

LOGOS

MOOREBANK PRECINCT EAST (SSD 6766)

Stage 1: Construction Compliance Report - #10

December 2021 – December 2022



Moorebank Precinct East (SSD 6766)

Stage 1: Construction Compliance Report – #10

December 2021 - December 2022

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Date

8/03/2023

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Acronyms

Acronym	Meaning
CBD	Central Business District
CCR	Construction Compliance Report
CEMP	Construction Environmental Management Plan
CoC	Conditions of Consent
CRPAR	Compliance Reporting Post Approval Requirements 2020
CTP	Compliance Tracking Program
DPE	Department of Planning and Environment
EPBC Act	Environment Protection and Biodiversity Act 1999
ER	Environmental Representative
IMEX	Intermodal Rail Terminal
LGA	Local Government Area
MIP	Moorebank Intermodal Precinct
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
OOHW	Out of Hours Works
RALP	Rail Access Land Preparation
REMMs	Revised Environmental Mitigation Measures
RfMA	Request for Minor Amendment
SSD	State significant development
SSFL	Southern Sydney Freight Line

1. Introduction

This twelve-monthly construction compliance report (CCR) has been prepared to meet the requirements of the Moorebank Precinct East (MPE) Stage 1 (SSD 6766) development consent, specifically condition of consent (CoC C4). A Request for Minor Amendment (RfMA) to the Construction Environmental Management Plan (CEMP) and Compliance Tracking Program (CTP) was submitted after discussion with the auditor on May 26, 2022, for CCR frequency to change from 6-monthly to annually. The RfMA was approved on 31 May 2022. The compliance reporting period is from December 2021 to December 2022.

During the reporting period, construction activities under the SSD 6766 development consent were delivered by Qube Holdings and LOGOS, accordingly this CCR has been prepared on their behalf.

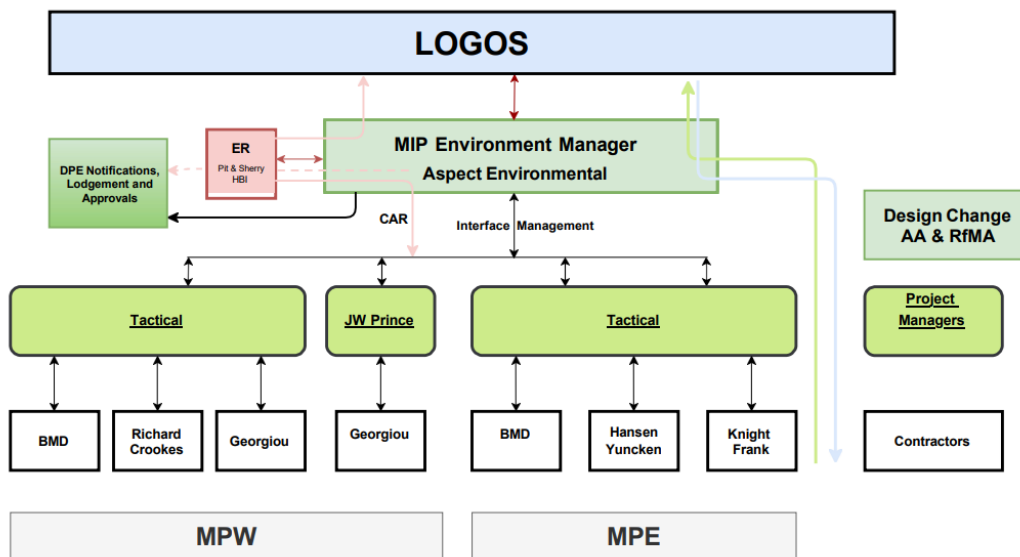
1.1 Moorebank Intermodal Precinct Overview

The MPE Development and Moorebank Precinct West (MPW) Development are being developed into the Moorebank Intermodal Precinct (MIP). When completed, the MIP will move 1.55 million shipping containers annually by rail instead of road. It will also feature Australia’s largest purpose-built warehouse and distribution precinct serviced by the latest automated technology which will see driverless shuttle carriers collect and transport containers around the precinct to be processed, unpacked and stored on site or distributed in smaller consignments.

Figure 1-1 Identifies the environmental management process flow across the MPE and MPW Developments implemented since December 2021.

Figure 1-1 Environment management process flow across the MPE and MPW developments during the reporting period

MIP Environment Management Process Flow



1.2 MPE Stage 1 Development

The MPE Stage 1 (SSD 6766) development generally involves the construction and operation of an intermodal terminal facility including truck processing and loading areas, rail loading and container storage areas, an administration facility and associated carparking, a rail link connecting the southern end of the site to the Southern Sydney Freight Line (SSFL), and associated works including rail sidings, vegetation clearing, remediation and levelling works, and drainage and utilities installation; and is being delivered under the following approvals:

- State significant development consent (SSD 6766) granted by the (then) NSW Planning Assessment Commission on 12 December 2016 for the first stage of the MPE development under Part 4, Division 4.1 (now Division 4.7 as of 1 March 2018) of the Environmental Planning and Assessment Act 1979
- *Environment Protection and Biodiversity Act 1999 (EPBC Act)* Approval No. 2011/6229, granted 6 March 2014 for the construction and operation of Moorebank Intermodal Terminal Facility and associated rail infrastructure including a rail link to the Southern Sydney Freight Line.

The MPE Stage 1 Development Consent (SSD 6766) was amended by the NSW Land and Environment Court on the 13 March 2018.

The other approved works to be undertaken within the Moorebank precinct are undertaken as part of separate approvals and subject to separate construction programs, including the MPE Stage 2 Development (SSD 7628), MPW Stage 1 Development (SSD 5066) and MPW Stage 2 Development (SSD 7709), and are not the subject of this report.

The Department of Planning and Environment (DPE) was notified on 18 June 2019, that staged operation of the MIP East in Area 1 was intended to be commenced on 15 July 2019, which includes the IMEX Terminal and rail link.

The progression of operational activities are reported separately as part of the operational compliance reporting requirements.

1.3 Site Location

The MPE Stage 1 Development is located on Moorebank Avenue, Moorebank in NSW. The site is situated within the Liverpool Local Government Area (LGA) 30km south-west of the Sydney Central Business District (CBD) and approximately 4km south of Liverpool CBD.

The site is generally described as the land immediately to the east of Moorebank Avenue and to the north of the East Hills Passenger rail line. The site comprises the following lots:

- Lot 2 DP 1197707
- Lot 4 DP 1197707
- Lot 1 DP 825352
- Lot 2 DP 825348
- Lot 1 DP 1061150
- Lot 6 DP 833516
- Lot 7 DP 833516
- Lot 1 DP 712701
- Lot 1 DP 1197707
- Lot 91 DP 1155962
- Lot 5 DP833516
- Georges River
- Lot 103 DP 1143827
- Lot 104 DP 1143827
- Lot 52 DP 517310
- Lot 51 DP 515696
- Lot 4 DP 1130937
- Lot 101 DP 1143827
- Lot 102 DP 1143827
- Lot 1 DP 1130937
- Lot 4 DP 1186349
- Crown Road
- Public road reserve of Moorebank Avenue to the north of Anzac Road.

