

**NATIONAL
INTERMODAL**

**Independent DPHI Compliance
Audit
SSI 10053 – Moorebank Avenue
Realignment Works**

26 February 2024

Independent DPHI Compliance Audit

SSI 10053 – Moorebank Avenue Realignment Works

Prepared By:

[REDACTED]

Trigalana Environment Pty Ltd

ABN: 67 638 805 848

Version Control

Revision	Date	Comment
A	14 February 2024	Draft for Review
0	26 February 2024	Final

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Executive Summary

Trigalana Environmental Pty Ltd has been engaged to undertake an independent Audit of the Moorebank Avenue Realignment Works (MARW). The MARW Project involves the construction of a multi lane road, and ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections, and utilities infrastructure.

Development Consent (SSI 10053) covers both the construction and operational phases of the Project. The Project Proponent is the Moorebank Intermodal Company Limited (MIC) (now National Intermodal Corporation Limited (National Intermodal)). GHD are the Project Manager, Arcadis are the environmental and planning consultants.

The Audit is required by the Conditions of Approval (CoA) and has been undertaken in accordance with the Department of Planning, Housing and Infrastructure (DPHI) Post Approval Requirements (2020).

The Audit covers construction activities for the period from the commencement of work on 7 September 2023 till the 18th of January 2023. The Audit consisted of a site inspection, interview with key project personnel and a review of relevant management plans, project documents and management records.

The site inspection was undertaken on 18th of January 2024 with members of National Intermodal, GHD and Arcadis present.

The findings of the Audit are:

- The Project is in the early stages with site activities limited to geotechnical investigations and minor utility work
- No incidents have occurred, or complaints received during the Audit period
- No non compliances have been identified by this Audit.

Key environmental issues are being managed effectively on site as summarised:

- Construction Environmental Management Plan (CEMP), and specialist subplans have been developed and are being implemented
- Two Environmental Work Method Statements (EWMS) have been prepared and are being implemented for the contamination/geotechnical investigations and preliminary facilitation works
- Appropriate supervision of site activities was in place; and
- The Environmental Representative has undertaken site inspections and is performing their role in accordance with the CoA.

Key strengths identified by the Audit include:

- The project team was well organised and had a good understanding of the conditions of approval and their compliance obligations
- Documentation required for the Audit was readily available and filed in an orderly manner.

One recommendation for improvement has been made regarding consistent colour coding of environmentally sensitive working areas.

1 Project Overview

1.1 Project Background

Moorebank Avenue currently connects to Newbridge Road and M5 Motorway to the north, Anzac Road to the south and terminates at Cambridge Avenue, near the Holsworthy Military Reserve. Moorebank Avenue is currently a four-lane undivided road between Newbridge Road and the M5 Motorway, while between the M5 Motorway and Cambridge Avenue it is a two-lane undivided road. A section of Moorebank Avenue currently divides the Moorebank Intermodal Precinct (MIP), comprising Moorebank Precinct East (MPE) and Moorebank Precinct West (MPW). North of the M5 Motorway, Moorebank Avenue is a State road. Between the M5 Motorway and Anzac Road it is owned and maintained by Liverpool City Council (LCC) and between Anzac Road and Cambridge Avenue it is a private road on Commonwealth land.

Figure 1 provides an overview of the Project. The Project involves the realignment of an existing two-kilometre section of Moorebank Avenue, from a point approximately 130 meters south of the Anzac Road/Moorebank Avenue intersection to a point immediately north of the East Hills Railway. The key features of the Project include:

- Construction of approximately three kilometres of new road to bypass the MIP to the east, comprising: – A four-lane road (two lanes in each direction) near MPE, commencing from a point approximately 130 metres south of the Anzac Road / Moorebank Avenue intersection to the south-eastern corner of the MPE site – A two-lane road (one lane in each direction) from the south-eastern corner of the MPE site to a point immediately north of the bridge over the East Hills railway
- Northern tie-in to Moorebank Avenue, 130 meters south of the Anzac Road/Moorebank Avenue for 250 metres to the northwest corner of the MPE site
- Construction of four accesses with signalised intersections between the new road and the MIP
- Construction of a central median, typically six metres wide, tapering to zero width where the new road becomes two lanes
- Southern tie-in to Moorebank Avenue, 17 metres before the East Hills railway over bridge. No work will be undertaken or impact the East Hills over-bridge
- Construction of retaining walls
- Noise mitigation in the vicinity of the Defence Joint Logistics Unit (DJLU) site as identified in the Detailed Design noise assessment
- Construction of operational drainage infrastructure, on-site stormwater detention basins, and operational water quality controls (including vegetated swales, bioretention systems, and spill containment)
- Installation of a culvert within Anzac Creek and extending existing culverts within existing watercourses/drainage lines
- Installation of road furniture including security fencing, guideposts, traffic signs, and street lighting, including defence communications and high voltage electricity alignments
- Construction of temporary ancillary facilities, including a work site compound, lay-down areas, and construction water detention basins.

1.2 Project Approval

The Project is designated State Significant Infrastructure (SSI) and was subject to an Environmental Impact Statement (EIS). The EIS, with accompanying documents were publicly displayed. Following public display, response to submissions and further studies, the EIS was approved by the NSW Minister for Planning. The Project instrument of approval (SSI 10053) was issued on 14 October 2021 and documents 161 conditions that are to be complied with during the construction and operational stages of the MARW Project.

1.3 Supplementary Approvals and Licences

In addition to the Planning Approval (SSI 10053), several other approvals apply to the Project as follows.

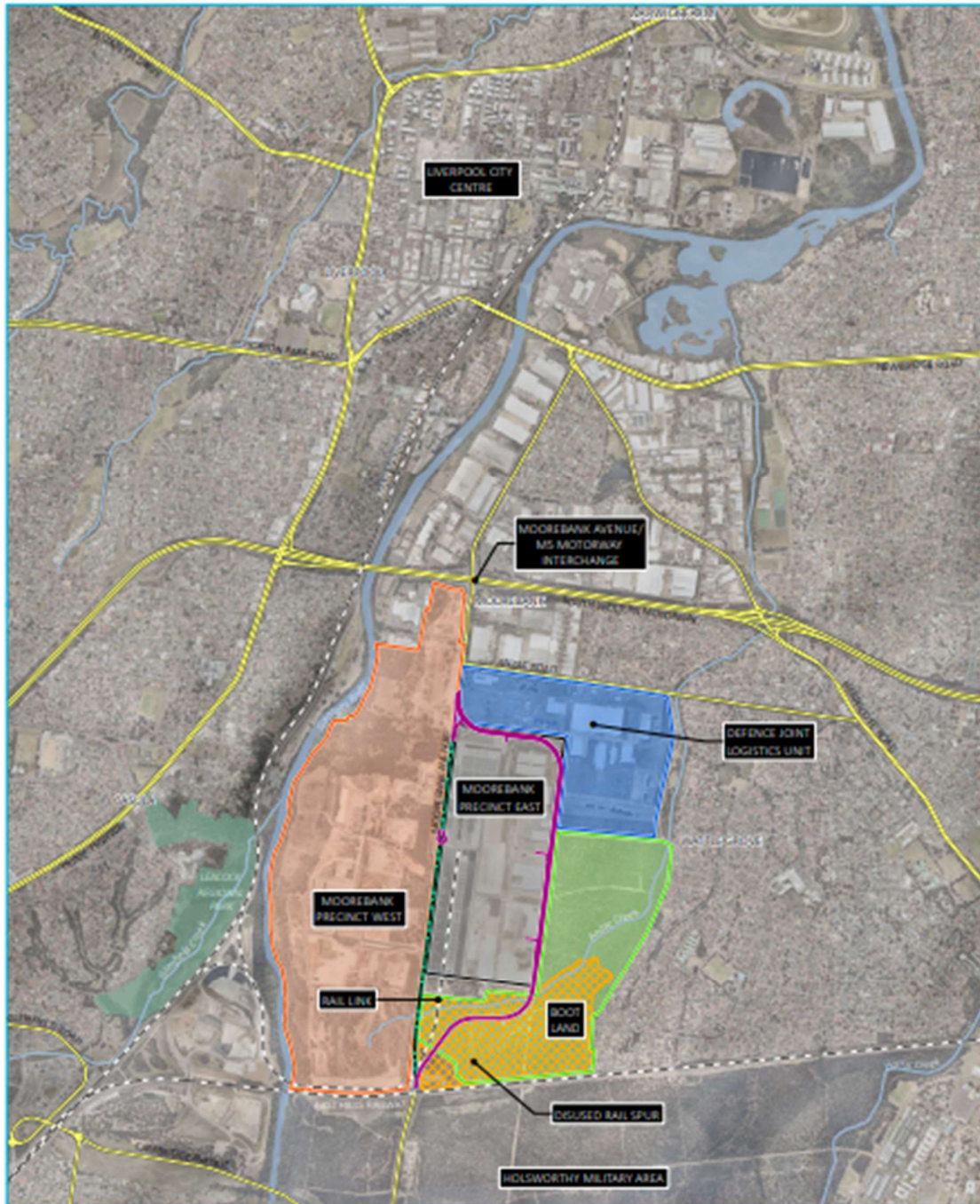
- Commonwealth Controlled Activity Approval (EPBC 2020/8839) administered by the Commonwealth Department of Climate Change, Energy, Environment and Water (DCCEW)
- Environment Protection Licence (application is in progress).

1.4 Construction activities

At the time of the Audit, activities being undertaken included geotechnical and soil contamination investigation works which involved minor clearing of vegetation and extraction of soil samples using an auger drill.

While the CoA defines “Low Impact Work” to include “investigations including investigative drilling, contamination investigations and excavation”, the CoA notes that any “Low Impact Work” where threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016* or *Environment Protection and Biodiversity Conservation Act 1999*) are affected or potentially affected by those works, that work is classified as construction works.

The geotechnical and soil contamination works were initially undertaken as “Low Impact Work” in areas where threatened species were not impacted. In areas where the threatened species were impacted, the drilling activities were deemed to be construction in accordance with CoA definition. Construction therefore commenced on 23/10/23. Other construction activities undertaken during the audit period included 11kV electrical utility works near the “Piccolo Me” café on Moorebank Avenue.



Source: EMM (2020), DPH (2017), GA (2021), Seismic (2022)

- KEY**
- Project alignment
 - Existing road to be realigned
 - Moorebank Precinct East
 - Moorebank Precinct West
 - DJLU boundary
 - Boot Land boundary
 - 2018 bushfire extent
 - Rail line
 - Major road
 - Watercourse
 - NPWS reserve



Moorebank Avenue realignment
Environmental impact assessment
Figure ES1



Figure 1: Project location as described in the EIS.

1.5 Auditor

Trigalana Environmental Pty Ltd has been appointed to undertake this independent environmental Audit. The Auditor was approved by the Department of Planning and Environment in accordance with condition A38. Details of the Auditor are provided in [Table 1: Auditor Details](#)

Table 1: Auditor Details

Name	Qualifications	Key Experience
[REDACTED]	B. E Civil M. Environmental Management Management Systems Auditing Leading Management Systems Audit teams Exemplar Global Lead Auditor	25 years of environmental management experience in the infrastructure sector. Have undertaken over 100 Audits including independent DPHI Audits for major infrastructure Projects including: <ul style="list-style-type: none"> • Upper South Creek Advanced Water Recycling Centre • EnergyConnect. • Crudine Ridge Windfarm. • Sapphire Windfarm. • Rye Park Windfarm. • Albion Park Bypass. • Walla Walla Solar Farm. • Warrell Creek to Nambucca Heads. • Northern Road upgrade. • Tweed Valley Hospital. • Windsor Bridge.

The DPHI Letter of approval for the Auditor is provided in Appendix A.

1.6 Audit Objectives

The key objectives of the Independent Environmental Audit are to assess compliance of the Project with the CoA and the implementation of management plans as outlined in the CoA. The Audit is to recognise good practices while providing practical and reasonable recommendations for improvement that can be implemented throughout the project as construction continues.

1.7 Audit Scope and Period

This Audit has been undertaken in accordance with Condition A35 of the Ministers Conditions of approval. These conditions are outlined in Table 2 below.

Table 2: Independent Audit – Requirements

Condition Reference	Condition	Comment
A35	Independent Audits of the SSI must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020).	The scope of each Audit was defined in the Audit program and further developed in consultation with DPHI and Liverpool City Council.

1.8 Definitions

Commonly used acronyms in this Audit report are as described in Table 3.

Table 3: Common acronyms

Acronym	Description
BOS	Biodiversity Offset Strategy
CA	Consistency Assessment
CoA	Conditions of Approval
CCC	Community Consultative Committee
CCS	Community Consultation Strategy
CEMP	Construction Environmental Management Plan
CPESC	Certified Professional in Erosion and Sediment Control
DAWE	Commonwealth Department of Agriculture, Water and Environment
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
DPE	Department of Planning and Environment (now the Department of Planning Housing and Infrastructure)
DPIE	Department of Planning, Industry and Environment (now the Department of Planning Housing and Infrastructure)
DPHI	Department of Planning Housing and Infrastructure (formerly the Department of Planning and Environment)
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	NSW Environment Protection Authority
EPBC	Environmental Protection and Biodiversity Conservation Act 1999
EPL	Environmental Protection Licence
ER	Environmental Representative
ESD	Ecological Sustainable Development
EWMS	Environmental Work Method Statement
GHD	Gutteridge Haskins and Davey, Project Manager for the MARW
IEA	Independent Environmental Audit
ICNG	EPA Interim Construction Noise Guideline
IPAR	DPHI Independent Audit Post Approval Requirements, May 2020)
MARW	Moorebank Avenue Realignment Works

Acronym	Description
MIP	Moorebank Intermodal Precinct
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
NIC	National Intermodal Corporation
OCEMP	Overarching Construction Environmental Management Plan
OEH	Office of Environment and Heritage
PFAS	A group of synthetic organofluoride substances commonly found in groundwater. A typical source is firefighting foam from fire suppressant activities
Planning Secretary	The Planning Secretary of the Department of Planning, Housing, and Infrastructure.
RAP	Remedial Action Plan
SEMP	Site Establishment Management Plan
SSI	State Significant Infrastructure
SPVA	State Voluntary Planning Agreement
TfNSW	Transport for New South Wales
UDLP	Urban Design and Landscape Plan
UFP	Unexpected Finds Protocol

2 Independent Audit Methodology

2.1 Scope Development

The Audit scope was developed in consideration of:

- The NSW Department of Planning, Housing and Infrastructures Independent Audit Post Approval Requirements (IPAR) (May 2020)
- Project Conditions of Approval (SSI 10053) dated 14 October 2021
- Stakeholder feedback from relevant government stakeholders including:
 - Department of Planning and Environment.
 - Liverpool City Council.

The scope of the Audit did not include an assessment of compliance with any supplementary approvals or licences.

2.2 Stakeholder Consultation – Key Issues

In undertaking the Audit, key issues raised by the government agencies groups that are relevant to the Audit are summarised in Section 3.7.

