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**LOGOS**

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# Operation Independent Audit Program

Moorebank Intermodal Precinct – Precinct  
West Stage 2

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## Moorebank Intermodal Precinct – Precinct West Stage 2

SSD 7709

Operation Independent Audit Program

**Author** [REDACTED]

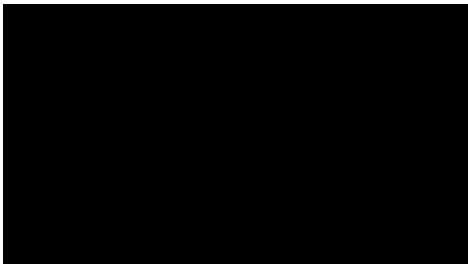
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### REVISIONS

Revision	Date	Description	Prepared by	Approved by
01	01/06/2023	Draft finalised for stakeholder distribution	[REDACTED]	[REDACTED]
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## Operation Independent Audit Program Moorebank Intermodal Precinct – Precinct West Stage 2

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## Acronyms and Definitions

Acronym / Term	Meaning
CoC	Conditions of Consent
DPE	Department of Planning and Environment (formerly the Department of Planning, Industry and Environment)
EIS	Environmental Impact Statement
IAPAR	Independent Auditing Post Approval Requirements (DPE, 2018)
IMT	Intermodal Terminal
MIP	Moorebank Intermodal Precinct
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
SSD	State significant development
SSFL	Southern Sydney Freight Line

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## 1. Introduction

The Moorebank Precinct West (MPW) Stage 2 Development (the Development) is a State significant development (SSD 7709) that has been assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by the Independent Planning Commission (IPC). An Environmental Impact Statement (EIS) was prepared (Arcadis, October 2016) to support the SSD application and was submitted in October 2016. Conditions of consent (CoC) were issued by the IPC on 11 November 2019. These CoC have been used to inform the content of this Independent Audit Program.

Independent audits provide an independent and objective assessment of the environmental performance and compliance status of a development. Independent audits differ from other compliance reporting requirements as they are undertaken and reported by an independent auditor, rather than a development owner's Authorised Reporting Officer.

The minimum requirements to be met when undertaking independent audits in accordance with the CoC are set out by the Department of Planning and Environment (DPE) (formerly Department of Planning, Industry and Environment) in the *Independent Audit Post Approval Requirements* (IAPAR, DPE 2018). These requirements apply to all SSDs where an independent audit is required by the CoC. The minimum requirements identified by the IAPAR include:

- an independent audit program, including an audit schedule and an audit table
- an independent audit methodology, including selection of the auditor and any technical specialists that may be required, scope development, interviews, inspections, consultation and an evaluation of compliance
- independent audit reports.

This Operation Independent Audit Program has been developed to satisfy the requirements the first and second requirements identified above, in addition to the requirements of CoC C16. This Independent Audit Program relates only to the MPW Stage 2 operational activities. Separate programs are being implemented for other stages and precincts within the broader Moorebank Intermodal Precinct (MIP) development.

Independent audits for the Development are also undertaken having regard to the form, methodology, review, reporting, and structural framework identified within *AS/NZS ISO 19011.2014 – Guidelines for Auditing Management Systems*.

## 2. Project Background

The MPW Stage 2 Development is situated within the Liverpool City Council local government area on the western side of Moorebank Avenue and approximately 27 kilometres south-west of the Sydney Central Business District.

The Development includes the following operational activities:

- operation of an intermodal terminal facility (IMT)
- operation of a rail link to the Southern Sydney Freight Line (SSFL) and container freight movements by truck to and from the Moorebank Precinct East (MPE) site
- 24/7 operation of a warehousing estate on the northern part of the site servicing the IMT facility
- operation of on-site detention basins, bioretention/biofiltration systems and trunk stormwater drainage for the entire site.

LOGOS Investment Management Pty Ltd (LOGOS) is the operator of the Development.

## **3. Independent Audit Methodology and Scope**

This section outlines the independent audit methodology and scope for the operational phase of the Development to meet the requirements of the IAPAR. The methodology has been described for the pre-audit, audit and post-audit stages of each independent audit.

### **3.1. Pre-Audit stage**

#### **3.1.1. Selection and agreement to the auditor**

Independent audits will be undertaken by a suitably qualified, experienced and independent auditor. To meet the requirements of the IAPAR, the auditor will have:

- a certification as a lead or principal environmental auditor with a relevant industry body
- experience in relation to infrastructure developments that have been subject to environmental impact assessment, environmental management, compliance and auditing.

The auditor will be independent from the Development and free from any actual, potential or perceived conflicts of interest. The auditor will provide a written declaration of their independence.

Prior to the commencement of an audit, LOGOS will seek the agreement of the Planning Secretary to the proposed auditor. The independent audit will not commence until the proposed auditor has been agreed to in writing by the Planning Secretary.

#### **3.1.2. Scope development**

The auditor will consult with DPE, and other agencies and stakeholders, including the Community Consultative Committee, to obtain their input into the scope of the audit.

Inputs received will be recorded and reported in the Independent Audit Report and will be investigated during the independent audit.

The auditor, as part of scope development, will review the Audit Table (Appendix B – Audit Table) against the requirements of the IAPAR, and amend as necessary.

### **3.2. Audit stage**

#### **3.2.1. Opening and closing meetings**

Independent audits will commence with an opening meeting and conclude with a closing meeting. The meetings must be attended by a representative of LOGOS (at manager level or above) and the auditor.

The agenda for the opening meeting will include the objectives of the audit, the scope of the audit, the resources required and methodology to be applied.

At the closing meeting, preliminary audit findings will be presented, recommendations (if appropriate) made and any post-audit actions confirmed.



### 3.2.2. On-site interviews

Independent audits will include interviews with key personnel involved in operations, including those with responsibility for environmental management, to assist with verifying the compliance status of the Development.

Auditors will be provided with reasonable access to the key site personnel as required by the independent audit scope.

### 3.2.3. Site inspections

Independent audits will include a physical site inspection by the auditor. The site inspection will cover all development areas and environmental aspects that form part of the scope of the audit.

LOGOS will provide the auditor with reasonable access to all requested development areas and activities, understanding that the inspections will be accompanied by a LOGOS site representative and that some areas may not be physically accessible for safety or operational reasons. If the auditor considers restricted access has limited their ability to adequately undertake the audit as scoped, it must be noted in the Independent Audit Report. Recommendations to overcome the restricted access (where feasible) will be proposed for subsequent independent audits.

### 3.2.4. Evaluation of compliance

Independent audit findings will be based on verifiable evidence and evidence will be collected using the following methods as appropriate in the circumstances:

- review of relevant records, documents and reports
- interviews of relevant site personnel and relevant stakeholders
- photographs
- GIS figures and associated shapefiles (as relevant and available)
- site inspections of relevant locations, activities and processes.

The evidence used to verify compliance with each requirement will be documented in the Audit Table along with any relevant observations and notes.

The auditor will also assess whether post approval documents (including the Operational Environmental Management Plan and Sub-Plans) have been developed and implemented in accordance with the CoC and all environmental licences and approvals applicable to the development (excluding environmental protection licences issued under the *Protection of the Environment Operations Act 1997*).

The auditor will determine the adequacy of these post approval documents on the basis of whether there are any non-compliances resulting from the implementation of the document and whether there are any opportunities for their improvement.

### 3.2.5. Compliance status descriptors

The compliance status of each compliance requirement in the Audit Table will be determined using the relevant descriptors in Table 3-1, having regard to their meanings. No other terms will be used to describe the compliance status.

Table 3-1 Compliance status descriptors

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

In addition to the compliance status descriptors, the auditor may make such observations and notes, including identifying any opportunities for improvement, as they see fit in relation to any compliance requirement or any other aspect of the Development.

### 3.2.6. Independent Audit Report

The Independent Audit Report will be prepared in accordance with the requirements of the IAPAR and will include the following sections:

- Introduction
- Audit methodology
- Audit findings
- Recommendations and opportunities for improvement
- Appendices, including:
  - a completed Audit Table
  - a copy of documentation from the Planning Secretary agreeing to the auditor
  - documentation detailing consultation undertaken
  - completed and signed Independent Audit Declaration Form(s)
  - site inspection photographs.

The Independent Audit Report will be subject to appropriate version control.

An indicative Independent Audit Report table of contents is provided in Appendix B of the IAPAR as an example.

### 3.2.7. LOGOS review of draft Independent Audit Report

The auditor will provide a draft of the Independent Audit Report to LOGOS for review. This will provide LOGOS with the opportunity to provide any additional information before the Independent Audit Report is finalised.

The draft report will only be revised in instances where the auditor is satisfied that the additional information or evidence provided is sufficient to determine that an error of fact or misunderstanding has taken place. Any additional information provided by LOGOS in this regard will be noted in the report and the auditor's view in relation to it recorded.

### **3.2.8. Final Independent Audit Report and Declaration**

The final Independent Audit Report provided to DPE will contain a declaration from the auditor in an Independent Audit Declaration Form. The declaration will use the form provided in Appendix C of the IAPAR.

### **3.3. Post-audit stage**

#### **3.3.1. LOGOS response to audit findings**

To meet the requirements of CoC C18.(a) and (b), LOGOS will submit their response to the audit findings to DPE and the Certifying Authority in a separate document to the final Independent Audit Report.

LOGOS will respond to the audit findings, including the recommendations and opportunities for improvement identified in the final Independent Audit Report. The response will clearly describe the responses to each of the audit findings.

In relation to non-compliances, LOGOS' will outline the actions and the timing of such actions that would be taken in response to each non-compliance.

In relation to observations and opportunities identified for improvement, LOGOS will provide reasons if they propose not to implement any measures, or make any changes in response.

#### **3.3.2. Submission schedule**

The final Independent Audit Report and LOGOS' response to audit findings will be submitted to DPE and the Certifying Authority within the timeframes set out in the Audit Schedule (Section 4). The submission of these documents will be via email as required by Section 4.6 of the IAPAR.

In the event that the final Independent Audit Report or LOGOS' response cannot be submitted as required by the Audit Schedule, DPE will be notified verbally and via email as soon as practicable and no later than the due date. The auditor or LOGOS (as relevant) must specify the circumstances that were beyond their control and request a new date for the submission of the final Independent Audit Report or response.

Under CoC C18.(c), LOGOS will publish the Independent Audit Report and the LOGOS response to the audit findings on the LOGOS website (<https://moorebankintermodalprecinct.com.au>) within 60 days of their submission to DPE. LOGOS will notify DPE at least 7 days prior to the publication of these documents.

## **4. Audit Schedule**

As per the IAPAR, an Audit Schedule has been developed for the operational stage of the Development and is included as Appendix A – Audit Schedule.

An independent audit of operations is required to be undertaken within 52 weeks of the commencement of operation. Operations are expected to commence in mid-2024. The first operational audit for the Development has been forecast to occur in September 2024, with subsequent audits to occur at intervals of no greater than three years thereafter.

The timeframes stipulated in the audit schedule include completion of all activities required in an independent audit including scope development, undertaking the audit and submitting a final audit report, including LOGOS' response to audit findings.

## 5. Audit Table

The Audit Table (Appendix B – Audit Table) has been developed to reflect the operational phase of the Development and is based on consideration of:

- The project SSD EIS (Arcadis, October 2016) and associated Response to Submission documentation
- The SSD 7709 CoC compliance, procedural and documentation requirements:
  - To support the administrative conditions (Part A)
  - Key Environmental Issues (Part B)
  - Environmental Management, Reporting and Auditing (Part C)
  - the independent auditing requirements and expectations specified in the IAPAR
- Specifically, within the IAPAR, the expectation is that the independent audits include:
  - an assessment of compliance with CoC and other relevant approvals and licences
  - an assessment of environmental performance
  - identification of the status of implementation of previous audit findings
  - a high-level review of the development’s environmental management system
  - a high-level assessment of the adequacy of the development’s environmental management plans and sub-plans
  - any other matters considered relevant.

As part of audit scope development, the Audit Table will be reviewed as necessary to reflect consultation inputs, additional licences, permits or approvals issued for the Development. If the Audit Table is revised, it is not required to be provided to DPE prior to the audit.

The Audit Table sets out the following information for each requirement to be complied with (compliance requirement):

- a unique identification number
- the exact wording of the compliance requirement
- a column to record the evidence used to assess and determine whether each requirement has been complied with
- a column for commentary on findings and recommendations
- a column for recording the status of compliance
- a column for recording a unique identification number for each non-compliance identified during the audit.

The compliance status of each compliance requirement in the Audit Table will be determined using the relevant descriptors in Table 3-1.