1.4 Scope of Works

The MPE Development comprises an intermodal terminal facility, including an intermodal rail terminal (IMEX), rail link connection to Southern Sydney Freight Line, warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works on the eastern site of Moorebank Avenue, Moorebank.

The MPE Stage 1 (SSD 6766) Development has two main components:

1. Rail access comprising:
 - A northbound connection and a southbound connection to the SSFL
 - A bridge over the Georges River
 - A culvert crossing over Anzac Creek
 - New Moorebank Avenue overbridge
 - Signalling Systems
 - Security Fencing.

2. IMEX terminal comprising:
 - Truck processing, holding and loading areas – entrance and exit from Moorebank Avenue

- Rail loading and container storage areas including 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 vehicles access from Moorebank Avenue.

1.5 Works Undertaken December 2021 – December 2022

The following construction activities have been undertaken during the reporting period:

- Electrical isolation and cable pulling works
- Concrete pouring works
- Earth Ramp construction and concrete pouring works
- Asphalt paving works.

1.6 Scope and Purpose

This compliance report, as required by CoC C4, has been prepared for the compliance reporting period of December 2021 to December 2022. The report outlines the compliance status of the MPE Stage 1 development against the CoC (SSD 6766), as required by CoC C4 (c)(ii). Additionally, the Revised Environmental Mitigation Measures (REMMS) are addressed by exception.

The information within this compliance report relates to the IMEX scope of works only. Rail access construction works are complete and operational.

Table 1-1 Requirements for compliance reporting

CoC	Condition	Reference
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 construction.	The Compliance Tracking Program (CTP) was prepared by Aspect Environmental to satisfy this condition. CTP (Rev E) was approved by the Department of Planning and Environment on 21 February 2017 prior to the commencement of early works. An RfMA was submitted to the Development ER on 26 May 2022, to reduce the frequency of CCRs and Independent Environmental Audit (IEAs) from six monthly to annually. The RfMA was approved by the ER on 31 May 2022.
C4 (c)	Provision for periodic reporting of compliance status to the Secretary, including but not limited to: (ii) six monthly, or other timing as agreed by the Secretary, Construction Compliance reports, for the duration of construction	This twelve-monthly compliance report has been prepared to satisfy this condition and identifies the compliance status of the Development for the period December 2021 to December 2022 and will be provided to the Secretary for information.

1.7 Twelve-monthly Compliance Report Structure

This compliance report has been prepared in accordance with the CTP. The Compliance Reporting – Post Approval Requirements (CRPAR) (Department of Planning and Environment 2018) have also been referenced in the preparation of this report. The structure of the compliance report is as follows:

- Section 1 - Introduction: Provides a brief summary of the MPE Stage 1 development, scope of works and the works undertaken during the reporting period.
- Section 2 - Development Compliance: This includes detail of progress against previous compliance report actions, including internal and external audit results, any environmental incidents and non-compliances and details of community complaints and responses.
- Section 3 - Compliance Summary: Provides a review of the compliance status of the development.

Appendix A contains the compliance tracking table for SSD 6766 conditions of consent.

1.8 Methodology for Data Collection

This compliance report has been prepared in accordance with the CTP requirements.

This report integrates information collated from regular compliance activities, such as progress meetings, inspections, client surveillance, and monitoring undertaken in accordance with the relevant Construction Environmental Management plan and sub-plans.

2. Development Compliance

2.1 Previous Actions and independent audits

No non-compliances were identified by the previous construction compliance report (CCR 9).

An independent audit was conducted on 7 December 2022, during the reporting period. The audit report is being finalised outside of the reporting period and will be captured in subsequent compliance reporting. The next independent audit is scheduled to be completed in 2024.

2.2 Environmental Incidents

No reportable environmental incidents occurred during the reporting period.

2.3 Conditions of Consent

Compliance against the CoC is outlined in Appendix A . The status of each compliance requirement during the reporting period is recorded using the descriptors prescribed by the CRPAR (DPE, 2018). These are provided in Table 2-1.

Table 2-1 Compliance status descriptors (CRPAR 2018)

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate all elements of the requirement have been complied with.
Non-compliant	The proponent has identified a non-compliance with one or more element 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.

2.4 Non-Compliance

No non- compliances were identified during the reporting period.

2.5 Complaints Management

The process for managing complaints and enquiries is outlined in the Community Communication Strategy.

Four complaints relevant to MPE 1 construction activities were received during the reporting period. The complaints received were with regards to noise, with one complaint being unrelated to the development. All complaints received during the reporting period are closed.

Complaint details and the subsequent responses are recorded in the community complaints register, which is maintained across the entire MIP and is published on the Development website (www.simta.com.au). The register does not differentiate between development consents or work stages. Due to this, some complaints may be duplicated within the compliance reporting documentation across the MIP.

Table 2-2 summarises the nature of the complaints and the response provided. All complaints were closed out in the reporting period.

Table 2-2 Complaints received during the reporting period

Date	Complaint Type	Summary	Response
11/01/2022	Noise	Complainant noted heavy vehicle noise late at night.	No work was being undertaken on the Development at that time, which complainant was advised. Complaint is closed.
19/02/2022	Noise	Complainant noted weekend work was being carried out after 1pm Saturday.	The complainant was advised a new extended weekend construction hours order had been issued by the NSW Minister for Planning and was supplied a copy of the order. Complaint is closed.
26/04/2022	Noise	Complainant noted sound from a water pump has been operating 24/7 near the Georges River at the north of the site for about a week.	The Development team investigated the complaint and discovered the water level within the excavation works area had recently receded, causing the pump to function incorrectly. The complainant was informed acoustic blankets would be installed for additional noise attenuation and the pump would only be running during standard construction hours until they are in place. Further noise modelling will be undertaken before overnight pumping resumes. Complaint is closed.
20/09/2022	General Development and Noise	A Wattle Grove resident complained about noise and hours of operation at the site, and about the Development more broadly.	The complainant was advised further additional attended noise monitoring will be undertaken. Complaint is closed.

3. Compliance Summary

At the completion of this compliance reporting period, it has been deemed that works have generally been undertaken in compliance with the CoC, REMMs and approved Construction Environmental Management Plan and sub-plans.



Periodic review of compliance against the CoC will continue to be undertaken.

