



Annual Compliance Report

21 July 2023 – 20 July 2024

EPBC Approval No. 2011/6086

Moorebank Intermodal Terminal Project

EPBC Approval No. 2011/6086

Annual Compliance Report

21 July 2023 – 20 July 2024

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Signed _____

Full name (please print) Position (please print) _____

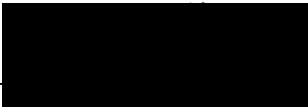

Organisation (please print including ABN/ACN if applicable):

Qube RE Services (No.2) Pty Ltd (ACN: 605 751 782)

Date 21 October 2024

Declaration of Accuracy – LOGOS MLP Development Management Pty Ltd (as joint approval holder)

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed  _____Full name (please print) Position (please print)  _____

Organisation (please print including ABN/ACN if applicable):

LOGOS MLP Development Management Pty Ltd (ACN: 649 469 778)

Date 28 October 2024 _____

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Acronyms and Definitions

Acronym / Term	Meaning
CoA	Condition(s) of Approval
CEMP	Construction Environmental Management Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
EPBC Act	<i>Environment Protection and Biodiversity Act 1999</i>
MAAI	Moorebank Avenue Anzac Intersection
MIP	Moorebank Intermodal Precinct – comprising MPE and MPW developments
MITP	Moorebank Intermodal Terminal Project
MPE	Moorebank Precinct East
MPW	Moorebank Precinct West
SSD	State significant development
TISEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021

1. Introduction

1.1. Description of Activities

The approved action has been detailed in Table 1-1.

Table 1-1 Details of the approved action

EPBC number	2011/6086
Action name	Moorebank Intermodal Terminal Project
Person to Whom the Approval is Granted	<p><u>Until 22 April 2022:</u> Qube RE Services (No.2) Pty Ltd (ACN: 149 723 053)</p> <p><u>From 22 April 2022 onwards:</u></p> <ul style="list-style-type: none"> • Qube RE Services (No. 2) Pty Ltd (ACN:605 751 782); and • LOGOS MLP Development Management Pty Ltd (ACN: 649 469 778)
Approved Action:	To construct and operate the MITP, in south-west Sydney, NSW [see referral EPBC 2011/6086; and variations approved on 1 July 2014 and 2 February 2016]
Location of the Project	Sydney, NSW
Person Accepting Responsibility for the Report	Qube RE Services (No.2) Pty Ltd: LOGOS MLP Development Management Pty Ltd
Reporting Period	21 July 2023 to 20 July 2024
Report Date	11 October 2024

1.2. Purpose of this Report

The Moorebank Intermodal Terminal Project (MITP) (the Action), located on Moorebank Avenue in Moorebank, NSW and operated by ESR Australia & NZ (formerly LOGOS), was approved as EPBC 2011/6086 on 27 September 2016 under Sections 18, 18A and 28 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A variation to EPBC 2011/6086 was subsequently approved by the Secretary's representative on the 17 September 2019.

Compliance tracking and reporting requirements for the Action are specified in Condition of Approval (CoA) 19. CoA 19 states:

*Unless otherwise agreed in writing by **the Minister**, within three (3) months of every twelve (12) month anniversary of the **commencement of construction**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management and strategies as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to*

the Department at the same time as the compliance report is published. Reports must remain published for the life of this approval. The person taking the action must continue to publish these reports each year until such time as agreed in writing by the Minister.

This report summarises the compliance of the Development against the relevant CoA for the reporting period 21 July 2023 to 20 July 2024. The compliance status of the Development against each CoA is provided in Appendix C.

This report has been prepared by Aspect Environmental Pty Ltd with input from LOGOS, Qube, National Intermodal, Tactical Group, J. Wyndham Prince and their respective construction contractors.

1.3. Transfer of Consent

This compliance report has been prepared on the joint behalf of Logos and Qube RE Services (No.2) Pty Ltd.

On the 22 April 2022 the Department of Agriculture, Water and the Environment (now the Department of Climate Change, Environment, Energy and Water (DCCEEW)) approved the inclusion of LOGOS as joint approval holder of the EPBC 2011/6086 approval (Appendix B).

2. Action Description

2.1. Precinct Overview

The Moorebank Intermodal Precinct (MIP) comprises the Moorebank Precinct East (MPE) and Moorebank Precinct West (MPW) sites. The works approved under EPBC 2011/6086 (the MITP) are located at the MPW Site, as shown in Annexure 1 of the Approval and in Figure 1-1 below.

2.2. Site Location

The MITP is located within the Liverpool Local Government Area in Sydney's south-west, approximately 2.5km south of the Liverpool city centre.

