductions sighted which include heritage requirements as relevant to the works being undertaken	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
	measures to be implemented. Records of all training are to be filed in accordance with the project filing system.		
HM3	The Heritage Interpretation Plan (HIP) will be developed during construction in consultation with NSW Heritage Division, Liverpool City Council, relevant landowners and stakeholders including Moorebank Heritage Group, Department of Defence, and RAPs, in accordance with the Heritage Interpretation Strategy (HIS). It will be submitted for approval prior to the commencement of operation and will outline appropriate interpretive measures to be implemented. <i>Note that this is a separate document to this CHMP.</i>	Consultants have been appointed to commence preparation of the HIP This is ongoing and will be developed prior to commencement of operation.	Compliant
HM4	Plan construction activities to ensure that they remain within the construction boundary as identified in Figure 1-1. Where activities may need to extend beyond the site boundary, additional heritage investigations will be undertaken to identify and manage any additional heritage items that may occur in these areas and to ensure that these items are not harmed, modified or damaged in any way. Additional investigations will include the relevant stakeholders such as the Gandangara and/or Tharawal Local Aboriginal Land Councils as well as Liverpool City Council.	Site boundary clearly delineated with either No Go Zone flagging, fencing or chain mesh fencing	Compliant
HM5	Environmental control maps (ECMs) will be developed clearly identifying Aboriginal and non-Aboriginal heritage sites on and in close proximity to the Project.	Sensitive Area Map included in CEMP	Compliant
HM15	Incidents include breach of an exclusion zone, damage to artefact, or unexpected find. All incidents must be notified to the environment teams immediately. Works in the vicinity of the incident will be stopped as per the unexpected finds procedure.	Sighted examples of Liberty Industrial incident reports generated by their QSE Online Management System and weekly incident reports distributed internally and to Tactical Group representatives.	Compliant
MPE Stg2 Noise and Vibration Management Plan			
NV1	The approved hours of work, the name of the site/project manager, the responsible managing company, its address and 24-hour contact phone number for any inquiries, including construction/noise complaints will be displayed at the site, typically near site entrance points.	This information was observed on signage within main site access road	Compliant
NV2	Notification of potentially affected people and the relevant council about construction commencement, out-of-hours works, and high noise works will occur in accordance with the Construction Community Communication Strategy and will detail the following at least 14 days prior to commencement of relevant works: <ul style="list-style-type: none"> Nature of the construction stages Hours of work Duration of noisier activities Measures to minimise noise impacts The Project website, information and response lines, email distribution list and any applicable community-based forums will also be utilised for this purpose.	All Fulton Hogan and Hansen Yuncken OOHW have been assessed as inaudible and worksheets were sighted that confirmed this assessment has been carried out. There have been no audible OOHW that have required notification to residents to date on the project	Compliant

Ref.	Requirement	Comments, observations, discussion Evidence, supporting documentation	Compliance Finding
NV3	In the event of any noise or vibration related complaint or adverse comment from the community, noise and ground vibration levels (as relevant) will be investigated. Remedial action will be implemented where feasible and reasonable. The procedures for managing complaints will be provided within the Construction Community Communication Strategy.	There have been no noise related complaints to date on the project	Not applicable
MPE Stg2 Soil and Water Management Plan			
SW1	Install all ERSED controls in accordance with the Construction Erosion and Sediment Control Plan (CESCP), included in Appendix A of this plan prior to commencement of works within the MPE Stage 2 construction boundary. No works to be undertaken, within DJLU.	Liberty Industrial ESCP peer reviewed by Royal Haskoning DHV as being compliant with Blue Book.	Compliant
SW2	All personnel to participate in induction prior to commencing works on site.	Contractor inductions were sighted and these indicate that ESCP training is included as appropriate to the works being undertaken	Compliant
SW3	All site access points to the construction area are to be stabilised in accordance with SD 6-14 (refer to Appendix A) to minimise mud tracking and dust generation. Exit points are to include installation of wheel wash or rumble grid systems.	Rumble grids sighted in the field and site access points are stabilised and, in many cases, sealed or concreted. Observation: Whilst not attributable to any one project (IMEX, RALP, MPE Stg 2, MPW), the combination of works in the area has resulted in material tracking onto and along Moorebank avenue.	Compliant
SW4	Construction traffic is to be restricted to delineated access tracks only to minimise mud tracking and dust generation, which are to be maintained until the completion of construction.	This was sighted during inspection	Compliant
SW5	All access areas throughout the Project site are to be: <ul style="list-style-type: none"> • Positioned to best conserve existing vegetation and protect downstream areas, while being considerate of the needs of efficient works activities. • Limited to a maximum width of 10 m. 	Observed delineation and signage so as to preserve existing vegetation. Internal access roads and well maintained and established as two direction single lane.	Compliant
MPE Stg 2 Traffic and Access Management Plan			
TA-01	Inform local residents of construction activities and road network changes in line with the Community Communication Strategy (CCS). Notification may include: <ul style="list-style-type: none"> • Community notifications at least 7 days prior to changes to traffic conditions that may impact on the community or stakeholders • Project signage at least 7 days prior to any changes that impact on pedestrian routes, cycle ways, traffic conditions or access to public transport. • VMS signage on Moorebank Avenue advising motorists of construction traffic access routes during peak times of construction traffic. 	Current works notifications are provided on Project website and newsletters distributed to local residents and businesses were sighted. VMS boards sighted on Moorebank Avenue	Compliant
TA-02	Distribution of day warning notices to advise local road users of construction activities and traffic movement changes	Electronic VMS boards noted on Moorebank Avenue	Compliant
TA-08	In consultation with RMS, Liverpool City Council and Campbelltown City Council, general signposting of the access roads will be undertaken with appropriate heavy vehicle and construction warning signs	Signage displayed on the site the day of the site inspection.	Compliant