4. Compliance Report Declaration

Development Name	Moorebank Intermodal Precinct – MPE Stage 1
Development Application Number	SSD 6766
Description of Development	Development of an intermodal facility, including warehouse and distribution facilities, freight village (ancillary site and operational services), stormwater, landscaping, servicing and associated works on the eastern side of Moorebank Avenue, Moorebank.
Development Address	Moorebank Intermodal Precinct, Moorebank Avenue, Moorebank
Proponent	LOGOS Property
Title of Compliance Report	Twelve-monthly Construction Compliance Report
Date	08/03/2023

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately, and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report;
- the Compliance Report is an accurate summary of the compliance status of the development. Notes:
- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information (or provide information for inclusion) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer	
Title	Director
Signature	
Qualification	BSc. Dip. Law
Company	Aspect Environmental Pty Limited
Company Address	117/25 Solent Circuit, Baulkham Hills

Appendix A - SSD 7628 Compliance Tracking Table

	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) SMITA Intermodal Terminal Facility – Stage 1 – Environmental Impact Statement (Hyder Consulting Pty Ltd, May 2014); c) SMITA Intermodal Terminal Facility – Stage 1 – Response to Submissions (Hyder Consulting Pty Ltd, September 2015); and d) The conditions of this consent.	At All Times	Records of audit results Completed compliance monitoring / tracking programs and completed Compliance Reports.	References to all items detailed in condition A1 are referenced within the Compliance Tracking Program (rev 6, November 2022). <u>RALP-N/A.</u> <u>IMEX</u> All sources referred to are included in the project obligations register and CEMP (rev 19, December 2022).	
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	Noted	
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	Noted requests made during the reporting period.	No
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	Record date of commencement of works on site	MPE Stage 1 Approval (SSD 6766) dated 12 December 2016. Works commenced on RALP on 10/7/2018 and IMEX on the 26 June 2017. Approval has not lapsed.	
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	No disputes to date.	
Legal notices					
A6	Any advice or notice to the consent authority shall be served on the Secretary.	At All Times	For reference	No notices or advice during this reporting period.	
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 Project website and Subject site all times during the development .	At All Times	Updated legal requirements register applicable to the site and phase of works (i.e. construction/operation). Records / copies of relevant licenses, permits, approvals etc	Required licences, permits, consents and approvals required prior to construction are being progressively obtained and uploaded on the website on a regular basis. The review of Operational Sleep Disturbance Impacts (Wilkinson Murray, March 2018) has been uploaded to the project website under IMEX post approval documents. The site-wide EPL has been uploaded to the Site Website.	

*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	Copy of Verification Copy of Verifier's Qualifications Copy of Submission to Certifying Authority	<u>RALP-N/A</u> IMEX The IMEX facility has been designed in accordance with the BCA and Disability Discrimination Act 1992. In particular, disabled parking bays and toilets have been included within the design, and the administration building is a one level building only. Drawings were issued to the PCA on 12/5/17 and construction certificate for demolition issued 16/5/17. IMEX earthworks CC issued on 28/07/17. The Final Construction Certificate for the admin building was issued on 23 February 2018.	
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	Copy of correspondence with Certifying Authority Copy of correspondence confirming Certifying Authority's satisfaction of BCA details Copy of the certified plans	A BCA report and Deemed to Satisfy report has been obtained stating that the building design (Administration Building, Switch room & Pump house) is compliant with BCA requirements. The assessment was undertaken by AED Group. CC 17-124050-1 for demolition issued 16/5/17. IMEX earthworks CC 17-124050-4 issued on 28/07/17. Civil works and pavements CC17-124050-5 issued on 16/11/17. Admin building CC 18-124050-6 issued 23/2/18.	
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	Copy of receipt of levy to Liverpool City Council	QUBE issued a cheque to LCC on 15/5/17. Construction certificate for demolition, tree clearing, and site establishment was issued by PCA on 16/5/17. IMEX Demolition Certificate (17/124050-1) issued 16/5/17.	
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	Copy of plans Copy of submission to the Certifying Authority Copy of receipt and satisfaction from Certifying Authority Copy of submission to Planning Secretary	Drawings issued to PCA on 12/5/17 and approved on 26/5/17. Plans forwarded to DPE (previously DPIE) for information on 9/6/17.	
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 AUSTROADS; 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	Prior to Issue of Construction Certificate	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	<u>RALP-N/A</u> IMEX Addressed in detailed design. Drawings and Basis of Design Report were approved by the Principal Certifying Authority (PCA) on 23/2/2018. Submission of B5 application to Certifying Authority on 18/9/17. Submission of drawings to RMS 18/12/17. McKenzie Group letter of 17/08/2018 confirming condition B5 has been satisfied.	

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	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	<u>RALP- N/A</u> IMEX Plans submitted to Certifying Authority for approval on 12/5/17 and approved on 26/5/17. Plans forwarded to DPE (previously DPIE) for information on 10/6/17.	
Lighting Plan					
B7	A detailed plan prepared by a suitably qualified lighting engineer must be submitted to the Certifying Authority for approval prior 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	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	<u>RALP- N/A</u> IMEX Addressed within the IMEX Basis of Design Report (Rev 3 dated 22/2/18). Section 16 and Appendix F details the lighting design. The IMEX Basis of Design Report was issued to the PCA on 12/5/17 and construction certificate issued 5/6/17.	
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	Copy of SSD	<u>RALP- N/A</u> IMEX The MPE Stage 1 design has not precluded the ability to install a bus stop and associated turnaround facility in the future. Consultation with relevant bus provider(s) and Transport for NSW (TNSW) will be undertaken with regards to the potential to extend the 901 bus service (limited bus service along Moorebank Avenue), particularly along Moorebank Avenue fronting the site, and additional bus stops to ensure adequate accessibility to and within the site.	

*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	Copy of dated Construction Certificate Date of commencement of associated activities	<u>RALP- N/A</u> <u>IMEX</u> It was agreed with the PCA that a staged Construction Certificate (CC) would be issued for demolition, earthworks and remaining scope items as follows: - IMEX Demolition CC - issued 16/5/17 - IMEX Earthworks and structures CC issued on 28/07/17 - IMEX Services CC issued on 16/11/17. - IMEX Admin building CC issued 23/2/18.	
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	Work plans and requisite safety statements Record of qualifications of person(s) providing the safety statements Statement of compliance against standard	<u>RALP- N/A</u> <u>IMEX</u> Demolition specification has been developed in accordance with the AS2601:2001: The Demolition of Structures. The standards are referenced in Liberty Industrial's Asbestos Removal Control Plan for IMEX No 1- EW (April 2017).	
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	Copy of approved UDLP Copy of dated submission of UDLP to Secretary Correspondence with Secretary containing approval	Conditional approval of MPE Stage 1 UDLP was granted on 26/07/17, allowing the commencement of works. The UDLP was approved on 14/2/2018. Revision 11 of the UDLP (29/08/19) was submitted to DPE on 30 March 2020 and was approved by the Planning Secretary on 24 April 2020.	
Compliance Monitoring and Tracking					

