

MOOREBANK PRECINCT EAST (SSD 6766)

Stage 1: Compliance Tracking Program

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Moorebank Precinct East (SSD6766)

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1 Introduction

Stage 1 of the Moorebank Precinct East (MPE) Development is a State significant development (SSD 6766) that has been assessed under Part 4 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) by the NSW Department of Planning, Industry and Environment (DPIE). An environmental impact statement (EIS) was prepared to support the application and submitted in May 2015 (Hyder Consulting, May 2015). Conditions of Consent (CoC) were issued by the DPIE on 12 December 2016. In March 2018, the CoC were updated to reflect the outcome of a Land and Environment court ruling. The CoC that were re-issued after the court decision have been used to inform the content of this compliance tracking/monitoring and reporting program.

CoC C4 states that:

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

The Compliance Tracking Program must include, but not be limited to:

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

This document has been prepared by Aspect Environmental Pty Limited (Aspect) to satisfy CoC C4 of SSD 6766.

The purpose of compliance reporting is to monitor and report on the compliance status of a development. A compliance report communicates the status of a development's performance in relation to compliance with the CoC.

The DPIE sets out the minimum requirements to be met when preparing compliance monitoring and reporting programs and compliance reports pursuant to CoC. These requirements apply to State significant projects where compliance monitoring and reporting in accordance with the Compliance Reporting Post Approval Requirements (CRPAR, DPIE 2018) is required by the CoC. Compliance reporting enables:

- all requirements in the CoC that apply to each phase of a development to be identified and the approach for assessing compliance to be considered, and where possible, documented, before the commencement of development;
- the development's performance in terms of compliance with CoC to be evaluated on the basis of monitoring data and communicated at various stages during the carrying out of the development;
- the reporting obligations required by the CoC to be met; and
- opportunities for improvement to be identified and adopted where appropriate.

These requirements do not replace the obligation to comply with specific requirements in CoC in respect of compliance monitoring and reporting. If there is any inconsistency between the requirements in CoC and the requirements in this document, the CoC prevail.

2 Development Background

The MPE Project site is located approximately 27 kilometres (km) south-west of the Sydney Central Business District (CBD) and approximately 26 km west of Port Botany and includes the former Defence National Storage and Distribution Centre (DNSDC) site.

The MPE Project involves the development of an intermodal (IMT) facility, including warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, rail link, landscaping, servicing and associated works on the eastern side of Moorebank Avenue, Moorebank. It is to be developed in three key stages:

- Stage 1 - Construction of the IMT
- Stage 2 - Construction of warehouse and distribution facilities
- Stage 3 - Extension of the IMT and completion of warehouse and distribution facilities.

Stage 1 of the MPE Project comprises, and will be constructed across, two packages:

- Package 1: The Rail Link which includes a connection to the IMEX, and traverses across Moorebank Avenue, Anzac Creek and Georges River prior to connecting to the Southern Sydney Freight Line (SSFL), (refer to Figure 1).

- Package 2: The IMEX includes the following key components:
 - Truck processing, holding and loading areas - entrance and exit from Moorebank Avenue
 - Rail loading and container storage areas – installation of four rail sidings with adjacent container storage area serviced by manual handling equipment initially and overhead gantry cranes progressively
 - Administration facility and associated car parking- light vehicle access from Moorebank Avenue.

The layout of the IMEX generally comprises operational areas, an administration area, rail sidings, utilities and drainage infrastructure, landscaping and signage. The operational areas of the IMEX consist of the primary and secondary container loading / unloading areas and container storage areas, and the truck holding area. Within these areas containers will be stacked up to five high.

3 Compliance Monitoring and Reporting Program¹ Requirements

3.1 Notification of Commencement

DPE was notified of construction commencing on MPE Stage 1 on 26 June 2017, following approval of the CTP (rev 3, 5 May 2017).

3.2 Construction Compliance Reports

Periodic review in the form of construction compliance reports outline the compliance status of the project against the approval. The scope of work for compliance monitoring and reporting comprises:

- A compliance monitoring and reporting schedule; and
- Compliance tables identifying:
 - requirements of the CoC for each phase of the development;
 - the compliance monitoring methodology used to assess compliance with each compliance requirement; and
 - type and nature of data (evidence) to be collected to demonstrate compliance.

The scope of compliance monitoring and reporting requirements has been prepared with reference to CoC C4 and the environmental management measures included in relevant assessment and approval documentation, described in CoC A1, which includes the following:

- MPE Stage 1 (SSD 6766) Development Consent;
- SIMTA Intermodal Terminal Facility – Stage 1 – Environmental Impact Statement (Hyder Consulting, May 2014); and
- SIMTA Intermodal Terminal Facility – Stage 1 – Response to Submissions (Hyder Consulting, September 2015).

This Compliance Tracking Program under CoC C4 has been revised to align with DPIE's Compliance Reporting Post Approval Requirements (CRPAR) (June 2018) and the recently issued CRPAR (May 2020), where it can be applied consistently with the CoC for SSD 6766.

¹ CoC C4 references the requirement to prepare and implement a “Compliance Tracking Program”. The DPIE CRPAR document refers to this program as a “Compliance Monitoring and Reporting Program”. In this revision of the Compliance Tracking Program, the document title has been maintained as per previous revisions and as per the wording used in the CoC itself i.e. Compliance Tracking Program. However, the internal referencing within the document aligns to the DPIE's current naming convention for this program i.e. “Compliance Monitoring and Reporting Program”.

It is noted that the CRPAR (May 2020) requirements do not replace the obligation to comply with specific requirements in conditions of consent in respect of compliance reporting and if there is any inconsistency between the requirements in conditions of consent and the requirements in the CRPAR (May 2020), the conditions of consent prevail.

There are a number of conditions within the consent that are inconsistent with CRPAR (May 2020), including the requirement to undertake construction compliance reporting itself. Therefore, this Compliance Tracking Program has not yet been fully aligned to CRPAR (May 2020). Where possible, any improvements that do not conflict with the CoC have been adopted.

4 Compliance Monitoring and Reporting Schedule

The frequency of submission of compliance reports to the DPIE must comply with any specific requirements in the CoC. Condition C4 (c) (ii) requires the submission of six-monthly (or other timing as agreed by the Secretary) construction compliance reports for the duration of construction. The first construction compliance report was issued for the period June to December 2017 and consecutive reports have been issued for each period every six months thereafter.

4.1 Reduction in Compliance Reporting Frequency

As of mid-2022, construction works associated with MPE Stage 1 (SSD6766) are substantially completed, pending the removal of the Disused Rail Spur, as required by CoC C23B, which is likely to be undertaken concurrently with Moorebank Avenue Realignment works (while still under MPE Stage 1 approval). Therefore, the frequency of compliance reporting has been revised to annually to prevent the over delivery of reporting with null returns. The first annual compliance report will cover the period of January 2022 – December 2022.

4.2 Compliance Monitoring and Reporting Tables

The compliance monitoring and reporting program contains compliance tables that:

- identify the requirements in all CoC that must be complied with during each phase of the development, referred to as a “compliance requirement”; and
- set out the type of data or evidence that is to be collected to assess whether compliance has been achieved.

The tables have been developed to reflect the project phase. Appendix A contains all requirements from the CoC, including:

- Part A - Administrative conditions
- Part B - Prior to the Issue of a Construction Certificate
- Part C - Prior to Construction
- Part D - Community Information and Reporting

- Part E - Construction Environmental Management
- Part F - Prior to Operations
- Part G - During Operations

The compliance tables include the following information for each compliance requirement:

- a unique identification number (ID);
- the compliance requirement to be complied with;
- the proposed monitoring methodology for each compliance requirements; and
- the evidence to be collected to assess compliance with each compliance requirement.

4.3 Compliance Status Descriptors

The status of each compliance requirement in the tables will be determined using the relevant descriptors in Table 1 below.

Table 1 Compliance status descriptors

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

4.4 Independent Environmental Auditing

Independent environmental audits will be undertaken in accordance with AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems at annual intervals throughout construction in accordance with Section 9.6 of the CEMP.

4.5 Incident Management

All incidents and emergencies will be managed in accordance with Section 8 of the CEMP. Section 8 of the CEMP outlines the procedure, practices and standards to be followed in the event of an on-site Incident & Emergency. This includes:

- An effective response to an Incident & Emergency;

- Evacuation procedures;
- Notifying Emergency service organisations promptly;
- Medical treatment and assistance;
- Effective communication between the authorised person who coordinates the Incident & Emergency response and all persons at the workplace.

Harm to the environment, includes any direct or indirect alteration of the environment that has the effect of degrading the environment.

All incidents regardless of magnitude will be reported to the Principals Representative and investigated during the works.

As part of the incident investigation corrective and preventative actions will be identified and assigned to the appropriate person and closed out in a timeframe based on the severity or potential severity of the incident, with all incidents investigated immediately to determine suitable timeframes. All corrective actions will include reference to the relevant incident record for ease of tracking and will be recorded and tracked using the Development's Construction Contractor's quality system database.

There is a duty to notify 'relevant authorities' (the EPA, local authority, Ministry of Health, WorkCover Authority and Fire and Rescue NSW) as specified in section 148(8) of the Protection of the Environment Operations Act 1997 (POEO Act) of pollution incidents where material harm to the environment is caused or threatened. Material harm includes actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial or that results in actual or potential loss or property damage of an amount over \$10,000. Failure to do so is an offence.

The Development's Construction Contractors will call 000 if the incident presents an immediate threat to human health or property. Fire and Rescue NSW, the NSW Police and the NSW Ambulance Service are the first responders, as they are responsible for controlling and containing incidents. If the incident does not require an initial combat agency, or once the 000 call has been made, the Development's Construction Contractor will phone the EPA environmental hotline on 131 555.

The Development's Construction Contractor will notify the Secretary and relevant public authorities of any incident with actual or potential significant on-site or off-site impacts on human health or the biophysical environment within 24 hours of becoming aware of the incident. The Development's Construction Contractors will provide full written details of the incident to the Secretary within seven days of the date on which the incident occurred in accordance with CoC E10.

The Development's Construction Contractor will meet the requirements of the Secretary or relevant public authority (as determined by the Secretary) to address the cause or impact of any incident, as it relates to this approval, reported in accordance with CoC E10, within such period as the Secretary may require in accordance with CoC E10.

4.6 Non-Compliances/Non-Conformance

A non-compliance/non-conformance is the failure or refusal to comply with a requirement, standard or procedure outlined in the CoC, FCMMs, CEMP or associated documents. Where a non-compliance has been identified, a corrective / preventative action will be implemented.

Any member of the Project team may raise a non-conformance or an improvement opportunity. Non-compliances/non-conformances, or an improvement opportunity will be detected by the following ways;

- Through workplace monitoring under the Work Permit System and Task/Behaviour Observations by Site Supervisors, the Project Environmental Advisor and Project Manager;
- During the Weekly Environmental Audit undertaken by the Project's Construction Contractors;
- Through internal and external audits;
- Through Inspections by the Environmental Representative;
- Via complaints and community consultation as detailed in the Community Communication Strategy; and
- Through Incident Management.

The Development's Construction Contractors will implement the process for managing nonconforming work practises and initiating corrective/preventative actions or system improvements. The Environmental Representative or public authority may also raise a non-conformance or improvement opportunity using the same process.

For each non-conformance identified a corrective/preventative action must be implemented in a timeframe based on the severity or potential severity of the noncompliance/non-conformance, with all non-compliances/non-conformances investigated immediately to determine suitable timeframes. In addition, any environmental management improvement opportunities can be initiated because of incidents or emergencies, monitoring and measurement, audit findings or other reviews. Improvement opportunities may also result in the implementation of corrective/preventative actions.