## **Appendix A – Audit Schedule**

		2024								2027										
Audit Type	Frequency	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Operation Audit	Within 52 weeks of commencement of operation and every three years thereafter				X												X			

## Appendix B – Audit Table



Approval (ID)	Condition	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		Unique Identification Non-compliance - #
				Compliant	Non-Compliant	
				Not Triggered		
<b>Compliance Requirement</b>						
<b>Assessment of Environmental Performance</b>						
<b>Environmental Aspect</b>						
Air	Dust and other emissions are being managed on site and generally confined to site. Record of incidents/complaints.					
Noise	Work hours are within approved hours. Noise mitigation evident. Record of incidents/complaints.					
Land (ErSed)	Sediment and erosion controls are performing to control surface erosion and discharges from site within acceptable limits. Record of incidents/complaints.					
Land (Contam)	Any identified contaminant materials are effectively contained, controlled and removed from site for treatment and disposal. Record of any unexpected finds.					
Water	Site surface water is managed to prevent scouring of banks of receiving waters. Clean water is separated from dirty water (i.e. construction works contact water). Spill Notifications. Record of incidents/complaints.					
Waste	Containment and appropriate sorting of waste as appropriate. Record of incidents/complaints.					
Heritage	Clear identification of heritage items and demarcation within the construction site to prevent accidental harm.					
Traffic	Traffic management, access and flow is maintained. No tracking of soil/muds onto public roads. Record of incidents/complaints.					
Flora/Fauna	Pre-cleaning checks undertaken. Demarcation of no-go zones. Record of incidents/complaints.					
<b>High-Level Review of Project EMS</b>						
Legal Requirements Register	Identification of applicable legislative requirements, applicable standards, codes of practice and industry guidelines with demonstration of relevance to the project scope.					
Aspects/ Impacts Register	Identification of the Development's environmental aspects and impacts with identification of those aspects/impacts of high significance to the Development.					
Roles and Responsibilities	Identification and allocation of roles and responsibilities to relevant site and management personnel to provide effective site environmental management and performance.					
Training	Identification of awareness and vocational training requirements relevant to the nature of works to be performed and associated environmental values or requirements identified within the Aspects/Impacts and Legal Requirements register.					
Monitoring and Review	Program and process for monitoring and review of the Project EMS to demonstrate applicability.					
Communications	Identification of how the EMS is implemented during the course of the Development, including the communication of change and access to information.					
<b>Conditions of Consent (SSD 7709)</b>						
<b>Part A Administrative</b>						
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.					
<b>Compliance</b>						
A2	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.					
<b>Terms of Consent</b>						
A3	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, Response to Submissions (RTS) and Consolidated assessment clarification responses; and (d) in accordance with the management and mitigation measures in Appendix 2.					
A4	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation					
A5	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Conditions A3(c) – (d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Conditions A3(c) – (d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict. Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning					
<b>Limits of Consent</b>						
A6	This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.					
A7	Only VENM, ENM, or other imported fill material approved in writing by Environment Protection Authority (EPA) is to be placed on the site.					
A8	The total volume of uncompacted fill to be imported must not exceed 1,600,000 m3.					
A9	Importation of imported fill must not exceed a total of 13,000 m3 of material per day across this development and MPE Stage 2 (SSD 7628) on the same day. [Amended by SSD-10431] Note: Notice of Modification - SSD7709 - Clause 97 (1) of the Regulation					
A10	No construction (including clearing and maintenance access) is permitted within the riparian corridor except for that identified on the revised drawings approved under Condition B2 and activities associated with vegetation and stormwater management.					
A11	No works in the riparian corridor outside the site are permitted under this approval. Note: DPI (Lands) must be consulted on design, approvals and licencing for any works on Crown land for the purposes of discharging stormwater from the site (including scour protection/ erosion control).					
A12	No works are permitted by the Applicant within the RMS (M5 Motorway) land and no impact is permitted on Roads and Maritime drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).					
A13	The container freight throughput for MPW must not exceed 500,000 TEU p.a.					
A14	Containers that are transferred between the site and Port Botany must be transferred by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g. an incident, breakdown, derailment or emergency maintenance on the rail line).					
A15	The transfer of containers between Port Botany and the intermodal terminal facility must not commence until the rail connection to the Southern Sydney Freight Line is operational.					
A15B	The development must not generate more than: (a) 2670 light vehicle movements a day during operation; and (b) 1654 heavy vehicle movements a day during operation.					

Approval (ID)	Condition	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Non-compliance - #
				Compliant	
				Non-Compliant Not Triggered	
A15B	The applicant must keep accurate records of the number of heavy and light vehicles entering and leaving site each day. These records must be provided to the Planning Secretary upon request, and to the approved traffic auditor upon the trigger events in B120B occurring and prior to the commencement of the Traffic Audit required under condition B120A.				
A16	The maximum GFAs for the following uses apply: (a) 215,000m2 for the warehousing and distribution facilities; and (b) 800m2 for the freight village.				
A16A	Warehousing associated with the development is to be limited to the area identified in the plan titled 'Precinct Modification Plan - Proposed' (Drawing No JR-SK-A-0-9402, RevisionH), prepared by Bell Architecture and dated 26 November 2020).				
A17	The warehousing and distribution facilities must only be used for activities associated with freight using the either the MPE or MPW rail intermodal terminal.				
A18	Notwithstanding Condition A17, movements of containers between a rail intermodal terminal on either MPE and MPW site, and a warehouse on either the MPE or MPW site, are permitted where those movements are also approved for MPE.				
A19	For the avoidance of doubt, nothing in this consent permits: (a) the occupation or use of a warehouse and/or distribution facility on the site before the commencement of operation of either the MPE or MPW rail intermodal terminal; or (b) truck-to-truck movements.				
A20	Freight village tenants and occupations are restricted to those activities that provide: (a) ancillary support for the development, its tenants, worker population and visitors; (b) a nexus with activities undertaken in relation to the warehouse, logistics functions of the IMT development and/ or; (c) provide aligned services to the intermodal functions.				
<b>Access for People with a Disability</b>					
A21	The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility so that all people can enter and use these premises. Access is to meet the requirements of the Disability Discrimination Act 1992, relevant Australian Standards and Building Code of Australia (BCA).				
<b>Demolition</b>					
A22	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).				
<b>Structural Adequacy</b>					
A23	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be designed and constructed in accordance with the relevant requirements of the BCA. Note: • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.				
<b>External Walls and Cladding</b>					
A24	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.				
A25	Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.				
A26	The Applicant must provide a copy of the documentation given to the Certifying Authority under <b>Condition A25</b> to the Planning Secretary within seven days after the Certifying Authority accepts it.				
<b>Applicability of Guidelines</b>					
A27	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.				
<b>Evidence of Consultation</b>					
A28	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (b) provide details of the consultation undertaken in the document submitted to the Planning Secretary including: (i) the outcome of that consultation, matters resolved and unresolved (and the justification for matters remaining unresolved); and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.				
<b>Community Consultative Committee</b>					
A29	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, upgrading and operation and for at least six months following the completion of decommissioning.				
A30	The Planning Secretary may consider a request to expand an existing MPW or MPE CCC to cover the development and to satisfy Condition A29.				
<b>Community Communication</b>					
A31	A Community Communication Strategy must be prepared and submitted to the Planning Secretary for approval no later than one month before the commencement of construction. The Community Communication Strategy is to provide mechanisms to facilitate communication between the Applicant, the Council(s) and the community (including adjoining affected landowners and businesses, and others directly impacted by the development). The Community Communication Strategy must: (a) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development; (b) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results; (c) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions; (d) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and (e) include a complaints procedure for recording, responding to and managing complaints, including: (i) email, toll-free telephone number and postal addresses for receiving complaints, (ii) advertising the contact details for complaints before and during operation, via the local newspaper and through on-site signage, (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint, and (iv) procedures for the resolution of any disputes that may arise during the course of the development.				

Approval (ID)	Condition	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Non-compliance - #
				Compliant	
				Non-Compliant Not Triggered	
A32	The Applicant must: (a) not commence Construction until the Community Communication Strategy has been approved by the Planning Secretary. (b) implement for the Community Communication Strategy for the duration of construction and for 12 months following the commencement of operation.				
<b>Environmental Representative</b>					
A33	Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.				
A34	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.				
A35	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS, Response to Submissions and any other supporting information submitted as part of applications for either MPW or MPE, and is independent of the construction and design personnel for the project and those involved in delivery of it. Note: Should the requirements of the conditions of this consent be satisfied, an ER approved for MPE and MPW development may also be considered for approval for the development.				
A36	The Applicant may engage more than one ER for the development, 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 development.				
A37	For the duration of the works until 6 months after the commencement of operation (or staged operation), or as agreed with the Planning Secretary, the approved ER must: (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development; (b) consider and inform the Planning Secretary on matters specified in the terms of this consent; (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community; (d) review documents required under this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so: (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 (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); (e) regularly monitor the implementation of the documents required under this consent to ensure implementation is being carried out in accordance with the document and the terms of this consent; (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits, but not Independent Audits required under Condition C18 of this consent. (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A40 of this consent. (i) consider any minor amendments to be made to the CEMP or CEMP sub-plans that require updating, or amendments of an administrative nature, and are consistent with the conditions of this consent and the most recent version of the CEMP or CEMP sub-plan approved by the Planning Secretary, and if satisfied that such an amendment is necessary, approve the minor amendment; and (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 Department's Environmental Representative Protocol (2018) under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.				
A38	The Applicant must provide all documentation requested by the ER in order for the ER to perform their functions specified in Condition A37 (including preparation of the ER monthly report), as well as: (a) the complaints register (to be provided on a monthly basis); and (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).				
A39	The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition C20. The Applicant must: (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.				
<b>Minor Facilities</b>					
A40	Minor ancillary facilities, including lunch sheds, office sheds, portable toilet facilities, and the like, can be established where they satisfy the following criteria: (a) are located within the construction boundary; and (b) have been assessed by the ER to have: (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 (ii) minimal environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.				
<b>Submitting, Staging, Combining and Updating Strategies, Plans or Programs</b>					
A41	Unless stated otherwise, the Applicant must submit strategies, plans and programs required under this consent to the Planning Secretary at least one month prior to commencement of construction or operation.				
A42	Unless stated otherwise in this consent, the Applicant with the approval of the Planning Secretary may: (a) prepare and submit any strategy, plan or program required by this consent as part of the construction or operational environmental management plan on a staged basis; (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development). Note: Documents that cannot be staged include Development Layout Drawings required under Condition B2, and Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation required under Condition B4, and Site Audit Statement required under Condition B169.				
A43	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.				
<b>Staging of Construction</b>					

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				Compliant	Non-Compliant	
				Not Triggered		
A44	Prior to the commencement of construction, a Staging Report must be submitted to the Planning Secretary for approval where it is proposed to construct and operate warehousing in sub-stages. The Staging Report must include: (a) the revised Development Layout Drawings required under Condition B2; (b) detailed drawings showing warehouses, estate infrastructure and landscaping to be delivered in each sub-stage, and how each sub-stage of estate infrastructure and landscaping connects to other sub-stages including the intermodal terminal facility; (c) details of how the development will relate to concurrent construction on MPE as described in the construction program included in the approved Construction Environmental Management Plan for MPE Stage 2 (SSD 7628); (d) general timing of construction sub-stages that impact upon the timing of the development subject of this consent; and (e) details of the relevant conditions of the Concept Approval (5066) and of this consent that would apply to each sub-stage. Note: The Staging Report will need to be amended with any approved version updates of the MPE Stage 2 CEMP.					
A45	Prior to the commencement of operation of each warehousing sub-stage, evidence must be provided to the satisfaction of the Planning Secretary that all estate infrastructure, including internal estate roads, bushfire protection infrastructure, utilities, drainage and stormwater quality infrastructure, has been constructed to the extent required to service the sub-stage. Note: These conditions do not relate to staged development within the meaning of section 83B of the EP&A Act.					
<b>Notification of Commencement</b>						
A46	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least 2 weeks before that date: (a) any work; (b) vegetation clearing required to conduct remediation; (c) remediation; (d) low impact works; (e) construction; (f) operation; (g) cessation of operations; and (h) decommissioning.					
A47	If the construction, operation or decommissioning of the development is to be staged, the Department must be notified in writing at least 2 weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.					
<b>Utilities and Public Infrastructure</b>						
A48	The Applicant must engage a suitably qualified person to prepare a Pre-construction Dilapidation Report prior to the commencement of construction. This report must detail the structural condition of: (a) local public roads likely to be used by the development's construction traffic; (b) local public roads, cycleways, footpaths and utility services likely to be impacted by construction works; and (c) off-site private land or access to off-site private land likely to be impacted by construction works. The report must be submitted to the satisfaction of the Certifying Authority and a copy is to be forwarded to Campbelltown City Council, Liverpool City Council, RMS, any affected private landowner, and the Planning Secretary.					
A49	Before the commencement of construction, the Applicant must consult with the relevant owner and provider of utility services and public infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, support or relocation of the affected utility services and infrastructure.					
A50	Unless the Applicant and the applicable owner/ authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any utility service or public infrastructure that is damaged by carrying out the development; (b) relocate, or pay the full costs associated with relocating, any utility service or public infrastructure that needs to be relocated as a result of the development (including the road upgrades specified in Table 1); and (c) provide for ongoing maintenance. Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by conditions of this consent.					
A51	Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994.					
<b>Telecommunications</b>						
A52	Before the issue of an Occupation Certificate for the development, the Applicant is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for: (a) the installation of fibre-ready facilities to all individual lots and/ or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises demonstrated through an agreement with a carrier.					
A53	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.					
<b>Meteorological Monitoring</b>						
A54	Prior to the commencement of any works, and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating on the site or within the vicinity of the site that: (a) complies with the requirements in the latest version of EPA's Approved Methods for Sampling of Air Pollutants in New South Wales (DEC, 2016) (as may be updated or replaced from time to time); and (b) is capable of continuous real-time measurement of atmospheric stability category determined by the sigma theta method in accordance with the NSW Noise Policy for Industry (NPI, EPA, 2017) (as may be updated or replaced from time to time).					
<b>Works as Executed Plans</b>						
A55	All detailed design drawings required to be submitted under this consent must be at or above 50% design completion, with the percentage design stated on the drawings.					
A56	Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor confirming that the stormwater drainage (water quality and detention infrastructure), road ways, parking and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.					
<b>Development Contributions</b>						
A57	Prior to the issue of a Construction Certificate for any part of the development, the Applicant must pay a monetary levy of 1% of the development Capital Investment Value (\$5,330,000) or other amount agreed to by Liverpool City Council for transport, drainage, community facilities, administration and professional and legal fees pursuant to section 7.13(2) of the EP&A Act.					
A58	The Applicant must provide all monetary contributions and/ or works-in-kind as relevant to the site, in accordance with the Voluntary Planning Agreement entered into between RMS and Qube RE Services (No. 2) Pty Limited in its capacity as the trustee of the Moorebank Industrial Terminals Asset Trust, Moorebank Industrial Terminals Operations Trust and Moorebank Industrial Warehouse Trust and executed on 25 March 2019 (VPA).					
<b>Advisory Notes</b>						
AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.					