2.3 Summary of Audit Processes

- Opening meeting
- Site inspection, noting environmental practices and controls
- Audit Interviews
- Review of documents and records
- Closing meeting.

2.4 Opening and Closing Meetings

An opening meeting was held on 18th of January 2024 where the Auditor provided an overview of the Audit process and confirmed the agenda for the Audit.

The closing meeting was held on the 14th of February 2024 where the summary of the Audit findings was provided, noting areas of good practice and recommendations for improvement.

Attendees at the opening and closing meetings included the following:

- [REDACTED], National Intermodal
- [REDACTED], National Intermodal
- [REDACTED], Arcadis
- [REDACTED] – (opening meeting only).

2.5 Site Inspection

A site inspection was undertaken on the morning of 18th of January 2024. The Auditor was escorted by members of the Project team (as noted in Section 2.4) and the Site Supervisor [REDACTED] – from National Intermodal. All areas of the project alignment were inspected with the following observations made by the Auditor.

- Site activities undertaken or completed at the time of the site inspection included:
 - geotechnical investigations and minor clearing activities to create safe access for the drill rig to the drilling locations
 - 11kV electrical utility works near the “Piccolo Me” café on Moorebank Avenue.
- Environmental controls implemented included:
 - Perimeter fence to ensure work activities remain in the project boundary
 - Exclusion fencing for the protection of heritage items and ecologically sensitive areas
- Full construction activities such as mainline clearing and grubbing, bulk earthworks and establishment of construction ancillary facilities had not commenced
- There were no offsite fugitive emissions such as dust, sediment, stormwater noise or vibration. No chemicals or waste materials were stored on site

- Appropriate signage was provided at the site entrance advising community members of the project contact details for a complaint and other relevant information including the SSI number.

There was no obstruction of local footpaths or roads. All plant, equipment and any motor vehicles were located within the site boundaries.

2.6 Document Review

In undertaking the Audit, a broad range of documents were reviewed or referred to, including:

- Project conditions of approval (SSI 10053)
- Project Environmental Impact Statement
- Environmental Management Plans, developed in accordance with the Project Conditions
- Correspondence with relevant authorities
- Consultation records
- Specialist reports
- Records of implementation of the environmental management plans including checklists, inspection reports, etc.

A detailed list of the documents reviewed in undertaking the Audit is provided in Appendix C - Audit Table.

2.7 Compliance Descriptors

The compliance status of each condition was determined using the relevant descriptors in and as described in the DPE (now DPHI) 2020 Auditing Post Approval Requirement and summarised in Table 4.

Table 4 - Compliance Descriptors

Status	Description
Compliant (C)	Sufficient verifiable evidence to demonstrate that all elements of the requirement have been completed
Non- Compliant (NC)	One or more specific elements of the conditions or requirements have not been complied with within the scope of the Audit
Not Triggered (NT)	A requirement has an activation or timing trigger that has not been met at the time when the Audit was undertaken

3 Audit Findings

3.1 Compliance Performance

A summary of compliance performance is provided in Table 5.

Table 5: Compliance summary

Section	Number of Conditions	Compliant	Non-Compliant	Not Triggered	Noted
A	44	19	0	24	1
B	13	11	0	2	0
C	17	14	0	3	0
D	4	0	0	4	0
E	83	28	0	55	0
Total	161	72	0	88	1

3.2 Summary of Agency Notices, Orders, Penalty Notices and Prosecutions

No agency notices, warning letters, orders, penalty notices or prosecutions have been issued to the project to date.

3.3 Incidents

No incidents were recorded during the Audit period.

3.4 Community Complaints

No community complaints have been received for the project to date.

3.5 Actions from previous Audits

There are no actions from previous Audits as this is the initial independent Audit for the MARW Project.

3.6 Adequacy of Environmental Management Plans

The management plans implemented for this construction phase have been prepared by suitably qualified personnel, endorsed by the independent Environmental Representative, and approved by DPFI following consultation with relevant stakeholders. The plans meet the conditions of approval and other relevant legislative requirements. The management plans are adequate for the current scope of work and were observed to be implemented effectively in the field.

3.7 Stakeholder Consultation Outcomes

Issues raised by project stakeholders that were consulted with prior to undertaking the Audit are summarised in [Table 6](#) with the Auditor's response to each issue.

Table 6: Key stakeholder issues and Auditor response

Organisation	Date of Consultation	Key Issues/Comments	Auditor Response
Department of Planning, Housing and Infrastructure	18/12/23	No issues raised, suggested consultation is undertaken with Liverpool City Council	Noted. Consultation with LCC was undertaken with details provided below.
Liverpool City Council	22/01/24	<p><u>Transport Management</u></p> <p>Previously, Council staff raised a concern that Moorebank Avenue is being realigned closer to the existing residents in Wattle Grove and requested that a noise assessment be undertaken to identify whether noise attenuation works are required. Council staff do not consider that the assessment has been adequately completed. In addition to this, the road section is currently owned by the Department of Defence. During the assessment of the application Council staff outlined that the realigned road section should be a classified road and maintained by Transport for New South Wales (TfNSW), given that the northern section of the road is a classified road under the care and control of TfNSW and Moorebank Avenue would be carrying significant heavy vehicles. Such road classification has not been done and Council staff are requesting that the road be reclassified before it is handed over.</p>	<p>Noted. Conditions E28 and E29 require the Proponent to undertake operational noise monitoring, prepare and submit an operational noise report to DPHI. In meeting these conditions, a review of the effectiveness of the noise mitigation measures proposed by the EIS will be undertaken and additional noise mitigation measures implement should the operational noise monitoring and modelling result in exceedances of the operational noise criteria.</p> <p>NIC noted that a noise impact assessment has been prepared as part of the detailed design that considers the potential impacts of the 100% MARW design on the surrounding community. This noise impact assessment provides results which are consistent with the EIS (i.e. the operational noise for the project would not exceed the relevant standards) and therefore further emphasise the suitability of the already proposed, and to be implemented, mitigation measures. This report will be provided to Council as part of their review of the 100% MARW design package. The operational noise monitoring will still undertaken in accordance with the conditions of consent, however in the interim this noise assessment of the design to be constructed provides further confidence that the project can be operated to meet noise criteria. The noise impact assessment will be reviewed by the Auditor during the next Audit.</p>

Organisation	Date of Consultation	Key Issues/Comments	Auditor Response
			<p>Comments regarding road classification are noted, however the classification of roads is the role of TfNSW and is outside the scope of NIC's role.</p>
		<p><u>Environmental Management:</u> The standard Audit of compliance with conditions of consent is considered to cover biodiversity matters.</p>	<p>Noted. The Audit covers biodiversity matters with no issues or non-compliances identified by the Audit.</p>
		<p><u>Environmental Health:</u> In accordance with Section 3.2 of the IAPAR and the Department's instructions, Trigalana Environmental Pty Ltd is consulting with Council regarding the Project's environmental performance and Audit scope. The required Audit scope is outlined in Section 3.3 of the IAPAR and necessitates an assessment of all conditions of consent applicable to the phase of the development. Furthermore, Trigalana Environmental Pty Ltd is required to assess compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and sub-plans.</p>	<p>Noted. The Audit includes an assessment of the items noted by Council.</p>

Organisation	Date of Consultation	Key Issues/Comments	Auditor Response
		<p>As part of the consultation requirements, Trigalana Environmental Pty Ltd asked Council to confirm if it requires any additional issues to be examined, relating to post-approval requirements and compliance that are not already referenced in the Audit's scope as stipulated in Section 3.3 of the IAPAR. In addition to these requirements, it is recommended that Trigalana Environmental Pty Ltd considers whether any subsequent adjustments are necessary to the scope of the forthcoming Audit beyond that identified within Section 3.3 of the IAPAR.</p>	<p>Noted. At this stage there are not any additional issues to be examined relating to Post Approval requirements and compliance that are not stipulated in Section 3.3 of the IAPAR.</p>
		<p>In terms of site regulation, the Department has primary responsibility for assessing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the Project. The Environmental Impact Statement confirms that the Project will require an environment protection license from the NSW EPA as it is defined as a scheduled activity (road construction) that would result in the extraction or processing of more than 50,000 tonnes of material in a regulated area. As Council is not the Appropriate Regulatory Authority or relevant enforcement authority for the Project, the Auditor is encouraged to make further enquiries with the NSW EPA and NSW Department of Planning, Housing and Infrastructure regarding the Project's environmental performance and compliance.</p>	<p>Noted. DPHI are the primary regulator for the project and have been consulted with in relation to the Audit scope.</p> <p>The project team are in the process of applying for an Environment Protection Licence (EPL) with the EPA. EPA will be consulted in future Audits when the EPL has been obtained.</p>

Organisation	Date of Consultation	Key Issues/Comments	Auditor Response
		<p>To enable a comprehensive review to be undertaken, it would be necessary for the Auditor to identify all conditions of consent applicable to the phase of the development being Audited. Consistent with Section 3.3 of the IAPAR, the Auditor must review the environmental performance of the development with consideration for the Environmental Impact Statement and assess the adequacy of the Environmental Management Plans and sub-plans. In this regard, it would be appreciated if the Auditor could review consultation, management and monitoring program requirements for the construction phase of the Project including: incident and non-compliance notification and reporting (Conditions A40 to A43); community consultation committee and communication strategy (Conditions B1 to B7); and complaints management system (Conditions B8 to B12).</p>	<p>Noted. The Audit covers all conditions of consent. Those conditions that are not relevant to the current phase of work are noted as Not Triggered (please refer to Appendix C)</p>
		<p>It is requested that the Audit's scope encompasses all post approval documents prepared to satisfy the conditions of Approval, including an assessment of the Construction Environmental Management Plan (Conditions C1 to C11) and Construction Noise and Vibration Monitoring Program (Conditions C12 to C17). The Auditor must also consider any other matters raised by the Department, NSW EPA, regulatory requirements, Project performance and industry best practice</p>	<p>Noted. The Audit includes an assessment of the relevant management plans. Please refer to Appendix C.</p>

3.8 Actual Versus Predicted Impacts

The Auditor conducted a high-level review of the EIS to determine consistency of the actual and predicted impacts with the current impacts of the MARW Project. The EIS identified several key environmental risks with the potential to cause environmental impact as follows:

- Biodiversity
- Bushfire
- Noise and Vibration
- Contamination
- Water
- Historic heritage
- Aboriginal heritage
- Air quality
- Social
- Visual and landscape character.

In accordance with the conditions of approval, management plans have been prepared with appropriate resources applied to implement the plans, with independent appointments and technical specialists to check and monitor their implementation.

Given the degree of compliance with the CoA, the observations, Audit interviews and records reviews as part of the Audit, it may be reasonably concluded that the environmental impacts of construction activities to date are consistent with predictions made in the EIS. All work was contained within the project boundary.

3.9 Key Strengths

Key strengths were identified during the Audit as follows:

- The project team was well organised and had a good understanding of the conditions of approval and their compliance obligations
- Documentation required for the Audit was readily available and filed in an orderly manner; and
- Site environmental controls were appropriate for the scale and nature of the project with an appropriate level of supervision provided to ensure activities are undertaken in an environmentally responsible manner.

3.10 Improvement Opportunities

Opportunities for Improvement identified during this Audit are summarised in Table 7: Recommendations for Improvement below.

Table 7: Recommendations for Improvement

Condition no	Summary of Condition (relevant requirements)	Observation	Recommendation
E3	The clearing of native vegetation must not exceed the clearing footprint identified in the documents listed in Condition A1. All practicable measures to reduce the clearing of native vegetation within the clearing footprint must be undertaken, with the objective of reducing impacts to threatened ecological communities and threatened species habitat.	There appears to be an inconsistent colour coding system for the delineation of ecologically sensitive areas and heritage “no go” areas. This has the potential to cause misunderstanding and may contribute to an unauthorised clearing/impact event.	Review the colour coding and signage arrangements for clearing activities to ensure a consistent approach is applied for mainline clearing activities. This should also be consistently referred in the environmental management documentation such as EWMS as well as induction training.

Appendix A DPHI Auditor Approval

Department of Planning and Environment



Our ref: SSI-10053-PA-32

██████████ - Senior Manager Planning and Environment

NATIONAL INTERMODAL CORPORATION LIMITED

Level 33 1 o'connell street

Sydney New South Wales 2000

7/12/2023

Sent via the Major Projects Portal only

Subject: Moorebank Avenue Realignment - IEA Auditor Nomination

Dear ██████████

Reference is made to your post approval matter, SSI-10053-PA-32, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Moorebank Avenue Realignment (Project), submitted as required by Schedule 2, Condition A34 of SSI-10053 as modified (the Consent) to NSW Department of Planning and Environment (NSW Planning) on 1 December 2023.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 2, Condition A34 of the Consent and the NSW Planning, *Independent Audit Post Approval Requirements* (2020) (IAPAR), as nominee of the Planning Secretary, I endorse the following independent audit team:

- ██████████ (Lead Auditor)
- ██████████ (native Lead Auditor)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of Consent and the IAPAR. Failure to meet these requirements will require revision and resubmission.

Please note that this is an agreement for the audit team listed above for the project's construction stage only. If there are any changes to the approved audit organisation, and/or audit team member/s a new request must be submitted and agreed to by the Planning Secretary prior to commencement of the relevant audit.

Department of Planning and Environment

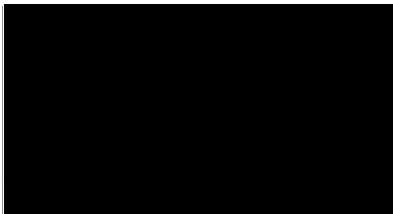


For the operational phase of the project, you must submit a request for a different audit organisation and team to be approved by the Planning Secretary, where required under the IAPAR and the Consent.