C4	<p>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:</p> <p>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)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)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.</p>	Prior to Construction	<p>Copy of Compliance Tracking Program</p> <p>Copy of submission to Secretary</p> <p>Copy of approval from Secretary</p>	<p>The Compliance Tracking Program (rev 5 September 2020) was approved by DPIE on the 4 May 2017. On the 26 May 2022 a RIMA (RIMA 021) was provided to the ER to update the MPE Stage 1 CEMP and CTP. The updated CTP (rev 19, December 2022) includes revisions to auditing and compliance frequencies.</p> <p>The ER approved the CTP RIMA on the 31 May 2022.</p> <p>- PCCR, dated 5 September 2017 - CCR 01 June- December 2017 (Rev 004, 8 February 2018) - CCR 02 December- June 2018 (Rev 002, 1 August 2018) - CCR 03 July - December 2018 (Rev 02, 1 March 2019) - CCR 04 January- June 2019 (Rev 03, 25 September 2019) - CCR 05 July- December 2019 (Rev 002, 18 March 2020) - CCR 06 January- June 2020 (Rev 001, 11 September 2020) - CCR 07 July- December 2020 (Rev 1, 25 February 2020) - CCR 08 January- June 2021 (Rev 001, 20 August 2021) - CCR 09 July- December 2021 (Rev 01, 22 April 2022)</p>	
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; 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; 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; d)details of impacts on pollution control and monitoring systems including existing groundwater and landfill gas bores and their subsequent repair/ replacement; 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/ reinstatement procedures and construction quality assurance (CQA) procedures, 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 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. 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 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	<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>	<p><u>RALP- N/A</u></p> <p><u>IMEX- N/A</u></p>	

C6	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.	Prior to Construction	Copy of design plans Copy of consultation with EPA Copy of submission to Certifying Authority Copy of approval by Certifying Authority Copy of submission to Secretary	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
C7	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.	Prior to Construction	Copy of design plans Copy of approval by Certifying Authority	No works have occurred in the reporting period below 5 metres AHD.	
C8	The subject site is to be remediated in accordance with: a)The approved Remedial Action Plan; b)State Environmental Planning Policy No. 55 – Remediation of Land; and c)The guidelines in force under the Contaminated Land Management Act. 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. 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. 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.	Prior to Construction	Copy of Remedial Action Plan Copy of Site Auditor's approval of amendments Copy of submission of notice of completion to Secretary Copy of Site Audit Statement	<u>RALP- N/A</u> <u>IMEX</u> - Site Audit Statement 15/08/2019 No remediation is being undertaken during pre-construction works. However, the project Remediation Action Plan (RAP) was developed in compliance with this condition, consulted on with stakeholders and provided to the site Auditor on 10/4/17. The Remediation Action Plan was approved by the Site Auditor on 08/11/2017. RAP is being updated for GWS works due to design changes. Remediation of disused fuelling area under Site Audit Statement Part B for 12 month monitoring (Hydrocarbons). Part A Site Audit Statement issued post 12 month monitoring period. Remediation completed 17/10/17.	
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	Copy of Stormwater Management Plan	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
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 Bass.	Prior to Construction	Copy of construction staging program	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
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	Copy of design plans Copy of approval by Certifying Authority	<u>RALP- N/A</u> <u>IMEX- N/A</u>	

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	Records of daily visual inspections	RALP- N/A IMEX- N/A	
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	Copy of archival recordings Copy of heritage consultant's qualifications 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	RALP- N/A IMEX Photographic archival recording was undertaken on the 18 and 19 January 2017. Archival reporting submitted to stakeholders 5/07/2017.	
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	Copy of Heritage Interpretation Strategy Copy of consultation with Heritage Division Copy of submission to the Secretary and Certifying Authority Copy of approval from Secretary	The Heritage Interpretation Strategy (Biosis, Rev 3, 20 February 2017) was approved by DPE (previously DPIE) on 10/3/17.	
C15	Prior to the commencement of pre construction and construction activities affecting Aboriginal site MA14, the Applicant shall: 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 b) undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program. 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. 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).	Prior to Construction	Copy of Salvage Strategy Copy of consultation with OEH and the Aboriginal Stakeholders regarding Salvage Strategy Copy of correspondence with Secretary affirming satisfaction of investigation program Copy of Report 12 months after works completed satisfying the requirements Copy of consultation with OEH and the Aboriginal Stakeholders regarding 12 month report Copy of correspondence with Secretary affirming satisfaction of 12 month report	RALP- N/A IMEX- N/A	
Utilities and Services					
C16	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.	Prior to Construction	Copy of consultation record 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.	Dilapidation surveys have been undertaken by CPB. The reports have been submitted to the PCA on 6 April 2017 and approved by the PCA on 11 April 2017. Dilapidation reports have been completed for: - Moorebank Avenue Glenfield - Cambridge Avenue Glenfield - Cambridge Avenue and Causeway Glenfield - Roundabout and Roadways at Glenfield. The reports have been submitted to RMS, the Secretary, LCC and CCC on 16/5/17.	
Pre-Construction Dilapidation Report					
C17	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: 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). b) local public roads, cycleways, footpaths and other utilities identified in the Construction Traffic and Access Management Sub-Plan required under condition E35(a). 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.	Prior to Construction	Copy of Pre-construction dilapidation report Copy of submission of Pre-construction dilapidation report to Campbelltown City Council, Liverpool City Council, RMS and the Planning Secretary	Dilapidation surveys have been undertaken by CPB. The reports have been submitted to the PCA on 6 April 2017 and approved by the PCA on 11 April 2017. Dilapidation reports have been completed for: - Moorebank Avenue Glenfield - Cambridge Avenue Glenfield - Cambridge Avenue and Causeway Glenfield - Roundabout and Roadways at Glenfield. The reports have been submitted to RMS, the Secretary, LCC and CCC on 16/5/17.	

C18	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.	Prior to Construction	Copy of results	<u>RALP- N/A</u> <u>IMEX</u> Road Pavement Deflection testing was completed by CPB on 7 April 2017.	
C19	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.	Prior to Construction	Copy of approved CTAMP	<u>RALP- N/A</u> <u>IMEX</u> Table 11, TR4 and TR8 of the CTAMP addresses this condition. The CTAMP (rev 15, 7/07/2021) was submitted to DPE (previously DPIE).	
Biodiversity					
C20	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.	Prior to Construction	Copy of certified design plans	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
C21	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 <u>DPI Fisheries</u> 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.	Prior to Construction	Copy of design plans Copy of consultation with DPI Water and DPI Fisheries Copy of submission and approval by the Certifying Authority Copy of submission to the Secretary	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
C22	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. 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).	Prior to Construction	Copy of Threatened Dragonfly Species Survey Plan Copy of consultation with DPI Fisheries Copy of submission of survey results to DPI Fisheries	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
C23	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.	Prior to Construction	Copy of Hibbertia Species Survey Plan Copy of satisfaction of HSSP by Secretary	<u>RALP- N/A</u> <u>IMEX- N/A</u>	
C23A	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. The Package shall include, but not necessarily be limited to: (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) roles and responsibilities for the implementation of the provisions of the	Prior to Construction	An approved Biodiversity Offset Package Copy of satisfaction of Biodiversity Offset Package by Secretary	A hold point has been inserted into the Permit to Clear Land or Vegetation (Attachment H of CFFMP) stating clearing is not to commence in this area until the biodiversity offset package has been accepted to the satisfaction of the Secretary. A report titled "Securing Biodiversity Offset Land" has been submitted to and approved by the Secretary on 14 December 2017. The report outlines how biodiversity offset lands have been secured and that the Biodiversity Offset Strategy will be submitted to DPE (previously DPIE) within 12 months from the commencement of construction. Letter of approval from DPE (previously DPIE) to commence clearing was received on 14 December 2017. HSSP Approved 08/06/2018 and included in Appendix B of the MPE Stage 1 BOP (dated 19/11/18). The CFFMP (rev 17, 07/07/2021) was updated and submitted to DPE.	