Corrective/preventative actions and improvement opportunities will be entered into the Development's Construction Contractor's quality system database and include detail of the issue, action required and timing and responsibilities. The record will be updated with date of close out and any necessary notes. The database will be reviewed regularly to ensure actions are closed out as required.

Non-conforming activities may be stopped, if necessary, by the Environmental Advisor, Supervisor(s) or Project / Site Engineer following consultation with the Project Manager or delegate. The works will not commence until a corrective / preventative action has been closed out. The Environmental Representative may also stop works in these circumstances.

In such circumstances a non-conformance report must be prepared in accordance with the Quality Management Plan.

4.7 Competence, Training and Awareness

Section 6 of the CEMP describes how environmental management measures will be communicated to project personnel including sub-contractors. Onsite environment training will be coordinated and recorded by the Environmental Advisor. Records include details of topics, attendees, and duration will be stored in a training register, signed attendance sheets will be filed.

Internal and on-the-job training is provided on a regular basis for all staff including subcontractors.

Environmental Awareness training will be delivered to staff and subcontractors through the site induction, toolbox talks, and pre-start briefings. General awareness for site operatives and office-based staff will also be provided via notice boards, posters and environment bulletins.

Appendix A – Final Conditions of Consent

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part A Administrative					Non-Compliant
Development in Accordance with Plans and Documents					Not Triggered
A1	The Applicant shall carry out the development generally in accordance with the: a) State Significant Development Application SSD 6766; b) SIMTA Intermodal Terminal Facility – Stage 1 – Environmental Impact Statement (Hyder Consulting Pty Ltd, May 2014); c) SIMTA Intermodal Terminal Facility – Stage 1 – Response to Submissions (Hyder Consulting Pty Ltd, September 2015); and d) the conditions of this consent.	At All Times	Conduct internal audits. Independent audits. Compliance Monitoring & Reporting Program and Compliance Reporting.	Records of audit results. Completed compliance monitoring / tracking programs and completed Compliance Reports.	
A2	In the event of an inconsistency between: (a) the conditions of this approval and any document listed from condition A1(a) to A1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and (b) any document listed from condition A1(a) to A1(c) inclusive, and any other document listed from condition A1(a) to A1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.	At All Times	For reference / consideration.	For reference / consideration.	
A3	The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of: (a) any reports, plans or correspondence that are submitted in accordance with this consent; and (b) the implementation of any actions or measures contained within these documents.	At All Times	For reference / consideration.	For reference / consideration.	
Lapsing of approval					
A4	This approval will lapse ten years from the date of this approval unless works the subject of this approval are physically commenced, on or before that lapse date.	At All Times	Confirm commencement of development under the consent within 10 years of the date of consent.	Record date of commencement of works on site.	
Secretary as Moderator					
A5	In the event of a dispute between the Applicant and a public authority, in relation to this approval, either party may refer the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.	At All Times	For reference.	For reference.	
Legal notices					
A6	Any advice or notice to the consent authority shall be served on the Secretary.	At All Times	For reference.	For reference.	
Statutory Requirements					
A7	The applicant shall ensure that all licences, permits, consents and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation of the Applicant to obtain, renew or comply with such licences, permits or approvals. The Applicant shall ensure that a copy of this consent and all relevant environmental licences, permits, consents and approvals are available on the site that all times during the development and made available on the Project Website.	At All Times	Review and documentation of legal requirements register for the site.	Updated legal requirements register applicable to the site and phase of works (i.e. construction/operation). Records / copies of relevant licenses, permits, approvals etc.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part B - Prior to Issue of Construction Certificate					Non-Compliant
Disabled Access					Not Triggered
B1	Access for people with disabilities shall be provided for offices and amenities for the development in accordance with the Disability Discrimination Act 1992 (Commonwealth). Prior to the issue of a Construction Certificate, verification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.	Prior to Construction Certificate	Confirm plans are in accordance with the Disability Discrimination Act 1992 (Commonwealth).	Copy of Verification. Copy of Verifier's Qualifications. Copy of Submission to Certifying Authority.	
Compliance with the Building Code of Australia (BCA)					
B2	Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).	When Applying for Construction Certificate	Confirm plans have been certified against BCA prior to commencement of construction.	Copy of correspondence with Certifying Authority. Copy of correspondence confirming Certifying Authority's satisfaction of BCA details. Copy of the certified plans.	
Development Contributions					
B3	Prior to the issue of a Construction Certificate, the Applicant shall pay a monetary levy of \$643,027.27 to Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 94B(2) of the Environmental Planning and Assessment Act 1979.	Prior to Issue of Construction Certificate	Confirm Liverpool City Council has received payment.	Copy of receipt of levy to Liverpool City Council.	
Site Layout and Access					
B4	The design of the main access gate shall preclude heavy road freight vehicles from using Moorebank Avenue south (no left turn from the terminal site onto Moorebank Avenue, and no right turn from Moorebank Avenue into the terminal site). Detailed plans are to be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.	Prior to Issue of Construction Certificate	Confirm review process includes a checklist against these requirements.	Copy of plans. Copy of submission to the Certifying Authority. Copy of receipt and satisfaction from Certifying Authority. Copy of submission to Planning Secretary.	
B5	The Applicant shall ensure that: a) Internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of AS 2890.1 – 2004, AS 2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage; b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTRROADS; c) the layout of the site shall be designed to ensure heavy vehicles associated with the operation of the intermodal terminal can be accommodated on site in the event of an incident blocking access to the M5 Motorway/ Moorebank Avenue to avoid queuing on public roads. d) the layout of the site shall be designed to minimise heavy vehicles reversing are not required to select reverse gear. e) heavy vehicles and bins associated with the SSD do not park or stand on local roads or footpaths in the vicinity of the site; f) all vehicles are wholly contained on site before being required to stop; g) all loading and unloading of materials is carried out on site; and h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times. Detailed plans demonstrating compliance with a)-h) shall be prepared in consultation with RMS and to the satisfaction of the Certifying Authority.	Prior to Issue of Construction Certificate	Confirm review process includes a checklist against these requirements.	Approved Traffic and Access Impact Assessment. Copy of RMS Consultation. Copy of submission of plans to Certifying Authority. Copy of receipt and satisfaction of plans from Certifying Authority.	
B6	The Applicant shall include provision for emergency access to the site. Plans demonstrating compliance shall be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.	Prior to Issue of Construction Certificate	Confirm review process includes a checklist against these requirements.	Approved Traffic and Access Impact Assessment. Copy of submission of plans to Certifying Authority. Copy of receipt and satisfaction of plans from Certifying Authority. Copy of submission of plan to Secretary.	
Lighting Plan					
B7	A detailed plan prepared by a suitably qualified lighting engineer must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, and include, but not be limited to: a) Adequate lighting of pedestrian thoroughfares; b) All lighting in public domain areas is to comply with the relevant Council requirements and Australian Standard AS1158 for Street Lighting Applications; c) The lighting plan should include lighting designs, supported by luminance calculations and luminance plots, and is to be of a high standard and Energy Australia compatible; and d) All outdoor lighting (excluding street lighting) shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.	Prior to Issue of Construction Certificate	Confirm operational lighting design for site complies with nominated Australian Standards and council requirements. Confirm requirements have been addressed in review process.	Copy of Lighting Engineer's qualifications. Copy of approved design plans. Copy of submission to the Certifying Authority. Copy of approval from the Certifying Authority. Compliance report to verify compliance with standards.	

Public Transport					
B8	The SSD shall be designed to ensure a bus stop on Moorebank Avenue (including direct pedestrian access from the terminal site to the bus stop), and associated turnaround facility suitable for a 14.5 metre long non-rear steer bus is not precluded.	Prior to Issue of Construction Certificate	Confirm SSD includes requirements for a bus stop on Moorebank venue with these requirements.	Copy of SSD.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part C - Prior to Construction					Non-Compliant
Commencement of Works					Not Triggered
C1	Demolition, excavation, clearing (other than minor clearing), construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the project pursuant to the Environmental Planning and Assessment Act 1979.	Prior to Construction Certificate	Ensure demolition, excavation, clearing (other than minor clearing), construction, subdivision or associated activities do not commence until a Construction Certificate has been obtained.	Copy of dated Construction Certificate. Date of commencement of associated activities.	
Demolition					
C2	The Applicant shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version.	Prior to Demolition	Confirm engagement of a suitably qualified person to review and provide a statement of compliance for the required work plans.	Work plans and requisite safety statements. Record of qualifications of person(s) providing the safety statements. Statement of compliance against standard.	
Urban Design and Landscaping					
C3	The Applicant shall prepare and implement an Urban Design and Landscape Plan (UDLP) for the project. The Plan shall present an integrated urban design for the project. The Plan shall include, but not necessarily be limited to: a) Final design details of the proposed external materials and finishes; b) Location of existing vegetation and proposed landscaping (including use of indigenous and endemic species where possible) and design features; c) Strategies for progressive landscaping of other environmental controls such as erosion and sedimentation controls, drainage and noise mitigation; and d) Location and design treatments for any associated footpaths and cyclist elements, and other features such as seating, lighting (in accordance with AS 4282-1997 Control of the Obtrusive Effect of Outdoor Lighting), fencing, and signs; The Plan shall be submitted for the approval of the Secretary prior to the commencement of permanent built works and/ or landscaping, unless otherwise agreed by the Secretary.	Prior to Construction	Confirm UDLP is completed in accordance with these requirements.	Copy of approved UDLP. Copy of dated submission of UDLP to Secretary. Correspondence with Secretary containing approval.	
Compliance Monitoring and Tracking					
C4	The Applicant shall prepare and implement a Compliance Tracking Program, to track compliance with the requirements of this approval. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and operate for the duration of construction. The Program shall include, but not be limited to: a) Provision for the notification to the Secretary prior to the commencement of construction; b) Provision for periodic review of the compliance status of the SSD against the requirements of this approval; c) Provision for periodic reporting of compliance status to the Secretary, including but not limited to: (i) Pre-Construction Compliance Report prior to the commencement of construction, (ii) Six-monthly, or other timing as agreed by the Secretary, Construction Compliance Reports, for the duration of construction, and (iii) Completion Compliance Report within one month of completion of the construction; d) A program for independent environmental auditing in accordance with AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems; e) Mechanisms for recording environmental incidents during construction and actions taken in response to those incidents; f) Provision for reporting environmental incidents to the Secretary during construction, in accordance with conditions C6 and C7; g) Procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and h) Provision for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.	Prior to Construction	Confirm Compliance Tracking Program is completed in accordance with these requirements.	Copy of Compliance Tracking Program. Copy of submission to Secretary. Copy of approval from Secretary.	