The MITP comprises the MPW Site and is generally bounded to the west by the Georges River, the East Hills Railway Line to the south, Moorebank Avenue to the east and the M5 Motorway to the north.

2.3. State Approvals

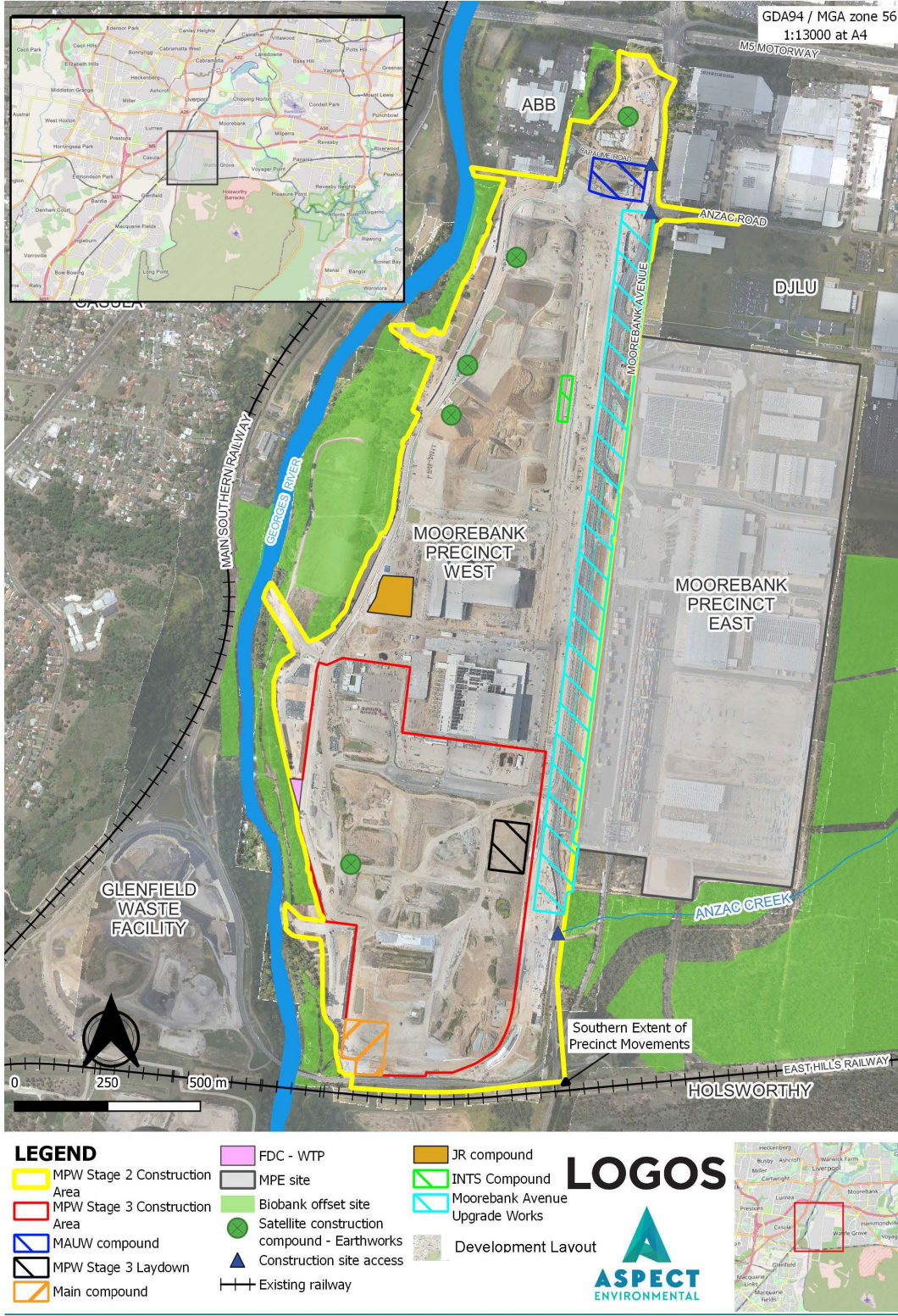
The Action is being delivered in accordance with the following NSW State significant development (SSD) approvals:

- SSD 5066 - MPW Concept and Stage 1- Early Works
- SSD 7709 - MPW Stage 2- construction and operation of the interstate terminal, Moorebank Avenue upgrade and export terminal, warehousing and associated infrastructure
- SSD 10431 - MPW Stage 3- subdivision, earthworks and ancillary development - MPW Stage 3 does not have an operational component
- SSD 7628 – MPE Stage 2- the Action includes the Moorebank Avenue Upgrade Works (MAUW) component of the MPE Stage 2 approval as it applies to contamination management under CoA 3A.