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact me on [REDACTED] or email compliance@planning.nsw.gov.au

Yours sincerely



A/ Team Leader Compliance - Metro

As nominee of the Planning Secretary

Appendix B Auditor Declaration

Project name	Moorebank Avenue Realignment Works
Consent Number	SSI 10053
Description of Project	The construction of a multi lane road, and ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections and utilities infrastructure.
Project Address	Moorebank Avenue, Moorebank
Proponent	Moorebank Intermodal Company Limited
Date	26 February 2023

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

I declare that

- (i) the Audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);
- (ii) the findings of the Audit are reported truthfully, accurately and completely;
- (iii) I have exercised due diligence and professional judgement in conducting the Audit;
- (iv) I have acted professionally, objectively and in an unbiased manner;
- (v) I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the Audit, or by relationship as spouse, partner, sibling, parent, or child;
- (vi) I do not have any pecuniary interest in the Audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- (vii) neither I nor my employer have provided consultancy services for the Audited project that were subject to this Audit except as otherwise declared to the Department prior to the Audit; and
- (viii) I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for Auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so

Notes:

- a) 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) 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 in (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 corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to the false and misleading information; section 307Bv (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of Auditor [REDACTED]

Signature [REDACTED]

Qualification BE Civil, M Environmental Management

Company: Trigalana Environmental Pty Ltd

Appendix C Audit Table

Part A – ADMINISTRATIVE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
GENERAL				
A1	<p>The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:</p> <p>(a) <i>Moorebank Avenue Realignment Environmental Impact Statement Volume 1 and Volume 2</i> prepared by EMM for Sydney Intermodal Terminal Alliance dated March 2021; and</p> <p>(b) <i>Moorebank Avenue Realignment Response to Submissions</i> prepared for Sydney Intermodal Terminal Alliance dated May 2021</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Documents reviewed by the Auditor and noted in this report. 	<p>The project is being delivered generally in accordance with the terms and conditions of this approval and the environmental assessment documentation.</p>	Compliant
A2	<p>The SSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Documents reviewed by the Auditor and noted in this report. 	<p>As noted in this Audit report, sufficient evidence was provided to the Auditor to demonstrate the effective implementation of environmental management plans and compliance with this condition.</p>	Compliant
A3	<p>In the event of an inconsistency between:</p> <p>(a) the terms of this approval and any document listed in Condition A1, the terms of this approval will prevail to the extent of the inconsistency; and</p> <p>(b) any document listed in Condition A1, the most recent document will prevail to the extent of the inconsistency.</p> <p>Note:</p> <p><i>For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.</i></p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>No inconsistencies identified to date.</p>	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A4	<p>The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:</p> <ul style="list-style-type: none"> a) the environmental performance of the SSI; b) any document or correspondence in relation to the SSI; c) any notification given to the Planning Secretary under the terms of this approval; d) any Audit of the construction or operation of the SSI; e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); f) the carrying out of any additional monitoring or mitigation measures; and g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval. 	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>No written directions received from the Planning Secretary to date.</p>	<p>Not triggered</p>
A5	<p>Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:</p> <ul style="list-style-type: none"> a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; b) a log of the dates of engagement or attempted engagement with the identified party; c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; d) outline of the issues raised by the identified party and how they have been addressed; and e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed. 	<ul style="list-style-type: none"> • MAR SSI-10053 Construction Waste and Resource Management Plan, March 2023 • MAR SSI-10053 Construction Soil and Water Management Plan, August 2023 • MAR SSI-10053 Construction Traffic and Transport Management Plan, August 2023 • MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023 • MAR SSI-10053 Construction Heritage Management Plan, June 2023 • MAR SSI-10053 Construction Biodiversity Management Plan, June 2023 • MAR SSI-10053 Construction Air Quality Management Plan, May 2023 • MAR SSI-10053 Construction 	<p>Management Plans include the record of consultation with relevant agencies.</p>	<p>Compliant</p>

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
		<ul style="list-style-type: none"> Bushfire Management Plan, May 2023 MAR SSI-10053 Contamination Management Plan, March 2023 MAR SSI-10053 Construction Environmental Management Plan, May 2023. 		
A6	A strategy, plan or program (or the like) required by the terms of this approval may be combined with any other strategy(ies), plan(s) or program(s) with the agreement of the Planning Secretary.	<ul style="list-style-type: none"> Letter from GHD to DPHI titled "Moorebank Avenue Realignment (SSI-10053) Environmental risk assessment (Condition A19), combination of plans (Condition A6) and endorsement of nominated plans by the Environmental Representative (Condition C8)" dated 2/11/22 Letter from DPHI to MIC titled "Risk Assessment for Moorebank Avenue Realignment Work (Condition A19 of SSI 10053" dated 22/11/22. 	<p>DPHI have approved the following:</p> <ul style="list-style-type: none"> Inclusion of the Construction Noise and Vibration Monitoring Program into the Construction Noise and Vibration Management Plan Inclusion of the unexpected finds procedure for contamination into the contamination management plan Consolidation of the water management plan, erosion and sediment control plan, soil and water management plan, flood emergency response plan and surface water monitoring program into a construction soil and water management plan The inclusion of the spoil management plan into the construction waste and resource management plan. 	Compliant
A7	This approval lapses five years after the date on which it is granted unless work has physically commenced on or before that date.	<ul style="list-style-type: none"> Site Inspection 18/01/24 Audit Interview 18/01/24 Infrastructure Approval – SSI 10053 dated 14/10/21. 	The project has commenced within the 5-year timeframe as required by this condition.	Compliant
A8	Despite Condition A7, work under this approval can only commence while SVPA-2018-9696 is in force.	<ul style="list-style-type: none"> Audit Interview 18/01/24 Planning Agreements Liverpool City Council (nsw.gov.au). 	SVPA-2018-9696 is a voluntary planning agreement with Liverpool Council, TfNSW and Cube Re Services Pty Ltd. The SVPA is available on the Liverpool City Council Website and is still in force.	Compliant

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A9	Signalisation of intersections as described in Section 5.3.5 of the EIS referenced in Condition A1 is not approved unless agreed to by TfNSW following the outcomes of the process outlined in Condition E57.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Moorebank Avenue Realignment Works, Traffic Assessment Report, Anson Group, dated 02/06/23. 	Installation of traffic signals has not commenced at the time of the Audit.	Not triggered
A10	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Administrative note.	Noted
A11	Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident under Condition A40.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	There have not been any requests for the submission of documents in a later timeframe in accordance with this condition.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
STAGING				
A12	The SSI may be constructed and/or operated in stages. Where staging is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared. The Staging Report must be endorsed by the ER and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation) or no later than one month before the lodgement of any CEMP or CEMP subplan for the first of the proposed stages of construction or the first of the proposed stages of operation.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Construction not staged; therefore, a staging report is not required.	Not triggered
A13	Despite Condition A12, the existing Moorebank Avenue must remain open to through traffic until construction of the realigned Moorebank Avenue is completed in its entirety and open to all traffic. Work to enable the restricted access to MLP may commence if it does not result in impacts to through traffic.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Moorebank Avenue was observed to be open to traffic during the Audit site inspection.	Compliant
A14	<p>The Staging Report must:</p> <p>if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;</p> <p>if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Construction not staged; therefore, a staging report is not required.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>specify how compliance with conditions will be achieved across and between each of the stages of the SSI;</p> <p>set out mechanisms for managing any cumulative impacts arising from the proposed staging; and</p> <p>for the purposes of informing Conditions C3, C9 and 0, include an assessment of the predicted level of environmental risk and potential level of community concern posed by the construction activities required to construct each stage of the SSI.</p> <p>With respect to (e) above, the risk assessment must use an appropriate process consistent with AS/NZS ISO 31000: 2018 Risk Management – Guidelines.</p> <p>Note</p> <p>A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based staging.</p> <p>The risk matrix must reflect the stages of construction identified in the Staging Report.</p>			
A15	The SSI must be staged in accordance with the Staging Report where one is prepared.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Construction not staged; therefore, a staging report is not required.	Not triggered
A16	Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Letter from GHD to DPPI titled "Moorebank Avenue Realignment (SSI-10053) Environmental risk assessment (Condition A19), combination of plans (Condition A6) and endorsement of nominated plans by the Environmental Representative (Condition C6)" dated 2/11/22. 	Construction not staged; therefore, a staging report is not required.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A17	Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared, endorsed by the ER and submitted to the Planning Secretary for information no later than one month before the proposed change in the staging.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Construction not staged; therefore, a staging report is not required.	Not triggered
A18	Where changes are proposed to the risk assessment related to the staging of construction or operation, a revised Staging Report or updated risk assessment where Condition A19 applies, must be submitted to the Planning Secretary one (1) month before the lodgement of any CEMP or CEMP sub-plan associated with that stage.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Construction not staged; therefore, a staging report is not required.	Not triggered
A19	If staging is not proposed, a risk assessment, consistent with the requirements of Condition A14(e) must be prepared for the purposes of informing Conditions C3, C9 and 0. The risk assessment must be endorsed by the ER and then submitted to the Planning Secretary no later than one month before the commencement of construction or no later than one month before the lodgement of any CEMP or CEMP subplan.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Letter from Optime E to GHD titled "Moorebank Avenue Realignment Project (MARW) Environmental Risk Assessment Environmental Representative ER Endorsement" dated 1/11/22. • Letter from DPHI to MIC titled "Risk Assessment for Moorebank Avenue Realignment Work (Condition A19_ of SSI 10053" dated 22/11/22. 	The Risk Assessment was endorsed by the Environmental Representative on 1/11/22 and submitted to the Planning Secretary on 02/11/22. The Planning Secretary acknowledged receipt of the Risk Assessment on 22/11/22.	Compliant

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A20	<p>The Proponent may submit any strategies, plans or programs required by this approval on progressive basis.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that operations on site are covered by suitable strategies, plans or programs at all times; and</i> 2. <i>If the submission of a strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program.</i> 3. <i>The staged submission of strategies, plans or programs may reflect the construction and operation of the project through geographical activities, temporal activities or activity-based staging.</i> 	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Approved management plans were in place prior to the commencement of construction.</p>	<p>Not triggered</p>

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
ANCILLARY FACILITIES				
A21	<p>Ancillary facilities that are not identified by description and location in the documents listed in Condition A1 can only be established and used in each case if:</p> <p>(a) they are located within or immediately adjacent to the construction boundary; and</p> <p>(b) they are not located next to sensitive land use(s) (including where an access road is between the facility and the receiver), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and</p> <p>(c) they have no impact on heritage items or heritage objects (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and</p> <p>(d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Ancillary facilities had not been installed at the time of the Audit site inspection.	Not triggered
SITE ESTABLISHMENT				
A22	<p>Before establishment of a construction ancillary facility (excluding minor construction ancillary facilities established under Condition A24), the Proponent must prepare an Ancillary Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The Ancillary Site Establishment Management Plan must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one month before the establishment</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Ancillary facilities had not been installed at the time of the Audit site inspection.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>of any construction ancillary facilities. The Ancillary Site Establishment Management Plan must detail the management of the construction ancillary facilities and include:</p> <ul style="list-style-type: none"> (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of work to be undertaken at the site); (b) figures illustrating the proposed operational site layout and the location of the closest sensitive land user(s); (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of site establishment work; (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: <ul style="list-style-type: none"> (i) meet the performance outcomes stated in the documents listed in Condition A1, and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring. <p>Nothing in this condition prevents the Proponent from preparing individual Ancillary Site Establishment Management Plans for each construction ancillary facility.</p> <p>Note: -This condition only applies to the establishment of ancillary facilities identified and assessed in the documents listed in Condition A1 and is only needed before a CEMP(s) which includes measures to manage use of the relevant construction ancillary facility is approved..</p>			

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A23	<p>A construction ancillary facility established under Condition A22 must not be used until the CEMP required by Condition C1, relevant CEMP Sub-plans required by Condition C6 and relevant Construction Monitoring Programs required by Condition C12 have been approved by the Planning Secretary.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Ancillary facilities had not been installed at the time of the Audit site inspection.</p>	<p>Not triggered</p>
A24	<p>Lunch sheds, office sheds, portable toilet facilities, car parking, material storage, and the like, can be established and used where they have been assessed in the documents listed in Condition A1 or satisfy the following criteria:</p> <p>(a) are located within or adjacent to the construction boundary; and</p> <p>(b) have been assessed by the ER to have -</p> <p>(i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and</p> <p>(ii) minimal environmental impact with respect to waste management and flooding, and</p> <p>(iii) no impacts on biodiversity, soil and water, and heritage items or Aboriginal objects beyond those already approved under other terms of this approval</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Ancillary facilities had not been installed at the time of the Audit site inspection.</p>	<p>Not triggered</p>

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
INDEPENDENT APPOINTMENTS				
A25	Independent Appointments required by the terms of this approval must have regard to Seeking approval from the Department for the appointment of independent experts (DPIE, 2020) and hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.	<ul style="list-style-type: none"> • Audit Interview 18/01/24 • Letter from GHD to DPHI titled “Moorebank Avenue Realignment (SSI-10053) – Nomination of Environmental Representative and alternate Environmental Representative” dated 21/7/22 • Letter from DPHI to NIC titled “Nomination of environmental Representative for Moorebank Avenue Realignment” dated 11/8/22. 	Optim- E have been appointed as the independent Environmental Representative. Both the lead and alternate ER’s have current memberships of professional bodies with their appointments approved by DPHI.	Compliant
A26	<p>The Planning Secretary may at any time commission an Audit of how an Independent Appointment has exercised their functions. The Proponent must:</p> <p>(a) facilitate and assist the Planning Secretary in any such Audit; and</p> <p>(b) make it a term of their engagement of an Independent Appointment that the Independent Appointment facilitate and assist the Planning Secretary in any such Audit.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	The Planning Secretary has not commissioned an Audit of how an Independent Appointment has exercised their functions.	Not triggered
A27	<p>The Planning Secretary may withdraw its approval of an Independent Appointment should they consider the Independent Appointment has not exercised their functions in accordance with this approval.</p> <p>Note: Conditions A26 and A27 apply to all Independent Appointments including the ER.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	The Planning Secretary has not withdrawn their approval of any independent appointment.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
ENVIRONMENT REPRESENTATIVE				
A28	Work must not commence until an Environmental Representative (ER) has been nominated by the Proponent and approved by the Planning Secretary.	<ul style="list-style-type: none"> • Letter from GHD to DPHI titled "Moorebank Avenue Realignment (SSI-10053) – Nomination of Environmental Representative and alternate Environmental Representative" dated 21/7/22. • Letter from DPHI to NIC titled "Nomination of environmental Representative for Moorebank Avenue Realignment" dated 11/8/22. 	The ER was approved by the Department on the 11/8/22. Work did not commence until the 7/9/23.	Compliant
A29	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of work.	<ul style="list-style-type: none"> • Letter from GHD to DPHI titled "Moorebank Avenue Realignment (SSI-10053) – Nomination of Environmental Representative and alternate Environmental Representative" dated 21/7/22. • Letter from DPHI to NIC titled "Nomination of environmental Representative for Moorebank Avenue Realignment" dated 11/8/22. 	The ER was approved by the Department on the 11/8/22. Low impact work did not commence until the 7/9/23.	Compliant
A30	The Proponent may engage more than one ER for the SSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the SSI.	<ul style="list-style-type: none"> • Letter from GHD to DPHI titled "Moorebank Avenue Realignment (SSI-10053) – Nomination of Environmental Representative and alternate Environmental Representative" dated 21/7/22 	National Intermodal have engaged the services of an alternate ER to fulfill the role of ER should the ER be unavailable.	Compliant

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
		<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Nomination of environmental Representative for Moorebank Avenue Realignment" dated 11/8/22. 		
A31	<p>For the duration of work or as agreed with the Planning Secretary, the approved ER must:</p> <p>(a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;</p> <p>(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;</p> <p>(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;</p> <p>(d) review documents identified in Conditions A12, A22, C1, C6 and C12 and any other documents that are identified by the Planning Secretary, for consistency with requirements in or under this approval and if so:</p> <p>(i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or</p> <p>(ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);</p> <p>(iii) provide a written statement/submission via the Major Projects portal to the Planning Secretary advising the documents have been reviewed for consistency by the ER;</p>	<ul style="list-style-type: none"> Audit Interview 24/01/24 Letter from Optime E to DPHI titled "Environmental Representative Monthly Report for December 2022 Project SSI 10053 – Moorebank Avenue Realignment Works (MARW), dated 2/1/23 Letter from Optime E to DPHI titled "Environmental Representative Monthly Report for November 2022 Project SSI 10053 – Moorebank Avenue Realignment Works (MARW), dated 7/12/22 Environmental Representative Site Inspection Report, OptimeE, dated 30/10/23 Letter from GHD to DPHI titled "Moorebank Avenue Realignment (SSI-10053) Environmental risk assessment (Condition A19), combination of plans (Condition A6) and endorsement of nominated plans by the Environmental Representative (Condition C6)" dated 2/11/22. 	<p>The environmental representative's involvement in the project to dated has included:</p> <ul style="list-style-type: none"> Preparation of monthly ER reports ER site inspections and environmental reporting Review and endorsement of the CEMP and specialist subplans Review and endorsement of the risk assessment undertaken in accordance with Condition A19. 	Compliant

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(e) regularly monitor the implementation of the requirements of documents listed in Conditions A12, A22, C1, C6 and C12 and the terms of this approval;</p> <p>(f) as may be requested by the Planning Secretary, help plan or attend Audits of the development commissioned by the Department including scoping Audits, programming Audits, briefings and site visits, but not independent environmental Audits required under Condition A35 of this approval;</p> <p>(g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;</p> <p>(h) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds, portable toilet facilities and materials storage, as required by Condition A24 of this approval;</p> <p>(i) consider minor amendments to be made to the Ancillary Site Establishment Management Plan, CEMP, CEMP Sub-plans and monitoring programs without increasing impacts to nearby receivers or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include modification to the terms of this approval;</p> <p>(j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary; and</p> <p>(k) make recommendations to the Planning Secretary that the activities reliant on the definition of Low Impact Works are consistent with the definition.</p>	<ul style="list-style-type: none"> Letter from Optime E to NIC titled "SSI10053- Moorebank Avenue Re-alignment Works (MARW) Environmental Representative (ER) Review of the Construction Environmental Management Plan" dated 13/2/23. 		