Appendix C. Approval of Independent Auditors



Reference: EPBC 2011/6229

Mr Ibrahim Awad
Environmental Manager
Tactical Group
Level 15, 124 Walker Street
NORTH SYDNEY NSW 2060

Dear Mr Awad

Re: EPBC 2011/6229 – SIMTA Moorebank Intermodal Terminal Facility, Sydney, NSW – Approval of independent auditor and audit criteria

I refer to correspondence of 27 May 2019 in which you nominated an audit team from Wolfpeak and submitted the proposed audit criteria for the independent audit of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) *SIMTA Moorebank Intermodal Terminal Facility, Sydney, NSW* project.

Officers of the Department of the Environment and Energy (the Department) have reviewed the independent audit team nomination and the proposed audit criteria. It has been determined that the independent audit team nominated is appropriately qualified and the proposed audit criteria will provide sufficient scope for an assessment of compliance as required under condition 13 of the EPBC Act approval.

As delegate of the Minister for the Environment, I am pleased to inform you that I approve the nominated independent audit team and the proposed audit criteria.

I request that you please submit the audit report to the Department within twelve (12) weeks from the date of this letter. I look forward to receiving a copy of the audit report.

Should you require any further information please contact Mr Nicholas Scholar on 02 6274 1284 or email at audit@environment.gov.au.

Yours sincerely

Ms Monica Collins
Chief Compliance Officer
Office of Compliance

13 June 2019

Appendix D. Independent Audit Certification

Auditor's Certification

Auditor's name, position, company and contact details:

Derek Low, Principal Environmental Consultant,

WolfPeak Pty Ltd

P: 0402 403 716

E: dlow@wolfpeak.com.au

Auditor's qualifications and/or experience:

Master of Environmental Engineering Management

Exemplar Global Auditor Number 114283

Auditor's declaration:

I, ...Derek Low.....(name of auditor)

- For environmental audits that are required by a condition of an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval I certify that, to the best of my knowledge, all information provided in the audit report attached to this audit certification statement is true, correct and complete.

I am aware that section 491 of the EPBC Act makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the regulations. The offence is punishable on conviction by imprisonment for not more than 1 year, a fine not more than 60 penalty units, or both.

- For directed environmental audits that are required pursuant to section 458 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) I certify that, to the best of my knowledge, all information provided in the audit report attached to this audit certification statement is true, correct and complete.

I am aware that section 461(4) of the EPBC Act makes it an offence in certain circumstances for an environmental auditor to include a statement in an audit report that is false or misleading in a material particular. The offence is punishable on conviction by imprisonment for not more than 6 months.

Signature:

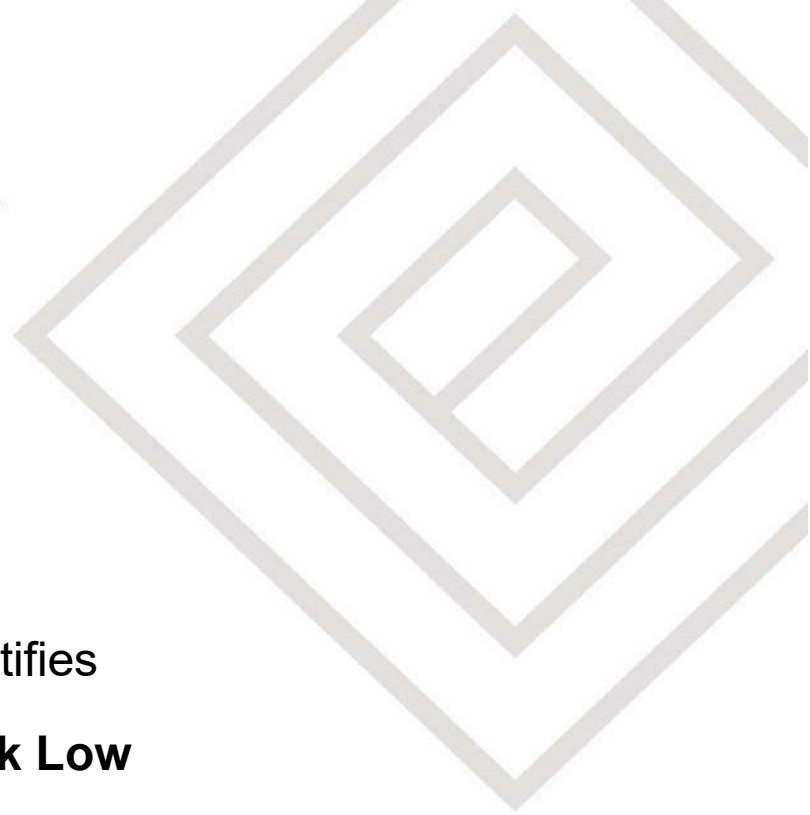


Date: 24/07/19

Note: Modify the auditor's certification to reflect whether the environmental audit was required by a condition of an EPBC Act approval or directed pursuant to section 458 of the EPBC Act.



Exemplar
Global
Certification



Certifies

Derek Low

has satisfied all of the requirements for the grade of

Principal Auditor

in the Qualification Based

Environmental Management Systems Auditor *

with the following Scope of Certification

01. Environmental Management Audit

05. Environmental Regulatory Compliance Audit

114283
Certificate Number

08 Apr 2019
Certificate Date

26 Oct 2019
Expires

President and CEO
Andrew Baines

* certified individual has successfully transitioned to ISO 14001:2015

Auditor's Certification

Auditor's name, position, company and contact details:

Steve Fermio, Managing Director, WolfPeak Pty Ltd

P: 0417 170 645

E: sfermio@wolfpeak.com.au

Auditor's qualifications and/or experience:

Bachelor of Science (Honours)
Exemplar Global Auditor Number 110498

Auditor's declaration:

I, ...Steve Fermio.....(name of auditor)

- For environmental audits that are required by a condition of an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval I certify that, to the best of my knowledge, all information provided in the audit report attached to this audit certification statement is true, correct and complete.

I am aware that section 491 of the EPBC Act makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the regulations. The offence is punishable on conviction by imprisonment for not more than 1 year, a fine not more than 60 penalty units, or both.

- For directed environmental audits that are required pursuant to section 458 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) I certify that, to the best of my knowledge, all information provided in the audit report attached to this audit certification statement is true, correct and complete.

I am aware that section 461(4) of the EPBC Act makes it an offence in certain circumstances for an environmental auditor to include a statement in an audit report that is false or misleading in a material particular. The offence is punishable on conviction by imprisonment for not more than 6 months.

Signature: 

Date: 24/07/19

Note: Modify the auditor's certification to reflect whether the environmental audit was required by a condition of an EPBC Act approval or directed pursuant to section 458 of the EPBC Act.



Exemplar
Global
Certification



Certifies

Steve Fermio

has satisfied all of the requirements for the grade of

Auditor

in the Qualification Based

Environmental Management Systems Auditor *

with the following Scope of Certification

01. Environmental Management Audit
02. ISO14001:2015 Audit

04. Environmental Report Verification
05. Environmental Regulatory Compliance Audit

110498
Certificate Number

15 Apr 2009
Certificate Date

15 Apr 2020
Expires

President and CEO
Andrew Baines

* certified individual has successfully transitioned to ISO 14001:2015

Appendix E. Site inspection photographs.



Photo 1: Track installed along majority of rail corridor.



Photo 2: Spill kits stocked and available at chemical storage containers.



Photo 3: Weed management and revegetation at Georges River Bridge.



Photo 4: Stabilised stockpiles.





Photo 5: Series of shots identifying the need for housekeeping



Photo 6: Environmental no go zone flagging in place.



Photo 7: Site rehabilitation at Moorebank Avenue underpass.



Photo 8: Operational drainage and fencing being installed in rail corridor adjacent to Bootlands



Photo 9: Anzac Creek 20 metre boundary breach (line shows approx. target alignment)



Photo 10: Ballast delivery



Photo 11: GWF rail alignment with rehabilitation underway



Photo 12: Environmental no-go demarcation

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Photo 13: Remedial works on disused rail spur



Photo 14: Waste segregation



Photo 15: Hazardous chemical storage



Photo 16: Surface works ongoing



Photo 17: Batter stabilization through revegetation



Photo 18: Rail connection with track grinder delivery underway



Photo 19: Boundary dust monitoring



Photo 20: MPE Stg 2 bulk earthworks



Photo 21: MPE Stg 2 bulk earthworks



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