Contamination					
C5	<p>Prior to the commencement of construction of the rail link within the Glenfield Waste Facility licenced premises, the Applicant shall prepare an assessment report of the proposed impacts of construction on the Glenfield Waste Facility licenced premises. The assessment must address:</p> <p>a) Targeted intrusive investigations to determine contamination pathways and to develop mitigation, management and/or remediation options based on those investigations;</p> <p>b) Details of the quantity of landfilled waste to be removed, the location from where it will be removed, the methodology to be utilised and the estimated timeframe for the removal and reburial;</p> <p>c) Proposed measures to mitigate odour impacts on sensitive receivers, including an undertaking to apply daily cover to any exposed waste in accordance with benchmark technique 33 of the document Environmental Guidelines: Solid Waste Landfills, NSW EPA 1996;</p> <p>d) Details of impacts on pollution control and monitoring systems including existing groundwater and landfill gas bores and their subsequent repair/ replacement;</p> <p>e) The methodology proposed to ensure that the landfill barrier system disturbed in the removal process is replaced/ repaired to ensure its ongoing performance. The Applicant shall detail matters such as sub grade preparation and specifications, liner installation/ reinstallation procedures and construction quality assurance (CQA) procedures;</p> <p>f) A commitment to providing the EPA with a construction quality assurance report within 60 days of the completion of the works referred to in (d) above; and</p> <p>g) An overview of any access and/or materials/ equipment storage arrangements with Glenfield Waste Facility in relation to the construction of the project, and operation and maintenance of the rail link.</p> <p>h) Details of any other expected or potential impacts to the licenced area and options for management and mitigation of those impacts (i.e. leachate management and surface water runoff, potential impacts on the Georges River during works, dust etc); and</p> <p>i) Details of and proposed mitigation measures for the long term management of the rail link (e.g. subsidence or gas issues).</p> <p>The Applicant must provide the assessment report to the EPA for review and approval at least 6 weeks prior to the commencement of construction. A copy must also be submitted to the Secretary for information. No works are permitted to commence within the Glenfield Waste Facility licenced premises without the EPA's written approval, unless otherwise agreed by the Secretary.</p>	Prior to Construction	Confirm assessment report is completed in accordance with these requirements.	<p>Copy of assessment report addressing these requirements.</p> <p>Copy of submission of report to Environment Protection Authority (EPA).</p> <p>Copy of written approval from EPA.</p> <p>Copy of submission to the Secretary.</p>	
C6	<p>The Applicant shall prepare construction design plans for the section of the rail link within the Glenfield Waste Facility licenced premises in consultation with the EPA, and submit for the approval of the Certifying Authority prior to the commencement of construction, unless otherwise agreed by the Secretary. A copy must be provided to the Secretary for information.</p>	Prior to Construction	Confirm construction design plans are completed in accordance with these requirements.	<p>Copy of design plans.</p> <p>Copy of consultation with EPA.</p> <p>Copy of submission to Certifying Authority.</p> <p>Copy of approval by Certifying Authority.</p> <p>Copy of submission to Secretary.</p>	
C7	<p>The approved works (including any excavation required for remediation) must not occur below 5 metres AHD and lower the water table below 1m AHD on adjacent class 1, 2, 3, 4 land in accordance with the Liverpool Local Environmental Plan 2008.</p>	Prior to Construction	Ensure approved works meet requirements.	<p>Copy of design plans.</p> <p>Copy of approval by Certifying Authority.</p>	

C8	<p>The subject site is to be remediated in accordance with:</p> <p>a) The approved Remedial Action Plan;</p> <p>b) State Environmental Planning Policy No. 55 – Remediation of Land; and</p> <p>c) The guidelines in force under the Contaminated Land Management Act.</p> <p>Amendments to the approved Remedial Action Plan required as a result of further site investigations must be approved by the site auditor, in consultation with the EPA.</p> <p>Within 3 months after the completion of the remediation works, a notice of completion, including a validation and/or monitoring report is to be provided to the Secretary. This notice must be consistent with State Environmental Planning Policy No. 55 – Remediation of Land.</p> <p>The validation and/or monitoring report is to be independently audited and a Site Audit Statement Issued. The audit is to be carried out by an independent auditor accredited by the EPA. Any conditions recorded on the Site Audit Statement are to be complied with.</p>	Prior to Construction	<p>Approved RAP to be available to site PMs and contractors.</p> <p>Engagement of suitable qualified independent site auditor.</p> <p>Tracking of remediation progress and completion of validation report and Site Audit Statement.</p> <p>Document any conditions recorded on the Site Audit Statement and incorporate them into site management plans as appropriate.</p>	<p>Copy of Remedial Action Plan.</p> <p>Copy of Site Auditor's approval of amendments.</p> <p>Copy of submission of notice of completion to Secretary.</p> <p>Copy of Site Audit Statement.</p> <p>Reference relevant site management plans updated in response to any conditions included on the Site Audit Statement.</p>	
Soil, Water Quality and Hydrology					
C9	The design of any new stormwater outlets to the Georges River or Anzac Creek must include scour protection works.	Prior to Construction	Ensure design meets requirements	Copy of Stormwater Management Plan.	
Fish Migration, Passage and Health					
C10	Prior to the commencement of construction the Applicant shall consider the staging of in-water works for the bridge construction across the Georges River to avoid the impact on the migration season of Australian	Prior to Construction	Ensure that the staging of in-water works for the bridge occurs.	Copy of construction staging program.	
C11	Prior to the commencement of the bridge construction works across the Georges River, the Applicant must consider if possible, restricting the use of the temporary platform to only one, and be designed to maintain fish passage. The Applicant must consult with DPI Fisheries with regard to the platform and its design prior to constructing the platform in the Georges River.	Prior to Construction	Where possible, restrict the use of the temporary platform to only one, to be designed to maintain fish passage.	<p>Copy of design plans.</p> <p>Copy of approval by Certifying Authority.</p>	
C12	The Applicant is to ensure that a daily visual inspection for dead or distressed fish in the Georges River is undertaken. Fish distress is indicated by fish gasping at the water surface, or crowding at the creek's banks. Should dead or distressed fish be observed, all works are to cease and DPI Fisheries is to be contacted immediately. Works can proceed following approval by DPI Fisheries .	Prior to Construction	Complete daily visual inspections to observe dead or distressed fish.	Records of daily visual inspections.	
Heritage					
C13	Prior to the commencement of construction activities affecting the WWII store buildings, the Applicant shall complete all archival recordings. This work shall be undertaken by an experienced heritage consultant, in accordance with the guidelines issued by the Heritage Council of NSW. Within 6 months of completing this work, the Applicant shall submit a report containing archival recordings to the Secretary, Certifying Authority, the Heritage Council of NSW, Liverpool Council and the local Historical Society.	Prior to Construction	Confirm archival recordings are completed in accordance with these requirements.	<p>Copy of archival recordings.</p> <p>Copy of heritage consultant's qualifications.</p> <p>Copy of dated submission of report containing archival recordings to the Secretary, Certifying Authority, the Heritage Council of NSW, Liverpool Council and the local Historical Society.</p>	
C14	Prior to the commencement of construction activities affecting the WWII store buildings, the Applicant shall prepare a Heritage Interpretation Strategy, in consultation with the Heritage Division. The Strategy shall be submitted for the approval of the Secretary with a copy provided to the Certifying Authority.	Prior to Construction	Confirm Heritage Interpretation Strategy is completed in accordance with these requirements.	<p>Copy of Heritage Interpretation Strategy.</p> <p>Copy of consultation with Heritage Division.</p> <p>Copy of submission to the Secretary and Certifying Authority.</p> <p>Copy of approval from Secretary.</p>	

C15	<p>Prior to the commencement of pre construction and construction activities affecting Aboriginal site MA14, the Applicant shall:</p> <p>a) Develop a detailed salvage strategy, prepared in consultation with OEH (Aboriginal heritage) and the Aboriginal stakeholders. The investigation program shall be prepared to the satisfaction of the Secretary; and</p> <p>b) Undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program.</p> <p>Within twelve months of completing the above work, unless otherwise agreed by the Secretary, the Applicant shall submit a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), prepared in consultation with the Aboriginal stakeholders, the OEH (Aboriginal heritage) and to the satisfaction of the Secretary.</p> <p>Note: where archaeological testing has occurred as part of the Environmental Assessment and the results are included in the documents listed in condition A1 the sites tested must still form part of the final report prepared under C15(b).</p>	Prior to Construction	<p>Review Salvage Strategy against these content requirements.</p> <p>Document any further excavation works recommended.</p> <p>Confirm completion date of works to inform due date of Findings Report.</p>	<p>Copy of the approved Salvage Strategy.</p> <p>Evidence of consultation with OEH and the Aboriginal Stakeholders regarding the Salvage Strategy.</p> <p>Evidence of correspondence with Secretary affirming satisfaction of the investigation program.</p> <p>Record completion date of works.</p> <p>Copy of the Salvage Report within 12 months of the completion of the salvage works.</p> <p>Evidence of consultation with OEH and the Aboriginal Stakeholders regarding Salvage Report.</p> <p>Evidence of correspondence with Secretary affirming satisfaction with Salvage Report.</p>	
Utilities and Services					
C16	<p>Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the construction shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Applicant, or as otherwise agreed between the parties.</p>	Prior to Construction	<p>Confirm consultation with relevant owners and/ or providers of utility services before commencement of construction.</p> <p>Confirm consultation with relevant owners and/ or providers of utility services before commencement of construction.</p>	<p>Copy of consultation record.</p> <p>This should include identification from the owner/provider whether a dilapidation report is required or not, in order to support validating any subsequent absence of a dilapidation report.</p>	
Pre-Construction Dilapidation Report					
C17	<p>The Applicant shall engage a suitably qualified person to prepare a pre-construction dilapidation report prior to the commencement of construction. This report to ascertain the structural condition of:</p> <p>a) Local public roads likely to be used by the project's construction traffic identified in the Construction Traffic and Access Management Sub-plan required under condition E35(a).</p> <p>b) Local public roads, cycleways, footpaths and other utilities identified in the Construction Traffic and Access Management Sub-Plan required under condition E35(a).</p> <p>c) The report shall be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS and the Secretary.</p>	Prior to Construction	<p>Confirmation of an appropriately qualified person.</p> <p>Confirm preparation of any required dilapidation report of relevant public infrastructure or off-site private land / access.</p> <p>Document submission of Pre-construction dilapidation report to Campbelltown City Council, Liverpool City Council, RMS and the Planning Secretary.</p>	<p>Copy of Pre-construction dilapidation report.</p> <p>Copy of submission of Pre-construction dilapidation report to Campbelltown City Council, Liverpool City Council, RMS and the Planning Secretary.</p>	
C18	<p>The Applicant shall undertake road pavement deflection testing of the construction truck routes at 20 metre intervals along all wheel paths where feasible and reasonable to the extent required by Condition E34(a), prior to commencement of construction.</p>	Prior to Construction	<p>Ensure road pavement deflection testing meets requirements.</p>	<p>Copy of results.</p>	
C19	<p>The Applicant shall ensure that the construction and operation of the proposed development will not prevent the existing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development.</p>	Prior to Construction	<p>Ensure construction and operation of development meets requirements.</p>	<p>Copy of approved CTAMP.</p>	
Biodiversity					
C20	<p>The Applicant shall ensure the width of the rail link corridor is no greater than 20 metres in the Riparian corridor of the Georges River and Anzac Creek.</p>	Prior to Construction	<p>Ensure the rail link width meets requirements.</p>	<p>Copy of certified design plans.</p>	
C21	<p>The Georges River Bridge shall be designed to ensure fauna movement within the riparian corridor is maintained. The bridge shall be designed in consultation with DPI Water and DPI Fisheries and approved by the Certifying Authority. A copy of the final design shall be submitted to the Secretary for information and made available on the website.</p>	Prior to Construction	<p>Confirm design plans are completed in accordance with these requirements.</p>	<p>Copy of design plans.</p> <p>Copy of consultation with DPI Water and DPI Fisheries.</p> <p>Copy of submission and approval by the Certifying Authority.</p> <p>Copy of submission to the Secretary.</p>	
C22	<p>The Applicant shall prepare and implement a 'Threatened Dragonfly Species survey Plan' to determine the presence or absence of threatened dragonfly species listed under the Fisheries Management Act 1994 on the Georges River, adjacent to the development site. The plan, including survey methodology, shall be prepared in consultation with DPI Fisheries prior to the commencement of construction.</p> <p>On implementing the plan, the survey results are to be forwarded onto DPI Fisheries. Should threatened dragonfly species be found at this site, DPI Fisheries should be contacted to agree on possible mitigation measures to avoid impacts in accordance with NSW DPI Policy and Guidelines for Fish Habitat Conservation and Management (2013).</p>	Prior to Construction	<p>Confirm Threatened Dragonfly Species Survey is completed in accordance with these requirements.</p>	<p>Copy of Threatened Dragonfly Species Survey Plan.</p> <p>Copy of consultation with DPI Fisheries.</p> <p>Copy of submission of survey results to DPI Fisheries.</p>	