**Part B - Key Environmental Issues**

Approval (ID)	Condition	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status		Unique Identification Non-compliance - #
				Compliant	Non-Compliant	
				Not Triggered		
	<b>Development Layout</b>					
B1	Notwithstanding the requirements of Conditions B2 and B4, the Applicant may import and stockpile 160,000m <sup>3</sup> of fill prior to finalisation of the Development Layout Drawings, Stormwater Design Development Report, Revised Stormwater System Design Drawings and supporting documentation, provided no vegetation removal is required and fill is stockpiled in previously cleared areas.					
B2	<p>Prior to commencement of construction, the Applicant must submit revised <a href="#">Development Layout Drawings</a> to the Planning Secretary for approval. The revised <a href="#">Development Layout Drawings</a> must be at a scale of approximately 1:2000 at A1 showing the key development elements including but not limited to estate infrastructure, internal roads, warehouse and associated carpark footprints, the freight village, intermodal terminal facility including the truck waiting area and emergency truck storage area, rail line and rail line vehicle access roads. The revised Development Layout Drawings must show the site, construction and operational boundaries and demonstrate:</p> <p>(a) provision of a riparian corridor, comprising the following:  (i) a buffer zone to the most inland of:  • 40 metres from the top of bank, as surveyed by a registered surveyor; or  • the 1% AEP flood extent, excluding the localised depression at the existing major east-west drainage channel; and  (ii) an additional 10 metre extension to the buffer zone established in (i) above, where native vegetation is located on or within 10 metres east of the buffer;  (b) the siting of biofiltration/ bioretention areas and OSD basins (with the exception of outlets to the Georges River and associated maintenance access) are outside the riparian corridor and outside the warehouse footprints;  (c) no construction or operation works would take place inside biodiversity offset areas;  (d) compliance with the landscaped setbacks specified in <a href="#">Condition B63</a>;  (e) compliance with the percentage of landscaped area specified in <a href="#">Condition B68(a)</a> within the warehouse and freight village area and truck waiting area and emergency truck storage area to be developed under MPW Stage 2;  (f) a setback of 8 to 12 m has been provided around the north, south and western perimeters of the development area to accommodate fill batter slopes of a maximum of 1V in 4H;  (g) a minimum 3 m wide maintenance access has been provided between the fill slopes and the riparian corridor, the ABB site and at the southern end of the development area, <a href="#">where necessary to ensure ongoing maintenance works can be carried out without impacting on the riparian corridor or adjoining sites</a>  (h) provision of a controlled overland flow path through the MPW Stage 2 site as required under <a href="#">Condition B11</a> for conveyance of the major stormwater discharge from the MPE site to the Georges River;  (i) identify habitat corridors, of adequate dimensions to provide an adequate Koala habitat corridor as supported by a Koala specialist, to provide connectivity both within the Intermodal Precinct area and with other core koala habitat areas, as required under <a href="#">Condition B152</a>. The drawings are to show any required connectivity structures and fencing;  (j) provision of a corridor between Moorebank Avenue and the Georges River for a possible future pedestrian connection across the Georges River to Casula Railway Station, of a width that would allow the future construction of a shared path that complies with the relevant suggested width set out in the Guide to Road Design Part 6A: Paths for Walking and Cycling (Austroads, 2017);  (k) the bushfire asset protection requirements are within the development area; and  (l) setbacks from the surveyed boundary of Lot 2 DP 32998, Lot 3 DP 32998, and Lot 2 DP 547293.</p>					
B3	To ensure the site will be developed in an integrated manner and that the whole development will comply with the conditions of this consent, submission of the Development Layout Drawings required by Condition B2 cannot be staged.					
	<b>Revised Stormwater System Design</b>					
B4	Prior to the commencement of construction (except to permit an initial stage comprising earthworks on land within 150m west of Moorebank Avenue along its alignment north of the overpass over the rail link), the Applicant must submit a Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation to the Planning Secretary for approval.					
B5	The Stormwater Design Development Report must document how WSUD principles outlined in Condition B9 have been incorporated into the design and operation of the development.					
B6	To ensure the site will be developed in an integrated manner and that the whole development will comply with the conditions of this consent, submission of the Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation required by Condition B4 cannot be staged. Note: Condition B4 allows the Applicant to conduct earthworks on land within 150m west of Moorebank Avenue along its alignment north of the overpass over the rail link prior to submission of these documents.					
	<b>Stormwater Design Independent Peer Review</b>					
B7	An Independent Peer Review report must be submitted with the Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation.					
B8	<p>The review must:</p> <p>(a) include a review of the numerical models used to develop the revised stormwater design;  (b) be undertaken by a technical expert, approved by the Planning Secretary, with over 15 years of experience in stormwater, flooding and water quality in NSW, including Water Sensitive Urban Design (WSUD), and not previously involved in preparation of drainage, flooding or hydrological designs or assessments for either MPW or MPE, or construction of either MPW or MPE; and  (c) include an assessment of the Revised Stormwater System Design Drawings and supporting documentation against all relevant conditions, stating whether the condition has been satisfied, and comments justifying the position.  Note: The revised Stormwater System Design Drawings and supporting documentation will not be accepted until all the conditions have been accepted to the satisfaction of, and justified by, the peer reviewer.</p>					
	<b>Water Sensitive Urban Design</b>					
B9	<p>The revised stormwater system design, to be detailed in the Stormwater Design Development Report and Revised Stormwater System Design Drawings and supporting documentation, must be consistent with the objectives and principles set out in the NSW Office of Water's Guidelines for Controlled Activities and incorporate water sensitive urban design principles outlined in relevant Council policies, plans, guidelines and specifications and RMS's Water Sensitive Urban Design Guideline 2017, including:</p> <p>(a) treating stormwater as a resource;  (b) mimicking natural processes in the control of stormwater;  (c) integrating drainage infrastructure and landscaping;  (d) managing water in a sustainable manner through considering the complete water cycle; and  (e) considered design, construction and maintenance to minimise impacts on the natural water cycle.</p>					
B10	The Applicant must submit revised drawings and supporting documentation to the Planning Secretary for approval, in accordance with the design principles and design criteria listed in Conditions B11 to B22.					
	<b>Piped Stormwater Drainage and Overland Flow Paths</b>					
B11	<p>The stormwater system must be designed to:</p> <p>(a) convey flows up to and including the 10% AEP event within the formal piped drainage system, with flows from the 10% AEP to the 1% AEP event conveyed in controlled overland flow paths; and  (b) provide adequate overland flow paths in the event of stormwater system blockages and flows in excess of the 1% ARI rainfall event.</p>					
	<b>On Site Detention</b>					

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B12	On-site detention (OSD) must attenuate peak flows from the development such that both the: (a) 1 in 1 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 1 year ARI event; and (b) 1 in 100 year ARI event post development peak discharge rate is equivalent to the pre-development (un-developed catchment) 1 in 100 year ARI event.				
B13	OSD basins must: (a) be visually unobtrusive and sit within the final landform and landscaping; (b) ensure public safety by incorporation of 'safer by design' principles; and (c) have all sides with a maximum batter slope of 1V:4H, except at the OSD outlets.				
<b>Stormwater Quality</b>					
B14	All stormwater quality elements are to be modelled in MUSIC as per the NSW MUSIC Modelling Guide.				
B15	The stormwater quality infrastructure must comprise rainwater tanks, gross pollutant traps and biofiltration/ bioretention systems designed to meet the following criteria compared to a base case if there were no treatment systems in place: (a) reduce the average annual load of total nitrogen by 45%; (b) reduce the average annual load of total phosphorus by 65%; and (c) reduce the average annual load of total suspended solids by 85%.				
B16	All stormwater quality elements must be installed upstream of OSD basins, unless it can be demonstrated to the satisfaction of the Secretary that biofiltration/ bioretention systems within the OSD basins: (a) will not suffer damage from design flows; (b) can be maintained to achieve the water quality criteria; and (c) will have adequate solar access ensuring that all bioretention systems are exposed to sunlight at midday on the winter solstice. This assessment is to include surrounding features of OSD basins, including but not limited to actual building heights and full mature height and size of proposed trees, as per the landscape plans.				
B17	The area of biofiltration/ bioretention systems is to be at least 1% of the catchment draining to the system, to ensure there is no short-circuiting of the system				
B18	Bioretention systems which are greater than 1,000 m2 in area, are to be divided into cells with no individual cell greater than 1,000 m2.				
B19	All filter media used in stormwater treatment measures must: (a) be loamy sand with an appropriately high permeability under compaction and must be free of rubbish, deleterious material, toxicants, declared plants and local weeds, and must not be hydrophobic; (b) have an hydraulic conductivity = 100-300 mm/hr, as measured using the ASTM F1815-06 method; (c) have an organic matter content less than 5% (w/w); and (d) be provided adequate solar access, considering the design and orientation of OSD basins.				
<b>Stormwater Outlet Structures</b>					
B20	Discharge of stormwater from the development must not cause scour/ erosion of the banks or bed, or pollution of the Georges River or Anzac Creek. Note: Pollution of waters as defined under section 120 of the POEO Act.				
B21	Outlet structures for the discharge of site stormwater drainage to the Georges River, Anzac Creek, external drainage or natural drainage lines must be constructed of natural materials to minimise erosion, facilitate natural geomorphic processes and include vegetation as necessary (gabion baskets and gabion mattresses are not acceptable).				
B22	Outlet structures must ensure habitat connectivity and wildlife movement is maintained along the Georges River riparian corridor.				
<b>Stormwater System Design Drawings</b>					
B23	The Revised Stormwater System Design Drawings and supporting information to be submitted under Condition B4 must include the details specified in Conditions B24 to B28.				
B24	Drawings must show: (a) all information on a drainage catchment plans and a schedule of stormwater drainage elements (pipe lines and structures). Drainage drawing documentation is to be in accordance with the requirements detailed in Liverpool Council's Development Design Specification "D5 – Stormwater drainage design" clauses D5.22 and D5.24; (b) location and width of controlled overland flow paths; (c) maximum design flow levels to AHD; (d) maintenance access to each on OSD basin; and (e) the integration with MPE Stage 1 and MPE Stage 2 stormwater infrastructure including: (i) stormwater infrastructure on the MPW site that is intended to convey (pipes or overland flow paths) or treat or detain stormwater from MPE Stage 1 and MPE Stage 2, and/or (ii) drawings demonstrating that stormwater detention and treatment infrastructure has been provided for and approved under MPE Stage 1 and MPE Stage 2 for western draining MPE catchments.				
B25	All stormwater quality elements are to be detailed in the drawings including: (a) general arrangement plans at 1:500 and detailed plans as required at 1:200, showing system layout with key features including pipe arrangement with pipe sizes, diversion structure, high flow bypass, pre-treatment system, inlets, outlets, underdrainage, and maintenance vehicular access. The plans must show how the bioretention system will achieve separate cells of a maximum area of 1000 m2 with flow splitting; (b) long and cross sections showing key features and levels including liner (base level of bioretention system), submerged zone level, drainage layer, transition layer, filter surface level, extended detention level, bund/ embankment level, and level of detention storage; (c) pipe long sections, including invert levels, pipe sizes; (d) details of key structures including diversion, pre-treatment system (make/ model), inlets, outlets; (e) landscape plan including plant species; (f) specification of filter media; and (g) shadow diagrams, including surrounding features of OSD basins, actual building heights and full size of proposed trees, as per the landscape plans.				
B26	Stormwater outlet drawings must show: (a) material type, size, thickness, with accompanying hydraulic calculations demonstrating the achievement of relevant stability thresholds; (b) design arrangement including longitudinal sections, cross sections and typical arrangements; (c) typical arrangements including details of any liners, keying into bed/ banks and filter material; and (d) the tie in with the receiving water normal water level and/ or seasonal low flow levels.				
<b>Stormwater System Design Supporting Documentation</b>					
B27	As part of the supporting documentation required under Condition B4, the Applicant must document the sequence of construction, including interim drainage solutions, for: (a) the drainage line from MPE to the Georges River; (b) the northern portion of MPW, including infilling, OSD basins, transition of sedimentation basins to OSD basins; and (c) the southern portion of MPW, including infilling, OSD basins, transition of sedimentation basins to OSD basins.				