	<p>(f) timing and responsibilities for the implementation of the provisions of the Package</p> <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 the Moorebank Intermodal Terminal (SSD 5066) and SIMTA sites, this must be submitted to the Secretary within 12 months of submitting the initial Biodiversity Offset Package in accordance with this condition unless otherwise agreed by the Secretary.</p>				
C23B	<p>The Applicant shall:</p> <p>(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</p> <p>(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</p> <p>(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> <p>Nothing in this condition requires the Applicant to amend the biobanking agreement application lodged with OEH in February 2017.</p>	Prior to Construction	An approved Biodiversity Offset Package	<p>Requirements of C23A satisfied. The BOP has been prepared to address the requirements of condition C23, C23A and E31A of the revised Conditions of Consent.</p> <p>Northern rail spur removal approved as ER (through IMEX approval on 19 May 2019) was undertaken in accordance with the revised IMEX CEMP and sub-plans.</p> <p>The IMEX CEMP and sub-plans have been updated to include the removal of the southern rail spur and were submitted to DPE on 7 July 2021 and approved on 3 August 2021. Removal of southern rail spur has not yet commenced.</p>	
Transport and Access					
C24	<p>Prior to the commencement of construction, the Applicant shall undertake a Road Safety Audit in consultation with TNSW and the relevant Council for the proposed construction vehicle access points on public roads. The audit shall be undertaken by an independent TNSW 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).</p>	Prior to Construction	<p>Copy of Road Safety Audit</p> <p>Copy of road safety auditors independent TNSW accreditation</p>	RALP- N/A	<p>IMEX</p> <p>A road safety audit was undertaken on 11/5/17. Consultation was undertaken with LCC, CCC and TNSW. Combined comments were received from TNSW and RMS on 27 June 2017. A response was submitted to RMS and TNSW on 11 August 2017. Consultation is now considered closed.</p>
C25	<p>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.</p>	Prior to Construction	<p>Copy of design plans</p> <p>Copy of consultation with RMS</p> <p>Copy of submission to Certifying Authority and Secretary.</p> <p>Copy of correspondence with Certifying Authority affirming satisfaction of design plans</p>	<p>Detailed design of the WAD for the Moorebank Avenue Upgrade Works was executed in June 2022.</p> <p>The Major Works Authorisation Deed for MAUW was executed on 25 May 2020.</p>	
NOTE THIS IS A DUPLICATE OF C25	<p>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 and prepared in consultation with RMS, be submitted to the satisfaction of the Certifying Authority and provided to the Secretary for information</p>	Prior to Construction	<p>Copy of design plans</p> <p>Copy of consultation with RMS</p> <p>Copy of submission to Certifying Authority and Secretary</p> <p>Copy of correspondence with Certifying Authority affirming satisfaction of design plans</p>	As above	

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	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	<u>RALP- N/A</u> <u>IMEX- N/A</u>

*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	<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>	<p><u>RALP- N/A</u></p> <p><u>IMEX</u> Community Communication Strategy, addressing the requirements of this condition was approved by DPE on 11/5/17, and was updated on 11/01/19. Current CCS (rev 11,19 March 2021) is currently being implemented on the site.</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) a 24 hour telephone number(s) on which complaints and enquiries about the SSD may be registered;</p> <p>b) a postal address to which written complaints and enquires may be sent;</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted; and</p> <p>d) a 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	<p>Copy of published telephone number, postal address and email address in newspapers and on the website</p>	<p>Elton Consulting has been appointed as the Community Consultant and handles all complaints and enquiries. 24hr info line 1800 986 465 www.simta.com.au simta@elton.com.au PO Box 1488 Bondi Junction NSW 2022</p> <p><u>IMEX</u> A community update newsletter was distributed to 10000 residents in July, September and November 2016 outlining the current status of the Moorebank Precinct. The newsletters include project contact details.</p> <p>The Community Consultation Strategy (rev 11, 19 March 2021) highlights the complaints and enquires procedures in Section 3.4.6.</p>	
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	<p>Copy of Construction Complaints Management System</p> <p>Copy of complaints register</p>	<p>The CCS (Section 7) outlines the complaints handling process and 'Consultation Manager database' has been adopted as the complaints management system for the recording of all communication including complaints from stakeholders for the duration of project construction works.</p> <p>All complaints and enquiries are managed by Elton Consulting in line with Section 8.16 of the Communications and Engagement Strategy and Section 7 of the CCS.</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) a 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) a copy of this approval and any future modification to this approval;</p> <p>d) a 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	Copy of website/pages that includes information associated with the SSD	The project has a dedicated webpage which will be used to store all relevant publicly available documentation.	
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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 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	Access to approved and certified plans, specifications and documents	A copy of all plans, specifications and documents referred to by this condition shall be kept on site and readily available to those as outlined in this condition.	
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	Copy of site notice displayed at boundaries	Site notice erected at site entrance gate.	
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	Copy of the complaints register	A single project information line will be utilised for the project (including all subcontractors) - 1800 986 465. The information will be filtered down to contractor(s) as relevant. Detailed within CCS (rev11, 19/03/2021) Section 3.1.	
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	Copy of Environmental Representative's qualifications Copy of ER approval from Secretary	The appointment of the nominated Environmental Representative was accepted by DPE (previously DPIE) on 21/12/2016. An alternate ER was appointed on the 22 November 2021.	