C23	<p>Prior to the commencement of clearing within the railway corridor between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge, the Applicant must prepare and implement a Hibbertia Species Survey Plan to determine the number of individual plants of each Hibbertia species present within the corridor and confirm that the required quantum of biodiversity offset credits needed to provide an offset for the surveyed number of individual plants of each Hibbertia species can be achieved. The survey plan, including the survey method, must be prepared in consultation with OEH to the satisfaction of the Secretary. Results of the survey must be included in the Biodiversity Offset Package required by C23A.</p>	Prior to Construction	Confirm Biodiversity Offset Package is completed in accordance with these requirements.	<p>Copy of Hibbertia Species Survey Plan.</p> <p>Copy of satisfaction of HSSP by Secretary.</p>	
C23A	<p>Prior to the commencement of clearing within the railway corridor between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge, the Applicant shall develop and implement a Biodiversity Offset Package to the satisfaction of the Secretary. The Package shall detail how the ecological values lost as a result of the SSD will be offset. The Package shall be consistent with the NSW Biodiversity Offsets Policy for Major Projects (OEH 2014), unless otherwise agreed by the Secretary.</p> <p>The Package shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the SSD; (b) the objectives and biodiversity outcomes to be achieved; (c) the final suite of the biodiversity offset measures selected and secured in consultation with OEH; (d) the management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including: (e) the monitoring of the condition of species and ecological communities at offset (including translocation) locations; (f) the method for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites; (g) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and (h) timing and responsibilities for the implementation of the provisions of the Package <p>The Approved Biodiversity Offset Package shall be published on the Project Website within 7 days of its approval.</p> <p>Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.</p> <p>Where monitoring referred to in (e) above indicates that biodiversity outcomes are not being achieved, remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved to the satisfaction of the Secretary. Such remedial actions shall be documented under an addendum to the Biodiversity Offset Package and the addendum be submitted to the satisfaction of the Secretary, prior to the implementation of that addendum.</p> <p>If the applicant can demonstrate to the satisfaction of the Secretary that the proposed offset land for between the southern boundary of the terminal site and the eastern side of the approved Moorebank Avenue Bridge has been secured, the Applicant shall within 12 months of the commencement of construction develop and implement the Biodiversity Offset Package to the satisfaction of the Secretary in accordance with items (a)-(h) above.</p> <p>Note: Where the Applicant has opted to develop a consolidated Biodiversity Offset Package covering both</p>	Prior to Construction	Confirm Biodiversity Offset Package is completed in accordance with these requirements.	<p>An approved Biodiversity Offset Package.</p> <p>Copy of satisfaction of Biodiversity Offset Package by Secretary.</p>	
C23B	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) remove the disused rail spur traversing the Southern Boot Land and remediate and rehabilitate the land containing the disused rail spur traversing the Southern Boot Land, which is identified in blue dotted outline on Attachment A to these conditions titled "Figure 1 – Wattle Grove Offset Area"; and (b) once remediation of the disused rail spur is complete, apply within 2 months of completion of the remediation to amend the biobanking agreement to incorporate the land shaded yellow on Attachment A to these conditions titled "Figure 1 – Wattle Grove Offset Area"; and (c) apply within 2 months of the issue of the biobanking agreement to amend the biobanking agreement to incorporate the land shaded red on Attachment A to these conditions titled "Figure 1 – Wattle Grove Offset Area". <p>Nothing in this condition requires the Applicant to amend the biobanking agreement application lodged with OEH in February 2017.</p>	Prior to Construction	Confirm Biodiversity Offset Package is completed in accordance with these requirements.	An approved Biodiversity Offset Package.	

Transport and Access					
C24	Prior to the commencement of construction, the Applicant shall undertake a Road Safety Audit in consultation with TfNSW and the relevant Council for the proposed construction vehicle access points on public roads. The audit shall be undertaken by an independent TfNSW accredited road safety auditor in accordance with the relevant Austroads guidelines to identify any safety issues for the proposed construction vehicle access. The audit shall recommend corrective actions for any identified safety issues and propose appropriate traffic management measures (i.e. temporary traffic signals).	Prior to Construction	Confirm engagement of accredited TfNSW road safety auditor. Confirm Road Safety Audit completed in accordance with these requirements.	Copy of Road Safety Audit. Copy of road safety auditors independent TfNSW accreditation.	
C25	The design of new traffic signals (including modification of existing traffic signals) along Moorebank Avenue shall be designed to meet RMS requirements, Austroads Guide to Road Design and relevant RMS supplements (available on www.rms.nsw.gov.au). Plans shall be prepared in consultation with RMS, be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information.	Prior to Construction	Confirm design plans are completed in accordance with these requirements. Confirm submission of plans to Certifying Authority and Secretary.	Copy of design plans. Copy of consultation with RMS. Copy of submission to Certifying Authority and Secretary. Copy of correspondence with Certifying Authority affirming satisfaction of design plans.	
NOTE THIS IS A DUPLICATE OF C25	The design of new traffic signals (including modification of existing traffic signals) along Moorebank Avenue shall be designed to meet RMS requirements, Austroads Guide to Road Design and relevant RMS supplements (available on www.rms.nsw.gov.au). Plans shall be prepared in consultation with RMS, be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information	Prior to Construction	Confirm design plans are completed in accordance with these requirements. Confirm submission of plans to Certifying Authority and Secretary.	Copy of design plans. Copy of consultation with RMS. Copy of submission to Certifying Authority and Secretary. Copy of correspondence with Certifying Authority affirming satisfaction of design plans.	
Rail Link Noise Barrier Design Contingency					
C27	The Applicant shall design the rail link to accommodate the installation of trackside noise barriers for the full length of the rail link in the event they may be required at some future time to comply with the project specific noise levels.	Prior to Construction	Confirm design plans are completed in accordance with these requirements. Confirm submission of plans to Certifying Authority and Secretary.	Copy of design plans. Copy of consultation with RMS. Copy of submission to Certifying Authority and Secretary. Copy of correspondence with Certifying Authority affirming satisfaction of design plans.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part D- Community Information and Reporting					Non-Compliant
Community Communication Strategy					Not Triggered
D1	<p>Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Community Communication Strategy (CCS) to the satisfaction of the Secretary. The Strategy shall provide mechanisms to facilitate communication between the Applicant (and its contractor(s)), the Environmental Representative (see condition E4), the relevant Council and community stakeholders (particularly adjoining landowners) on the design and environmental management of construction. The Strategy shall include, but not be limited to:</p> <p>a) Identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners, key community and business groups, and community and social service organisations;</p> <p>b) Procedures and mechanisms for the regular distribution of accessible information to community stakeholders on construction progress and matters associated with environmental management, including provision of information in appropriate community languages;</p> <p>c) Procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Applicant and/or Environmental Representative in relation to the environmental management and delivery of the SSD;</p> <p>d) Procedures and mechanisms through which the Applicant can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the SSD; and</p> <p>e) Procedures and mechanisms that would be implemented to resolve issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the SSD, including but not limited to disputes regarding rectification or compensation for impacts to third party property and infrastructure. These procedures and mechanisms may include the use of a suitably qualified and experienced independent mediator.</p>	Prior to Construction	Confirm CCS is completed in accordance with these requirements.	<p>Copy of approved Community Communication Strategy (CCS).</p> <p>Copy of the submission correspondence of the CCS to the Secretary.</p> <p>Copy of correspondence from the Secretary identifying approval of the CCS.</p>	
Complaints and Enquiries Procedure					
D2	<p>Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall ensure that the following are available for community enquiries and complaints for the duration of construction:</p> <p>a) 24 hour telephone number(s) on which complaints and enquiries about the SSD may be registered;</p> <p>b) postal address to which written complaints and enquiries may be sent;</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted; and</p> <p>d) mediation system for complaints unable to be resolved.</p> <p>The telephone number, the postal address and the email address shall be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval.</p>	Prior and During Construction	Confirm the required contact details are available for community enquiries and complaints for the duration of construction.	Copy of published telephone number, postal address and email address in newspapers and on the website.	
D3	<p>Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Construction Complaints Management System consistent with AS ISO 10002-2006 Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2004, MOD) and maintain the System for the duration of construction and up to 12 months following completion of construction.</p> <p>Information on all complaints received, including the means by which they were addressed and whether resolution was reached, with or without mediation, shall be maintained in a complaints register and included in the construction compliance reports required by this approval. The information contained within the System shall be made available to the Secretary on request.</p>	Prior to Construction	Confirm Construction Complaints Management System is prepared in accordance with these requirements.	<p>Copy of Construction Complaints Management System.</p> <p>Copy of complaints register.</p>	
Provision of Electronic Information					
D4	<p>Prior to commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the SSD, for the duration of construction. The Applicant shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:</p> <p>a) Information on the current implementation status of the SSD;</p> <p>b) Copy of the documents listed in condition A1, and any documentation supporting modifications to this approval that may be granted from time to time;</p> <p>c) Copy of this approval and any future modification to this approval;</p> <p>d) Copy of each relevant environmental approval, licence or permit required and obtained in relation to the SSD;</p> <p>e) The outcomes of compliance tracking in accordance with condition C4 of this approval; and</p> <p>f) Details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address real time noise, dust and water data, where such data is collected under this consent.</p>	Prior to Construction	Confirm information required is being maintained and published on the website or dedicated pages.	Copy of website/pages that includes information associated with the SSD.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part E- Construction Environmental Management					Non-Compliant
Approved Plans to Be on Site					Not Triggered
E1	A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, relevant Council or the Certifying Authority.	During Construction	Confirm a copy of approved and certified plans, specifications and documents are kept on site.	Access to approved and certified plans, specifications and documents.	
Site Notice					
E2	A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Contractor, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements: a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size; b) The notice is to be durable and weatherproof and is to be displayed throughout the works period; c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.	During Construction	Confirm site notice is completed in accordance with these requirements.	Copy of site notice displayed at boundaries.	
Contact Telephone Number					
E3	The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.	During Construction	Ensure that a 24 hour telephone number is available.	Copy of the complaints register.	
Environmental Representative					
E4	Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall appoint a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel, and that has been approved by the Secretary. The Applicant shall employ the Environmental Representative(s) (ER) for the duration of construction of this stage, or as otherwise agreed by the Secretary. The Environment Representative(s) shall: a) Be the principal point of advice in relation to the environmental performance of construction; b) Monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Applicant upon the achievement of these plans/programs; c) Have responsibility for considering, and advising the Applicant on, matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of construction; d) Ensure that environmental auditing is undertaken in accordance with the Applicant's Environmental Management System(s); e) Be given the authority to approve/reject minor amendments to the Construction Environment Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environment Management Plan; f) Be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts; and g) Be consulted in responding to the community concerning the environmental performance of construction where the resolution of points of conflict between the Applicant and the community is required.	Prior to Construction	Confirm appointment of suitably qualified and experienced Environmental Representative.	Copy of Environmental Representative's qualifications. Copy of ER approval from Secretary.	
E5	The Environmental Representative shall prepare and submit to the Secretary a quarterly report on the Environmental Representative's actions and decisions on matters specified in condition E4. The reports shall be submitted within seven (7) days for the end of each quarter for the duration of construction, or as otherwise agreed by the Secretary. Notwithstanding, the Environmental Representative shall be given the independence to report to the Secretary at any time and/or at the request of the Secretary.	During Construction	Confirm quarterly reports are submitted within these requirements. Track submission dates of ER reports.	Copy of quarterly reports. Copy of dated submission of quarterly reports.	
Construction Soil and Water Management					
E6	Soil and water management measures consistent with Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004) shall be employed during construction to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.	During Construction	Ensure soil water management measures are consistent with Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004).	Copy of Soil & Water Management Plan. Copies of inspections and audit reports.	