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A32	<p>The Proponent must provide the ER with documentation requested by the ER in order for the ER to perform their functions specified in Condition A31 (including preparation of the ER monthly report), as well as:</p> <p>(a) the complaints register (to be provided on a weekly basis or as requested); and</p> <p>(b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).</p>	<ul style="list-style-type: none"> Audit Interview 24/01/24. 	<p>The ER confirmed they have been provided with the necessary documentation for them to perform their role in accordance with the CoA.</p>	Compliant
NOTIFICATION OF COMMENCEMENT				
A33	<p>The Department must be notified in writing of the dates of commencement of construction and operation at least one month before those dates.</p>	<ul style="list-style-type: none"> Audit Interview 24/01/24 Email from NIC to DPHI titled "MARW (SSI 10053) – Informing of Construction Commencement" dated 28/8/23. 	<p>DPHI were formally notified of the commencement of construction by email on 28/8/23.</p>	Compliant
AUDITING				
A34	<p>Proposed independent Auditors must be agreed to in writing by the Planning Secretary before the commencement of an Independent Audit. This condition does not apply to the engagement of Auditors required under Condition E58.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Moorebank Avenue Realignment – IEA Auditor Nomination" dated 7/2/23. 	<p>DPHI approved the nominated Auditors on 7/2/23.</p>	Compliant
A35	<p>Independent Audits of the SSI must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020).</p>	<ul style="list-style-type: none"> This Audit report. 	<p>This Audit is being undertaken in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020) as required by this condition.</p>	Compliant

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
A36	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the Audit must be commenced.	<ul style="list-style-type: none"> <li data-bbox="869 354 1150 375">• Audit interview 18/1/24. 	The Planning Secretary has not requested Audits to be undertaken at different times to those above.	Not triggered
A37	<p data-bbox="86 537 810 589">In accordance with the specific requirements in the Independent Audit Post Approval Requirements (DPIE, 2020), the Proponent must:</p> <p data-bbox="86 646 810 698">(a) review and respond to each Independent Audit Report prepared under Condition A35 or Condition A36;</p> <p data-bbox="86 711 810 732">(b) submit the response to the Planning Secretary; and</p> <p data-bbox="86 751 810 829">(c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.</p>	<ul style="list-style-type: none"> <li data-bbox="869 540 1150 561">• Audit interview 18/1/24 	To be undertaken following completion of this Audit report.	Not triggered
A38	Independent Audit Reports and the Proponent's response to Audit findings must be submitted to the Planning Secretary within two months of undertaking the independent Audit site inspection as outlined in the Independent Audit Post Approval Requirements (DPIE, 2020).	<ul style="list-style-type: none"> <li data-bbox="869 889 1150 911">• Audit interview 18/1/24. 	To be undertaken following completion of this Audit report.	Not triggered
A39	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational Audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational Audits have demonstrated operational compliance	<ul style="list-style-type: none"> <li data-bbox="869 1076 1150 1097">• Audit interview 18/1/24. 	Operational requirement, not triggered.	Not triggered

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING				
A40	The Planning Secretary must be notified via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one) and set out the location and nature of the incident.	<ul style="list-style-type: none"> <li data-bbox="867 435 1150 459">• Audit interview 18/1/24. 	No incidents have been reported to the Department to date.	Not triggered
A41	Subsequent notification of an incident must be given and reports submitted in accordance with the requirements set out in APPENDIX B.	<ul style="list-style-type: none"> <li data-bbox="867 621 1150 646">• Audit interview 18/1/24. 	No incidents have been reported to the Department to date.	Not triggered
A42	The Planning Secretary must be notified via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the SSI (including the application number and the name of the SSI if it has one), set out the condition/s that is non-compliant, the nature of the breach; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	<ul style="list-style-type: none"> <li data-bbox="867 756 1150 781">• Audit interview 18/1/24. 	No non compliances have occurred at this stage in the project.	Not triggered
A43	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	<ul style="list-style-type: none"> <li data-bbox="867 995 1150 1019">• Audit interview 18/1/24. 	No non compliances or incidents have occurred at this stage in the project.	Not triggered
IDENTIFICATION OF WORKFORCE AND COMPOUNDS				
A44	The SSI name; application number; telephone number, postal address and email address required under Condition B9 of this approval must be made available on-site boundary fencing/ hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under Condition B13 of this approval.	<ul style="list-style-type: none"> <li data-bbox="867 1198 1150 1222">• Site inspection 18/1/24. 	A site notice was provided at the site entry gate with the required information.	Compliant

Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
COMMUNITY INFORMATION, CONSULTATION, AND INVOLVEMENT				
B1	<p>Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department’s Community Consultative Committee Guidelines: State Significant Projects (2019). The CCC must begin to exercise functions in accordance with such guidelines before the commencement of construction and continue to do so for the duration of construction.</p>	<ul style="list-style-type: none"> • Moorebank Avenue Realignment (MAR) Archives Moorebank Intermodal Precinct • Moorebank Newsletter No 23 dated December 2023 • Moorebank Newsletter No 22 dated August 2023 • Moorebank Newsletter No 21 dated 21 May 2023 • CCC meeting minutes 071223 • CCC meeting minutes 230824. 	<p>As noted below in condition B2, DPHI have approved the expansion of the Community Consultation Committee.</p> <p>A project website has been established and the minutes of CCC meetings are available on the website.</p>	Compliant
B2	<p>The Planning Secretary may consider a request to expand an existing CCC for the MLP to cover the development and to satisfy Condition B1.</p>	<ul style="list-style-type: none"> • Audit interview 18/1/24 • Letter from NIC to DPHI titled “Moorebank Avenue Realignment (SSI 10053) – Request under condition B2 for expansion of existing Moorebank Logistics Park Community Consultative Committee to cover Moorebank Avenue Re-alignment” dated 5/7/23 • Letter from DPHI to NIC titled “Moorebank Avenue Realignment B2- Expansion of CCC (SSI-10053) dated 10/8/22. 	<p>DPHI approved a request submitted by National Intermodal to expand the Community Consultative Committee under Condition B2 noting the request to has been submitted to the Department prior to the commencement of construction works and contains all the necessary information as required by Condition B2.</p>	Compliant

Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
B3	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with:</p> <p>(a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI); and</p> <p>(b) the relevant councils, EPA, EES Group, Heritage NSW, DPIE Water and Sydney Water, as applicable.</p> <p>The Strategy must address who (the Proponent, and/or construction contractor) will engage with the community, relevant councils and agencies, how they will engage and the timing of engagements.</p>	<ul style="list-style-type: none"> Site Inspection 18/01/24 Audit interview 18/01/24 Moorebank Avenue Realignment Works, Community Communications Strategy, dated 8/3/23 Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI-10053) Community Consultation Strategy, Condition B6". 	<p>DPHI approved the Community Consultation Strategy noting that the CCS has been prepared to address the requirements of the relevant CoA and was submitted to the Department prior to the commencement of construction.</p>	Compliant
B4	<p>The Community Communication Strategy must:</p> <p>(a) identify people, organisations, councils and agencies to be consulted during the design and work phases;</p> <p>(b) identify details of the community demographics;</p> <p>(c) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to the SSI;</p> <p>(d) identify opportunities for education within the community about construction sites;</p> <p>(e) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work and blasting activities</p> <p>(f) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI;</p> <p>(g) set out procedures and mechanisms:</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI-10053) Community Consultation Strategy, Condition B6". 	<p>DPHI approved the Community Consultation Strategy noting that the CCS has been prepared to address the requirements of the relevant conditions of consent and was submitted to the Department prior to the commencement of construction.</p>	Compliant

Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(i) through which the community can discuss or provide feedback to the Proponent 24 hours a day, seven days per week;</p> <p>(ii) through which the Proponent will respond to enquiries or feedback from the community; and</p> <p>(iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation.</p>			
B5	<p>The Planning Secretary may consider a request to expand an approved Community Communication Strategy for the MLP to cover the Moorebank Avenue Realignment project and to satisfy Conditions B3 and B4.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Community Consultation Strategy, Condition B6”. 	<p>A stand-alone CCS has been prepared for the project and approved by DPHI.</p>	<p>Not triggered</p>
B6	<p>The Community Communication Strategy must be submitted to and approved by the Planning Secretary before the commencement of construction, unless otherwise agreed by the Planning Secretary.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Community Consultation Strategy, Condition B6”. 	<p>DPHI approved the Community Consultation Strategy noting that the CCS has been prepared to address the requirements of the relevant conditions of consent and was submitted to the Department prior to the commencement of construction.</p>	<p>Compliant</p>
B7	<p>The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for the duration of the work and for 12 months following the completion of construction.</p>	<ul style="list-style-type: none"> Moorebank Avenue Realignment (MAR) Archives Moorebank Intermodal Precinct Moorebank Newsletter No 23 dated December 2023 Moorebank Newsletter No 22 dated August 2023 Moorebank Newsletter No 21 dated 21 May 2023 	<p>Sufficient information was provided and available on the project website to demonstrate the implementation of the CCS.</p>	<p>Compliant</p>

Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
		<ul style="list-style-type: none"> • CCC meeting minutes 071223 • CCC meeting minutes 230824. 		

COMPLAINTS MANAGEMENT SYSTEM

B8	<p>A Complaints Management System must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.</p>	<ul style="list-style-type: none"> • Community Moorebank Intermodal Precinct 	<p>The complaints management system is managed centrally for the entire project by TSA Management. There have not been any complaints received in relation to the MARW works. The system for handling complaints is included in Appendix B of the Community Communications Strategy.</p>	Compliant
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B9	<p>The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of work and for 12 months following the completion of construction:</p> <p>(a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;</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>This information must be accessible to all regardless of age, ethnicity, disability, or literacy level.</p>	<ul style="list-style-type: none"> • Community Moorebank Intermodal Precinct 	<p>The relevant information is provided on the project website as follows:</p> <ol style="list-style-type: none"> 24/7 complaints and enquires number – 1800 996 465. Postal address – Level 15, 207 Kent St, Sydney NSW 2000 Email address – moorebank@tsamgt.com Details of the mediation system are provided in the complaints handling procedure, Appendix B of the Community Communications Strategy <p>Community newsletters are available in a variety of languages including English, Arabic, Fijian, Filipino, Hindi and Vietnamese.</p>	Compliant
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Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
B10	<p>A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:</p> <p>(a) number of complaints received;</p> <p>(b) the date and time of the complaint;</p> <p>(c) the method by which the complaint was made;</p> <p>(d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</p> <p>(e) nature of the complaint;</p> <p>(f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and</p> <p>(g) if no action was taken, the reason(s) why no action was taken.</p> <p>Complainants must be advised, where possible, that the Complaints Register may be forwarded to Government agencies to allow them to undertake their regulatory duties.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit interview 18/01/24. 	<p>TSA management manage the complaints centrally for all precincts. To date there hasn't been any complaints in relation to the MAWR project.</p>	<p>Compliant</p>
B11	<p>The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.</p>	<ul style="list-style-type: none"> • Audit interview 18/01/24. 	<p>The Planning Secretary has not requested a copy of the complaints register.</p>	<p>Not triggered</p>
B12	<p>The Planning Secretary may consider a request to expand an existing Complaints Management System for the MLP to cover the Moorebank Avenue Realignment project and to satisfy Conditions B8 and B10.</p>	<ul style="list-style-type: none"> • Audit interview 18/01/24. • Moorebank Avenue Realignment Works, Community Communications Strategy, dated 8/3/23 	<p>Section 6 and Appendix B of the CCS includes details of the Complaints Management System and contact information line. The CCS was approved by DPE.</p>	<p>Compliant</p>

Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
		<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Community Consultation Strategy, Condition B6”. 		

PROVISION OF ELECTRONIC INFORMATION

<p>B13</p>	<p>A website or webpage providing information in relation to the SSI must be established before commencement of work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:</p> <p>(a) information on the current implementation status of the SSI;</p> <p>(b) a copy of the documents listed in Condition A1, and any documentation relating to any modifications made to the SSI or the terms of this approval;</p> <p>(c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;</p> <p>(d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;</p> <p>(e) a copy of the most recently approved version of each document required under the terms of this approval; and</p> <p>(f) a copy of the reports of Audits required under the terms of this approval.</p>	<ul style="list-style-type: none"> Moorebank Avenue Realignment (MAR) Archives Moorebank Intermodal Precinct 	<p>The project website is comprehensive and includes the relevant information as required by this condition. The website provides language interpretation services.</p>	<p>Complaint</p>
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Part B – COMMUNITY INFORMATION AND REPORTING

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>Where the information / document relates to a particular activity or is required to be implemented, it must be published before the commencement of the relevant activity to which it relates and before its implementation.</p> <p>All information required in this condition must be available on the Proponent's website, ordered in a logical sequence and easy to navigate.</p>			

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
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CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C1 (A) Construction Environmental Management Plan (s) (CEMPs) must be prepared having regard to the Environmental Management Plan Guideline for Infrastructure Projects (Department of Planning, Industry and Environment, 2020). The CEMP must detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 will be implemented and achieved during construction.