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B28	As part of the supporting documentation required under Condition B4, outlet structure investigations and design inputs must be submitted to the Planning Secretary, including: (a) subsurface/geotechnical assessment identifying underlying foundation conditions; (b) hydraulic modelling; (c) hydraulic calculations for stormwater outlet structures demonstrating achievement of relevant stability thresholds; and (d) design specifications including schedule of drainage elements (e.g. rock sizes, and structures).					
<b>Construction Erosion and Sediment Control</b>						
B29	Prior to commencement of construction, the Applicant must prepare a Soil and Water Management Plan (SWMP) in accordance with the requirements of Managing Urban Stormwater - Soils and Construction Volume 1 (Landcom 2004) and submit it to the Planning Secretary for approval. The SWMP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) that it is fit for purpose, addresses the constraints posed by site conditions and complies with statutory requirements. The CPESC must have demonstrated experience in the identification, management and mitigation of erosion and sedimentation in dispersive and non-cohesive soils and be approved by the Planning Secretary.					
B30	The SWMP must form part of the CEMP required by Condition C2 and, in addition to the general management plan requirements listed in Condition C1, the SWMP must include, but not be limited to:					
B31	Erosion and Sediment Control Plans must be updated as construction progresses and site conditions change.					
B32	The CPESC must undertake monthly inspections during construction, report on implementation of the SWMP and recommend any improvements to the SWMP and site control measures. The CPESC's report must be provided to the Planning Secretary monthly for the duration of construction or another time period as agreed by the Planning Secretary.					
B33	All temporary construction stage erosion and sediment control infrastructure that is intended to be converted to permanent stormwater quality or on-site detention infrastructure must be constructed in accordance with the revised stormwater design drawings approved by the Planning Secretary under Condition B4.					
B34	Conversion of construction stage erosion and sediment control infrastructure into permanent stormwater quality or on-site detention infrastructure must only occur once the civil works (roads and drainage) have been completed for the associated site sub catchment.					
B35	Where construction of sediment basins and stormwater outlet works (including clearing, scour protection/erosion control) are to be undertaken outside the site on Crown land (being the banks and bed of the Georges River), design those works must be prepared with the input of an aquatic ecologist, and evidence of DPI (Crown Lands) approval is to be provided to the Planning Secretary prior to commencement of construction. Details of finished works are to be submitted to DPI (Crown Lands) for information.					
<b>Stormwater Infrastructure Operation and Maintenance Plan</b>						
B36	Prior to commencement of operation, the Applicant must prepare a Stormwater Infrastructure Operation and Maintenance Plan to manage the operation and maintenance of stormwater infrastructure on-site and off-site, to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required under Condition C5 and must be implemented for the life of the assets and must include provision for: (a) the management and maintenance of the assets, including evidence that a maintenance contract is in place with a reputable and experienced maintenance contractor; (b) quarterly inspections, and inspections after major rainfall events including scour/bank protection structures; (c) schedule for routine checking (at least quarterly), cleaning and servicing of all water quality devices/ systems in accordance with the manufacturer's and/ or designer's recommendations; (d) maintenance of records of all maintenance activities undertaken; (e) preparing quarterly maintenance reports, detailing the results of quarterly inspections, inspections after major rainfall events, and maintenance activities; (f) recording results of water quality monitoring required under Condition B38; (g) investigation, management and mitigation of water quality target exceedances; (h) requiring annual independent auditing; and (i) procedures for submission of the quarterly maintenance reports and annual independent audit reports to the Planning Secretary, including the results of inspections, management and maintenance actions and water quality monitoring.					
B37	In addition to the requirements for independent environmental audits under Conditions C16 to C18, the annual audit of the stormwater quality system must be undertaken by a suitably qualified professional with demonstrable experience in VSUD. The audit is to verify the condition of the treatment system(s), verify and document that the system(s) is working as intended, verify the system(s) has been cleaned adequately, verify there is no excessive build-up of material in the system(s) and identify any issues with the treatment system(s) which require rectification for the system(s) to adequately perform its intended function.					
<b>Stormwater Quality Monitoring</b>						
B38	Prior to commencement of operation, the Applicant must prepare a Stormwater Quality Monitoring Program in consultation with Council and the EPA. The program must form part of the OEMP required under Condition C5, be implemented for the life of the development and include the following: (a) base line water quality data; (b) monitoring parameters; (c) water quality assessment criteria; (d) receiving water quality monitoring sites in Anzac Creek and upstream and downstream of the site in the Georges River; (e) monitoring of water quality at sediment basin/ on-site detention/bioretenion basin outlet channels and piped outlets discharging to the Georges River; (f) frequency of sampling, including wet weather sampling; (g) method of sampling and analysis; (h) assess water quality and quantity performance for construction discharges and ongoing stormwater discharges from the development to ensure protection of the desired ecological values of Anzac Creek; and (i) include sampling locations and the frequency of sampling including wet weather sampling.					
<b>Acid Sulfate Soil Management</b>						
B39	An Acid Sulfate Soils (ASS) Management Plan must be developed consistent with the Acid Sulfate Soils Manual and must: (a) deal with the unexpected discovery of actual or potential acid sulfate soils; and (b) include procedures for the investigation, handling, treatment and management of such soils and water seepage. The Plan is to form part of the CEMP required by Condition C2.					
<b>Land Disturbance, Earthworks and Importation Of Fill</b>						
B40	The Applicant must: (a) keep accurate records of the source, volume and type of fill imported to, and material removed from, the site; and (b) make these records available to the Department or EPA upon request.					
B41	Land disturbance and land filling activities must be undertaken: (a) in a phased manner, impacting a maximum contiguous area of 65 hectares at any one time; and (b) with no disturbance (including vegetation clearing) of another area (other than the construction of erosion and sediment control measures and associated drainage for the separation of clean and dirty water) until: (i) a C-factor of 0.05 has been achieved on the previous phase, and (ii) at least 75% of the permanent stabilisation works have been implemented for the previous phase, and (iii) at least 95% all of the permanent stabilisation works on any other previously disturbed area have been implemented. Note: for the purposes of this condition, permanent stabilisation works include established grass cover and for the southern fill area where future warehousing is proposed, must be in accordance with Condition B65.					

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B42	Stockpiling of imported fill is not permitted for longer than 6 months before placement.				
B43	Stockpiles must: (a) not exceed 10 m in height; (b) be benched over 4 m in height; (c) have maximum of 1V:3H slopes or a steeper slope where certified by a suitably qualified geotechnical specialist; and (d) be stabilised if not worked on for more than 10 days.				
B44	Placed fill must be stabilised if construction does not commence within 10 days.				
B45	The design of fill batters must ensure stability, mitigate visual impacts, provide for maintenance activities and demonstrate that there are no impacts on adjacent lands, including biodiversity offset areas and the riparian corridor.				
<b>Dust Minimisation</b>					
B46	The Applicant must ensure dust emissions generated by the development do not cause exceedances of the following criteria at private property not associated with the development: (a) 2 g/m2/month maximum increase in deposited dust level; and (b) 4 g/m2/month maximum deposited dust level.				
<b>Prevention of Odours</b>					
B47	The Applicant must ensure the development does not cause or permit the emission of any odour, which may be offensive odour (as defined in the POEO Act) outside of the premises (as defined in the POEO Act).				
<b>Operational Air Quality Management</b>					
B47A	Prior to commencement of operation of the MPW development, the Applicant must prepare an Operational AQMP (AQMP) for the entire precinct (MPE + MPW) and submit for the approval of the Planning Secretary. The Applicant may submit a plan approved under an approval for the MPE site, provided it is amended to apply to and address air quality impacts of the MPW development. The AQMP must be prepared by a suitably qualified and experienced person/s and must form part of the OEMP required by condition C5. The AQMP must demonstrate how the development would comply with the conditions of this consent, and include: (a) identification of sources and quantify airborne pollutants; (b) best practice reactive and proactive control measures that will be implemented for each emission source; (c) provisions for the implementation of additional mitigation measures in response to issues identified during monitoring and reporting; (d) for all emission sources associated with site operations: (i) key performance indicator(s); (ii) monitoring method(s); (iii) location, frequency and duration of monitoring; (iv) record keeping; (v) complaints register; (vi) response procedures; and (vii) compliance monitoring (e) phased conversion to reach stackers of Tier 4 standard for particle emissions (or equivalent standard that is satisfactory to the Secretary) at the MPW site within ten years of first operation of the Site.				
B47B	The Applicant must: (a) not commence operation until the AQMP is approved by the Planning Secretary; and (b) operate the development in accordance with the AQMP by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).				
<b>Urban Heat Island Mitigation (UHM)</b>					
B48	The Development must be designed and operated to meet Urban Heat Island Mitigation principles and to achieve a 4°C degree decrease in temperature compared to neighbouring industrial developments by including measures such as: (a) WSUD elements such as wetlands; (b) shade tree planting; (c) vegetation ground cover; (d) use of 'cool' building and pavement materials (i.e. those with high reflectivity in the infrared spectrum); and (e) green roofs.				
<b>Ecologically Sustainable Development</b>					
B49	The Development must be designed and operated to meet ESD principles and include measures such as the following: (a) passive solar design; (b) use of energy efficient plant and equipment; (c) use of renewable energy sources; (d) cross-ventilation (e) selection of materials with lower energy manufacturing requirements; (f) use of locally sourced materials to reduce impacts associate with transport; (g) rainwater capture and reuse; (h) water efficient fixtures and fittings; and (i) waste minimisation and recycling.				
B50	The Development must register for a 'design' and 'as built' rating under the Infrastructure Council of Australia (ISCA) rating tool for development infrastructure.				
B51	The Development must be designed and operated to meet minimum 4 star Green Star certification by the Green Building Council of Australia for warehouse design, construction and operation				
<b>Urban Design Development Report, Revised Landscape Design Drawings and Revised Architectural Drawings</b>					
B52	Prior to commencement of permanent built surface works and/or landscaping, an Urban Design Development Report, Revised Landscape Design Drawings and Revised Architectural Drawings including plans, sections and details and supporting documentation must be submitted to the Planning Secretary for approval. Note: For the purposes of this condition, earthworks including placement of fill are not considered permanent built surface works.				
B53	The Urban Design Development Report must be developed in consultation with the Government Architect NSW (GANSW) and provide detailed objectives for design and operation of the development and define place specific urban design principles incorporating those outlined in Conditions B48, B49 and B57. Details of the consultation are to be submitted as part of the Urban Design Development Report.				
B54	The revised landscape and architectural drawings and design details must be at a suitable scale (minimum plan view scale of 1:1000 at A1 with sections and details at a minimum scale of 1:200 at A1) to demonstrate: (a) how the objectives and principles developed in the Urban Design Development Report required under Condition B53 have been incorporated into the design; (b) the revised warehouse layout in accordance with Condition B2; and (c) compliance with the criteria specified in Conditions B59 to B74.				
<b>Urban Design and Landscape Independent Peer Review</b>					
B55	An independent peer review report must be submitted with the Urban Design Development Report and Revised Landscape Design Drawings and Revised Architectural Drawings and supporting documentation.				



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B56	<p>The review must:</p> <ul style="list-style-type: none"> <li>(a) be undertaken by an expert(s) in urban design and landscaping (for example, a member of the State Design Review Panel);</li> <li>(b) include an assessment of the Revised Landscape Design Drawings, Revised Architectural Drawings and supporting documentation against the objectives and urban design principles established in the Urban Design Development Report and all relevant conditions, stating whether the drawings demonstrate achievement of the objectives and urban design principles and that all relevant conditions of this consent have been satisfied; and</li> <li>(c) include comments justifying conclusions reached in the assessment.</li> </ul> <p>Note: The revised landscape drawings, architectural drawings and supporting documentation will not be accepted until they meet the objectives and design principles and all relevant conditions to the satisfaction of, with justification provided by, the peer reviewer.</p>				
<b>Landscape Design</b>					
B57	<p>The Revised Landscape Design Drawings must demonstrate a design that generally incorporates the principles outlined in Better Placed, Greener Places and the Green Grid documents by the NSW Government Architect and the Western Sydney District Plan (March 2018) by the Greater Sydney Commission, and:</p> <ul style="list-style-type: none"> <li>(a) provide for visitor and worker amenity;</li> <li>(b) incorporate 'safer by design' principles;</li> <li>(c) use locally indigenous species;</li> <li>(d) be integrated with the stormwater system design set out in the Revised Stormwater Design Drawings required under Condition B4; and</li> <li>(e) mitigate the visual impacts of buildings and infrastructure particularly when viewed from Casula.</li> </ul>				
<b>Design Criteria</b>					
B58	The Revised Landscape Design Drawings and Revised Architectural Drawings and associated elements must demonstrate a design that meets the design criteria and other requirements listed in Conditions B59 to B74.				
<b>Staff and Visitor Facilities</b>					
B59	<p>Pedestrian and cycle paths must:</p> <ul style="list-style-type: none"> <li>(a) be provided through the site to provide connections to Moorebank Avenue, the rail terminal office and between warehouses and the freight village; and</li> <li>(b) integrate with existing and planned footpaths or cycleways in the locality.</li> </ul>				
B60	Paths must be integrated with landscaping and include meanders to allow for canopy tree clusters and a more varied walking/ riding experience.				
B61	The rail terminal office, freight village and each warehouse must include an outdoor meal break area with shade, seating, lighting and landscaping including shrubs and groundcover and canopy trees where reasonable. In addition, the freight village outdoor area(s) must include a water fountain(s) or other fresh drinking water provision.				
B62	<p>Secure bicycle parking and end-of-trip facilities must provide:</p> <ul style="list-style-type: none"> <li>(a) a minimum 1 staff bicycle parking per 10 staff (or 1 per 10 car spaces if staff numbers are undetermined);</li> <li>(b) compliance with the minimum requirements of AS 2890.3:2015 Parking facilities - Bicycle parking for the layout, design and security of bicycle facilities, and be located in easy to access, well-lit areas that incorporate passive surveillance; and</li> <li>(c) under cover bike storage, showers and change facilities at each warehouse sufficient to accommodate the needs of the forecast number of employees.</li> </ul>				
<b>Landscaping</b>					
B63	<p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> <li>(a) 18 m from Moorebank Avenue with minimum soft landscaped width of 10 m, subject to any variation agreed to by the Planning Secretary at the site entrance for the purpose of facilitating the primary access driveway into the site; and</li> <li>(b) 5 m setback from the western internal road to warehouse carparks.</li> </ul> <p>Note: See also Condition B2.</p>				
B64	Canopy tree planting must be provided around the perimeter of the site, including the southern fill area where future warehousing is proposed.				
B65	The southern fill area where future warehousing is proposed must be topsoiled and hydroseeded with native grasses.				
B66	Perimeter fill batters must be stabilised with vegetation.				
B67	Landscaping within the warehouse area must include dense canopy tree planting, shrubs, sedges, herbs, ground covers and tufted native grasses primarily derived from OEH lists of Cumberland Plain Woodland. The canopy tree mix must include some or all of the following species: Eucalyptus crebra, Eucalyptus moluccana Eucalyptus amplifolia, Eucalyptus bosistoana, Eucalyptus eugenioides, Eucalyptus tereticornis, Eucalyptus punctata, Eucalyptus baueriana, Corymbia maculata, Angophora floribunda and Angophora bakeri.				
B68	<p>The following minimum landscaping requirements apply:</p> <ul style="list-style-type: none"> <li>(a) 15% of the warehouse area landscaped at ground level, 10% of which must be soft landscaping, excluding the OSD basins unless they are accepted as contributing to soft landscaping in the peer review report required under Condition B55;</li> <li>(b) 1 canopy tree per 30 m<sup>2</sup> of landscaped area; and</li> <li>(c) a 2.5 m wide landscaped bay every 6-8 car spaces to provide shade within carpark areas or alternative carpark landscaping (such as linear planting of vegetation of a minimum width of 2m between rows of carparking) accepted as providing adequate shade in the peer review report required under Condition B55.</li> </ul> <p>Note: For the purposes of this condition, canopy trees are not required to be planted on or immediately adjacent to vehicle paths between the intermodal terminal and the eastern elevation of each warehouse.</p>				
<b>Noise Walls, Retaining Walls and Fencing</b>					
B69	Perimeter and on-site detention and biofiltration/ bioretention basin fences higher than 1.2m must be transparent and dark in colour but not constructed of chain wire, to provide visual amenity				
B70	Boundary fencing design must allow for fauna movement where required under Condition B152(b).				
B71	Screen fencing and planting must be provided around waste bins or other outside storage areas.				
B72	Screen planting must be provided on both sides of noise walls.				
B73	Retaining wall materials and colours must be of a natural appearance and incorporate landscaping.				
B74	Noise barriers must minimise visual and amenity impacts and be designed in accordance with the Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW (RMS, March 2016).				
<b>Urban Design and Landscaping Supporting Information</b>					
B75	<p>The following must be included on, or provided with the Revised Landscape Design Drawings required under Condition B52:</p> <ul style="list-style-type: none"> <li>(a) irrigation systems;</li> <li>(b) planting schedule including tree and shrub species, expected mature height, planting densities and pot sizes;</li> <li>(c) soil specification and depth for landscaped areas in relation to pot sizes and species to ensure the viability of shrubs and trees;</li> <li>(d) landscaping around the southern and northern boundaries of the site; and</li> <li>(e) noise wall, retaining wall and fencing graphics and material details.</li> </ul>				
<b>Lighting</b>					