E7	Construction shall be undertaken to comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters.	During Construction	Ensure construction is undertaken to comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters.	Copies of inspections and audit reports.	
Bunding					
E8	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling Liquids: Environmental Protection – Participants Handbook.	During Construction	Confirm storage of chemicals, fuels and oils are used on site in accordance with these requirements.	Copies of inspections and audit reports.	
Riparian Corridor Works					
E9	All activities taking place in, on or under waterfront land, as defined in the Water Management Act 2000 should be conducted generally in accordance with the NSW Office of Water's Guidelines for Controlled Activities.	During Construction	Confirm activities taking place in, on or under waterfront land is conducted in accordance with these requirements.	Copies of inspections and audit reports.	
Incident Reporting					
E10	The Applicant shall notify the Secretary and relevant public authorities of any incident with actual or potential significant on-site or off-site impacts on human health or the biophysical environment within 24 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the Secretary within seven days of the date on which the incident occurred. Note: Where an incident also requires reporting to the EPA and/or OEHL, the incident report prepared for the purposes of notifying the EPA and/or OEHL would meet this requirement.	During Construction	Ensure notification of incidents are conducted in accordance with these requirements.	Copies of any notifications to the Secretary and relevant public authorities. Copy of Incident Register	
E11	The Applicant shall meet the requirements of the Secretary or relevant public authority (as determined by the Secretary) to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition E10, within such period as the Secretary may require.	During Construction	Ensure Incident Reporting and the Incident Register is in accordance with the requirements of the Secretary or relevant public authority.	Copy of Incident Register.	
Heritage					
E12	The Applicant shall not harm, modify or otherwise impact any heritage items outside the subject site.	During Construction	Ensure no harm, modification or impact occurs outside the subject title	Copy of approved Heritage Management Plan. Copies of inspections and audit reports. Copies of incident and NCR reports. Copy of the complaints register.	
Dangerous Goods					
E13	Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with: a) all relevant Australian Standards; b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and c) the Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin (Environment Protection Authority, 1997). In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.	During Construction	Ensure dangerous goods are stored and handled in accordance with these requirements.	Copies of Dangerous Good Licenses & Manifests (if applicable). Copies of inspections and audit reports. Copies of incident and NCR reports. Copy of the complaints register.	
Dust Management					
E14	The Applicant shall carry out all feasible and reasonable measures to minimise dust generated by the Development.	During Construction	Confirm inclusion of dust minimisation measures in CEMP. Review dust monitoring data collected as part of the CEMP.	Copy of approved CEMP.	
E15	During construction, the Applicant shall ensure that all loaded vehicles entering or leaving the site have their loads covered; and all loaded vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads.	During Construction	Ensure loaded vehicles entering leaving sites are covered, cleaned of dirt, sand and other material and avoid tracking same onto public roads.	Copy of an approved CEMP detailing controls. Copies of inspections and audit reports. Copies of incident and NCR reports. Copy of the complaints register.	
Waste Management					
E16	The reuse and/or recycling of waste materials generated on site shall be maximised as far as practicable, to minimise the need for treatment or disposal of those materials off site.	During Construction	Maximise the use of reuse/ recycling of waste materials on site.	Copy of an approved Waste Management Plan.	
E17	All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with Waste Classification Guidelines (Department of Environment, Climate Change and Water 2009).	During Construction	Confirm assessment / classification of liquid and non-liquid waste to be taken off site in accordance with EPA guidelines.	Records/Copies of Waste Classifications.	
E18	All waste materials removed from the subject site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.	During Construction	Confirm Waste Management Plan is created in accordance with these requirements.	Copy of an approved Waste Management Plan.	

Construction Hours				
E19	<p>Construction shall be undertaken during the following standard construction hours:</p> <p>a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and</p> <p>b) 8:00am to 1:00pm Saturdays;</p> <p>c) at no time on Sundays or public holidays.</p>	During Construction	<p>Confirm working hours are included in Construction Environment Management Plan (CEMP).</p> <p>Confirm inclusion of working hours in inductions and toolbox talks.</p> <p>Periodic review of actual start and finish times.</p>	<p>Copy of an approved CEMP.</p> <p>Copy of induction documentation.</p> <p>Work start and finish logs.</p>
E20	<p>Activities resulting in a high noise impact shall only be undertaken:</p> <p>a) between the hours of 8:00 am to 5:00 pm Monday to Friday;</p> <p>b) between the hours of 8:00 am to 1:00 pm Saturday; and</p> <p>c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.</p> <p>For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.</p>	During Construction	<p>Confirm working hours are included in CEMP.</p> <p>Confirm inclusion of working hours in inductions and toolbox talks.</p> <p>Periodic review of actual start and finish times.</p>	<p>An approved CEMP.</p> <p>Copy of induction documentation.</p> <p>Work start and finish logs.</p>
E21	<p>Notwithstanding conditions E19 and E20, works may be undertaken outside the hours specified under those conditions in the following circumstances:</p> <p>a) Construction works that cause LAeq (15 minute) noise levels that are:</p> <p>(i) no more than 5 dB above rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and</p> <p>(ii) no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses; or</p> <p>b) for the delivery of materials required by the police or other authorities for safety reasons; or</p> <p>c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or</p> <p>d) Construction works approved through an Out-Of-Hours Work Protocol prepared as part of the Construction Noise and Vibration Management Plan required by condition E34(b), provided the relevant Council, local residents and other affected stakeholders and sensitive receivers are informed of the timing and duration at least 48 hours prior to the commencement of the works; or</p> <p>e) Identified works approved by the Secretary.</p>	During Construction	<p>Confirm working hours are included in CEMP.</p> <p>Confirm inclusion of working hours in inductions and toolbox talks.</p> <p>Periodic review of actual start and finish times.</p>	<p>Copy of an approved CEMP.</p> <p>Copy of induction documentation.</p> <p>Work start and finish logs.</p>
Construction Noise and Vibration				
E22	<p>The Applicant shall implement all feasible and reasonable noise mitigation measures with the aim of achieving the following construction noise management levels and vibration criteria:</p> <p>a) Construction noise management levels established using the Interim Construction Noise Guideline (DECC 2009);</p> <p>b) Vibration criteria established using the Assessing Vibration: a Technical Guide (DECC 2006) (for human exposure); and</p> <p>c) the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage).</p> <p>Any construction activities identified as exceeding the construction noise management levels and/or vibration criteria shall be managed in accordance with the Construction Noise and Vibration Management Plan required by condition E34(b).</p> <p>Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction Noise Management Level.</p>	During Construction	<p>Confirm Construction Noise and Vibration Management Plan is prepared in accordance with these requirements.</p>	<p>Copy of Construction Noise and Vibration Management Plan (CNVMP).</p>
Construction Traffic Noise				
E23	<p>The Applicant is to ensure that construction vehicles operate so as to minimise any construction noise impacts from the construction site. Measures that could be used include toolbox talks, contracts that include provisions to deal with unsatisfactory noise performance for the vehicle and/or the operator, and specifying non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.</p>	During Construction	<p>Ensure construction vehicles operate so as to minimise any construction noise impacts.</p>	<p>Copy of the approved CTAMP.</p> <p>Copy of the approved CNVMP.</p> <p>Records of inductions and toolbox talks and plant/equipment specifications.</p>
E24	<p>No use of compression brakes shall be permitted for construction vehicles associated with construction in the vicinity of the subject site.</p>	During Construction	<p>Ensure no use of compression brakes.</p>	<p>Copy of the approved CTAMP.</p> <p>Noise monitoring records.</p> <p>Complaints register.</p>

Review of Operational Sleep Disturbance Impacts				
E25	<p>The Applicant shall prepare a review of sleep disturbance impacts based on detailed design, including:</p> <p>a) An assessment of how often noise events occur, the time of day they occur and whether there are any times of day when there is a clear change in the noise environment;</p> <p>b) Confirm the operational sleep disturbance predictions identified in the documents listed under Condition A1; and</p> <p>c) Consider appropriate noise mitigation measures where required.</p> <p>The report shall be prepared in consultation with the EPA and be submitted to the satisfaction of the Secretary within 6 months of commencement of construction, unless otherwise agreed by the Secretary.</p>	During Construction	Review of operational sleep disturbances and submit to Secretary within 6 months of commencement of construction.	<p>Copy of consultation with the EPA.</p> <p>Copy of operational sleep disturbance report.</p>
Transport and Access				
E26	A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre (TMC) for any activity likely to impact on the operational efficiency of the road network, allowing the use of specified public road space at approved times. The Applicant must allow a minimum of 10 working days for processing from date of receipt and include a Traffic Control Plan with any application.	During Construction	Confirm receipt of Road Occupancy Licence.	<p>Copy of Road Occupancy Licence.</p> <p>Copy of dated receipt of Road Occupancy Licence.</p> <p>Copy of CTAMP.</p>
E27	Construction shall be carried out, where feasible and reasonable, to avoid the use of local roads (through residential streets) by heavy vehicles to gain access to the site and/or ancillary facilities.	During Construction	Confirm Construction Traffic & Access Management Plan is created in accordance with these requirements.	Copy of CTAMP.
E28	Construction vehicles (including staff vehicles) shall be managed to: <p>a) Minimise parking or queuing on public roads;</p> <p>b) Minimise idling and queuing in local residential streets where practicable;</p> <p>c) Adhere to the nominated haulage routes identified in the Construction Traffic and Access Management Plan required under condition E35(a); and</p> <p>d) Ensure access and egress from construction compounds is undertaken in a safe and lawful manner.</p>	During Construction	Confirm CTAMP is prepared in accordance with these requirements.	Copy of CTAMP.
E29	Safe pedestrian and cyclist access through or around worksites shall be maintained during construction. In circumstances where pedestrian and cyclist access is restricted due to construction activities, a satisfactory alternate route shall be provided and signposted, including provision of temporary footpaths where pedestrian access is reliant on grassed verges.	During Construction	Confirm CTAMP is prepared in accordance with these requirements.	Copy of approved CTAMP.
E30	Access to all properties affected by the carrying out of construction shall be maintained, where feasible and reasonable, unless otherwise agreed by the relevant property owner or occupier. Any access physically affected by construction shall be reinstated to at least an equivalent standard, unless agreed with by the property owner.	During Construction	Confirm CTAMP is prepared in accordance with these requirements.	Copy of approved CTAMP.
Biodiversity				
E31	No threatened species or communities can be cleared other than that required for construction.	During Construction	Confirm Construction Flora and Fauna Management Plan is created in accordance with these requirements.	Copy of approved Construction Flora and Fauna Management Plan (CFFMP).
E31A	Where any threatened flora species are to be cleared, individual plants of species suitable for translocation shall be considered for translocation into areas that have been identified as requiring rehabilitation within the Biodiversity Offset Package.	Prior to Construction	Confirm CFFMP is prepared in accordance with these requirements.	<p>An approved Biodiversity Offset Package.</p> <p>Copy of approved CFFMP.</p>
E32	The existing mature trees located on the eastern side of Moorebank Avenue shown on Drawing LA01 (Landscape Masterplan) dated 30.3.2015 shall be retained, unless where required to be removed for construction of a permanent access point to the terminal site. Trees to be retained shall be protected and maintained during pre-construction and construction activities in accordance with AS4970-2009 Protection of trees on development sites. Details of tree protection must be provided to the Certifying Authority prior to the commencement of construction.	During Construction	Confirm CFFMP is prepared in accordance with these requirements.	Copy of approved CFFMP.