- MAR SSI-10053 Construction Waste and Resource Management Plan, March 2023
- MAR SSI-10053 Construction Soil and Water Management Plan, August 2023
- MAR SSI-10053 Construction Traffic and Transport Management Plan, August 2023
- MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023
- MAR SSI-10053 Construction Heritage Management Plan, June 2023
- MAR SSI-10053 Construction Biodiversity Management Plan, June 2023
- MAR SSI-10053 Construction Air Quality Management Plan, May 2023
- MAR SSI-10053 Construction Bushfire Management Plan, May 2023
- MAR SSI-10053 Contamination Management Plan, March 2023
- MAR SSI-10053 Construction Environmental Management Plan, May 2023
- Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI10053) Construction Environmental Management Plan, Conditions C1- C11" dated 6/4/23.

National Intermodal have prepared a comprehensive Construction Environmental Management Plan and specialist subplans addressing key environmental issues including:

- Waste and resource
- Soil and water
- Traffic and transport
- Noise and vibration
- Heritage management
- Biodiversity
- Air quality
- Bushfire
- Contamination.

The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction.

Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
C2	<p>With the exception of the CEMP(s) expressly nominated by the Planning Secretary to be endorsed by the ER, all CEMPs must be submitted to the Planning Secretary for approval.</p> <p>Note: The Planning Secretary will consider the assessment of the predicted level of environmental risk and potential level of community concern required under Condition A14(e) or A19 when deciding whether any CEMPs may be endorsed by the ER</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI10053) Construction Environmental Management Plan, Conditions C1- C11" dated 6/4/23. 	<p>The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction.</p>	Compliant
C3	<p>A CEMP must provide:</p> <p>(a) a description of activities to be undertaken during construction (including the scheduling of construction);</p> <p>(b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;</p> <p>(c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;</p> <p>(d) details of how the activities described in subsection (a) of this condition will be carried out to:</p> <p>(i) meet the performance outcomes stated in the documents listed in Condition A1; and</p> <p>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;</p> <p>(e) an inspection program detailing the activities to be inspected and frequency of inspections;</p> <p>(f) a protocol for managing and reporting any:</p> <p>(i) incidents; and</p>	<ul style="list-style-type: none"> MAR SSI-10053 Construction Environmental Management Plan, May 2023. 	<p>The CEMP is comprehensive and addresses the requirements of this condition.</p>	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(ii) non-compliances with this approval or statutory requirements;</p> <p>(g) procedures for rectifying any non-compliance with this approval identified during compliance Auditing, incident management or at any time during construction;</p> <p>(h) a list of all the CEMP Sub-plans to be prepared in respect of construction, as set out in documents listed in Condition A1. Where staged construction of the SSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction;</p> <p>(i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;</p> <p>(j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and</p> <p>(k) for periodic review and update of the CEMP and all associated plans and programs</p>			
C4	<p>Any CEMP not requiring the Planning Secretary’s approval must be submitted to the ER for endorsement no later than one (1) month before the commencement of construction or where construction is staged, no later than one (1) month before the commencement of that stage. That CEMP must obtain the endorsement of the ER as being consistent with the conditions of this approval and all undertakings made in the documents listed in Condition A1.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI 10053_ Construction Environmental Management Plan, Conditions C1-C11” dated 6/4/23. 	<p>The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction.</p>	Not triggered

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
C5	<p>Any CEMP to be approved by the Planning Secretary must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of that stage.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI 10053_ Construction Environmental Management Plan, Conditions C1-C11" dated 6/4/23. 	<p>The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction.</p>	Compliant
C6	<p>CEMP Sub-plans as identified in documents listed in Condition A1 must be prepared in consultation with relevant government agencies and stakeholders. Relevant government agencies and stakeholders must be nominated in the risk assessment matrix submitted to the Planning Secretary require in accordance with Condition A14 or A19. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant CEMP Sub-plan, including copies of all correspondence from those agencies as required by Condition A5.</p>	<ul style="list-style-type: none"> MAR SSI-10053 Construction Waste and Resource Management Plan, March 2023 MAR SSI-10053 Construction Soil and Water Management Plan, August 2023 MAR SSI-10053 Construction Traffic and Transport Management Plan, August 2023 MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023 MAR SSI-10053 Construction Heritage Management Plan, June 2023 MAR SSI-10053 Construction Biodiversity Management Plan, June 2023 MAR SSI-10053 Construction Air Quality Management Plan, May 2023 MAR SSI-10053 Construction Bushfire Management Plan, May 2023 MAR SSI-10053 Contamination Management Plan, March 2023. 	<p>Consultation undertaken for each subplan is summarised in Appendix A with consultation records provided in Appendix A.</p>	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
C7	<p>The CEMP Sub-plans must state how:</p> <p>(a) the environmental performance outcomes identified in the documents listed in Condition A1 will be achieved;</p> <p>(b) the mitigation measures identified in the documents listed in Condition A1 will be implemented;</p> <p>(c) the relevant terms of this approval will be complied with; and</p> <p>(d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.</p>	<ul style="list-style-type: none"> MAR SSI-10053 Construction Waste and Resource Management Plan, March 2023 MAR SSI-10053 Construction Soil and Water Management Plan, August 2023 MAR SSI-10053 Construction Traffic and Transport Management Plan, August 2023 MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023 MAR SSI-10053 Construction Heritage Management Plan, June 2023 MAR SSI-10053 Construction Biodiversity Management Plan, June 2023 MAR SSI-10053 Construction Air Quality Management Plan, May 2023 MAR SSI-10053 Construction Bushfire Management Plan, May 2023 MAR SSI-10053 Contamination Management Plan, March 2023 	<p>The CEMP subplans are comprehensive and addresses the requirements of this condition.</p>	Compliant
C8	<p>With the exception of any CEMP Sub-plans expressly nominated by the Planning Secretary to be endorsed by the ER, all CEMP sub-plans must be submitted to the Planning Secretary for approval.</p> <p>Note: The Planning Secretary will consider the assessment of the predicted level of environmental risk and potential level of community concern required under Condition A14(e) when deciding whether any CEMP Sub-plans may be endorsed by the ER</p>	<ul style="list-style-type: none"> Letter from GHD to DPHI titled “Moorebank Avenue Realignment (SSI-10053) Environmental risk assessment (Condition A19), combination of plans (Condition A6) and endorsement of nominated plans by the Environmental Representative (Condition C6)” dated 2/11/22 Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Construction Noise and Vibration Management Plan, Conditions C8, C14 and E21” dated 15/6/23 	<p>DPHI noted the following documents to be submitted to the Planning Secretary for Approval:</p> <ul style="list-style-type: none"> Construction Environmental Management Plan (C2) Construction Noise and Vibration Management Plan (C8 and C14) Community Communications Strategy (B6) 	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
		<ul style="list-style-type: none"> Letter from DPHI to MIC titled "Risk Assessment for Moorebank Avenue Realignment Work (Condition A19 of SSI 10053" dated 22/11/22. 	<p>As noted in the Auditors response to conditions C2, C8, C14 and B5, these CEMP subplans were submitted to and approved by the Planning Secretary in accordance with this condition.</p>	
C9	<p>The CEMP Sub-plans not requiring the Planning Secretary's approval must obtain the endorsement of the ER as being in accordance with the conditions of approval and all relevant undertakings made in the documents listed in Condition A1. Any of these CEMP Sub-plans must be submitted to the ER with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction or where construction is staged no later than one (1) month before the commencement of that stage.</p>	<ul style="list-style-type: none"> Letter from DPHI to MIC titled "Risk Assessment for Moorebank Avenue Realignment Work (Condition A19 of SSI 10053" dated 22/11/22. 	<p>DPHI approved the following subplans to be endorsed by the ER:</p> <ul style="list-style-type: none"> Construction Access and Traffic Management Plan Contamination Management Plan Construction Soil and Water Management Plan Construction Air Quality Management Plan Bushfire Management Plan Construction Waste and Resource Management Plan. <p>Appendix B of the relevant CEMP subplans provides the ER letter of endorsement.</p>	Compliant
C10	<p>Any of the CEMP Sub-plans to be approved by the Planning Secretary must be submitted to the Planning Secretary with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction or where construction is staged no later than one (1) month before the commencement of that stage.</p>	<ul style="list-style-type: none"> Letter from DPHI to MIC titled "Risk Assessment for Moorebank Avenue Realignment Work (Condition A19 of SSI 10053" dated 22/11/22. 	<p>DPHI noted the following documents to be submitted to the Planning Secretary for Approval:</p> <ul style="list-style-type: none"> Construction Environmental Management Plan (C2) Construction Noise and Vibration Management Plan (C8 and C14) Community Communications Strategy (B6) 	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT				
ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
			As noted in the Auditor's response to conditions C2, C8, C14 and B5, these CEMP subplans were submitted to and approved by the Planning Secretary in accordance with this condition.	
C11	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction	<ul style="list-style-type: none"> Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI 10053_ Construction Environmental Management Plan, Conditions C1-C11" dated 6/4/23. 	The CEMP and subplans were approved by DPHI or endorsed by the ER as applicable in April 2023, construction commenced in October 2023.	Compliant
CONSTRUCTION NOISE AND VIBRATION MONITORING PROGRAM				
C12	A Construction Noise and Vibration Monitoring Program must accompany the Noise and Vibration Management Sub-plan when it is lodged for endorsement or approval in accordance with Conditions C9 and C10. The Construction Noise and Vibration Monitoring Program must be prepared in consultation with the relevant council(s) to compare actual performance of construction of the SSI against the performance predicted in the documents listed in Condition A1 or in the relevant CEMP.	<ul style="list-style-type: none"> MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023 – Appendix E. 	Appendix E of the Construction Noise and Vibration Management Plan is the Construction Noise and Vibration Monitoring Program.	Compliant
C13	The Construction Noise and Vibration Monitoring Program must provide: <ul style="list-style-type: none"> (a) details of baseline data available; (b) details of baseline data to be obtained and when; 	<ul style="list-style-type: none"> MAR SSI-10053 Construction Noise and Vibration Management Plan, June 2023 – Appendix E. 	The Construction Noise and Vibration Monitoring Program is comprehensive and addresses the requirements of this condition.	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(c) details of all monitoring of the project to be undertaken;</p> <p>(d) the parameters of the project to be monitored;</p> <p>(e) the frequency of monitoring to be undertaken;</p> <p>(f) the location of monitoring;</p> <p>(g) the reporting of monitoring results and analysis results against relevant criteria;</p> <p>(h) details of the methods that will be used to analyse the monitoring data;</p> <p>(i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts;</p> <p>(j) a consideration of SMART principles;</p> <p>(k) any consultation to be undertaken in relation to the monitoring programs;</p> <p>(l) any specific requirements outlined in the terms of this approval; and</p> <p>(m) Details of all information requested by an agency during consultation, including copies of all correspondence from those agencies as required by Condition A5.</p>			
C14	<p>Unless expressly nominated by the Planning Secretary to be endorsed by the ER, the Construction Noise and Vibration Monitoring Program must be submitted to the Planning Secretary for approval.</p>	<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Construction Noise and Vibration Management Plan, Conditions C8, C14 and E21” dated 15/6/23. 	<p>DPHI have approved the Construction Noise and Vibration Management Plan noting the CNVMP:</p> <ul style="list-style-type: none"> Includes the construction noise and vibration monitoring program (CNVMP) as per conditions C14 and E21 respectively. 	Compliant

Part C – CONSTRUCTION ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
			<ul style="list-style-type: none"> • Has been prepared to address the requirements of the relevant conditions of approval • Has been submitted to the Department one month prior to the commencement of construction. 	
C15	Unless otherwise agreed with the Planning Secretary, construction must not commence until the Construction Noise and Vibration Monitoring Program has been approved by the Planning Secretary, and all relevant baseline data for the specific construction activity has been collected.	<ul style="list-style-type: none"> • Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Construction Noise and Vibration Management Plan, Conditions C8, C14 and E21” dated 15/6/23. 	Construction commenced following the endorsement of the Construction Noise and Vibration Monitoring Program by the ER on the 26 th of April 2023.	Compliant
C16	The Construction Noise and Vibration Monitoring Program, including any minor amendments approved by the ER must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit interview 18/01/24. 	Activities to date have involved geotechnical drilling, minor tree clearing and utilities adjustments, noise and vibration monitoring will be undertaken when mainline construction activities commence.	Not triggered
C17	The results of construction noise and vibration monitoring must be included in a Construction Noise Monitoring Report. The report must also include a summary of the monitoring results against the relevant noise criteria identified in the Construction Noise and Vibration Monitoring Program and be published on the Proponent’s website in accordance with the reporting frequency specified in the monitoring program.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit interview 18/01/24. 	Activities to date have involved geotechnical drilling, minor tree clearing and utilities adjustments, noise and vibration monitoring will be undertaken when mainline construction activities commence.	Not triggered

Part D – OPERATIONAL ENVIRONMENTAL MANAGEMENT				
ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
OPERATIONAL ENVIRONMENTAL MANAGEMENT				
D1	An Operational Environmental Management Plan (OEMP) must be prepared having regard to the Environmental Management Plan Guideline for Infrastructure Projects (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in Condition A1 will be implemented and achieved during operation. Condition D1 does not apply if Condition D2 of this approval applies.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Not triggered, operational requirement.	Not Triggered
D2	An OEMP is not required for the SSI if the Proponent has an Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the EMS or equivalent: <p>(a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in Condition A1, and specified relevant terms of this approval can be achieved;</p> <p>(b) issues identified through ongoing risk analysis can be managed; and</p> <p>(c) procedures are in place for rectifying any non-compliance with this approval identified during compliance Auditing, incident management or any other time during operation.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Not triggered, operational requirement.	Not triggered
D3	Where an OEMP is required or an EMS adopted, measures to maintain infrastructure and to manage operational impacts to biodiversity and stormwater must be included.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Not triggered, operational requirement.	Not triggered