The Action is being further delivered in accordance with a complying development pathway in accordance with Chapter 6 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP). The complying development certificate (CDC 230736/01) was determined by the registered certifier for the Development on the 27 February 2024 and provides for the construction and operation of warehouses S1, S2, S3, S5 and S6, and associated infrastructure, on the southern portion of the MPW Site.

Details of the scope of works for each package are provided in Section 2.4.

Figure 1-1 MPW Site Layout



2.4. MPW Construction and Operational Activities

The key components for the works at MPW are described in the following sections.

2.4.1. MPW Stage 1 Early Works (SSD 5066)

MPW Stage 1 works include the following key components:

- Survey, acquisitions, building/road dilapidation surveys, fencing, investigative drilling, excavation or salvage
- Establishment of site compounds and construction facilities and environmental controls
- The demolition/removal of existing buildings, structures and associated utilities and services infrastructure
- Rehabilitation of the excavation/earthmoving training area (i.e. 'dust bowl')
- Remediation of contaminated land and hotspots
- Archaeological salvage of Indigenous and European heritage
- Vegetation removal, including the relocation of hollow-bearing trees, as required for remediation/demolition purposes.

Works associated with SSD 5066 are now substantially complete, with exception of the progressive rehabilitation of the dust bowl. The works undertaken during the reporting period are summarised in Section 3.

2.4.2. MPW Stage 2 (SSD 7709)

The MPW Stage 2 development includes the following key components:

- Construction and operation of an interstate terminal facility (INTS) and interstate rail access (ISRA)
- Construction and operation of a warehousing estate on the northern part of the site servicing the INTS facility and including:
 - Six warehouses with a total gross floor area of 215,000m² and, for each warehouse, associated offices, staff amenities, hardstands and truck and light vehicle parking
 - 800m² freight village, including staff/visitor amenities
 - Internal roads, noise wall, landscaping, lighting and signage
 - Intersection upgrades to Moorebank Avenue at:
 - Anzac Road upgrade for site access
 - Bapaume Road for left turn only out of the site
- Construction and operation of on-site detention basins, bioretention/biofiltration systems and trunk stormwater drainage for the entire site
- Construction works and temporary ancillary facilities, including:

- Vegetation clearing, topsoil stripping and stockpiling and site earthworks and temporary on-site detention
- Importation of up to 1,600,000m³ of uncompacted fill, temporary stockpiling and placement over the entire site to raise existing ground levels by up to 3m
- Materials screening, crushing and washing facilities
- Importation and placement of engineering fill and rail line ballast
- Installation and use of a concrete batching plant
- Utilities installation/connection.

Works associated with SSD 7709 continue to progress. The works which have been undertaken during the reporting period are summarised in Section 3.

2.4.3. MPW Stage 3 (SSD 10431)

The MPW Stage 3 development includes the following key components:

- Subdivision of the MPW Site
- Importing of unconsolidated clean fill for compaction up to final land level, and structural fill for warehouse pad completion
- Establishment of a temporary works compound area in the southern portion of the MPW Site
- Ancillary development, including:
 - Temporary and permanent access roads
 - Earthworks
 - Fencing and preliminary establishment facilities
 - Utilities installation/connection
 - Stormwater and drainage infrastructure
 - Signage and landscaping.

Works associated with SSD 10431 continue to progress. The works which have been undertaken during the reporting period are summarised in Section 3.

2.4.4. MPE Stage 2 (SSD 7628)

The MAUW component of the MPE Stage 2 development falls within the MPW EPBC approval. No works under the MPW EPBC approval have been undertaken for MAUW during the reporting period.

2.4.5. MPW South

The MPW South scope of works is being delivered under the complying development pathway in accordance with Chapter 6 of the TISEPP. CDC 230736/01 includes the construction and operation of warehouses S1, S2, S3, S5 and S6, alongside associated ancillary infrastructure and development, including car parking, landscaping, signage and lighting, within the southern portion of the MPW Site.

3. Scope of Reporting

The works that have been undertaken within the 21 July 2023 to 20 July 2024 reporting period are outlined below.

3.1. MPW Construction Activities

3.1.1. MPW Stage 1 Early Works (SSD 5066)

Early works under the MPW Concept & Stage 1 approval have been completed at this stage. Remaining works under the Action are being progressively delivered under subsequent stages of the of the MPW approval as detailed below.