Construction Environmental Management Plan					
E33	<p>Prior to the commencement of construction, or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP). The CEMP is to be prepared in consultation with the EPA, OEH, DPI Water, DPI Fisheries, and the relevant Council, for the approval of the Secretary. The CEMP shall outline the environmental management practices and procedures that are to be followed during construction. The CEMP is to be prepared in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004). . The CEMP shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) description of activities to be undertaken during construction; b) statutory and other obligations that the Applicant is required to fulfil during construction, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies; c) description of the roles and responsibilities for relevant employees involved in construction, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors, are aware of their environmental and compliance obligations under these conditions of approval; d) an environmental risk analysis to identify the key environmental performance issues associated with construction; and e) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the CEMP: <ul style="list-style-type: none"> (i) measures to monitor and manage dust emissions including dust from stockpiles, traffic on unsealed internal roads and materials tracking from construction sites onto public roads; (ii) measures for the handling, treatment and management of hazardous and contaminated materials (including asbestos); (iii) measures to monitor and manage waste generated during construction including but not necessarily limited to: general procedures for waste classification, handling, reuse, and disposal; use of secondary waste material in construction wherever feasible and reasonable; procedures or dealing with green waste including timber and mulch from clearing activities; and measures for reducing demand on water resources (including potential for reuse of treated water from sediment control basins); (iv) measures to monitor and manage hazard and risks; (v) measures to monitor and rectify any impacts to third party property and infrastructure, including details of the process for rectification or compensation of affected landowners, and timeframes for rectification works or compensation processes; and (vi) the issues identified in condition E34. <p>The CEMP shall include procedures for its periodic review and update (including the sub-plans required under condition E34, as necessary (including where minor changes can be approved by the Environmental Representative).</p> <p>The CEMP shall be submitted for the approval of the Secretary no later than one month prior to the commencement of construction, or as otherwise agreed by the Secretary. The CEMP may be prepared in stages; however, construction shall not commence until written approval of the relevant stage has been received from the Secretary.</p> <p>The approval of a CEMP does not relieve the Applicant of any requirement associated with this approval. If there is an inconsistency with an approved CEMP and the conditions of this approval, the requirements of this approval shall prevail.</p>	Prior to Construction	Confirm CEMP is prepared in accordance with these requirements.	<p>Copy of approved CEMP.</p> <p>Copy of consultation with the EPA, OEH, DPI Water, DPI Fisheries and the relevant council.</p> <p>Copy of approval from the Secretary.</p>	
Construction Environmental Management Plan — Sub Plans					
E34	<p>As part of the CEMP for the SSD, the Applicant shall prepare and implement:</p> <ul style="list-style-type: none"> a) a Construction Traffic and Access Management Plan to ensure traffic and access controls are implemented to avoid or minimise impacts on traffic, pedestrian and cyclist access, and the amenity of the surrounding environment. The Plan shall be developed in consultation with the relevant Council, emergency services, road user groups, and relevant pedestrian and bicycle user groups, and include, but not necessarily be limited to: <ul style="list-style-type: none"> (i) identification of construction traffic routes and construction traffic volumes (including heavy vehicle/spoil haulage) on these routes; (ii) details of vehicle movements for construction sites and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points; (iii) discussion of construction impacts that could result in disruption of traffic, public transport, pedestrian and cycle access, access to public land, property access, including details of oversize load movements, and the nature and duration of those impacts; (iv) details of management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access; (v) details of measures to maintain or provide alternative safe and accessible routes for pedestrians throughout the duration of construction; (vi) details of measures to maintain connectivity for cyclists, with particular emphasis on providing adequate access between key existing cycle routes for commuter cyclists; 	At All Times	Confirm CEMP is prepared in accordance with these requirements.	<p>Copy of CEMP.</p> <p>Copy of Construction Traffic and Access Management Plan (CTAMP).</p> <p>Construction Noise and Vibration Management Plan (CNVMP).</p> <p>Construction Heritage Management Plan (CHMP).</p> <p>Construction Flora and Fauna Management Plan (CFFMP).</p> <p>Construction Air Quality Management Plan (CAQMP).</p> <p>Construction Soil and Water Management Plan (CSWMP).</p>	

vii) details of measures to manage traffic movements, parking, loading and unloading at ancillary facilities during out-of-hours work;
(viii) details of methods to be used to communicate proposed future traffic changes to affected road users, pedestrians and cyclists, consistent with the Community Communication Strategy required under condition D1;
(ix) an adaptive response plan which sets out a process for response to any traffic, construction or other incident; and
(x) mechanisms for the monitoring, review and amendment of this plan.

b) a Construction Noise and Vibration Management Plan to detail how construction noise and vibration impacts will be minimised and managed. The Plan shall be consistent with the guidelines contained in the Interim Construction Noise Guidelines (Department of Environment and Climate Change 2009). The plan shall be developed in consultation with the EPA and shall include, but not be limited to:
(i) identification of the work areas, site compounds and access points;
(ii) identification of sensitive receivers and relevant construction noise and vibration goals applicable to the SSD and stipulated in the conditions above;

(iii) details of construction activities and an indicative schedule for works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios, including at ancillary facilities) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;
(iv) an Out-of-Hours Work Protocol for the assessment, management and approval of works outside of standard construction hours as defined in condition E19 of this approval, for the Secretary's approval. The Out-of-Hours Work Protocol must detail:

a) assessment of out-of-hours works against the relevant noise and vibration criteria;
b) detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments; and
c) proposed notification arrangements.
(v) identification of feasible and reasonable measures proposed to be implemented to minimise and manage noise impacts (including construction traffic noise impacts), including, but not limited to, acoustic enclosures, erection of noise walls (hoardings) and respite periods;

(vi) identification of feasible and reasonable procedures and mitigation measures to ensure relevant vibration criteria are achieved, including applicable buffer distances for vibration intensive works, use of low-vibration generating equipment/ vibration dampeners or alternative construction methodology, and pre- and post- construction dilapidation surveys of sensitive structures where blasting and/ or vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria);

(vii) a description of how the effectiveness of mitigation and management measures would be monitored during construction, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported, and, if any exceedance is detected, how any noncompliance would be rectified; and
(viii) mechanisms for the monitoring, review and amendment of this plan.

c) a Construction Heritage Management Plan to ensure construction impacts on Aboriginal and non-Aboriginal heritage will be appropriately avoided, minimised and managed. The Plan shall be developed in consultation with OEH, the relevant Council, the NSW Heritage Council (for non-Aboriginal State heritage items) and the relevant Local Aboriginal Land Councils (for Aboriginal heritage), and include, but not necessarily be limited to:

(i) in relation to Aboriginal Heritage:
a) details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, and conservation of sites and items;
b) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains), including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures, including when works can re-commence, by a suitably qualified and experienced archaeologist in consultation with the Secretary and Aboriginal stakeholders, assessment of the consistency of any Aboriginal heritage impacts against the approved impacts of the SSD, and, where relevant, registration in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;

c) procedures for dealing with human remains, including cessation of works in the vicinity, notification of Secretary, NSW Police Force, OEH and Aboriginal stakeholders, and commitment to cease recommending any works in the area unless authorised by the OEH and/or the NSW Police Force;

d) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage; and

e) procedures for ongoing Aboriginal consultation and involvement for the duration of construction; and
(ii) in relation to non-Aboriginal Heritage:

a) identification of heritage items directly and indirectly affected by construction;

b) consideration of methods to prevent damage to any retained heritage items, including:

I. procedures for identifying minimum working distances to retained heritage items (including, at minimum, vibration testing and monitoring),

II. detailed options for alteration of construction methodology should preferred values for vibration be exceeded, and

III. commitment to implementing those options if preferred values for vibration are likely to be exceeded.

c) details of management measures to be implemented to prevent and minimise impacts on heritage items (including further heritage investigations, archival recordings and/or measures to protect unaffected sites during construction works in the vicinity);

d) details of monitoring and reporting requirements for impacts on heritage items;

e) procedures for dealing with previously unidentified heritage objects, (including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified and experienced archaeologist in consultation with the OEH, NSW Heritage Council and the Secretary, assessment of the consistency of any heritage impacts against the approved impacts of the SSD, and, where relevant, notification of the Heritage Council of NSW in accordance with section 146 of the Heritage Act 1977; and

f) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions and obligations under this approval including site identification, protection and conservation of non-Aboriginal cultural heritage; and

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

d) a Construction Flora and Fauna Management Plan to detail how impacts on ecology (as detailed in the most recent mapping endorsed by OEH) will be minimised and managed. The Plan shall be developed by a suitably qualified and experienced ecologist and in consultation with the OEH, and shall include, but not necessarily be limited to:

(i) plans for impacted and adjoining areas showing vegetation communities; important flora and fauna habitat areas; areas of conservation value; locations where threatened species, populations or ecological communities have been recorded; including pre-clearing surveys to confirm the location of threatened flora and fauna species and associated habitat features;

(ii) the identification of areas to be cleared and details of management measures to avoid residual habitat damage or loss and to minimise or eliminate time lags between the removal and subsequent replacement of habitat such as:

a) clearing minimisation procedures (including fencing);

b) clearing procedures (including nest box plan);

c) removal and relocation of fauna during clearing;

d) habitat tree management;

e) construction worker education; and

f) installation of exclusion fencing prior to commencement of construction.