Part D – OPERATIONAL ENVIRONMENTAL MANAGEMENT

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
D4	<p>The OEMP or EMS or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation.</p> <p>The OEMP or EMS or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the OEMP or EMS or equivalent must be made publicly available before the commencement of operation.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Not triggered, operational requirement.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
CONSTRUCTION AIR QUALITY				
E1	Measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during construction.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Very minor ground disturbance activities were being undertaken at the time of the Audit. No dust or other pollutants were observed during the Audit site inspection.	Compliant
BIODIVERSITY				
E2	The SSI must not directly intrude on to the lands established as a Biobanking site under BioBanking agreement No. 341.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	No intrusion on the lands established as a Biobanking site under the BioBanking agreement No. 341 were observed during the Audit site inspection.	Compliant
E3	The clearing of native vegetation must not exceed the clearing footprint identified in the documents listed in Condition A1. All practicable measures to reduce the clearing of native vegetation within the clearing footprint must be undertaken, with the objective of reducing impacts to threatened ecological communities and threatened species habitat.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Very minor amounts of clearing have been undertaken to date for investigation works. Mainline clearing is yet to commence. Further assessment will be undertaken during subsequent Audits as clearing activities progress.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E4	Before the commencement of works, a Biodiversity Offset Strategy must be prepared in consultation with EES Group and DAWE.	<ul style="list-style-type: none"> Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Biodiversity Offset Strategy Condition E4, dated 19/10/23 Moorebank Avenue Realignment Works, Biodiversity Offset Strategy, WSP, September 2023. 	A Biodiversity Offset Strategy (BOS) has been prepared by an experienced ecologist. Section 4.2 of the BOS provides details of consultation undertaken in preparing the BOS. The BOS was submitted to DPHI on 25/9/23. DPHI noted receipt of the document on 19/10/23.	Compliant
E5	Before any impact on the species or community types to be offset, the number and classes of biodiversity credits (like-for-like) set out in Tables 7.8, 7.9, 7.10 and 7.11 of the revised Biodiversity Development Assessment Report (version 5), prepared by EMM and dated 24 May 2021, must be retired	<ul style="list-style-type: none"> Letter from NIC to DPHI titled “Moorebank Avenue Realignment (SSI 10053)- Biodiversity Credits” dated 20/7/23. 	The letter from NIC to DPHI provides details of the retirement of biodiversity credits including a credit retirement report.	Compliant
E6	The requirement to retire like-for-like ecosystem credits and species credits in Condition E5 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.	<ul style="list-style-type: none"> Letter from NIC to DPHI titled “Moorebank Avenue Realignment (SSI 10053)- Biodiversity Credits” dated 20/7/23. 	The letter from NIC to DPHI provides details of the retirement of biodiversity credits including a credit retirement report	Compliant
E7	Where evidence of compliance with the Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules (OEH, 2017) has been provided to the Planning Secretary, variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in a BAM Credit Summary Report (Variation).	<ul style="list-style-type: none"> Letter from NIC to DPHI titled “Moorebank Avenue Realignment (SSI 10053)- Biodiversity Credits” dated 20/7/23 Letter from DPHI to NIC titled “Moorebank Realignment (SSI -10053) Biodiversity Credits, Condition E7” dated 24/5/23. 	DPHI have acknowledged that the evidence of compliance with the Ancillary rules: Reasonable Steps to seek like-for- like biodiversity credits for the purpose of applying the variation rules (OEH 2017) has been provided to the Department as per condition of E7.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E8	Evidence of the retirement of credits in satisfaction of Condition E5 or payment to the Biodiversity Conservation Fund in satisfaction of Condition E6 must be provided to the Planning Secretary and DAWE before any impact on the species or community types to be offset	<ul style="list-style-type: none"> • Letter from NIC to DPHI titled “Moorebank Avenue Realignment (SSI 10053)- Biodiversity Credits” dated 20/7/23 • Letter from DPHI to NIC titled “Moorebank Realignment (SSI - 10053) Biodiversity Credits, Condition E7” dated 24/5/23. 	DPHI have acknowledged that the evidence of compliance with the Ancillary rules: Reasonable Steps to seek like-for- like biodiversity credits for the purpose of applying the variation rules (OEH 2017) has been provided to the Department as per condition of E7.	Compliant
E9	<p>Before vegetation clearing, the Proponent must consult with Liverpool City Council, Landcare groups and relevant government agencies to determine if:</p> <p>(a) hollows, tree trunks, mulch, bush rock and root balls salvaged from native vegetation impacted by the SSI; and</p> <p>(b) collected plant material, seeds and / or propagated plants from native vegetation impacted by the SSI, could be used by others in habitat enhancement, beneficial re-use and rehabilitation work, before pursuing other disposal options</p>	<ul style="list-style-type: none"> • Email from NIC to Liverpool Council dated 27/9/23 • Landcare enquiry acknowledgment. 	Only minor amounts of clearing have been undertaken to date. Consultation with both Liverpool City Council and Landcare has been initiated.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
FLOODING				
E10	<p>Measures identified in the documents listed in Condition A1 to maintain or improve flood characteristics must be incorporated into the detailed design of the SSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPI Water, DPI Fisheries, OEH, NSW State Emergency Service (SES) and relevant Councils. For the purposes of this condition, “maintain” means:</p> <p>(a) a maximum increase in inundation levels upstream of the SSI of 50 mm in a 1% AEP rainfall event within the broader floodplain. Localised changes associated with engineered drainage structures and drainage paths as set out in the EIS (per the documents in Condition A1) would also be considered as maintaining flood characteristics in relation to this condition; and</p> <p>(b) a maximum increase in inundation time of one hour in a 1% AEP rainfall event</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Flooding design is in progress.</p>	<p>Not triggered</p>
E11	<p>Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Council, OEH and the SES must be notified in</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Not required to be completed until the completion of construction work.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	writing that the information is available no later than one month following the completion of construction. Information requested by the relevant Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the relevant Council, OEH and the SES.			
HERITAGE				
E12	The Proponent must take all reasonable steps so as not to harm, modify or otherwise impact heritage items or Aboriginal objects except as authorised by this approval.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Environmental Work Method Statement, Moorebank Logistics Park – Moorebank Avenue Realignment Works. 	<p>Several Environmental Work Method Statements (EWMS) have been prepared and are being implemented. The current EWMS includes the details of a site inspection undertaken by a heritage consultant, mapping of heritage sites as well as a risk assessment.</p> <p>The Auditor observed heritage items to be clearly delineated with boundary fencing.</p>	Compliant
E13	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Moorebank Avenue Realignment Works, Construction Heritage Management Plan, 8/5/25. 	The unexpected finds and human remains procedures are included as Appendix D of the Heritage Management Plan.	Compliant
E14	The Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with the Heritage Council of NSW and Heritage NSW and submitted to the Planning Secretary for information no later than one month before the commencement of construction.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24 • Moorebank Avenue Realignment Works, Construction Heritage Management Plan, 8/5/25. 	No unexpected finds encountered to date.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E15	<p>The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.</p> <p>Note: Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately. Management of human remains in NSW is subject to requirements set out in the Public Health Act 2010 and Public Health Regulation 2012.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>There has been limited ground disturbance activities to date. No unexpected finds have been encountered.</p>	<p>Not triggered</p>
E16	<p>Before commencement of construction that has the potential to impact upon areas of archaeological significance as defined in the documents listed in Condition A1, a revised Archaeological Research Design and Excavation Methodology must be prepared in accordance with the Heritage Council of NSW guidelines. The revised methodology must be prepared in consultation with Heritage NSW and submitted to the Planning Secretary for information.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>No construction activities have commenced with the potential to impact on areas of archaeological significance to date.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E17	Before commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with Heritage NSW's Criteria for Assessment of Excavation Directors (September 2019) to oversee and advise on matters associated with historical archaeology. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the approved Archaeological Research Design and Excavation Methodology required by Condition E16.	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	Archaeological excavation works have not commenced.	Not triggered

NOISE AND VIBRATION

E18	<p>Work must only be undertaken during the following hours:</p> <p>(a) 7:00am to 6:00pm Mondays to Fridays, inclusive;</p> <p>(b) 8:00am to 1:00pm Saturdays; and</p> <p>(c) at no time on Sundays or public holidays.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>All work has been undertaken within the approved hours.</p> <p>No complaints have been received due to any out of hours works.</p>	Compliant
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Noise and Vibration: Highly Noise Intensive Work

E19	Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	No highly intensive noisy activities have been undertaken, work undertaken to date has been limited to minor clearing, geotechnical drilling and minor utility works	Not triggered
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Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(a) between the hours of 8:00 am to 6:00 pm Monday to Friday;</p> <p>(b) between the hours of 8:00 am to 1:00 pm Saturday; and</p> <p>(c) if continuously, then not exceeding three hours, with a minimum cessation of work of not less than one hour.</p> <p>For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the work.</p>			
<p>E20</p>	<p>Notwithstanding Conditions E18 and E19 work may be undertaken outside the hours specified in any of the following circumstances:</p> <p>(a) Safety and Emergencies, including:</p> <p>(i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or</p> <p>(ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.</p> <p>On becoming aware of the need for emergency work in accordance with Condition E20(a)(ii), the Proponent must notify the ER, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of those work or</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>No work has been undertaken outside these hours in accordance with this condition.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(b) Low impact, including:</p> <p>(i) construction that causes LAeq(15 minute) noise levels:</p> <ul style="list-style-type: none"> • no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and • no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and <p>(ii) construction that causes:</p> <ul style="list-style-type: none"> • continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), and • intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006) or <p>(c) By Approval, including:</p> <p>(i) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or</p> <p>(ii) work which is not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition E21; or</p>			

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	(iii) negotiated agreements with directly affected residents and sensitive land user(s).			
E21	<p>An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in Conditions E18, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of Out-of-Hours Work. The Protocol must be prepared in consultation with the ER . The Protocol must provide:</p> <p>(a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <ul style="list-style-type: none"> (i) the ER reviews all proposed out-of-hours activities and confirm their risk levels, (ii) low risk activities can be approved by the ER, and (iii) high risk activities are approved by the Planning Secretary; <p>(b) a process for the consideration of and justification for out-of-hours work against the relevant NML and vibration criteria;</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 • Letter from DPHI to NIC titled “Moorebank Avenue Realignment (SSI-10053) Construction Noise and Vibration Management Plan, Conditions C8, C14 and E21” dated 15/6/23. 	<p>The Construction Noise and Vibration Management Plan includes the OOH works protocol. The Plan has been endorsed the ER.</p>	<p>Compliant</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the Community Consultative Committee, established by Condition B1, at each affected location, including respite periods. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours work that sensitive land user(s) would be exposed to, including the number of noise awakening events;</p> <p>(d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and</p> <p>(e) notification arrangements for affected receivers for all approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours work.</p>			
E22	<p>Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:</p> <p>(a) construction 'Noise affected' NMLs established using the Interim Construction Noise Guideline (DECC, 2009);</p> <p>(b) vibration criteria established using the <i>Assessing vibration: a technical guideline</i></p> <p>(c) (DEC, 2006) (for human exposure);</p> <p>(d) Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives";</p> <p>(e) BS 7385 Part 2-1993 "<i>Evaluation and measurement for vibration in buildings Part 2</i>"</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>To date, the only activities have been drilling, removal of vegetation and minor utility work. The work has been undertaken during daytime hours. The nearest residential receivers are approximately 400-600 m from the work to the west and the site is directly adjacent to an industrial area and near Moorebank Avenue with high background noise levels due to traffic. There have been no noise related complaints to date.</p>	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>as they are “applicable to Australian conditions”; and</p> <p>(f) the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration-effects of vibration on structures</i> (for structural damage).</p> <p>Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the commitments made in the documents listed in Condition A1.</p> <p>Note: The ICNG identifies ‘particularly annoying’ activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.</p>			
E23	<p>Work resulting in noise levels above the relevant NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions, businesses or facilities are made at no cost to the affected institution.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Works to date are relatively low impact and would not have resulted in an exceedance of the NMLs at any sensitive receiver.</p>	Not triggered
E24	<p>At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8 hr) equivalent continuous A-weighted sound pressure level of LAeq,8h of 85 dB(A) for any employee working at a location near the SSI.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Works to date are relatively low impact and would not have resulted in an exceedance of the criteria as defined in this condition.</p>	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E25	<p>Industry best practice construction methods must be implemented where reasonably practicable to minimise noise levels. Practices must include, but are not limited to:</p> <ul style="list-style-type: none"> a) use of regularly serviced low sound power equipment; b) scheduling of noisiest works during standard construction hours; c) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rockhammering and concrete cutting; and d) use of alternative construction and demolition techniques. 	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Works to date are relatively low impact and have not required the implementation of any of the mitigation measures as noted in this condition other than the use of regular serviced low sound power level equipment.</p>	Compliant
E26	<p>Construction Noise and Vibration Impact Statements (CNVIS) must be prepared for any work that may exceed the noise management levels or vibration criteria specified in Condition E22 at any residence outside construction hours identified in Condition E18, or where receivers will be highly noise affected. The CNVIS must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the work. A copy of the CNVIS must be provided to the ER before the commencement of the associated work. The Planning Secretary may request a copy/ies of CNVIS.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Not triggered – the work to date has not exceeded the Noise Management levels or vibration criteria.</p>	Not triggered
E27	<p>Work undertaken for the delivery of the SSI, including those undertaken by third parties (such as utility relocations), must be coordinated to provide respite. The Proponent must:</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>The work undertaken to date has not resulted in noise impacts that would warrant respite or scheduling.</p>	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(a) reschedule work to provide respite to impacted noise sensitive land user(s); or</p> <p>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive land user(s); and</p> <p>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</p> <p>The consideration of respite must also include other CSSI, SSI and SSI projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the SSI</p>			
<p>E28</p>	<p>The findings of the operational noise monitoring carried out under Condition E28 must be documented in an Operational Noise Compliance Report (ONCR). The ONCR must be prepared in accordance with the Model Validation Guideline (RMS, 16 May 2018 Version 1.1) and must address the following</p> <p>(a) compliance with the operational noise levels predicted in the documents listed in Condition A1;</p> <p>(b) compliance with the operational noise levels in terms of criteria and noise goals established in the NSW Road Noise Policy (DECCW, 2011) and NSW Noise Policy for Industry (EPA, 2017);</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Operational requirement - not triggered.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;</p> <p>(d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;</p> <p>(e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;</p> <p>(f) an assessment of the performance and effectiveness of applied noise mitigation measures, where implemented, together with a review and if necessary, reassessment of mitigation measures; and</p> <p>(g) identification of additional measures to those identified in the documents listed in Condition A1, that would be implemented with the objective of meeting the criteria outlined in the NSW Road Noise Policy (DECCW, 2011) and NSW Noise Policy for Industry (EPA, 2017), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.</p> <p>The Operational Noise Compliance Report must be submitted to the Planning Secretary within 60 days of completing the operational noise monitoring and made publicly available.</p>			

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E29	<p>The findings of the operational noise monitoring carried out under Condition E28 must be documented in an Operational Noise Compliance Report (ONCR). The ONCR must be prepared in accordance with the Model Validation Guideline (RMS, 16 May 2018 Version 1.1) and must address the following:</p> <p>(a) compliance with the operational noise levels predicted in the documents listed in Condition A1;</p> <p>(b) compliance with the operational noise levels in terms of criteria and noise goals established in the NSW Road Noise Policy (DECCW, 2011) and NSW Noise Policy for Industry (EPA, 2017);</p> <p>(c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;</p> <p>(d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;</p> <p>(e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement- not triggered.	Not Triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(f) an assessment of the performance and effectiveness of applied noise mitigation measures, where implemented, together with a review and if necessary, reassessment of mitigation measures; and</p> <p>(g) identification of additional measures to those identified in the documents listed in Condition A1, that would be implemented with the objective of meeting the criteria outlined in the NSW Road Noise Policy (DECCW, 2011) and NSW Noise Policy for Industry (EPA, 2017), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary.</p> <p>The Operational Noise Compliance Report must be submitted to the Planning Secretary within 60 days of completing the operational noise monitoring and made publicly available.</p>			