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B76	Operational lighting must: (a) comply with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and (b) be designed to reduce light spill and be mounted, screened and directed in such a manner that it does not create a nuisance and minimises visual impacts to surrounding properties, the public road network, the Georges River riparian corridor and the Boot Land.				
	<b>Signage</b>				
B77	The following signage is not permitted: (a) general advertising or moving or flashing signs; (b) west facing illuminated building signage visible from residences; and (c) internally illuminated signs that are visible from residences;				
B78	Signage must not occupy more than 10% of any façade or wall of a building.				
	<b>Building Floor Levels</b>				
B79	Building floor levels must be a minimum of 150 mm above the maximum design stormwater overland flow path levels. Building floor levels and associated maximum design stormwater overland flow path levels to AHD must be indicated on the architectural cross-section drawings.				
	<b>Rainwater Re-use</b>				
B80	A rainwater tank(s) must be included on each warehouse, the freight village and rail terminal buildings.				
B81	Rainwater must be used for irrigation, all internal non-potable uses, the container washdown facility and be considered for cooling towers; heating, ventilation, and air conditioning; and ground source heat exchange.				
	<b>Landscape Maintenance</b>				
B82	Prior to commencement of operation, the Applicant must prepare a Landscape Vegetation Management Plan (LVMP) and submit it to the Planning Secretary for approval. The LVMP must be prepared by a suitably qualified and experienced person(s) and form part of the OEMP required under Condition C5. The LVMP must include: (a) an inspection and maintenance schedule and require replacement plantings for shrubs and trees which fail at an equivalent pot size or larger; and (b) graffiti management.				
	<b>Pest and Weed Control</b>				
B83	The Applicant must: (a) implement measures to manage pests, vermin and declared noxious weeds on the site; and (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area. Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015.				
	<b>Traffic and Access</b>				
B84	The Applicant is to undertake the following road infrastructure upgrades, in accordance with the specified timing requirements as set out in Table 1.				
B85	The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads requirements. Prior to commencement of construction of permanent built surface works, a plan must be submitted to the Planning Secretary and RMS for approval, which shows that the proposed development complies with this requirement.				
B86	The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS2890.1-2004 Parking facilities Off-street car parking, AS2890.6-2009 Parking facilities Off-street parking for people with disabilities and AS2890.2-2002 Parking facilities Off-street commercial vehicle facilities for heavy vehicle usage.				
B87	The Applicant is to locate any drainage infrastructure to support the Stage 2 development entirely within the development site and not within the roadway, unless agreed by TNSW and / or Liverpool City Council. The location of other existing and future utility and service infrastructure must be located outside the roadway being upgraded unless provision within the roadway is agreed by TNSW and / or Liverpool City Council with relevant Roads Act 1993 approval.				
B88	Road design must incorporate any structures for fauna movement between the Georges River riparian corridor and the Boot Land, either under or below the road, that have been identified by the Management Plan as required under Condition B152. Note: See also Condition B2(l) and B152(d)				
B89	Heavy vehicles used for haulage of imported fill or freight must not use Cambridge Avenue during construction and operation of the development.				
B90	Access to the ABB site must be maintained throughout construction and operation of the development.				
B91	The Applicant must: (a) consult with the owners/occupiers of the ABB site throughout construction and operation; (b) provide details of construction works adjacent to the ABB site prior to those works occurring; and (c) ensure the proposal does not adversely impact overland flow paths or existing stormwater infrastructure on the ABB site.				
B92	The Applicant must ensure that the construction and operation of the proposed development will not prevent the public use of Moorebank Avenue to a standard commensurate to its use prior to the development. Note: Temporary closures or part closures and changes to the operation of Moorebank Avenue may occur for limited periods during construction as detailed in the Construction Traffic and Access Management Plan.				
B93	The development is to be designed and operated so that: (a) all vehicles are wholly contained on site before being required to stop; (b) adequate parking for heavy vehicles is provided on-site to accommodate any potential delays in schedule time; (c) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site; (d) all loading and unloading of materials is carried out on-site; and (e) site roads accommodate buses, bus infrastructure and cyclist use for employees.				
	<b>RMS Supplementary Requirements</b>				
B94	The civil design and Traffic Control Signal (TCS) plans for the upgrades identified in Table 1 of Condition B84 must be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The designs must be in accordance with Austroads Guide to Road Design in association with relevant RMS supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS design and civil design plans must be submitted to RMS for approval before the issue of a Construction Certificate and commencement of road works. RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.				
B95	All documentation required under Condition B94 must be sent to development.sydney@rms.nsw.gov.au.				
B96	RMS fees for administration, plan checking, civil works inspections and project management must be paid by the applicant before the commencement of road upgrades identified in Table 1 of Condition B84.				

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B97	The applicant must enter into a Works Authorisation Deed (WAD) with RMS for the works identified in Table 1 of Condition B84. The applicant must also dedicate as public road under the Roads Act 1993 the parts of Lot 2 DP 1197707 (incorporating existing Moorebank Avenue) and any other land required to accommodate the road and intersection upgrade works (including associated pathways and services) identified in Table 1 of Condition B84. The WAD must provide for the dedication of the required land as public road under the Roads Act 1993 as a pre-condition to practical completion of the road and intersection upgrade works being achieved under the WAD. A Construction Certificate cannot be issued for any part of the road and intersection upgrade works unless a WAD has been entered into in compliance with this condition. The road and intersection works identified in Table 1 of Condition B84 cannot be opened for use by traffic unless all required land has been dedicated as public road in accordance with this condition..				
B98	The Applicant is required to dedicate land as public road for the maintenance of the Traffic Control Signals and associated infrastructure; further details will be included as part of the WAD process.				
B99	Prior to any installation of temporary portable traffic signals and other traffic management measures on Moorebank Avenue or Anzac Road, the Applicant must obtain the relevant approvals from RMS.				
B100	All works associated with signposting along Moorebank Avenue must be approved by RMS.				
B101	The works associated with traffic signals and road upgrade works are to be designed and delivered at no cost to TNSW or RMS.				
B102	The Applicant must pay all costs incurred by Council and/ or RMS in relation to public road dedication of Commonwealth owned land.				
B103	The Applicant is required to negotiate and execute an Interface and Access Deed with RMS and the M5 Operator (Interlink Roads Pty Ltd) prior to road construction works commencing, to address matters including interface between the parties, access provisions, compensation arrangements, and traffic management for the road upgrade works carried out on Lots 3 and 4 in Deposited Plan 1063765.				
B104	The Applicant is to ensure that the construction and operation of the proposed development will not prevent the ongoing use of Moorebank Avenue as a public road to a standard commensurate to its current use prior to the development. A staging plan should be submitted to RMS for approval, as part of the WAD package, to ensure adequate capacity is provided along Moorebank Avenue at all times, including a requirement to maintain two lanes open to traffic. The staging plan should provide details of how the road and intersection upgrade works tie into other road upgrades works approved under the MPE Stage1 and 2 SSD applications. Any temporary diversion works not located within the Moorebank Avenue roadway will require separate planning approval.				
B105	There are to be no works undertaken by the Applicant within the RMS (M5 Motorway) land and no impact on RMS drainage infrastructure system or on adjoining Roads and Maritime assets, without the consent of the RMS and M5 Motorway Operator (Interlink).				
B106	The Applicant is to liaise with and obtain relevant approvals from RMS in relation to any proposed drainage and excavation works, erection of new and/ or maintenance of existing fencing on the M5 Motorway boundary, erection of new noise attenuation infrastructure, and any other construction works that may impact the M5 Motorway corridor. Note: Contact is to be made to Matthew Messina, Commercial Manager Motorway Partnerships and Planning on 02 8588 4119				
B107	To ensure that Environment, Work Health and Safety laws are fully implemented within and near the M5 Motorway corridor, the Applicant's staff/ contractors must be inducted into the M5 Motorway operator's (Interlink) corridor and fill out a Motorway Access Permit for site activities on or immediately adjoining M5 Motorway land, if work has to be undertaken from the M5 Motorway side. The Applicant may be required to complete a commercial agreement or bank undertaking that sufficiently mitigates the M5 Operator's (Interlink) risk.				
B108	A Road Occupancy Licence is to be obtained from the Transport Management Centre for any works that may impact on traffic flows on Moorebank Avenue or the adjoining State road network during construction activities.				
B109	A construction zone will not be permitted on Moorebank Avenue without the express approval of RMS.				
B110	Access is denied across the M5 Motorway corridor boundary and all buildings and structures are to be located wholly within the freehold property.				
	<b>Interim Operational Site Access</b>				
B110A	Until operational access to the site is provided (that is, as part of the Moorebank Ave and Anzac Road intersection upgrades required under condition B84), the Applicant must ensure that the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing. Note: Prior to the occupation of any warehouse on the site, the Applicant must undertake a pre-opening road safety audit of its interim operation site access, and incorporate the corrective actions outlined in that Road Safety Audit, under conditions B112A and B112C.				
	<b>Road Safety Audit</b>				
B111	Prior to commencement of any works, the Applicant must undertake a Road Safety Audit for heavy vehicle movements associated with the importation of fill, for construction vehicle swept paths in and out of the development site via the proposed construction access points along Moorebank Avenue, and for motorists and construction vehicle movements along Moorebank Avenue during the staged road upgrade works identified in Table 1. The Road Safety Audit must be prepared by an independent TNSW accredited road safety auditor in accordance with the relevant Austroads guidelines to identify any safety issues. The Road Safety Audit must consider road safety issues for the proposed construction access arrangements and affected vehicle movements.				
B112	The Applicant must recommend corrective actions for the identified safety issues and propose appropriate traffic management measures outlined in the Road Safety Audit (i.e. temporary traffic signals and other traffic management measures) in consultation and with the approval of the relevant road authority. Details on the proposed traffic management measures must be submitted to the Planning Secretary, TNSW and RMS.				
B112A	Prior to occupation of any warehouse on the site, the Applicant must undertake a pre-opening Road Safety Audit for heavy vehicle movements associated with operation in and out of the development site via the operational access point to the site, and for motorists and construction vehicle movements along Moorebank Avenue. The Road Safety Audit must be prepared by an independent TNSW accredited road safety auditor in accordance with the relevant Austroads guidelines and TNSW's Guidelines for Road Safety Audit Practices to identify any safety issues. The Road Safety Audit must consider road safety issues for the proposed operational access arrangements and affected vehicle movements. Note: In accordance with condition B110A, the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing.				
B112B	Prior to occupation of any warehouse on the site, the Applicant must incorporate the corrective actions outlined in the pre-opening Road Safety Audit required under condition B112A in consultation with and with the prior approval of the relevant road authority. Details on the proposed corrective actions must be submitted to the Planning Secretary and TNSW.				
B112C	The Road Safety Audit required by condition B112A is not required if the applicant has completed the Moorebank Avenue and Anzac Road intersection upgrades required under condition B84 prior to occupation of any warehouse on the site.				
	<b>Construction Traffic and Access Management Plan</b>				
B113	Prior to commencement of construction, the Applicant must prepare a Construction Traffic and Access Plan (CTAMP) and submit it to the Planning Secretary for approval. The CTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council, and must be endorsed by TNSW and RMS.				