(iii) rehabilitation details, including identification of flora species and sources, and measures for the management and maintenance of rehabilitated areas;

(iv) a Weed Management Strategy, incorporating weed management measures focusing on early identification of invasive weeds and effective management controls (including for those related to aquatic and riparian zones);

(v) a description of how the effectiveness of these management measures would be monitored;

(vi) a procedure for dealing with unexpected EEC/ threatened species identified during construction, including cessation of work and notification to the OEH and DPI Fisheries, determination of appropriate mitigation measures in consultation with the OEH and DPI Fisheries (including relevant re-location measures) and updating of ecological monitoring and/ or biodiversity offset requirements; and

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

e) a Construction Air Quality Management Plan to detail how impacts on local air quality will be minimised and managed. The Plan shall be developed in consultation with the EPA, and shall include, but not necessarily be limited to:

(i) identification of sources (including stockpiles and open work areas) and quantification of airborne pollutants;

<p>(ii) key performance indicators for local air quality during construction;</p> <p>(iii) details of monitoring methods, including location, frequency and duration of monitoring;</p> <p>(iv) mitigation measures to minimise impacts on local air quality;</p> <p>(v) procedures for record keeping and reporting against key performance indicators;</p> <p>(vi) provisions for implementation of additional mitigation measures in response to issues identified during monitoring and reporting; and</p> <p>(vii) mechanisms for the monitoring, review and amendment of this plan.</p> <p>f) a Construction Soil and Water Management Plan to manage surface and groundwater impacts during construction. The plan shall be developed in consultation with, EPA, DPI Water, DPI Fisheries, and relevant Councils, and include, but not necessarily be limited to:</p> <p>(i) details of construction activities and their locations, which have the potential to impact on water courses, storage facilities, stormwater flows, and groundwater, including identification of all pollutants that may be introduced into the water cycle;</p> <p>(ii) potential impacts on watercourse bank stability and the development of appropriate mitigation measures as required;</p> <p>(iii) emergency response procedures addressing potential flood impacts or spill incidents;</p> <p>(iv) an Erosion and Sediment Control Plan, detailing measures to manage any erosion and sedimentation impacts into the Georges River or Anzac Creek;</p> <p>(v) an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas, should construction activities impact on acid sulfate soils;</p> <p>(vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take</p> <p>place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified; and</p> <p>(vii) mechanisms for the monitoring, review and amendment of this plan.</p>			
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*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part F- Prior to Operations					Non-Compliant
Post- Construction Dilapidation Report					Not Triggered
F1	<p>The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works:</p> <p>a) This report is to ascertain whether the construction works created any structural damage to footpaths, roads, buildings and other utilities in the vicinity of the development.</p> <p>b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:</p> <p>(i) Compare the post-construction dilapidation report with the pre-construction dilapidation report ; and</p> <p>(ii) Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads as a result of construction.</p> <p>c) The report shall be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS and the Secretary.</p>	Prior to Operations	<p>Confirm post-construction dilapidation report is completed in accordance with these requirements.</p>	<p>Copy of post-construction dilapidation report author's qualifications.</p> <p>Copy of post-construction dilapidation report.</p> <p>Copy of submission to Certifying Authority.</p> <p>Copy of submission to Certifying Authority, Campbelltown City Council, Liverpool City Council, RMS and the Secretary.</p> <p>Copy of correspondence with Certifying Authority affirming satisfaction of post-construction dilapidation report.</p>	
Easements					
F2	<p>Prior to the commencement of operation, the Applicant shall submit the final draft section 88B instrument, if relevant to the Certifying Authority and the Secretary for information.</p>	Prior to Operations	<p>Confirm that the final draft section 88B instrument has been submitted to the Secretary for information.</p>	<p>Copy of section 88B instrument.</p> <p>Copy of submission of the instrument to Certifying Authority and Secretary.</p>	
External Lighting					
F3	<p>External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the Certifying Authority, in consultation with the relevant Council and RMS, evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.</p>	Prior to Operations	<p>Confirm external lighting is installed in accordance with these requirements.</p>	<p>Copy of compliance reporting submission to the Certifying Authority.</p> <p>Copy of consultation with the relevant council and RMS.</p> <p>Copy of independent practitioner's qualifications.</p>	
Operational Management Plan					
F4	<p>The Applicant shall prepare and implement (following approval) an Operation Environmental Management Plan (OEMP). The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with relevant agencies and in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:</p> <p>a) a description of activities to be undertaken during operation (including staging and scheduling);</p> <p>b) statutory and other obligations that the Applicant is required to fulfil during operation, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;</p> <p>c) overall environmental policies, guidelines and principles to be applied to the operation of the project;</p> <p>d) a description of the roles and responsibilities for relevant employees involved in the operation of the project, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under these conditions of approval;</p> <p>e) an environmental risk analysis to identify the key environmental performance issues associated with the operation phase;</p> <p>f) details of management and monitoring of environmental performance, including the actions to be taken to address identified potential adverse environmental impacts (and any impacts arising from staging of the project construction). In particular, the following environmental performance issues shall be addressed in the Plan:</p> <p>(i) noise emissions including measures for regular performance monitoring of noise generated by the project and measures to proactively respond to and deal with noise complaints;</p> <p>(ii) a description of the proposed and/or implemented measures to minimise visual impact project components, such as landscaping and design considerations;</p> <p>(iii) procedures for the monitoring and maintenance of the watercourse crossings to achieve stable creek bed and banks; and</p> <p>(iv) air emissions including measures for regular performance monitoring of air quality generated by the Project and measures to proactively respond to and deal with air quality complaints.</p> <p>The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary. Operation shall not commence until written approval has been received from the Secretary.</p> <p>The approval of an Operation Environmental Management Plan does not relieve the Applicant of any requirement associated with this project approval. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this approval, the requirements of this approval prevail.</p>	Prior to Operations	<p>Confirm OEMP is completed in accordance with these requirements.</p>	<p>An approved OEMP.</p> <p>Copy of submission of OEMP to the Secretary.</p> <p>Copy of OEMP approval from Secretary.</p>	
Operational Noise					
F5	<p>Prior to the commencement of operation, the Applicant shall prepare a Brake Squeal Report on brake squeal identifying the following:</p> <p>a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminals. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);</p> <p>b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;</p> <p>c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and</p> <p>d) Any monitoring system proposed to capture brake squeal.</p>	Prior to Operations	<p>Confirm Brake Squeal Report is completed in accordance with these requirements.</p>	<p>Copy of Brake Squeal Report.</p>	

F5A	<p>The Applicant shall prepare and implement (following approval) a Container Noise Barrier Management Plan (CNBMP). The plan shall be prepared by a suitably experienced and qualified acoustics consultant and shall outline the management practices and procedures that are to be followed during night-time operation of the site and for the stacking of containers to be used as noise barriers. The plan shall include, but not necessarily be limited to:</p> <p>a) the preparation of a specification for the stacking of containers to achieve the required level of noise reduction so as to comply with the project specific noise levels** and the sleep disturbance trigger levels*** for the night-time period* at the nearest affected residential receivers and which is to include such details as the minimum numbers of containers, their locations, stacking heights, orientation and maximum gap between containers. The Plan shall include any restrictions on stacking of containers above two high if this is found necessary.</p> <p>b) the measurement of noise from operation of the site and an assessment of compliance with the project specific noise levels and the sleep disturbance trigger levels at the nearest affected residential receivers at the following times:</p> <p>i. not less than 3 months and not more than 6 months after commencement of operation, noise surveys shall be conducted on three separate nights for a period of not less than 2 hours whilst train wagons are being loaded with containers; ii. thereafter for 6 months on one night per month for a period of not less than 2 hours whilst train wagons are being loaded with containers.</p> <p>Noise measurements shall be conducted in accordance with the EPA's Industrial Noise Policy.</p> <p>c) the details of each noise survey shall be documented in a report with a drawing showing the observed location of containers which are subject to the Plan, the measurement equipment used, its calibration status, environmental conditions, receiver locations, methodology, a detailed description of the activities on site, the results obtained and whether or not compliance has been achieved with the project specific noise levels and the sleep disturbance trigger levels at the nearest affected residential receivers.</p> <p>d) if the report concludes that the project specific noise levels and the sleep disturbance trigger levels for the night-time period at the nearest affected residential receivers are not being complied with, then recommendations shall be made by the acoustic consultant to amend the Plan accordingly and the Applicant shall implement those recommendations as soon as practical provided they are feasible and reasonable.</p> <p>e) the Plan shall include a description of the roles and responsibilities for relevant employees involved in the operation of the CNBMP, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under the Plan. The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation. Copies of the detailed reports and the Plan (as amended) shall be provided to the Secretary and made available on the Project Website.</p>	Prior to Operations	Confirm Container Noise Barrier Management Plan is completed in accordance with these requirements.	An approved Container Noise Barrier Management Plan (CNBMP).	
F5B	Industrial noise (excluding activities covered by the NSW Rail Infrastructure Noise Guideline) generated by the development is to be measured and evaluated for compliance generally in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated from time to time). Table A: See table in Conditions doc for Noise Criteria. Note: References to sensitive receivers should be read in conjunction with the description of sensitive receivers in the EIS noting that Casula includes Glenfield Farm.	During Operations	Confirm Container Noise Barrier Management Plan is completed in accordance with these requirements.	An approved Container Noise Barrier Management Plan (CNBMP).	
F5C	The noise criteria in Table A of condition F5B are to apply under all meteorological conditions except the following: a) wind speeds greater than 3 m/s at 10 metres above ground level; or b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or c) stability category G temperature inversion conditions.	During Operations	Confirm Container Noise Barrier Management Plan is completed in accordance with these requirements.	An approved Container Noise Barrier Management Plan (CNBMP).	
Traffic Management					
F6	The Applicant shall prepare and implement (following approval) an Operational Traffic Management Plan to for the proposed vehicle booking system. The plan shall be prepared in consultation with the Cargo Movement Coordination Centre and include details on container turnaround times and interoperable technology (such as Port Botany RFID tags). The Plan shall be submitted for the approval of the Secretary no later than one month prior to the commencement of operation, or as otherwise agreed by the Secretary.	Prior to Operations	Confirm OEMP is completed in accordance with these requirements.	An approved Operational Traffic Management Plan. Copy of consultation with Cargo Movement Coordination Centre. Copy of submission to the Secretary.	
F7	The Applicant shall undertake signal decommissioning (where required) in consultation with RMS prior to the commencement of operation. The Applicant shall bear the full cost associated with the decommissioning/removal/disposal of the traffic signals and associated equipment.	Prior to Operations	Confirm that signal decommissioning is undertaken (where required) in consultation with RMS prior to commencement of operation.	Copy of consultation with RMS. Copy of receipt of payment for the decommissioning/removal/disposal of the traffic signals and associated equipment.	
F8	The Applicant shall create an easement within the site at the traffic signals to allow RMS to maintain traffic signal components, if required by the design and condition C24. If no easement is required, access to signals should be maintained for maintenance purposes at all times.	Prior to Operations	Create an easement within the site at traffic signals to allow RMS to maintain traffic signal components.	Copy of certified design plans.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.