SOCIO-ECONOMIC, LAND USE AND PROPERTY

E30	<p>The Proponent must identify the utilities and services (hereafter “services”) potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent, in consultation with service providers, must avoid, where practical, disruption to services resulting from the Activity and identified disruptions are advised to customers.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>In progress however noted as not triggered as construction works that may potentially affect utilities and services has not commenced.</p>	<p>Not triggered</p>
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Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
SOILS				
E31	Before the commencement of any work, erosion and sediment controls must be installed and maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.	<ul style="list-style-type: none"> Site Inspection 18/01/24 Audit Interview 18/01/24 EWMS 	There has been limited activities resulting in ground disturbance. The erosion and sediment controls documented in the EWMS are appropriate for the level of risk.	Compliant
E32	A NSW EPA-accredited Site Auditor must be engaged throughout the duration of work to oversee work relating to soil or groundwater contamination, management and remediation. If work relating to soil or groundwater contamination is to be completed in stages, the site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.	<ul style="list-style-type: none"> Site Inspection 18/01/24 Audit Interview 18/01/24 Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI-10053) Interim Audit Advice and Sampling Analysis and Quality Plan. Condition E33" dated 3/8/23. 	The DPE letter dated 3/8/23 confirms the appointment of Enviroview as the NSW - EPA Accredited Site Auditor under the <i>Contaminated Land Management Act 1997</i> .	Compliant
E33	An Interim Audit Advice, prepared by a NSW EPA-accredited Side Auditor, must be submitted to the Planning Secretary which verifies that the Sampling Analysis and Quality Plan, included in the documents listed in Condition A1, is appropriate for the scope of targeted investigations in areas before the implementation of the Sampling Analysis and Quality Plan.	<ul style="list-style-type: none"> Site Inspection 18/01/24 Audit Interview 18/01/24 Letter from Enviroview titled "Site Audit Interim Advice-Review and Approval of the revised Moorebank Avenue Realignment Works, Sampling, Analysis and Quality Plan, prepared by Arcadis" dated 4/7/23 Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI-10053) Interim Audit Advice and Sampling Analysis and Quality Plan. Condition E33" dated 3/8/23. 	<p>The letter from Enviroview dated 4/7/23 notes that "with consideration to comments above, the Arcadis SAQP is agreed to and approved by the Site Auditor and is considered appropriate for the scope of targeted investigations. The Interim Advice can be presented in compliance with condition E33 of the State Significant Infrastructure Approval SSI -11053".</p> <p>The letter from DPHI dated 3/8/23 notes the interim Audit advice dated 4 July 2023:</p> <ul style="list-style-type: none"> Has been prepared and issued by a NSW EPA Accredited Site Auditor under the Contaminated Land Management Act 1997 	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
			<ul style="list-style-type: none"> • Agrees to and approves the SAQP, Revision E dated 7 July 2023 as updated and is considered appropriate for the scope of targeted investigations before the implementation of the SAQP. • Indicates that it does not constitute the final Site Audit Report and/or Site Audit Statement and • Has been submitted to the Department prior to construction 	
E34	<p>The targeted investigations must be undertaken before commencement of construction in accordance with the Sampling Analysis and Quality Plan. Reporting of findings must be prepared in accordance with the relevant guidelines made or approved by the EPA under Section 105 of the Contaminated Land Management Act 1997 by a person(s) accredited under the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Field investigations have been completed and the written report is underway.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E35	<p>If the targeted site investigations required by Condition E34 indicate that remediation is required to make land suitable for the final intended land use, a Remedial Action Plan must be prepared or reviewed and approved, by a person(s) certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.</p>	<ul style="list-style-type: none"> • Site Inspection 18/01/24 • Audit Interview 18/01/24. 	<p>Field investigations have been completed and the written report is underway.</p>	<p>Not triggered</p>
E36	<p>The Remedial Action Plan must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997. The Remedial Action Plan must be submitted to the Planning Secretary for information before remediation commences.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>The RAP will be prepared upon the finalisation of the site investigation report.</p>	<p>Not triggered</p>
E37	<p>The Remedial Action Plan must include measures to remediate contamination at the site to make the site suitable for the proposed use and detail how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater.</p> <p>Nothing in this condition prevents the preparation of individual Remedial Action Plans for separate sites.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>The RAP will be prepared upon the finalisation of the site investigation report.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E38	<p>Before implementing a required Remedial Action Plan, an Interim Audit Advice or Section B Site Audit Statement(s) prepared by a NSW EPA-Accredited Site Auditor must be submitted to the Planning Secretary, for information, that certifies that implementation of the Remedial Action Plan would make the site suitable for the proposed use</p> <p>Nothing in this condition prevents the Proponent from engaging the Site Auditor to prepare Site Audit Statements for separate sites</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>The RAP and interim Auditor advice will be prepared upon the finalisation of the site investigation report.</p>	<p>Not triggered</p>
E39	<p>If remediation is required, a Validation Report must be prepared and submitted to the Planning Secretary for information for the development before commencement of use. The Validation Report must be prepared, or reviewed and approved, by a person(s) certified under the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The Validation Report must:</p> <p>(a) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997.</p> <p>(b) include, but not be limited to:</p> <p>i. comment on the extent and nature of the remediation undertaken;</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>The RAP and interim Auditor advice will be prepared upon the finalisation of the site investigation report. The requirement for a validation report will be determined following the completion of the site investigations.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>ii. describe the location, nature and extent of any remaining contamination as well as any ongoing management requirements;</p> <p>iii. classification and appropriate removal/disposal of the stockpiled materials;</p> <p>iv. clearance survey of unexploded ordnance (UXO), Explosive Ordnance, and removal of Explosive Ordnance Waste (EOW);</p> <p>v. sampling and analysis and sampling methodology undertaken as part of the remediation;</p> <p>vi. if treated material is to remain on the subject site, results of sampling of treated material, compared with treatment criteria specified in the Remedial Action Plan required by Condition E35;</p> <p>vii. results of any validation sampling, compared to relevant guidelines/criteria; and</p> <p>viii. comment on the suitability of the area for the intended land use;</p> <p>(c) be submitted to the Planning Secretary and DAWE for information one month after the completion of remediation works.</p>			

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E40	Before opening of the road to traffic, land subject to the Remedial Action Plan must not be used for the purpose approved under the terms of this approval until a Section A1 or A2 Site Audit Statement (accompanied by an Environmental Management Plan) is submitted to the Planning Secretary for information which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.	<ul style="list-style-type: none"> Site Observations 18/01/24 Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not triggered
E41	Before construction, the proponent must provide the EPA and DAWE with a copy of all reports to date relating to the assessment of per- and poly-fluoroalkyl substances (PFAS) undertaken for the development and in relation to contamination from the development.	<ul style="list-style-type: none"> Site Observations 18/01/24 Audit Interview 18/01/24 Letter from DPHI to NIC titled "Moorebank Avenue Realignment (SSI-10053) Contaminated Sites, Condition E41 dated 10/10/23. 	Relevant documentation and reports in accordance with this condition were submitted to the EPA and DAWE (DCCEEW) on the 17/10/23. The information was also provided to DPHI for information.	Compliant
E42	The EPA must be contacted within 1 month of PFAS identification if a potential risk to off-site receptors is identified to discuss requirements for community consultation. DAWE must also be notified that PFAS has been identified and is a potential risk to off-site receptors.	<ul style="list-style-type: none"> Site Observations 18/01/24 Audit Interview 18/01/24. 	No PFAS encountered to date.	Not triggered
E43	An Unexpected Finds Procedure for Contamination must be prepared before the commencement of work, implemented throughout construction and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The procedure must be submitted to the Planning Secretary for information before work commences	<ul style="list-style-type: none"> MAR Construction Contamination Management Plan, 23/05/23 – Appendix C. 	Appendix C of the Construction Contaminated Land Management Subplan contains the unexpected finds procedure.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
TRAFFIC AND TRANSPORT				
E44	Subject to Condition E45, before opening of any part of the road to traffic, all land required for the SSI, including that required for pedestrian/shared paths, intersection design and treatments and maintenance access must be dedicated or the dedication procured (as applicable) as a public road, at no cost to government or council	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not triggered
E45	<p>Condition E44 does not prevent use of that part of the SSI to maintain operational access between the internal Moorebank Precinct East road and MPE warehouses (WH3–WH8 only) pending the dedication of the operational access as part of the land required for the SSI in accordance with Condition E44. During the interim operational access period, all operational traffic must enter and exit the MPE via the existing approved access point on Moorebank Avenue.</p> <p>Note: The use of the SSI for operational traffic access to MPE warehouses WH3 – WH8 via the Moorebank Precinct East internal road network is intended to be a temporary measure, pending dedication of the SSI as public road.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not triggered
E46	Public access to Moorebank Avenue on its current alignment between Anzac Road and the bridge over the East Hills railway must be maintained until the project is opened to traffic	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	There were no restrictions of public access to Moorebank Avenue observed during the Audit site inspection.	Compliant

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E47	Access to utilities and properties must be maintained during work. If an access is affected by work, this must be agreed to by the relevant utility owner, landowner or occupier before the amended or a temporary alternative access is provided.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Access to utilities and properties observed to be maintained during the Audit inspection.	Compliant
E48	<p>Property access physically affected by the SSI must be reinstated or an alternative provided to at least an equivalent standard, before opening of the relevant part of the project to traffic. Any change to pre-existing property access must be agreed to by the landowner or occupier before the change is made.</p> <p>Note: appropriate planning approval for permanent replacement of property access must be obtained before the replacement is provided</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No property access physical affected at the time of the Audit inspection.	Not triggered
E49	Locations of all heavy vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one year following the completion of construction.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No haulage of spoil has been undertaken to date.	Not triggered
E50	Moorebank Avenue south of the Moorebank Avenue rail overbridge and local roads must not be used by heavy vehicles to access the site, with the exception of access to/from Glenfield Waste Services Facility. Records of those vehicles accessing Glenfield Waste Services Facility via this route must be maintained for the duration of wor	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No heavy vehicles have been used to date.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E51	<p>Before activities requiring use of heavy vehicles for the purposes of the SSI commence, a Road Dilapidation Report must be prepared. A copy of the Road Dilapidation Report must be provided to the relevant council within three weeks of completion of the survey and no later than one month before the road being used by heavy vehicles associated with the SSI.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>No heavy vehicles have been used to date.</p>	<p>Not triggered</p>
E52	<p>If damage to roads occurs as a result of the SSI, the Proponent must either (at the relevant road authority's discretion):</p> <p>(a) compensate the relevant road authority for the damage so caused; or</p> <p>(b) rectify the damage to restore the road to at least the condition it was in pre-works as identified in the Road Dilapidation Report(s); or</p> <p>(c) make satisfactory arrangements with the relevant road authority(ies) regarding the reinstatement of roads used by heavy vehicles for construction where those roads continue to be used by heavy vehicles for construction of the MLP.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>No damage to local roads reported or observed during the Audit site inspection.</p>	<p>Not triggered</p>
E53	<p>Despite Condition 0, public roads used by heavy vehicles to access the construction site must be maintained in a safe condition for public use at all times.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>No heavy vehicles have been used to date.</p>	<p>Not triggered</p>
E54	<p>Vehicles (including light and heavy vehicles) associated with the SSI must be managed to:</p> <p>(a) minimise parking on public roads;</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>All vehicles were observed to be contained within the site. No reports of vehicles parking on public roads, idling, queuing etc recorded during the Audit period.</p>	<p>Compliant</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(b) minimise idling and queueing on state and regional roads;</p> <p>(c) not carry out marshalling of construction vehicles near sensitive land user(s);</p> <p>(d) not block or disrupt access across pedestrian or shared user paths at any time; and</p> <p>(e) ensure spoil haulage vehicles are made aware of the nominated haulage routes.</p>			
E55	<p>During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions must be avoided, and where avoidance is not possible, minimised. Where disruption cannot be avoided, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 	<p>No impacts to pedestrian, vehicular access or parking observed.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E56	<p>The SSI must be designed and constructed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management for new or modified roads, intersections, parking, pedestrian and cycle infrastructure and in accordance with the requirements of Schedule 3 Clause 3 of the Voluntary Planning Agreement (SVPA-2018-9696) executed on 21 March 2019 to the satisfaction of Transport for NSW.</p> <p>Note: Schedule 3 Clause 3 of SVPA-2018-9696 requires that the developer enter into a WAD with TfNSW in relation to the Moorebank Avenue Realignment</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 	Not triggered – design has commenced.	Not triggered
E57	<p>Before commencement of construction in relation to intersections, an assessment of appropriate intersection treatments must be undertaken of the intersections identified in section 5.3.5 of the EIS identified in Condition A1, to inform the final design of the SSI in consultation with and to the satisfaction of TfNSW. Justification of the preferred option must be supported by the findings of the assessment</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 • Moorebank Avenue Realignment Works, Traffic Assessment Report, Anson Group, dated 02/06/23 • Moorebank Avenue Realignment Works, Traffic Assessment Report, Anson Group, dated 02/06/23 	Not triggered – design has commenced.	Not triggered
E58	<p>An independent Road Safety Audit must be undertaken to assess the safety performance of new or modified road, parking, pedestrian and cycle infrastructure provided as part of the SSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including Austroads Guide to Traffic Management.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 	Not triggered – construction of the new road has not commenced.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>The Audit must be undertaken by an appropriately qualified and experienced person during detailed design development (Audit of plans) and before opening (pre-opening Audit).</p> <p>The Audit findings and recommendations of the detailed design plans (Audit of the plans) must be actioned before construction of the relevant infrastructure. The pre-opening Audit findings and recommendations must be actioned before the relevant infrastructure is dedicated, or the dedication procured, as a public road consistent with Condition E44. Implementation of all actions emanating from the Audits must be to the satisfaction of TfNSW.</p>			
E59	<p>The Proponent must prepare an Operational Road Network Performance Review, within 12 months and again within five years after the commencement of operation of the SSI. The Review must address road network performance and review the effects of the SSI on the adjoining road network.</p> <p>The Review must be undertaken in consultation with relevant council(s) and TfNSW and be completed within six months of the review timeframes. The Review must be provided to the Planning Secretary within 60 days of its completion.</p> <p>The identification of further mitigation measures, if required, must be included in the Review. The Proponent is responsible for the implementation of the identified measures.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not Triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and subject to independent road safety Audits.</p>			
PLACE DESIGN AND VISUAL AMENITY				
E60	<p>The SSI must be constructed in a manner that minimises visual impacts of construction sites, including providing temporary landscaping and vegetative screening of the construction sites, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>No work was being undertaken that would result in visual impacts to residents or any other sensitive receivers.</p>	<p>Compliant</p>
E61	<p>An Urban Design and Landscape Plan must be prepared to inform the final design of the SSI and to give effect to the commitments made in the documents listed in Condition A1. The Plan does not apply to work, which for technical, engineering, or ecological requirements or other requirements as agreed by the Planning Secretary, that does not allow for alternate design outcomes</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Not triggered- UDLP is underway. Arcadis/Tract have been appointed as the urban designer.</p>	<p>Not triggered</p>
E62	<p>The UDLP must be prepared by a suitably qualified and experienced person in consultation with relevant government agencies, relevant councils, the Community Consultative Committee, established by Condition B1, and affected landowners and businesses. The UDLP must include:</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Not triggered- UDLP is underway. Arcadis/Tract have been appointed as the urban designer.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(a) an analysis of the built, natural and community context and the urban design objectives, principles and standards for the SSI;</p> <p>(b) the design of the SSI elements including their form, materials and detail, including provisions for active transport where these form part of the project;</p> <p>(c) the design of the project landform and earthworks;</p> <p>(d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities;</p> <p>(e) the location of existing heritage items and recorded Aboriginal objects;</p> <p>(f) details of how Aboriginal and non-Aboriginal heritage interpretation and public art are incorporated within the design of built features, having regard to the results of any archaeological investigations;</p> <p>(g) visual screening requirements;</p> <p>(h) developed visuals, cross sections and plans showing the proposed design outcome;</p> <p>(i) details of strategies to rehabilitate, regenerate or revegetate disturbed areas; and</p>			