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B114	The CTAMP must form part of the CEMP required by Condition C2 and, in addition to the general management plan requirements listed in Condition C1, the CEMP must: (a) detail the measures that are to be implemented to ensure road safety and network efficiency during construction; (b) include a Heavy Vehicle Route Plan detailing: (i) origin of imported fill, (ii) destination of demolition material and spoil, NSW Government 20 Moorebank Intermodal Precinct West - Stage 2 Department of Planning and Environment (SSD 7709) (iii) heavy vehicle routes to and from the site within the Campbelltown and Liverpool Local Government Areas (LGAs), including compliance with the conditions of this consent including Condition B89, and (iv) management system for over sized vehicles; (c) access and parking arrangements; and (d) detail procedures for notifying residents and the community of any potential traffic disruptions.					
B115	Two lanes (one in each direction) of traffic on Moorebank Avenue must be available at all times during construction, unless otherwise approved by RMS.					
B116	All construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping.					
B117	All vehicles must enter and leave the site in a forward direction.					
<b>Operational Traffic and Access Management Plan</b>						
B118	Prior to commencement of operation, the Applicant must prepare an Operational Traffic and Access Management Plan (OTAMP) and submit it to the Planning Secretary for approval. The OTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council(s), TNSW and RMS.					
B119	The OTAMP must form part of the OEMP and, in addition to the general management plan requirements listed in Conditions C5 and C6, the OTAMP must: (a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation; (b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network; (c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and (d) set out a framework and procedures for data collection required to prepare the Biannual Trip Origin and Destination Report required under Condition B120 including a main gate monitoring system (e.g. CCTV) to identify heavy vehicles turning right from the terminal site onto Moorebank Avenue, or turning left from Moorebank Avenue to the terminal site.					
<b>Biannual Trip Origin and Destination Report</b>						
B120	Each six months following commencement of operation, the Applicant must prepare a Biannual Trip Origin and Destination Report (in a format agreed with TNSW and RMS) that advises: (a) the total number of actual and standard twenty foot equivalent shipping containers despatched and received during the period; (b) the number of actual and standard twenty foot equivalent shipping containers transported to and from the site by rail during the period; (c) actual hours of operation for the truck gate listing days and hours of operation; (d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time; (e) direction of travel into and out of the site for light vehicle on a representative day; and (f) representative vehicle origins and destinations of all classes of vehicles and covering the intermodal terminal, the warehousing facility and any other uses such as the freight village. A copy of the report required under Condition B120 is to be submitted to the Planning Secretary, TNSW and RMS within one month of its preparation.					
<b>Traffic Audit</b>						
B120A	A Traffic Audit of the development must be undertaken within 90 days of each of the trigger events identified in B120B, by an independent qualified person(s) approved by the Planning Secretary prior to the commencement of the Traffic Audit. The Traffic Audit must include, but not necessarily be limited to: (a) verification of actual traffic movements against condition A15A; (b) assessment of the traffic performance of the project against the predictions made in EIS, RIS and consolidated assessment clarification responses; (c) consideration of the results of the traffic monitoring during a representative period nominated by the auditor; (d) review of compliance with the approved access routes and performance measures prescribed under this consent; (e) consideration of any traffic-related issues raised by TNSW and Council; and (f) findings and recommendations with respect to the traffic performance of the project and any additional measures that may be required to manage traffic associated with the project. <i>Note: In accordance with condition B110A, the operational access point to the site is via the Chatham Avenue/Moorebank Avenue intersection, or any other alternative as agreed by Transport for NSW in writing.</i>					
B120B	Traffic Audits under condition B120A are required to be undertaken within 90 days of the following trigger events: (a) the MPW Stage 2 daily heavy vehicle movements reaching 1,000 heavy vehicle movements for the first time, (b) annual container freight throughput on the MPW Stage 2 site reaching each of the following: 50,000 TEU, 250,000 TEU and 500,000 TEU, (c) as may be directed by the Planning Secretary from time-to-time.					
B120C	Within 28 days of conducting the Traffic Audit referred to under condition B120A of this consent, the Applicant must provide the Planning Secretary with a copy of the Traffic Audit report. If the Traffic Audit report identifies non-compliance with condition A15A, or with traffic predictions, approved access routes, or performance measures, the Applicant must detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary. Notwithstanding the above, nothing permits the Applicant to exceed the traffic movements specified in condition A15A at any time and any non-compliance with condition A15A is a breach of this consent.					
B120D	Following consideration of the outcomes of the Traffic Audit and the Traffic Audit report referred to under conditions B120A and B120C of this consent, the Planning Secretary may require the Applicant to implement additional traffic mitigation, monitoring or management measures to address traffic impacts associated with the project. The Planning Secretary may require any or all of the measures identified in the Traffic Audit report, or other measures considered appropriate by the Planning Secretary (including additional local area traffic management measures or on-site traffic management controls) to be implemented. The Applicant must implement the measures required by the Planning Secretary may specify. [Inserted by SSD 7709 Mod 1]					
<b>Workplace Travel</b>						

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				Compliant	Non-Compliant	
				Not Triggered		
B121	Prior to the issue of any Occupation Certificate, the Applicant must prepare a specific Workplace Travel Plan and submit it to the Planning Secretary for information. The Workplace Travel Plan must be developed in consultation with TNSW and outline facilities and measures to promote public transport usage, including: (a) peak period and shift work responsive express buses to/ from the site and Liverpool Station via Moorebank Avenue and Newbridge Roads with frequency dependent on the development of the site; (b) peak period express buses to/ from the site and Holsworthy rail station via Anzac Road, Wattle Grove Drive and Heathcote Road with frequency dependent on the development of the site; and (c) consideration of extension of the 901 bus service and new bus stop locations if required.					
B122	The Applicant must provide an annual report on employee numbers to the Department, TNSW and RMS, commencing one year after commencement of operation of the IMT facility and for up to 5 years from occupation of the final warehouse building.					
B123	The Applicant and each occupant/operator must implement the most recent version of the Workplace Travel Plan for the duration of the development.					
<b>Driver Code of Conduct</b>						
B124	The Applicant must prepare and submit a Driver Code of Conduct to the Secretary which includes the following measures to minimise impacts: (a) adherence to specified transport routes, including no heavy vehicle access to and from Cambridge Avenue; (b) acceptable delivery hours; (c) no extended periods of engine idling; (d) avoiding queuing in or around the site; (e) compliance with site speed limits; (f) limiting the need for reversing on site; and (g) consideration of the use of non-tonal movement alarms in place of reversing beepers or alternatives such as reversing cameras and proximity alarms, or a combination of these, where tonal alarms are not mandated by legislation.					
<b>Construction Hours of Work</b>						
B125	The Applicant must comply with the hours detailed in Table 2.					
B126	Except as permitted by an EPLI, activities resulting in highly noise intensive works (including impulsive or tonal noise emissions) must only be undertaken: (a) between the hours of 8:00 am to 5:00 pm Monday to Friday; (b) between the hours of 8:00 am to 1:00 pm Saturday; and (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block. Note 1: For the purposes of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work that is the subject of this condition. Note 2: Section 4.42(1)(e) of the EP&A Act requires that an EPLI be substantially consistent with this approval. Out-of-hours works considered under Condition B127 must be justified and include an assessment of mitigation measures.					
B127	Construction outside of the hours identified in Condition B125 may be undertaken in any of the following circumstances: (a) works that are inaudible at the nearest sensitive receivers; (b) where a negotiated agreement has been arranged with affected receivers; (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or (e) works associated with: i. the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possession where they are undertaken in accordance with an Out-of-Hours Work Protocol under Condition B135; or ii. any other construction works on the site where they are undertaken Out-of-Hours must be in accordance with the approved Out-of-Hours Work Protocol (OOWP) required under condition B135.					
B128	Blasting is not permitted on the site.					
<b>Noise Wall</b>						
B129	Prior to the commencement of operation of any part of the development, the Applicant must construct a 5 m high noise wall along the entire length of the western internal road as shown in Appendix 1 (as detailed in the EIS and RIS Noise and Vibration Impact Assessment modelling).					
<b>Hours of Operation</b>						
B130	The permitted hours of operation are detailed in Table 3.					
<b>Intermodal Terminal Operational Noise Limits</b>						
B131	The noise generated by the development must not exceed the noise limits in Table 4 which are generated by the overall precinct operations (defined as all activities approved for MPW and MPE).					
<b>Operation of Rail terminal, Locomotives and Wagons</b>						
B132	Terminal and rail port shuttle operations must comply with the following: (a) best practice plant for the intermodal terminal facility, including electronic automated container handling equipment or equipment with equivalent sound power levels; (b) locomotives using the development must meet the air emissions standards and noise requirements as specified in the Moorebank Precinct East – Stage 1 Project Best Practice Review (SSD 12_5786), prepared by Arcadis dated 19 September 2017); (c) wagons using the development must incorporate available best practice noise technologies, such as 'one-piece' freight bogies or three-piece freight bogies fitted with cross-bracing or steering arms; and permanently coupled 'multi-pack' steering wagons using Electronically Controlled Pneumatic (ECP) braking with a wire based distributed power system (or better practice technology); (d) automatic rail lubrication equipment must be used in accordance with ASA Standard T HR TR 00111 ST Rail Lubrication and top of rail friction modifiers, where required; and (e) the rail cross sectional profile must be maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel/ rail contact position and hence to encourage proper rolling stock steering.					
B133	For all terminal and rail operations, a monitoring and performance management regime is to be established in accordance with the conditions of this consent, including but not limited to the requirements of conditions B140-B143, with the objective of ensuring there is no deterioration in noise performance and continual improvement in rail noise outcomes from rail operations throughout the life of the development.					
<b>Construction Noise and Vibration Management Plan</b>						
B134	Prior to commencement of construction, the Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) and submit it to the Planning Secretary for approval. The CNVMP must be consistent with the guidelines contained in the ICNG (DECC, 2009).					

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B135	<p>The CNVMP must form part of the CEMP required by <a href="#">Condition C2</a> and, in addition to the general management plan requirements listed in <a href="#">Condition C1</a>, the CNVMP must include:</p> <p>(a) identification of the work areas, site compounds and internal access routes;</p> <p>(b) identification of the type and number of plant and equipment expected on site at the same time;</p> <p>(c) details of construction activities and a construction program, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;</p> <p>(d) identification of sensitive receivers (including heritage structures if relevant) and relevant construction noise management levels (NMLs) using the ICNG, vibration criteria using the Assessing Vibration: a Technical Guide (DECC 2006) (for human exposure) and vibration limits set out in the German Standard DIN 4150-3; Structural Vibration effects of vibration on structures (for structural damage);</p> <p>(e) identification of any construction activities predicted to exceed NMLs;</p> <p>Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.</p> <p>(f) identification of feasible and reasonable measures to be implemented to minimise and manage construction noise impacts, including, but not limited to, acoustic enclosures, erection of noise walls (hoardings), respite periods; and</p> <p>(g) an <a href="#">Out-of-hours Work Protocol</a> for the assessment, management and approval of works, outside of the hours identified in <a href="#">Condition B125</a>. The <a href="#">Out-of-hours Work Protocol</a> must:</p> <p>(i) detail an assessment of out-of-hours works against the relevant NMLs and vibration criteria,</p> <p>(ii) provide detailed mitigation measures for any residual impacts (that is, additional to general mitigation measures), including extent of at-receiver treatments, and</p> <p>(iii) include proposed notification arrangements.</p>				
<b>Operational Noise Management Plan</b>					
B136	Prior to commencement of operation, the Applicant must prepare an Operational Noise Management Plan (ONMP) and submit it to the Planning Secretary for approval. The ONMP must be prepared by a suitably qualified and experienced person(s).				
B137	The ONMP must form part of the OEMP and, in addition to the general management plan requirements listed in <a href="#">Conditions C5</a> and <a href="#">C6</a> , the ONMP must include monitoring and reporting as required under <a href="#">Conditions B139</a> , <a href="#">B140</a> and <a href="#">B141</a> .				
<b>Mechanical Plant and Other Noisy Equipment Monitoring</b>					
B138	Prior to construction of the freight terminal, freight village and each warehouse, the Applicant must submit to the Secretary a Noise Assessment for Mechanical Plant and other noisy equipment to demonstrate that plant and equipment has been selected to meet the overall noise limits specified in <a href="#">Table 4</a> .				
B139	The Applicant must carry out noise monitoring of mechanical plant and other noisy equipment for a minimum period of one week where valid data is collected following operation/ occupation of the freight terminal, freight village and each warehouse. The monitoring program must be carried out by a suitably qualified and experienced person(s) and a Monitoring Report for Mechanical Plant must be submitted to the Planning Secretary within two months of operation of the freight terminal and occupation of each tenancy to verify predicted mechanical plant and equipment noise levels.				
<b>Site Noise Monitoring and Reporting</b>					
B140	<p>Within 12 months of operation of the intermodal terminal facility, occupation of the first warehouse, 50% occupation of the site and 100% occupation of the site, or as otherwise agreed by the Planning Secretary, the Applicant must undertake Operational Noise Monitoring to compare actual noise performance of the project against predicted noise performance and prepare an Operational Noise Report to document this monitoring. The Report must include, but not necessarily be limited to:</p> <p>(a) noise monitoring to assess compliance with the predicted operational noise levels and the noise limits specified in <a href="#">Table 4</a>;</p> <p>(b) a validation by predictive modelling of the operational noise levels in terms of criteria and noise goals established in the Road Noise Policy (RNP, EPA, 2001);</p> <p>(c) sleep disturbance impacts compared to those determined in documents specified under <a href="#">Condition A3</a>;</p> <p>(d) impacts associated with annoying characteristics such as prominent tonal components, impulsiveness, intermittency, irregularity and dominant low-frequency content;</p> <p>(e) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;</p> <p>(f) any required recalibrations of the noise model taking into consideration factors such as actual traffic numbers and heavy vehicle proportions;</p> <p>(g) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all feasible and reasonable mitigation measures;</p> <p>(h) identification of additional measures to those predicted in the documents specified under <a href="#">Condition A3</a>, that would be implemented with the objective of meeting the criteria outlined in the RNP and NPI (EPA, 2017), including timing of implementation;</p> <p>(i) details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared; and</p> <p>(j) procedures for the management of operational noise and vibration complaints.</p> <p>The Operational Noise Report is to be verified by a suitably qualified and experienced noise and vibration expert.</p> <p>The Operational Noise Report must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring referred to in (a) above or as otherwise agreed by the Planning Secretary.</p>				
<b>Noise Impact Monitoring and Residual Noise Impact Mitigation Plan</b>					