3.1.2. MPW Stage 2 (SSD 7709)

The following works have been undertaken during the reporting period:

- Warehouse 1 and 2
 - warehouse pad preparation works
 - concrete pours conducted on footings of warehouse slabs
 - landscaping works
 - completion and handover of warehouse pads
 - wall cladding
 - LV and HV pit / conduits installation
- Warehouse 3 and 4
 - classification and reuse of materials
 - benching and bulk earthworks activities
- Warehouse 5
 - landscaping works
 - wall cladding
 - automation installation/ commissioning
- Warehouse 6
 - automation installation/ commissioning
- Roads
 - Bushmaster Ave
 - opening of Bushmaster Avenue for construction, operational and ABB traffic
 - Bapaume Road
 - adjustment of Bapaume Road to one way traffic left turn exit only
 - Moorebank Avenue Anzac Intersection (MAAI)
 - utility installation, asphaltting and kerb works and traffic switch to new asphalt pavement on MAAI
 - MAAI LV and HV pit / conduits installation
 - line marking at MAAI intersection and road from Woolworths down to the cul-de-sac
 - open for construction and operation traffic
 - Chatham Ave
 - Closure works

- Rail
 - rail formation, track construction and rail signalling works
 - LV and HV pit/conduits installation
 - installation of electrical, fire and water systems
 - construction of office facilities
 - asphaltting and pavement works
 - installation of terminal fencing
- Access track works for OSD 8 and OSD 6
- Demobilisation of Vaughan and JHR compounds
- Demobilisation of two water treatment plants
- Internal stormwater pit and pipe installation from Moorebank Avenue to Amiens wetland
- Noise wall completion.

This scope of works is consistent with MPW Stage 2 activities outlined in the approved MPW Stage 2 and Stage 3 CEMP (Aspect Environmental, Rev S, dated 13 December 2023).

3.1.3. MPW Stage 3 (SSD 10431)

Works associated with SSD 10431 continue to progress. The following works have been undertaken:

- Import of VENM (sandstone) and stockpiling
- Subdivision was finalised.

This scope of completed works is consistent with MPW Stage 3 activities outlined in the approved MPW Stage 2 and Stage 3 CEMP (Aspect Environmental, Rev S, dated 13 December 2023).

3.1.4. MPE Stage 2 (SSD 7628) MAUW Component

No construction of the MAUW component of the MPE Stage 2 development, as covered by EPBC 2012/6086, was undertaken during the reporting period.

3.1.5. MPW South

Works under the MPW South CDC commenced in April 2024. The following works have been undertaken during the reporting period:

- Bulk earthworks (plant and operations), cut and fill to level site
- Excavation for installation of stormwater access pit
- Installation of site access points, stormwater pits and lines
- Warehouse S1
 - concrete pad footings
- Warehouse S2
 - office lift well
- Environmental control implementation
- Stockpile and pad reworking.

4. Newly Identified Environmental Risks

No new environmental risks were identified during the reporting period.

5. Compliance Summary

5.1. Independent Audit, Potential Breach & Warning Letters

No independent audits against EPBC 2011/6086 were undertaken during the reporting period.

No breach notices or warning letters were issued by DCCEEW during the reporting period.

5.2. Non-compliances identified in the Reporting Period

One non-compliance was identified during the current reporting period. The status of this non-compliance is closed, as detailed in Table 1-2 below.

Table 1-2 Non-compliance identified within this reporting period

CoA	Detail	Corrective Action	Status
12	<p>CoA requires the annual compliance reporting to be published/ submitted within three months of every twelve-month anniversary of the commencement of the action.</p> <p>CoA timing was not satisfied for the compliance report prepared for the period 21 July 2022- 20 July 2023.</p>	<p>Compliance report for the period 21 July 2022- 20 July 2023 was published/ submitted on 31 October 2023.</p> <p>Submit the compliance report for the current reporting period (21 July 2023- 20 July 2024) by the 20 October 2024.</p>	Closed

6. Conclusion

At the completion of this compliance reporting period, one non-compliance had been identified and closed. Works were otherwise undertaken in accordance with the Commonwealth Conditions of Approval (EPBC 2011/6086) and management plans, as demonstrated in the compliance table located in Appendix C.

Appendix A – EPBC 2011/6086 Conditions of Approval



Approval

Moorebank Intermodal Terminal Project – Concept, Moorebank, New South Wales (EPBC 2011/6086)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Moorebank Intermodal Company Limited
proponent’s ACN	ACN 161 635 105
proposed action	To construct and operate the Moorebank Intermodal Terminal Project, in Southwest Sydney, NSW. [see referral EPBC 2011/6086; and variations approved on 1 July 2014 and 2 February 2016].