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	Copy of quarterly reports Copy of dated submission of quarterly reports	Quarterly ER reports were submitted to DPE via email. The following quarterly reports were undertaken during the reporting period. - January- March 2022 Quarterly Report (Q1), submitted on 13/04/2022. An extension was granted for the submission of the Q1 report by DPE on 5/04/2022. - April- June 2022 Quarterly Report (Q2), submitted on 12/07/2022. An extension was granted for the submission of the Q2 report by DPE on 5/7/22. - July- September 2022 Quarterly Report (Q3), submitted 14/10/2022. An extension was granted for the submission of the Q3 report on 30/09/22. - October- December 2022 Quarterly Report (Q4), submitted 04/01/2023.	
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	Copy of Soil & Water Management Plan Copies of inspections and audit reports	The Managing Urban Stormwater - Soils and Construction Vols 1 & 2, 4th Edition (Landcom, 2004) (Bluebook) has been integrated into the project Construction Soil & Water Management Plan (CSWMP) as a mitigation measure for managing site activities. In addition, progressive sediment & erosion control plans (PESCP) are developed to comply with the Bluebook and is the primary project tool to be implemented on site to minimise runoff of sediment and other pollutants offsite. A Construction Soil and Water Management Plan (CSWMP) was submitted to DPE (previously DPIE) on 07/07/2021. The CSWMP outlines the management measures for erosion and sediment control in line with Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004).	
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	Copies of inspections and audit reports	The construction of the rail link was undertaken in accordance with the Environmental Protection Licence (EPL) 21054. Rail link construction is complete and EPL 21054 has been surrendered. Further, a Soil and Water Management Plan (SWMP) was submitted to DPE (previously DPIE). The SWMP outlines the management measures for erosion and sediment control in line with Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004) including measures to minimise the potential for pollution of controlled waters. Construction works to have implemented PESCP to comply with this condition. Pre-construction works (salvage) have been undertaken in compliance with this condition. A Construction Soil and Water Management Plan (CSWMP) was submitted to DPE (previously DPIE) on 07/07/2021. The CSWMP outlines the management measures for erosion and sediment control in line with Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004). No Environmental incidents were reported.	
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	Copies of inspections and audit reports	The requirements for chemical storage is detailed in the project CSWMP and is to be provided in accordance with this condition. All hazardous materials are to be appropriately stored within chemical containers and sheds, or on bunding with 110% of the capacity of the largest container. The requirements are detailed in section 5.3 of the CSWMP.	
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	Copies of inspections and audit reports	Design consists of a bridge over Georges River and culvert over Anzac Creek in line with the requirements of the Guideline as required by Section 6 of the Drainage Design Report and discharge restrictions from site in Riparian zones to be managed by the site PESCPs. Guidelines and measures are outlined within section 5.5 and 7.8 of the Construction Soil and Water Management Plan.	
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 OEH, the incident report prepared for the purposes of notifying the EPA and/or OEH would meet this requirement.	During Construction	Copy of any notifications to the Secretary and relevant public authorities Copy of Incident Register	This requirement has been addressed in the CEMP and reproduced into the project's Incident & Emergency Management Plan for implementation as required. No incidents have occurred within this reporting period. Should an incident occur, it will be managed as outlined within the CEMP Sections 8 and 9 (rev 19, 2 December 2022).	
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	Copy of Incident Register	No reportable incidents have occurred during the reporting period.	
Heritage					
E12	The Applicant shall not harm, modify or otherwise impact any heritage items outside the subject site.	During Construction	Copy of approved Heritage Management Plan Copies of inspections and audit reports Copies of incident and NCR reports Copy of the complaints register	This requirement has been added as a mitigation measure in the project Heritage Management Plan and their locations in proximity to the project are shown on sensitive area maps as 'no go zones' to construction personnel and requirement included in the project induction. No works have occurred outside of the project boundary. No works outside of the construction boundary have been undertaken during this reporting period.	
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	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	This condition has been included in the CEMP (rev 19, 2 December 2022) for implementation during construction. Any dangerous goods to be stored on the project will be reviewed against the requirements of this condition. All hazardous materials will be stored in accordance with the relevant codes, standards and legislation. No hazardous goods have been stored on site to date. The requirements are detailed in the CSWMP (rev 14, 7 July 2021).	
Dust Management					
E14	The Applicant shall carry out all feasible and reasonable measures to minimise dust generated by the Development.	During Construction	Copy of approved CEMP	The project Construction Air Quality Management Plan (CAQMP) (rev 13, 7 July 2021) identifies the potential for dust generation from construction activities and outlines a set of measures to be implemented during construction activities to minimise dust generation onto nearby sensitive receivers. The management of dust activities is outlined within Section 5 of the CAQMP. No dust generating activities have occurred on site during this reporting period.	
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	Copy of an approved CEMP detailing controls Copies of inspections and audit reports Copies of incident and NCR reports Copy of the complaints register	Requirement has been included in the project CAQMP for implementation during construction. Enforcement will be monitored during site inspections. This has been managed as per the CEMP.	
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	Copy of an approved Waste Management Plan	A project Waste Management Plan (WMP, rev 8, 7 July 2021) has been developed to manage project construction waste and this condition has been addressed in this plan. Reuse and recycling of construction waste will be undertaken as per the Project EPL.	

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	Records/Copies of Waste Classifications	A project Waste Management Plan (WMP) has been developed to manage project construction waste and this condition has been addressed in this plan. All material is pre-classified under the Waste Classification Guidelines. Project maintains a waste register that tracks construction waste, recyclables (glass, paper, plastic etc.), total waste to landfill, total recycled.	
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	Copy of an approved Waste Management Plan	A project Waste Management Plan (WMP) has been developed to manage project construction waste and this condition has been addressed in this plan. All material is pre-classified under the Waste Classification Guidelines.	
Construction Hours					
E19	Construction shall be undertaken during the following standard construction hours: a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and b) 8:00am to 1:00pm Saturdays; c) at no time on Sundays or public holidays.	During Construction	Copy of an approved CEMP Copy of induction documentation Work start and finish logs	The project Construction Noise & Vibration Management Plans (CNVMP) (rev 16, 7 July 2021) have been developed to manage this condition. Approved construction hours are being communicated to construction personnel via the project Induction, construction work packs, and sensitive area plans.	
E20	Activities resulting in a high noise impact shall only be undertaken: a) between the hours of 8:00 am to 5:00 pm Monday to Friday; b) between the hours of 8:00 am to 1:00 pm Saturday; and 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. 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.	During Construction	An approved CEMP Copy of induction documentation Work start and finish logs	The project Construction Noise & Vibration Management Plans (CNVMP) (rev 16, 7 July 2021) have been developed to manage this condition. Approved construction hours are being communicated to construction personnel via the project Induction, construction work packs, and sensitive area plans. No works requiring noise monitoring were undertaken during the reporting period.	
E21	Notwithstanding conditions E19 and E20, works may be undertaken outside the hours specified under those conditions in the following circumstances: a) construction works that cause LAeq (15 minute) noise levels that are: (i) No more than 5 dB above rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and (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 b) for the delivery of materials required by the police or other authorities for safety reasons; or c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or 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 e) identified works approved by the Secretary.	During Construction	Copy of an approved CEMP Copy of induction documentation Work start and finish logs	An out of hours works protocol has been developed and included in the project CNVMP (rev 16, 7 July 2021) for the review and approval of any proposed activities carried outside of construction hours in accordance with this condition. Five OOH approvals were received during the reporting period. The OOH approvals included: - OOHW 051 - 18/03/2022 - (Electrical isolation and cable pulling works) - OOHW 052 - 14/04/2022 - (Concrete pouring works) - OOHW 053 - 21/04/2022 - (Earth ramp construction and concrete pouring works) - OOHW 054 - 12/05/2022 - (Concrete pouring works) - OOHW 055 - 27/05/2022 - (Asphalt paving works). The approvals were determined to be low impact works that were managed in accordance with the mitigation measures in the out of hours work protocol.	
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	Copy of Construction Noise and Vibration Management Plan (CNVMP)	The project Construction Noise & Vibration Management Plans (CNVMP) (rev 16, 7 July 2021) have been developed to manage this condition.	
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>A copy of Construction Traffic and Access Management Plan (CTAMP)</p> <p>A copy of CNVMP</p> <p>Copies of Toolbox Talks</p> <p>Copies of Contracts</p> <p>Copies of inspections and audit reports</p>	Mitigation measures to address this condition have been included in the CNVMP (rev 16, 7 July 2021) for implementation during construction activities. All site personnel have been advised of noise requirements during pre-start meetings and induction.	
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>Copies of contracts</p> <p>Copies of inspection and audit reports</p>	<p>Restriction on compression braking has been included in the CNVMP (rev 16, 7 July 2021) so as to comply with this condition.</p> <p>Truck drivers have been advised of noise requirements during pre-start meetings and induction, including drivers code of conduct.</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	<p>Copy of consultation with the EPA</p> <p>Copy of operational sleep disturbance report</p>	<p><u>RALP- N/A</u></p> <p><u>IMEX</u></p> <p>Review of Operational Sleep Disturbance Impacts (Wilkinson Murray, rev H, dated May 2018) approved by DPE on 13/7/18.</p>	
Transport and Access					
E26	<p>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.</p>	During Construction	<p>Copy of Road Occupancy Licence</p> <p>Copy of dated receipt of Road Occupancy Licence</p> <p>Copy of CTAMP</p>	Road Occupancy Licence not required.	
E27	<p>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.</p>	During Construction	Copy of CTAMP	<p>Requirement has been included in the CTAMP (rev 15, 7 July 2021)(7.4.6) and shown on the Heavy Vehicle Route map.</p> <p>Truck drivers have been advised of noise requirements during pre-start meetings and induction.</p>	