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				Compliant	
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B140A	<p>The Applicant is to conduct noise impact monitoring and residual noise impact mitigation in accordance with the following requirements:</p> <p>(a) the Applicant is to engage a Suitably Qualified and Experienced Acoustic Engineer to undertake a noise survey at R1 No 9 Casula Road, Casula (or an equivalent location if access is denied). Evidence of access being sought and access being denied must be provided to the Planning Secretary before surveying is undertaken at an equivalent location;</p> <p>(b) the noise survey must be undertaken not less than three months and not more than six months from commencement of operation;</p> <p>(c) the noise survey is to be conducted in accordance with the Noise Policy for Industry (NPI) EPA 2017) to determine:</p> <p>i. the LAeq, 15 min noise level arising from use of the Precinct in the EPA-defined day, evening and night-time periods (excluding rail operations on the rail link); and</p> <p>ii. the LAFmax noise level arising from use of the Precinct in the EPA-defined night-time period;</p> <p>(d) the noise survey must be both attended and unattended. The attended survey must be for a period of 4 contiguous hours in a single day, evening and night-time period conducted on days when the Precinct is likely to be operating at maximum capacity at the time. The unattended survey must be conducted for a period of 7 contiguous days not adversely affected by weather and must include the days of the attended surveys;</p> <p>(e) a copy of the results of the noise survey must be provided to the Planning Secretary for information within one month of completion of the survey;</p> <p>(f) if the noise survey identifies an exceedance arising from the use of the Precinct of the LAeq, 15 min and the LAmx noise limits specified in condition B104A (the residual noise impacts), the Applicant is to conduct an assessment as follows:</p> <p>i. outlining and justifying the application of the approach to "sustained" exceedance having regard to the number of observed exceedances;</p> <p>ii. the identification of the likely source(s) of the residual noise impact;</p> <p>iii. an assessment of the significance of the LAFmax noise level events in accordance with Section 2.5 of the NPI;</p> <p>iv. an assessment of the significance of the residual noise impacts in accordance with Table 4.1 of Section 4 of the NPI;</p> <p>v. the feasible and reasonable source and pathway noise mitigation measures that have been implemented in respect of the source(s) of the residual noise impacts;</p> <p>vi. any further feasible and reasonable transmission pathway noise mitigation measures which are capable of being adopted to reduce residual noise impacts.</p>				
<b>Rail Noise Monitoring and Reporting</b>					
B141	<p>The Applicant must install and maintain a rail noise monitoring system on the rail link at the commencement of operation to continuously monitor the noise from rail operations on the rail link. The system must capture the noise from each individual train passby noise generation event, and include information to identify:</p> <p>(a) time and date of freight train passbys;</p> <p>(b) imagery or video to enable identification of the rolling stock during the day and night;</p> <p>(c) LAeq(15hour) and LAeq(9hour) from rail operations; and</p> <p>(d) LAF(max) and SEL of individual train passbys, measured in accordance with ISO3095; or</p> <p>(e) other alternative information as agreed with, or required by, the Planning Secretary.</p> <p>The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available as live data on the website, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hr) results from each day must be available on the website within 1 hour of the period ending.</p>				
B142	<p>Prior to the commencement of operation, the Applicant must submit to the Planning Secretary for approval, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternative options considered and reasons for these being dismissed. The noise monitoring location(s) must be west of the MPW Stage 2 connection to the rail link constructed under MPE Stage 1.</p>				
B143	<p>From the commencement of operation, the Applicant must provide an annual Rail Noise Monitoring Report to the Planning Secretary for a period of 5 years, or as otherwise agreed with the Planning Secretary. The Planning Secretary shall consider the need for further reporting following a review of the results for year 5.</p> <p>Note: the above rail noise monitoring and reporting conditions may be satisfied by the implementation of relevant monitoring and reporting conditions under the MPE Stage 1 consent.</p>				
<b>Aboriginal Sites</b>					
B144	<p>A Salvage Strategy must be developed in consultation with OEH and with relevant Registered Aboriginal Parties prior to any impacts on Aboriginal objects and sites.</p>				
B145	<p>The scar tree portions of Aboriginal sites MA6 &amp; MA7 are to be removed by a qualified arborist and relocated to a suitable area identified in consultation with Registered Aboriginal Parties.</p>				
B146	<p>Staged salvage excavation of selected areas should be conducted in consultation with Registered Aboriginal Parties. These stages include:</p> <p>(a) dispersed pits placed along transects within the Terrace PAD and the tertiary terrace (between MA10 and MA14 – refer to Figure 16-2 of the EIS); and</p> <p>(b) open area salvage excavation, targeting the artefact concentrations at MA10 and MA14, as well as any additional artefact concentrations identified during (a) above.</p>				
B147	<p>Following completion of salvage, the Applicant must prepare an Aboriginal Cultural Heritage Salvage Report (ACHSR) in accordance with any guidelines and standards or OEH requirements. The report must include details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds) and be submitted to the Planning Secretary, OEH, relevant Council(s) and Registered Aboriginal Parties, where relevant, for information within 12 months after the completion of salvage works.</p>				
<b>Aboriginal Items or Objects</b>					
B148	<p>If any Aboriginal object of Aboriginal place is identified on site, or suspected to be on site (other than those identified in the EIS):</p> <p>(a) all work in the immediate vicinity of the object or place must cease immediately;</p> <p>(b) a 10 m wide buffer area around the object or place must be cordoned off; and</p> <p>(c) OEH must be contacted immediately.</p>				
B149	<p>Work in the immediate vicinity may only recommence if:</p> <p>(a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; or</p> <p>(b) an Aboriginal Cultural Heritage Management Plan is prepared in consultation with the Registered Aboriginal Parties and OEH to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary; or</p> <p>(c) OEH is satisfied as to the measures to be implemented in respect of the object or place and makes a written direction in that regard.</p>				
<b>Non Indigenous Heritage</b>					
B150	<p>If any unexpected archaeological relics are uncovered:</p> <p>(a) all work in the immediate vicinity of the find must cease immediately;</p> <p>(b) OEH Heritage Division must be notified;</p> <p>(c) a suitably qualified and experienced archaeologist (e.g. project archaeologist) must record and assess the significance of the find with the results reported to the Planning Secretary, OEH Heritage Division, Council and the local Historical Society; and</p> <p>(d) where required, a Management Strategy is to be developed and implemented in consultation with the OEH Heritage Division.</p>				
B151	<p>Work in the immediate vicinity of the find may only recommence on the advice of the project archaeologist.</p>				
<b>Biodiversity</b>					

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B152	<p>Prior to clearing of native vegetation, a Koala Management Plan (KMP) must be prepared by a suitably qualified person in consultation with OEH and be submitted to the Planning Secretary for approval. The KMP must:</p> <p>(a) make reference to A review of koala tree use across New South Wales (OEH 2018);</p> <p>(b) identify habitat corridors, of adequate dimensions to provide an adequate Koala habitat corridor as supported by a Koala specialist, to provide connectivity both within the Intermodal Precinct area and with other core koala habitat areas (i.e. to the south and to the west along Georges River);</p> <p>(c) include commitment to retain Koala use trees on site in line with phased earthworks (see e.g. Condition B40);</p> <p>(d) include details of structures to eliminate barriers to movement (presented by fences, roads, drainage culverts or pits, rail lines and the like) for koalas and other native fauna likely to use the site or habitat corridor;</p> <p>(e) include details on koala habitat rehabilitation/ restoration within the identified habitat corridors; and</p> <p>(f) include other measures to minimise the risk of harm to koalas.</p>					
<b>Construction Flora and Fauna Management</b>						
B153	<p>The Applicant must:</p> <p>(a) ensure that no more than 42.89 hectares of native vegetation is cleared for the development; and</p> <p>(b) before any work commences, install and maintain exclusion fencing along the riparian corridor and around any native vegetation not being removed as part of the development.</p>					
B154	<p>Prior to clearing of native vegetation, the Applicant must prepare a Construction Flora and Fauna Management Plan (CFFMP) and submit it to the Planning Secretary for approval. The CFFMP must be developed in consultation with OEH.</p>					
B155	<p>The CFFMP must form part of the CEMP required by Condition C2 and, in addition to the general management plan requirements listed in Condition C1, the CFFMP must include the following:</p> <p>(a) measures to minimise the loss of key fauna habitat including tree hollows and koala feed trees;</p> <p>(b) measures to minimise the impacts on fauna on site; and</p> <p>(c) measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected/ 'no-go' areas.</p> <p>Note: A version of the CFFMP is to be submitted prior to any clearing required to conduct remediation. In accordance with the definition of construction, that version of the CFFMP can be prepared and submitted for approval as a standalone document prior to any clearing required to conduct remediation, and a full CEMP does not need to be submitted at that point in time.</p>					
B156	<p>Prior to removing/ clearing any vegetation or any demolition, pre-clearing surveys and inspections for threatened species, populations and ecological communities must be undertaken. The surveys and inspections, and any subsequent relocation of species and associated management measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist.</p>					
B157	<p>Prior to any impact on the species to be offset, the Applicant must retire biodiversity credits specified in Table 5 and Table 6. The retirement of credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects (OEH 2014).</p>					
B158	<p>The Applicant:</p> <p>(a) may elect to retire biodiversity credits in conjunction with the retirement of biodiversity credits for other developments on the MPE or MPW developments, prior to the commencement of construction of this development, provided it is not inconsistent with Condition B157; and</p> <p>(b) is not required to retire credits for biodiversity impacts that it has already offset under another development consent, pending the provision of evidence of what credits were retired to offset which development.</p>					
B159	<p>If any native flora or fauna is identified on site that has not been previously identified in the documents listed in Condition A3:</p> <p>(a) work must cease in the vicinity;</p> <p>(b) a buffer zone must be established in consultation with the project ecologist;</p> <p>(c) OEH must be notified;</p> <p>(d) appropriate mitigation measures must be determined in consultation with OEH (including relevant re-location measures); and</p> <p>(e) ecological monitoring and/ or biodiversity offset requirements must be updated, where required.</p>					
<b>Operational Flora and Fauna Management</b>						
B160	<p>Prior to commencement of operation an Operational Flora and Fauna Management Plan (OFFMP) must be prepared by a suitably qualified person in consultation with OEH and be submitted to the Planning Secretary for approval. The OFFMP must include:</p> <p>(a) monitoring, management and maintenance procedures for koala habitat corridors; and</p> <p>(b) management and maintenance of other measures and site operations to minimise the risk of harm to koalas and other native fauna.</p>					
<b>Site Auditor</b>						
B161	<p>Prior to the commencement of any works, the Applicant must engage a Site Auditor accredited under the Contaminated Land Management Act 1997 NSW Site Auditor Scheme.</p>					
<b>Per- and Polyfluoroalkyl Substances (PFAS) Contamination</b>						
B162	<p>Prior to construction, the Applicant must provide the EPA 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.</p>					
B163	<p>Should the Applicant identify a potential risk to off-site receptors due to PFAS contamination, the Applicant must contact the EPA as soon as practicable to discuss requirements for community consultation.</p>					
B164	<p>Prior to vegetation clearing:</p> <p>(a) the Applicant must identify contamination within vegetated areas and prepare options for remediation in those areas, with the objectives to:</p> <p>(i) retain vegetation to the greatest extent possible beyond the completion of remediation;</p> <p>(ii) minimise land disturbance in accordance with Condition B41; and</p> <p>(iii) not reduce the ability to provide connectivity and habitat corridors in accordance with Conditions B2 and B152;</p> <p>(b) where remediation requires prior vegetation clearing, an appropriate assessment of the impact of clearing on contaminated land must be prepared by a suitably qualified and experienced consultant; and</p> <p>(c) where contamination is identified as occurring within those areas where vegetation is proposed to be cleared, a Contamination Management Plan must be prepared in consultation with the Site Auditor detailing the location and nature of the contamination and the proposed remediation and/ or management measures that will be undertaken to address the on-site and potential off-site impacts.</p>					
B165	<p>A copy of the assessment required by Condition B164 above and any associated update of the CEMP required must be provided to the Planning Secretary for approval one month before commencement of vegetation clearing. Evidence of consultation with the Site Auditor must be included.</p>					
<b>Remediation</b>						
B166	<p>Following vegetation clearing and prior to the commencement of other construction activities, the Applicant must complete remediation of the site in accordance with any relevant Remediation Action Plan (RAP) to the satisfaction of the Planning Secretary. The RAP must include options to remediate and/or manage PFAS impacted areas across the site, including the conservation area. The RAP must be submitted to the accredited site auditor and the NSW EPA for comment prior to implementation. If any amendments are required to the RAP, the amendments must be approved by an EPA accredited Site Auditor.</p>					
<b>Validation Report</b>						