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	(j) management and routine maintenance standards and regimes for design elements and landscaping work (including weed management).			
E63	Unless otherwise agreed with the Planning Secretary, construction of permanent built surface works or landscaping that are the subject of the UDLP must not commence (in the area to which the UDLP applies) until the UDLP has been approved by the Planning Secretary.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Not triggered- UDLP is underway. Arcadis/Tract have been appointed as the urban designer.	Not triggered
E64	The UDLP, as approved by the Planning Secretary, must be implemented	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Not triggered- UDLP is underway. Arcadis/Tract have been appointed as the urban designer.	Not triggered
E65	<p>Revegetation and the provision of replacement trees must be informed by a Tree Survey undertaken during detailed design. The Tree Survey must identify the number, type and location of trees to be removed, except for trees that are offset under Condition E5. The Tree Survey must be submitted to the Planning Secretary for information with the Urban Design and Landscape Plan required under Condition E61.</p> <p>Where trees will be removed, a net increase in the number of replacement trees must be provided at a ratio of 2:1, except trees that are offset under Condition E5. Replacement trees must have a minimum pot size consistent with the relevant government authority(ies) or relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies).</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Revegetation and provision of replacement trees has not commenced. Preparation of the tree report has commenced.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>Note: For the purposes of this condition, the relevant authority is that State or local government authority that owns or manages the land on which the replacement trees will be planted.</p>			
E66	<p>Replacement and enhancement of vegetative screening along the project corridor must be undertaken in a progressive manner during construction to allow for its early establishment.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Replacement and enhancement of vegetation screening has not commenced. Limited clearing has been undertaken to date.</p>	<p>Not triggered</p>
E67	<p>The UDLP required by Condition E61 must include a Landscape Strategy which details the type, size, number and location of replacement trees. The report must demonstrate how replacement plantings are consistent with the requirements of Condition E65 and Condition E66.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Not triggered - UDLP is underway. Arcadis/Tract have been appointed as the urban designer.</p>	<p>Not triggered</p>
E68	<p>The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the UDLP, required by Condition E62.</p> <p>The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Operational requirement – not triggered.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E69	Should replacement trees and plantings loss occur during the maintenance period, the plants must be replaced with the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not triggered
E70	Management and routine maintenance for design elements and landscaping work (including weed management) to ensure the success of the design and landscape outcomes must be undertaken for the life of the SSI.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational Requirement – not triggered	Not triggered
WASTE				
E71	Waste management during construction and operation must be considered against a hierarchy of the following order: (a) Avoidance of waste generation; (b) Re-use, recycle or recovery; (c) Treatment or disposal	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24 	Due to the limited amount of work undertaken to date, only minor amounts of vegetation waste have been generated and has been retained on site with the objective of beneficial reuse.	Compliant
E72	Waste importation and the storage, treatment, processing, reprocessing or disposal of waste must comply with the conditions of an EPL for the SSI where one applies, or be undertaken in accordance with an applicable Resource Recovery Exemption or Order, issued under the Protection of the Environment Operations (Waste) Regulation 2014, as the case may be	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No waste has been imported to the site.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E73	Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept the waste.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No waste has been exported to date.	Not triggered
E74	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal docketts retained for Audit purposes.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	No waste has been removed off site to date. As noted above the only waste generated to date is vegetation which is retained on site for re-use at a later stage.	Not triggered
WATER				
E75	The SSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW Water Quality Objectives over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the NSW Water Quality Objectives, in which case those requirements must be complied with.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	There have been no discharges of water to date. An application for an Environment Protection Licence is in progress.	Not triggered
E76	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Not triggered, drainage feature crossings have not been impacted by the work to date.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E77	Work on waterfront land must be carried out in accordance with controlled activity guidelines	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	There has been no work undertaken on waterfront land to date.	Not triggered
E78	<p>Unless an EPL is in force in respect to the SSI and that licence specifies alternative criteria, discharges from construction water treatment plants to surface waters must not exceed:</p> <p>(a) the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018 (ANZG 2018) default guideline values for toxicants at the 90 per cent species protection level;</p> <p>(b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000; and</p> <p>(c) for bioaccumulative and persistent toxicants, the ANZG 2018 values at a minimum of 95 per cent species protection level.</p> <p>Where the ANZG 2018 does not provide a default guideline value for a particular pollutant, the approaches set out in the ANZG 2018 for deriving guideline values, using interim guideline values and/or using other lines of evidence such as international scientific literature or water quality guidelines from other countries, must be used</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	There have been no discharges of water to date. An application for an Environment Protection Licence is in progress.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E79	<p>If stormwater discharges are proposed during construction, a Water Pollution Impact Assessment commensurate with the potential risk and consistent with the National Water Quality Guidelines must be prepared and submitted to the Planning Secretary for information. The assessment at a minimum must:</p> <p>a. Provide details of the discharge locations and receiving waterways;</p> <p>b. Characterise the expected discharge quality under typical and worst-case conditions for all pollutants present at levels that pose a risk of non-trivial harm to human health or the environment;</p> <p>c. Assess the potential impact of discharges on the environmental values of the receiving waterway, including typical through to worst-case scenarios with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) for slightly to moderately disturbed ecosystems for standard receiving environments; and</p> <p>d. Demonstrate that all practical and reasonable measures to avoid discharges (e.g. stormwater reuse or tankering for offsite disposal) and minimise water pollution and protect human health and the environment from harm are investigated and implemented.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>There have been no discharges of water to date. An application for an Environment Protection Licence is in progress.</p>	<p>Not triggered</p>
E80	<p>Unless an EPL is in force in respect to the SSI and that licence specifies alternative criteria, discharges from operation water treatment plants to surface waters must not exceed:</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Operational requirement – not triggered.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(a) the ANZG 2018 default guideline values for toxicants at the 95 per cent species protection level;</p> <p>(b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ, 2000); and</p> <p>(c) for bioaccumulative and persistent toxicants, the ANZG 2018 guideline values at a minimum of 99 per cent species protection level.</p> <p>Where the ANZG 2018 does not provide a default guideline value for a particular pollutant, the approaches set out in the ANZG 2018 for deriving guideline values, using interim guideline values and/or using other lines of evidence such as international scientific literature or water quality guidelines from other countries, must be used</p>			
E81	<p>The ability of the receiving drainage systems to effectively convey pavement drainage from the SSI must be determined where it is proposed to discharge these flows to the receiving drainage systems. This must be done in consultation with the relevant council(s) and Sydney Water and the outcomes documented in the Stormwater Drainage Report required under Condition E82.</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	Operational requirement – not triggered.	Not triggered

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
E82	<p>A Stormwater Drainage Report must be prepared at least one month before the commencement of any new permanent drainage works, modifications or connections to existing drainage works, construction of hard surfaces that are associated with the operation of the project and would result in runoff to existing stormwater drainage systems. The Stormwater Drainage Report must:</p> <p>(a) assess the potential impacts of pavement drainage discharges from the SSI drainage systems on the receiving environment and capacity of council or Sydney Water drainage infrastructure;</p> <p>(b) identify all mitigation measures to be implemented where pavement drainage from the SSI drainage systems are predicted to adversely impact on the receiving environment or capacity of council or Sydney Water drainage infrastructure; and</p> <p>(c) set out a clear time frame for the implementation of mitigation measures.</p> <p>Nothing in this condition prevents the Proponent from preparing separate Stormwater Drainage Reports for pavement discharges to the drainage system provided that each report is prepared at least one month before the subject works/discharges commencing</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Permanent drainage works have not been constructed – not triggered.</p>	<p>Not triggered</p>
E83	<p>New or modified drainage systems associated with the SSI must be designed to:</p>	<ul style="list-style-type: none"> • Site Observations 18/01/24 • Audit Interview 18/01/24. 	<p>Permanent drainage works have not been constructed – not triggered.</p>	<p>Not triggered</p>

Part E – KEY ISSUE CONDITIONS

ID	Requirement	Evidence Collected	Independent Audit Findings & Recommendations	Compliance Status
	<p>(a) where relevant, meet the capacity constraints of the council's drainage system to receive and convey the proposed flows from the SSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s);</p> <p>(b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and</p> <p>(c) where relevant, ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.</p>			

Appendix D Consultation

From: [REDACTED]
Sent: Monday, 18 December 2023 3:54 PM
To: [REDACTED]
Cc: DPE PSVC Compliance Mailbox
Subject: SSI 10053 - Moorebank Avenue Re-Alignment Works - Initial Independent Audit

[REDACTED]

I have been provided your details by [REDACTED]

As you are aware, I have been approved by the Department as the Independent Environmental Auditor to undertake the initial audit for the above project.

The audit site visit component of the audit is planned for the 18th of January 2024.

In accordance with the Department Independent Audit Post Approval Requirements 2020 (PAR), the purpose of this email is to consult with the Department to seek feedback for the audit regarding:

- Any particular focus areas or concerns the Department may have for the audit
- Any additional stakeholders the Department would like me to consult with in relation to the audit

I would appreciate a response from the Department prior to the 18th of January 2024.

Best Regards



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: Monday, 15 January 2024 9:50 AM
To: [REDACTED]
Subject: RE: SSI 10053 - Moorebank Avenue Re-Alignment Works - Initial Independent Audit

Dear [REDACTED],

Thank you for contacting the department to seek consultation in relation to the first IEA for Moorebank Ave Re-Alignment (SSI 10053).

For the first IEA, I do not require any specific matter or areas to be focussed on that are not already captured by the audit scope detailed in the Independent Audit Post Approval Requirements 2020 (IAPAR).

If you have not already, please also consult with Liverpool City Council.

Please attach this correspondence to the final IEA report.

If you have any questions, please don't hesitate to contact me.

Regards,

[REDACTED]

Planning & Assessment | Department of Planning, Housing and Infrastructure

[REDACTED]

Locked Bag 5022 | PARRAMATTA NSW 2124

www.dpie.nsw.gov.au



The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: [REDACTED]
Sent: Monday, 18 December 2023 3:55 PM
To: [REDACTED]
Cc: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: SSI 10053 - Moorebank Avenue Re-Alignment Works - Initial Independent Audit

From: [REDACTED]
Sent: Monday, 22 January 2024 12:10 PM
To: [REDACTED]
Subject: Independent Audit - Moorebank Avenue Realignment Works

[REDACTED]

Thanks for your time earlier.

As discussed, I am undertaking an independent environmental audit of the Moorebank Avenue Realignment project.

The audit is being undertaken in accordance with the Independent Audit Guideline published by the Department of Planning and Environment (DPE). [Independent Audit – Post Approval Requirements – Requirement 2 – May 2020 \(nsw.gov.au\)](#) and is an audit of compliance with the conditions of consent [SSI-10053-Instrument-of-Approval.pdf \(moorebankintermodalprecinct.com.au\)](#)

Part of the audit process is consultation with relevant stakeholders.

Therefore I would be grateful if you could please advise whether Liverpool Council has any issues or focus areas you would like me to consider as part of this audit.

As discussed, the timeframe for the completion of the audit reports is 18 March, therefore I would appreciate a response by 10th of February, that would be greatly appreciated.



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: Monday, 12 February 2024 12:01 PM
To: Richard Peterson
Cc: [REDACTED]
Subject: RE: Independent Audit - Moorebank Avenue Realignment Works

[REDACTED]

Apologies for the delay in getting back to you. Please see below feedback from Council's internal departments:

Transport Management

Previously, Council staff raised a concern that Moorebank Avenue is being realigned closer to the existing residents in Wattle Grove and requested that noise assessment be carried out to identify whether noise attenuation works are required. Council staff do not consider that the assessment has been adequately completed. In addition to this, the road section is currently owned by the Department of Defence. During the assessment of the application Council staff outlined that the realigned road section should be a classified road and maintained by Transport for New South Wales (TfNSW), given that the northern section of the road is a classified road under the care and control of TfNSW and Moorebank Avenue would be carrying significant heavy vehicles. Such road classification has not been done and Council staff seek for the road to be reclassified before it is handed over.

Environmental Management:

The standard audit of compliance with conditions of consent is considered to cover biodiversity matters.

Environmental Health:

In accordance with Section 3.2 of the IAPAR and the Department's instructions, Trigalana Environmental Pty Ltd is consulting with Council regarding the Project's environmental performance and audit scope. The required audit scope is outlined in Section 3.3 of the IAPAR and necessitates an assessment of all conditions of consent applicable to the phase of the development. Furthermore, Trigalana Environmental Pty Ltd is required to assess conformance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and sub-plans.

As part of the consultation requirements, Trigalana Environmental Pty Ltd requested for Council to confirm if it requires any additional key issues to be examined, relating to post-approval requirements and compliance that are not already referenced in the audit's scope stipulated in Section 3.3 of the IAPAR. In addition to these requirements, it is recommended that Trigalana Environmental Pty Ltd considers whether any subsequent adjustments are necessary to the scope of the forthcoming audit beyond that identified within Section 3.3 of the IAPAR.

In terms of site regulation, the Department has primary responsibility for assessing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the Project. The Environmental Impact Statement confirms that the Project will require an environment protection license from the NSW EPA as it is defined as a scheduled activity (road construction) that would result in the extraction or processing of more than

Appendix E Photographs



Photo 1: Undisturbed project alignment



Photo 2: Project alignment and "no-go" exclusion taping



Photo 3: Project alignment and adjacent industrial area



Photo 4: Project alignment and site security gate



Photo 5: Heritage protection taping



Photo 6: Project alignment



Photo 7: Cleared work area and work area boundary fencing