Approval (ID)	Condition	Timing	Monitoring methodology	Evidence and comments	Compliance Status
Compliance Requirement					Compliant
Part G- During Operations					Non-Compliant
Damage Rectification					Not Triggered
G1	Within 6 weeks of commencement of operation, unless otherwise agreed by the Secretary, the Applicant shall undertake road pavement deflection testing of the truck routes as defined by Condition E34(a). If the deflection tests show an increase in deflection as a result of the truck routes associated with construction, the Applicant shall undertake pavement rehabilitation of the affected road pavements to achieve the pavement deflection that existing prior to the commencement of works.	During Operation	Confirm commencement of operations. Confirm testing undertaken and review results against condition requirements. Confirm rehabilitation of affect pavement if required.	Road pavement deflection testing results.	
G2	Within 3 months of commencement of operation, unless otherwise agreed by the Secretary, the Applicant shall carry out rectification work to the extent of the damage resulting from the construction works at the Applicant's expense and to the reasonable requirements of the owners.	During Operation	Confirm commencement of operations. Confirm rectification work undertaken to owners' satisfaction.	Records of repair work having being carried out. Records of confirmation of satisfaction from owners.	
Registration of Easements					
G3	Within 3 months of commencement of operation, the Applicant shall provide to the Certifying Authority evidence that all easements required by this approval, and other licences, approvals and consents, have been lodged for registration or registered at the NSW Land and Property Information.	During Operation	Confirm submission of easements to NSW Land and Property Information.	Copy of lodgement to NSW Land and Property Information of all easements.	
Signage					
G4	Signage shall be installed in accordance with Drawing A3001 Issue C (Terminal – Signage Details) dated 14/04/2015, unless otherwise agreed by the Secretary.	During Operation	Confirm signage is installed in accordance with these requirements.	Copy of inspection and compliance reports.	
Dangerous Goods					
G5	The quantities of Dangerous Goods present at any time on the site or transported from and to the terminal site shall be kept below the screening threshold quantities listed in the Hazardous and Offensive Development Guidelines Applying SEPP 33, (DP&E 2011). The screening threshold quantities for each Dangerous Goods shall be defined in accordance with Table 1: Screening Methods of Applying SEPP 33.	During Operation	Confirmation of dangerous goods requirements for the development. Records of dangerous good quantities for any warehouses or warehouse occupants.	Copy of Warehouse Operational Environment Management Plan(s) (WOEMP) or other operational documentation that detail screening threshold quantities of Dangerous Goods. If appropriate, copies of Dangerous Goods Registers and Manifests detailing quantities.	
Operational Noise, Air Quality, Monitoring and Reporting					
G6	Port shuttle operations must use: a) Locomotives that incorporate available best practice noise and emission technologies. Prior to the construction of the rail link connecting to the site, the Applicant must submit a report to the Secretary for consideration and approval that has been prepared in consultation with TfNSW and the EPA that justifies the technology proposed and how it meets the objective of best practice noise and emission technologies; and b) Wagons that incorporate available best practice noise technologies such as "one-piece" freight bogies or three-piece freight bogies fitted with cross-bracing or steering arms; and including as a minimum permanently coupled 'multi-pack' steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology).	Prior to the commencement of construction of the Rail Link	Confirm terminal and rail port shuttle operations review process includes a checklist against these best practice requirements prior to construction commencing. Confirm the preparation of a Best Practice Rail Report and any requirements are included in OEMP and covered in compliance reporting.	Copy of Best Practice Rail Report. Copy of n approved OEMP. Compliance reports.	
G7	The Applicant shall install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations on the rail link. The system shall capture the noise from each individual train pass by noise generation event, and include information to identify: a) Time and date of freight train passbys; b) Imagery or video to enable identification of the rolling stock during day and night; c) LAeq(15hour) and LAeq(9hour) from rail operations; and d) BAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or e) Other alternative information as agreed with, or required by, the Secretary. The results from the noise monitoring system shall be publicly accessible from a website maintained by the Applicant. The noise results from each train shall be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hr) results from each day shall be available on the website within 24 hours of the period ending. Prior to the commencement of operation, the Applicant shall submit for the approval of the Secretary, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternative options considered and reasons for these being dismissed. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location. The Applicant shall provide an annual report to the Secretary with the results of monitoring for a period of 5 years, or as otherwise agreed with the Secretary, from the commencement of operation of the IMEX terminal. The Secretary shall consider the need for further reporting following a review of the results for year 5.	Commencement of Operation	Confirm installation and maintenance of rail noise monitoring system to include these requirements. Confirm noise monitoring results / live data are made available on website within set timeframes. Regular compliance checks / reports.	Records of installation / maintenance of rail noise monitoring equipment. Records /copies of upload of results / live data on website. Compliance reports.	

G7A	<p>The applicant shall install and maintain a wayside angle of attack monitoring system on the rail link at the commencement of operation to continuously monitor the angle of attack to the rail of rolling stock wheels. The system shall capture the angle of attack from a wheel on each axle of every train, and include information to identify:</p> <p>a) Time and date of each axle passby; and b) The identification number of each item of rolling stock.</p> <p>The results from the angle of attack monitoring system shall be:</p> <ul style="list-style-type: none"> • accessible by train operators from a website maintained by the Applicant. Angle of attack results from each train shall be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances have occurred. • included in a six-monthly report to the Secretary. The report should at least identify the number of wagons with wheels that exceed the ASA standard angle of attack and the action taken by operators to improve steering performance. <p>Prior to the commencement of operation, the Applicant shall submit for the approval of the Secretary, justification supporting the appropriateness of the location for angle of attack monitoring, the format of the information to be accessible to operators and the format of the public report. The angle of attack monitoring system shall not operate until the Secretary has approved the proposed monitoring location and reporting arrangements.</p>	Prior to the commencement of operation	<p>Records of installation of monitoring system to include the requirements.</p> <p>Confirm monitoring results / data are made available on website within the required timeframes.</p> <p>Record of preparation and submission of six-monitoring monthly within the require timeframe.</p> <p>Record of submission of required information to the Secretary for approval prior to operation of monitoring system and confirm approval by Secretary.</p>	<p>Record of Secretary's approval of monitoring system installation and operation documentation.</p> <p>Records of upload of monitoring results / data on website.</p> <p>Copies of six-monthly monitoring reports as submitted.</p>	
Rail Link Noise Monitoring and Mitigation					
G7B	<p>The Applicant shall:</p> <p>(a) not less than three months and not more than twelve months from commencement of operation, engage an appropriately qualified and experienced acoustic engineer to undertake a night-time noise survey at Glenfield Farm (or an equivalent location if access is denied).</p> <p>(b) the noise survey shall be conducted in accordance with the EPA's Rail Infrastructure Noise Guideline 2013 to determine:</p> <p>(i) the contribution of any new rail traffic travelling to and from the development; and, (ii) the increase in the total rail traffic noise level caused by any new rail traffic to and from the development.</p> <p>(c) the noise survey shall be conducted for not less than 12 contiguous days in the winter months (July, August or September).</p> <p>(d) if as a result of the noise survey there is a sustained increase in the total rail traffic noise level due to the noise level from rail traffic travelling to and from the development of more than 2dB(A) for more than 30% of nights surveyed, the Applicant shall within twelve months, construct a noise barrier along the relevant sections of rail link in accordance with the specifications provided by an appropriately qualified and experienced acoustic engineer so as to limit the increase in the total rail traffic noise level at Glenfield Farm caused by any new rail traffic to and from the development to not exceed 2dB(A).</p> <p>(e) the report of the noise survey including the results and recommendations shall be provided to the Secretary</p>	Prior to the commencement of operation	<p>Confirm engagement of appropriately qualified persons.</p> <p>Records of preparation and submission of a noise survey report that includes the requirements to the Secretary.</p>	<p>Copy of the noise survey report.</p> <p>Records of submission to the Secretary.</p>	
G8	<p>The following measures must be implemented during operation:</p> <p>a) The use of automatic rail lubrication equipment in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers, where required; and b) Measures to ensure the rail cross sectional profile is maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel / rail contact position and hence to encourage proper rolling stock steering.</p>	During Operation	<p>Confirm requirements included in design, operation and maintenance procedures for rail operations.</p>	Records of installation / maintenance of rail noise monitoring equipment.	
G9	The transfer of containers between Port Botany and the IMEX terminal must not commence until the rail connection to the SSFL is operational.	During Operation	For reference.	For reference.	
G10	Containers must be transferred from Port Botany to the site and from the site to Port Botany by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g. an incident, breakdown, derailment or emergency maintenance on the rail line). The Secretary may at any time request the Applicant to demonstrate that the transport of containers between the site and Port Botany container terminals is by rail. This is to be demonstrated upon request by the Secretary for the prior 12 month period.	During Operation	<p>Confirm container transport requirements included as part of rail operations.</p> <p>Maintain records of container sources</p>	Copy of container transport documentation.	
G11	<p>The Applicant shall prepare a six-monthly report to the Secretary with the results of container and vehicle monitoring for a period of 3 years, or as otherwise agreed with the Secretary, from the commencement of operation of the IMEX terminal. The Secretary shall consider the need for further reporting following a review of the results for year 3. The report shall include:</p> <p>a) The number of twenty foot equivalent units dispatched and received during the period; b) record of heavy vehicle entry by date and approximate time; and c) The number of light vehicles turning right into the terminal site from Moorebank Avenue and turning left from the terminal site onto Moorebank Avenue for a representative day.</p>	During Operation	Confirm six-monthly report is created in accordance with these requirements.	Copy of report.	
G12	All container handling equipment, purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard or achieve an equivalent emission control performance to those standards listed in this condition.	During Operation	Confirm all container handling equipment, purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard.	Copy of equipment design specifications.	
G13	The Applicant must carry out any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.	During Operation	<p>Confirm inclusion of dust minimisation measures in OEMP.</p> <p>Review dust monitoring data collected as part of the OEMP.</p>	<p>Copy of OEMP.</p> <p>Copy of Operational Noise Report.</p>	

G14	Heavy road freight vehicles are not permitted to use Moorebank Avenue south of the East Hills Railway corridor. A main gate monitoring system (e.g. CCTV) shall be installed to identify heavy vehicles turning left from the terminal site onto Moorebank Avenue, or turning right from Moorebank Avenue to the terminal site. The Secretary may at any time request the Applicant to provide a heavy vehicle monitoring report for the prior 12 month period.	During Operation	Ensure main gate monitoring system is installed in accordance with these requirements.	Copy of installation of main gate monitoring system. Copy of heavy vehicle monitoring data for previous 12 months.	
G15	<p>Within 12 months of the commencement of operation of the project, or as otherwise agreed by the Secretary, the Applicant shall undertake operational noise monitoring to compare actual noise performance of the project against noise performance predicted in the review of noise mitigation measures predicted in documents specified under condition A1 of this approval, and prepare an Operational Noise Report to document this monitoring. The Report shall include, but not necessarily be limited to:</p> <p>a) Noise monitoring to assess compliance with the operational noise levels predicted in documents specified under condition A1 of this approval;</p> <p>b) Review of the operational noise levels in terms of criteria and noise goals established in the NSW Road Noise Policy (EPA, 2011);</p> <p>c) Sleep disturbance impacts compared to those determined in Condition E25;</p> <p>d) Methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;</p> <p>e) Details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared;</p> <p>f) Any required recalibrations of the noise model taking into consideration factors such as actual traffic numbers and proportions;</p> <p>g) An assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all feasible and reasonable mitigation measures; and</p> <p>h) Identification of additional feasible and reasonable measures to those predicted in the documents specified under condition A1 of this approval, that would be implemented with the objective of meeting the criteria outlined in the NSW Road Noise Policy (EPA, 2011), when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.</p> <p>The Applicant shall provide the Secretary and the EPA with a copy of the Operational Noise Report within 60 days of completing the operational noise monitoring referred to in (a) above or as otherwise agreed by the Secretary.</p>	During Operation	Confirm Operational Noise Report is created in accordance with these requirements.	Copy of Operational Noise Report. Copy of submission of report to the Secretary.	
Independent Environmental Audit					
G16	<p>Within 12 months of the commencement of operation, and thereafter at any other stage bi-annually if required by the Secretary, the Applicant shall commission and pay the full cost of an independent Environmental Audit of the SSD. This audit shall:</p> <p>a) Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>b) Include consultation with the relevant agencies and local Councils;</p> <p>c) Assess the environmental performance of the SSD and assess whether it is complying with the requirements in this approval, and any other relevant approvals (including any assessment, plan or program required under these approvals);</p> <p>d) Review the accuracy of predicted environmental outcomes discussed in the documents listed in condition A1;</p> <p>e) Review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>f) Recommend measures or actions to improve the environmental performance of the SSD, and/or any strategy, plan or program required under these approvals.</p>	Within 12 months of the commencement of operation.	Confirm audit is being undertaken in accordance with these requirements.	Copy of audit. Receipt of payment for audit. Copy of submission of the report to the Secretary and relevant public authorities.	

*Writing in red font represents additions and changes made to the conditions due to the Land and Environment court decision dated 13 March 2018.