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B167	The Applicant must prepare a Validation Report for the Stage 1 development. The Validation Report must: (a) be reviewed by an EPA accredited Site Auditor; (b) be prepared in accordance with the RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011); (c) include, but not be limited to: (i) comment on the extent and nature of the remediation undertaken, (ii) describe the location, nature and extent of any remaining contamination on site, (iii) sampling and analysis plan and sampling methodology, (iv) details of the volume of treated material emplaced within any remaining containment cell, (v) results of any validation sampling, compared to relevant guidelines' criteria, and (vi) discussion of the suitability of the remediated areas for the intended future land uses described under SSD 5066 and SSD 7709 – Stage 2 (including for the raised landform and imported fill characteristics and the drainage outlet structures in the riparian corridor).					
B168	A copy of the Validation Report must be provided to the Planning Secretary, EPA and the Certifying Authority prior to commencement of construction (other than the vegetation clearing required for remediation).					
<b>Site Audit Statements</b>						
B169	Upon completion of the remediation required in relation to Stage 1 (SSD 5066) and this development and prior to the commencement of construction (other than the vegetation clearing required for remediation) in relation to this approval (i.e. Stage 2 SSD 7709), the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended land uses under Stage 2 SSD 7709 including for the: (a) importation and placement of fill, (b) construction of a warehouse estate including warehouse buildings, (c) development of an intermodal terminal, and (d) protection of the conservation area including riparian corridor and biodiversity offset sites.					
B170	To ensure that no residual contaminated land on site is impacted by this approval, the requirements of Site Audit Statement A required by Condition B169 cannot be staged.					
B171	Upon completion of importation and placement of fill and prior to construction of permanent built surface works, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement A for the whole site, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended land uses under MPW Stage 2 SSD 7709.					
<b>Long Term Environmental Management Plan</b>						
B172	Where remediation outcomes for the site require long term environmental management, a suitably qualified and experienced person must prepare a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Site Auditor. The plan must: (a) be submitted to the Planning Secretary and EPA prior to commencement of construction (other than vegetation clearing); and (b) include, but not be limited to: (i) a description of the nature and location of any contamination remaining on site, (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell, (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal, (iv) a description of the procedures for monitoring the integrity of the containment cell, (v) a surface and groundwater monitoring program, (vi) mechanisms to report results to relevant agencies, (vii) triggers that would indicate if further remediation is required, and (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.					
B173	The LTEMP must be registered on the title to the land.					
<b>Unexpected Ordnance</b>						
B174	Unexpected Ordnance (UXO), Exploded Ordnance (EO) and Exploded Ordnance Waste (EOW) protocols must be prepared by an UXO contractor listed on the Defence Panel of suitably qualified UXO consultants and contractors.					
<b>UNEXPECTED FINDS PROTOCOL</b>						
B175	The CEMP required under Condition C2 must include an Unexpected Finds Protocol(s) for, but not limited to, contamination, ordnances, Aboriginal sites, non-indigenous heritage and flora and fauna.					
<b>Hazards and Risks</b>						
B176	The total quantities of dangerous goods present at any time within the development and transport movements to and from the development must be kept below the screening threshold quantities and movements listed in the Department's Hazardous and Offensive Development Guidelines Applying SEPP 33 (January 2011), with the exception of dangerous goods storage for Warehouses JR and JN.					
B176A	The storage of dangerous goods and combustible materials within Warehouses JR and JN must not exceed the maximum storage quantities listed in Table 7 at all times.					
B176B	Prior to the commencement of construction, the pre-construction studies set out below must be completed: (a) a Fire Safety Study for Warehouse JR and/or Warehouse JN, covering the relevant aspects of the Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The study must be prepared in consultation with Fire and Rescue NSW. (b) a Final Hazards Analysis for Warehouse JR and/or Warehouse JN, consistent with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'. Construction of Warehouse JR or Warehouse JN, other than of preliminary works that are outside the scope of the hazards studies, must not commence until the relevant study recommendations for the subject warehouse have been considered and, where appropriate, acted upon. The studies must be submitted to the Planning Secretary no later than one month prior to the commencement of construction of relevant warehouse to which they apply (other than preliminary works), or within such further period as the Planning Secretary may agree.					

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B176C	Prior to the commissioning of Warehouse JR and Warehouse JN (or prior to the commissioning of the relevant warehouse, should the development be staged), the pre-commissioning plans and systems set out below must be completed: (a) a comprehensive Emergency Plan and detailed emergency procedures for the safety of all people outside Warehouse JR and/or Warehouse JN, who may be at risk from the warehouse/s. The plan must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'. (b) a document setting out a comprehensive Safety Management System covering all on-site operations and associated transport activities involving hazardous materials for Warehouse JR and/or Warehouse JN. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. The Safety Management System shall be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'. Records shall be kept on-site at all times and must be available for inspection by the Secretary upon request. Documentation must be submitted to the Planning Secretary no later than two months prior to the commencement of commissioning of the proposed development, or within such further period as the Planning Secretary may agree.				
B177D	Twelve months after the commencement of operations of Warehouse JR and/or Warehouse JN, should the development be staged, and every five years thereafter, or at such intervals as Council may agree, a comprehensive Hazard Audit of the warehouse/s must be carried out and a report submitted to the Planning Secretary within one month of each audit. The audits must be carried out at the Applicant's expense by a qualified person or team, independent of the development, approved by the Planning Secretary prior to commencement of each audit. Hazard Audits must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the deferral of the implementation of a recommendation is intended, reasons must be documented.				
B177e	The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions B176B to B176D, within such time as the Planning Secretary may agree.				
B177	The Applicant (the operator/ occupant of each premises) must store and handle all chemicals, fuels and oils, including Dangerous Goods as defined in the Australian Code for the Transport of Dangerous Goods by Road & Rail, in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participant's Manual if the chemicals are liquids. In the event of an inconsistency between the requirements listed above in (a) and (b), the most stringent requirement must prevail to the extent of the inconsistency.				
B178	Fuel stored on the site must only be used for the purposes of refuelling IMT facility plant and equipment and locomotives.				
B179	Prior to the occupation of each premises and in each instance of occupation by a new occupant, a statement must be submitted to the Planning Secretary confirming that the premises will be operated so as to comply with the requirements of Conditions B176 and B177.				
<b>Waste Management</b>					
B180	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.				
B181	All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.				
B182	The Applicant must obtain agreement from Council for the design of the waste storage area for each warehouse where the waste collection service will be provided by Council.				
B183	The OEMP required under Condition C5 must include measures for waste management in accordance with the waste hierarchy set out in the EPA's NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.				
<b>Concrete Batching Plant</b>					
B184	The concrete batching plants must comply with the following criteria: (a) have a total production capacity less than 150 tonnes per day or 30,000 tonnes per year; (b) only one concrete batching plant is to operate at any one time; and (c) the first concrete batching plant must be disassembled immediately following commencement of operation of the second concrete batching plant.				
B185	The CEMP required under Condition C2 must include: (a) a drawing showing the location and layout of the two concrete batching plants including facilities for cementitious water treatment and connections to construction site water management and erosion and sediment control structures; (b) mitigation, monitoring and management procedures specific to the concrete batching plants that would be implemented to minimise environmental and amenity impacts during both facility establishment and operation; and (c) timeframes for establishment of each of the batching plants.				
<b>Crushing Plant</b>					
B186	The CEMP required under Condition C2 must include mitigation, monitoring and management procedures specific to the crushing plant that would be implemented to minimise environmental and amenity impacts.				
B187	The container wash down facility must: (a) include bunding to exclude wash area waste from the stormwater system; (b) be designed and operated to avoid overspray from foams, detergents, mud or fugitive emissions outside wash down bays; (c) include oily water separation, water treatment and recycling; and (d) comply with Sydney Water trade waste requirements for discharge to the sewer.				
<b>OPERATION OF PLANT AND EQUIPMENT</b>					
B188	All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.				
<b>BUSHFIRE RISK MANAGEMENT</b>					
B189	Bushfire asset protection zones must not be within the riparian corridor as defined in Condition B2 other than within areas greater than 40m from top of bank as determined in accordance with condition B2 where evidence is provided to the satisfaction of the Planning Secretary that riparian vegetation, and any trees over 3m in height, will be retained.				
B190	The entire site must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection (RFS, 2006) and the NSW Rural Fire Service's document Standards for asset protection zones.				
B191	An updated Bushfire Risk Management Plan must be prepared by a suitably qualified person(s) demonstrating that the bushfire asset protection zones can be contained wholly within the development area and that management of the inner protection zone will not impact on the proposed Biodiversity Offset Area. The Bushfire Risk Management Plan must be submitted to the Planning Secretary prior to construction of permanent built surface works.				
B192	Public road access must comply with section 4.1.3(1) of Planning for Bush Fire Protection (RFS, 2006) except for the requirement for through-access.				
B193	The provision of water, electricity and gas must comply with section 4.1.3 of Planning for Bush Fire Protection (RFS, 2006).				
<b>EMERGENCY RESPONSE</b>					

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B194	Prior to the commencement of construction and operation, the Applicant must prepare an Emergency Response Plan(s) covering, but not limited to, flooding and bushfire. The Emergency Response Plan(s) must be consistent with Australian Standard AS3745 2010 Planning for Emergencies in Facilities and include details of: (a) assembly points and evacuation routes; (b) evacuation and refuge protocols; and (c) awareness training for employees and contractors.					
B195	The Bushfire Emergency and Evacuation Management Plan must: (i) be prepared by a suitably qualified and experienced person(s); (ii) be consistent with the Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan (RFS, 2014); and (iii) a copy of the Operational Bushfire Emergency Evacuation Management Plan must be submitted to the Planning Secretary, NSW Rural Fire Service, Council and the Certifying Authority prior to occupation.					
B196	<b>TENANCY ACTIVITIES</b> Prior to occupancy of any freight village or warehouse tenancy, and every subsequent occupation of these tenancies, details of the tenant and occupation activity is to be submitted to the Planning Secretary demonstrating that the proposed activity complies with Conditions A17 and A20.					
<b>Part C - Environmental Management, Reporting and Auditing</b>						
<b>Management Plan Requirements</b>						
C1	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) detailed baseline data; (b) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (d) a program to monitor and report on the: (i) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (c) above; (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; (h) roles and responsibilities for implementing the plan; and (i) a protocol for periodic review of the plan. Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans					
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>						
C2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and submit it to the Planning Secretary for approval.					
C3	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: (a) Soil and Water Management Plan (see Condition B29); (b) Acid Sulfate Soils Management Plan (see Condition B39); (c) Construction Traffic and Access Management Plan (see Condition B113); (d) Construction Noise and Vibration Management Plan (see Condition B134); (e) Out-of-hours Work Protocol (see Condition B135(g)); (f) Construction Flora and Fauna Management Plan (see Condition B154); and (g) Unexpected Finds Protocol(s) (see Condition B175).					
C4	The Applicant must: (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.					
<b>OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN</b>						
C5	The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and submit it to the Planning Secretary for approval.					
C6	As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following: (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (b) describe the procedures that would be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and (c) include the following environmental management plans: (i) Operational Traffic and Access Management Plan (see Condition B118); (ii) Stormwater Infrastructure Operation and Maintenance Plan (see Condition B36); (iii) Stormwater Quality Monitoring Program (see Condition B38); (iv) Landscape Vegetation Management Plan (see Condition B62); (v) Operational Traffic and Access Management Plan (see Condition B118); (vi) Operational Noise Management Plan (see Condition B136); and (vii) Operational Flora and Fauna Management Plan (see Condition B160).					
C7	The Applicant must: (a) not commence operation until the OEMP is approved by the Planning Secretary; and (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).					
<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>						

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C8	<p>Within three months of:</p> <p>(a) the submission of an incident report under Condition C10;</p> <p>(b) the submission of an Independent Audit under Condition C17;</p> <p>(c) the approval of any modification of the conditions of this consent; or</p> <p>(d) the issue of a direction of the Planning Secretary under Condition A3(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>				
C9	<p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</p>				
<b>Incident Notification, Reporting and Response</b>					
C10	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development), and set out the location and nature of the incident.</p> <p>Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.</p>				
<b>Non-Compliance Notification</b>					
C11	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.</p>				
C12	<p>A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p>				
C13	<p>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>				
<b>Compliance Reporting</b>					
C14	<p>No later than six weeks before the date notified for the commencement of construction and operation, a Construction Compliance Monitoring and Reporting Program and Operational Compliance Monitoring and Reporting Program respectively, prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.</p> <p>Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).</p> <p>The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.</p>				
C15	<p>Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.</p>				
<b>Independent Environmental Audit</b>					
C16	<p>No later one month before the date notified for the commencement of construction and operation, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.</p>				
C17	<p>Independent Audits of the development must be carried out in accordance with:</p> <p>(a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C16 of this consent; and</p> <p>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</p>				
C18	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>(a) review and respond to each Independent Audit Report prepared under Condition C17 of this consent;</p> <p>(b) submit the response to the Department and the Certifying Authority; and</p> <p>(c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.</p>				
C19	<p>Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.</p>				
<b>Monitoring and Environmental Audits</b>					
C20	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>				
<b>Access to Information</b>					

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C21	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <p>(i) the documents referred to in Condition A3 of this consent and the final, approved revised Development Layout Drawings, Stormwater Design Drawings, Landscape Drawings and Architectural Drawings for the development;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</p> <p>(v) minutes of CCC meetings;</p> <p>(vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;</p> <p>(vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</p> <p>(viii) a summary of the current stage and progress of the development;</p> <p>(ix) contact details to enquire about the development or to make a complaint;</p> <p>(x) a complaints register, updated monthly;</p> <p>(xi) the Compliance Reporting of the development;</p> <p>(xii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;</p> <p>(xiii) any other matter required by the Planning Secretary; and</p> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>				
	<p><a href="#">SSD 7709 Modification 1 approved 24 December 2020</a></p> <p><a href="#">SSD 7709 Modification 2 approved 30 September 2021</a></p>				