E28	Construction vehicles (including staff vehicles) shall be managed to: a) minimise parking or queuing on public roads; b) minimise idling and queuing in local residential streets where practicable; c) adhere to the nominated haulage routes identified in the Construction Traffic and Access Management Plan required under condition E35(a); and d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.	During Construction	Copy of CTAMP	Requirement has been included in the CTAMP. Drivers have been advised of noise requirements during pre-start meetings and induction. <u>RALP- N/A</u> <u>IMEX</u> CTAMP (rev 15, 7 July 2021)	
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	Copy of approved CTAMP	Safe access is maintained for pedestrians and cyclists along Moorebank Ave. Internal site movements are maintained following an internal Vehicle Management Plan. IMEX No 1 works do not currently extend onto public roads to the extent where pedestrian and cycle access would be restricted. Access remains generally the same as prior to works. CTAMP (rev 15, 7 July 2021).	
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	Copy of approved CTAMP	<u>RALP- N/A</u> <u>IMEX</u> Works do not impact other private properties. This requirement has been included in the CTAMP (4.1.7) (rev 15, 7 July 2021).	
Biodiversity					
E31	No threatened species or communities can be cleared other than that required for construction.	During Construction	Copy of approved Construction Flora and Fauna Management Plan (CFFMP)	<u>RALP- N/A</u> <u>IMEX</u> Not applicable to IMEX, no threatened species. Threatened native vegetation is outside IMEX site, 'no go' flagging and fencing in place.	
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	An approved Biodiversity Offset Package	<u>RALP- N/A</u> <u>IMEX- N/A</u>	

E32	<p>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.</p>	During Construction	Copy of approved CFFMP	<p><u>RALP- N/A</u></p> <p><u>IMEX</u></p> <p>Tree protection Report issued to PCA on 11/5/17 defining the type of tree protection that will be implemented. The trees on Moorebank Ave required for permanent access to site were removed in April 2018. The approved trees aligned with the approved Landscape Master Plan of the MPE Stage 1 UDLP.</p>	
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> <p>a) a description of activities to be undertaken during construction;</p> <p>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;</p> <p>c) a 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;</p> <p>d) an environmental risk analysis to identify the key environmental performance issues associated with construction; and</p> <p>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:</p> <p>(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;</p> <p>(ii) measures for the handling, treatment and management of hazardous and contaminated materials (including asbestos);</p> <p>(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);</p> <p>(iv) measures to monitor and manage hazard and risks;</p> <p>(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</p> <p>(vi) the issues identified in condition E34.</p> <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	<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>	<p><u>RALP- N/A</u></p> <p><u>IMEX</u></p> <p>Approval of the CEMP was issued by DPE (previously DPIE) on 09/05/17.</p> <p>On the 26 May 2022 a RfMA (RfMA 021) was provided to the ER to update the MPE Stage 1 CEMP and CTP. The updated CEMP (rev 19, December 2022) includes revisions to auditing and compliance frequencies.</p> <p>The ER approved the CEMP RfMA on the 31 May 2022.</p>	
Construction Environmental Management Plan — Sub Plans					

E34	<p>As part of the CEMP for the SSD, the Applicant shall prepare and implement:</p> <p>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:</p> <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, on-site 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; (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. <p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> 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 non-compliance would be rectified; and (viii) mechanisms for the monitoring, review and amendment of this plan. <p>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:</p> <ul style="list-style-type: none"> (i) in relation to Aboriginal Heritage: <ul style="list-style-type: none"> 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 	At All Times	<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>	<p><u>RALP- N/A</u></p> <p><u>JMEX</u> Approval of the CEMP was issued by DPE (previously DPIE) on 09/05/17.</p> <p>On the 26 May 2022 a RIMA (RIMA 021) was provided to the ER to update the MPE Stage 1 CEMP and CTP. The updated CEMP (rev 19, December 2022) includes revisions to auditing and compliance frequencies. The ER approved the CEMP RIMA on the 31 May 2022. The updated CEMP is currently being implemented.</p> <p>The project Construction Noise & Vibration Management Plan (CNVMP) was developed in consultation with stakeholders as specified by this condition. Approval of CNVMP provided by DPE (previously DPIE) on 11/5/17.</p> <p>The CNVMP (rev 16, 7 July 2021) has been updated to include the removal of the southern extent of the disused rail spur, as required by Condition C23B of this consent, and submitted to DPE.</p> <p>CHMP (rev 14, 7 July 2021) was submitted to DPE (previously DPIE) for approval on 24 February 2017. Comments have been received and addressed. Approval of the CHMP was issued by DPE (previously DPIE) on 09/05/17.</p> <p>The CHMP has been updated to include the removal of the southern extent of the disused rail spur, as required by Condition C23B of this consent, and submitted to DPE.</p>	
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<p>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;</p> <p>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;</p> <p>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</p> <p>identification, protection and conservation of Aboriginal cultural heritage; and</p> <p>e) procedures for ongoing Aboriginal consultation and involvement for the duration of construction; and</p> <p>(i) in relation to non-Aboriginal Heritage:</p> <p>a) identification of heritage items directly and indirectly affected by construction;</p> <p>b) consideration of methods to prevent damage to any retained heritage items, including:</p> <p>I. procedures for identifying minimum working distances to retained heritage items (including, at minimum, vibration testing and monitoring);</p> <p>II. detailed options for alteration of construction methodology should preferred values for vibration be exceeded, and</p> <p>III. commitment to implementing those options if preferred values for vibration are likely to be exceeded.</p> <p>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);</p> <p>d) details of monitoring and reporting requirements for impacts on heritage items;</p> <p>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</p> <p>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</p> <p>(ii) mechanisms for the monitoring, review and amendment of this plan.</p> <p>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:</p> <p>(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;</p> <p>(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:</p> <p>a) clearing minimisation procedures (including fencing);</p> <p>b) clearing procedures (including nest box plan);</p> <p>c) removal and relocation of fauna during clearing;</p> <p>d) habitat tree management;</p> <p>e) construction worker education; and</p> <p>f) installation of exclusion fencing prior to commencement of construction.</p> <p>(iii) rehabilitation details, including identification of flora species and sources, and measures for the management and maintenance of rehabilitated areas;</p> <p>(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);</p> <p>(v) a description of how the effectiveness of these management measures would be monitored;</p> <p>(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</p> <p>(vii) mechanisms for the monitoring, review and amendment of this plan.</p> <p>e) a Construction Air Quality Management Plan to detail how impacts on local air quality will be minimise and managed. The Plan shall be developed in consultation with the EPA, and shall include, but not necessarily be limited to:</p> <p>(i) identification of sources (including stockpiles and open work areas) and quantification of airborne pollutants;</p> <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>The project Construction Flora & Fauna Management Plan (FFMP) was developed in consultation with stakeholders as specified by this condition. CFFMP was sent to DPE (previously DPIE) on the 9/02/2017 for review and approval. Comments were provided by DPE (previously DPIE) on 17/3/17. Approval of CFFMP provided by DPE (previously DPIE) on 11/5/17.</p> <p><u>RALP- N/A</u></p> <p><u>IMEX-</u></p> <p>The CFFMP has been updated to include the removal of the southern extent of the disused rail spur, as required by Condition C23B of this consent, and submitted to DPE. The updated CFFMP (rev 17, 7 July 2021) is currently being implemented.</p> <p>The Construction Air Quality Management Plan approval from DPE granted 07/07/2021.</p> <p><u>RALP- N/A</u></p> <p><u>IMEX-</u></p> <p>The CAQMP (rev 13, 7 July 2021) has been updated to include the removal of the southern extent of the disused rail spur, as required by Condition C23B of this consent, and submitted to DPE.</p> <p>The CSWMP approval from DPE granted 07/07/2021.</p> <p><u>RALP- N/A</u></p> <p><u>IMEX-</u></p> <p>The CSWMP (rev 14, 7 July 2021) has been updated to include the removal of the southern extent of the disused rail spur, as required by Condition C23B of this consent, and submitted to DPE.</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>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>	<p>Not triggered</p> <p>This Compliance Report relates to construction only.</p>	
Easements					
F2	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.	Prior to Operations	<p>Copy of section 88B instrument</p> <p>Copy of submission of the instrument to Certifying Authority and Secretary</p>	<p>Not triggered</p> <p>This Compliance Report relates to construction only.</p>	
External Lighting					
F3	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.	Prior to Operations	<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 qualified practitioner's qualifications</p>	<p>Not triggered</p> <p>This Compliance Report relates to construction only.</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>An approved OEMP</p> <p>Copy of submission of OEMP to the Secretary</p> <p>Copy of OEMP approval from Secretary</p>	<p>Not triggered</p> <p>This Compliance Report relates to construction only.</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	Copy of Brake Squeal Report	Not triggered This Compliance Report relates to construction only.	
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: 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. 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	An approved Container Noise Barrier Management Plan (CNBMP)	Not triggered This Compliance Report relates to construction only.	
F5B	<p>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.</p>	During Operations	An approved Container Noise Barrier Management Plan (CNBMP)	Not triggered This Compliance Report relates to construction only.	
F5C	<p>The noise criteria in Table A of condition F5B are to apply under all meteorological conditions except the following:</p> <p>a) wind speeds greater than 3 m/s at 10 metres above ground level; or</p> <p>b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or</p> <p>c) stability category G temperature inversion conditions.</p>	During Operations	An approved Container Noise Barrier Management Plan (CNBMP)	Not triggered This Compliance Report relates to construction only.	
Traffic Management					
F6	<p>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.</p>	Prior to Operations	<p>An approved Operational Traffic Management Plan</p> <p>Copy of consultation with Cargo Movement Coordination Centre</p> <p>Copy of submission to the Secretary</p>	Not triggered This Compliance Report relates to construction only.	

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	Copy of consultation with RMS Copy of receipt of payment for the decommissioning/removal/disposal of the traffic signals and associated equipment	Not triggered This Compliance Report relates to construction only.	
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	Copy of certified design plans	Not triggered This Compliance Report relates to construction only.	

*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 3 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	Road pavement deflection testing results	Not triggered This Compliance Report relates to construction only.	
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	Records of repair work having being carried out	Not triggered This Compliance Report relates to construction only.	
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	Copy of lodgement to NSW Land and Property Information of all easements	Not triggered This Compliance Report relates to construction only.	
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	Copy of inspection and compliance reports	Not triggered This Compliance Report relates to construction only.	
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	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	Not triggered This Compliance Report relates to construction only.	
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 TNSW 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	Copy of OEMP Compliance reports	Not triggered This Compliance Report relates to construction only.	
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 passby 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) LAF(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	Records of installation / maintenance of rail noise monitoring equipment Records /copies of upload of results / live data on website. Compliance reports	Not triggered This Compliance Report relates to construction only.	

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	An approved Operational Noise and Vibration Management Plan (ONVMP)	Not triggered This Compliance Report relates to construction only.	
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). (b) the noise survey shall be conducted in accordance with the EPA's Rail Infrastructure Noise Guideline 2013 to determine: (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. (c) the noise survey shall be conducted for not less than 12 contiguous days in the winter months (July, August or September). (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). (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	An approved Operational Noise and Vibration Management Plan (ONVMP)	Not triggered This Compliance Report relates to construction only.	
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	Records of installation / maintenance of rail noise monitoring equipment	Not triggered This Compliance Report relates to construction only.	
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	Not triggered This Compliance Report relates to construction only.	
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	Copy of container transport documentation	Not triggered. This Compliance Report relates to construction only.	
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) A 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	Copy of report	Not triggered This Compliance Report relates to construction only.	
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	Copy of equipment design specifications	Not triggered This Compliance Report relates to construction only.	

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	Copy of ONVMP Copy of Operational Noise Report	Not triggered This Compliance Report relates to construction only.	
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	Copy of installation of main gate monitoring system Copy of heavy vehicle monitoring data for previous 12 months	Not triggered This Compliance Report relates to construction only.	
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) a 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</p>	During Operation		Not triggered This Compliance Report relates to construction only.	
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> <p>Within 60 days of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary and relevant public authorities, together with its response to any recommendations contained in the audit report. The audit report and response to any recommendations shall be published on the Project website.</p>	Within 12 months of the commencement of operation.	Copy of audit Receipt of payment for audit Copy of submission of the report to the Secretary and relevant public authorities	Not triggered This Compliance Report relates to construction only.	

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