Approval

Controlling provision	Decision
Listed threatened species and communities (sections 18 & 18A)	approve
Commonwealth action (section 28)	approve

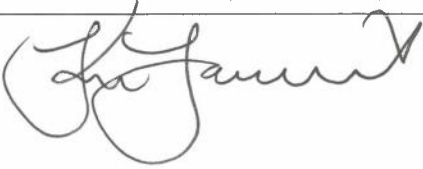
conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 August 2035.

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
signature	
date of decision	27. 9. 16

Conditions attached to the approval

Disturbance limits

1. The person taking the action must not undertake (or permit to be undertaken) any **construction** activities or **operations** outside the development footprint as depicted in **Annexure 1**.

Environmental management plans

2. For the protection of the environment, including **listed threatened species and communities**, the person taking the action must prepare a construction environmental management plan (CEMP) addressing at least the elements outlined in Conditions 5 to 13. Apart from **early works** as described in Condition 3, **construction** must not **commence** until all specified CEMP approvals have been obtained in writing, and once approved, the CEMP must be implemented.

The CEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and **construction** of that stage must not **commence** until all specified approvals have been obtained in writing.

3. For the protection of the environment, including **listed threatened species and communities**, the person taking the action must ensure that **early works** are undertaken in accordance with **SSD 5066** and comply with the measures described in Condition 8 wherever perfluoroalkyl substance (PFAS) contamination is identified.
4. For the protection of the environment, including **listed threatened species and communities**, the person taking the action must prepare an operational environmental management plan (OEMP) addressing at least the elements outlined in Conditions 5 to 13. **Operations** must not **commence** until all specified OEMP approvals have been obtained in writing, and once approved, the OEMP must be implemented.

The OEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and **operations** of that stage must not **commence** until all specified approvals have been obtained in writing.

5. Sections of the CEMP and OEMP relating to traffic must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the *Traffic, Transport and Access Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 4A to 4Q from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 4A to 4Q from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.

6. Sections of the CEMP and OEMP relating to noise and vibration must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the *Noise and Vibration Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 5A to 5T (CEMP only) and 5U to 5AJ (OEMP only) from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 5A to 5T (CEMP only) and 5U to 5AJ (OEMP only) from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.

7. Sections of the CEMP and OEMP relating to biodiversity must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the *Biodiversity Provisional Environmental Management Framework* (3 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 6A to 6R, 6T, 6V and 6X from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 6A to 6R, 6T, 6V and 6X from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) include detailed biosecurity protocols, prepared in consultation with relevant New South Wales and Commonwealth biosecurity agencies, in relation to international and interstate container movement
 - e) be approved by **the Minister**.

8. Sections of the CEMP and OEMP relating to contamination and soils must be prepared by a ***suitably qualified expert*** and must:
- a) be consistent with the *Soils and Contamination Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the ***finalised EIS***
 - b) incorporate all measures 7A to 7K, and 8A to 8AA, from Table 7.1 of the ***finalised EIS*** that are described as 'mandatory'
 - c) explain how all measures 7A to 7K, and 8A to 8AA, from Table 7.1 of the ***finalised EIS*** that are described as 'subject to review' have been addressed
 - d) in relation to management of PFAS:
 - i) be consistent with:
 - *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013)
 - *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (under the National Water Quality Management Strategy) including the draft default guideline values for perfluorooctanoic acid (PFOS) and perfluorooctane sulfonic acid (PFOA) in freshwater as applied by the state government
 - relevant Commonwealth environmental management guidance on PFOS and PFOA
 - ii) detail implementation and operational procedures, appropriate to the risk posed by any contamination, including:
 - roles and responsibilities
 - management of potential PFAS contaminated sites as yet un-investigated
 - management of areas of known PFAS contamination, including strategies to reduce runoff, dewatering and migration of contamination across and off the proposed site
 - a contingency action plan for unexpected PFAS contaminant discoveries
 - iii) detail soil, groundwater and surface water PFAS contamination monitoring requirements and testing and disposal procedures appropriate to the risk posed by any contamination
 - iv) include requirements for site validation reports appropriate to the risk posed by any contamination
 - v) include requirements for remedial action plans appropriate to the risk posed by any contamination
 - vi) detail review procedures appropriate to the risk posed by any contamination
 - vii) impose the following performance measures for managing earthworks and the potential for effects to occur due to disturbance of PFAS contaminated soils during construction:
 - contaminated sediment to be discharged outside the site of the action to be minimised
 - contaminated waste material, including excavated soil, to be released through dewatering to be handled appropriately to the risk posed by the contamination and disposed of in an environmentally sound manner such that potential for the PFAS content to enter the environment is minimised

- contaminated waste material, including excavated soil, with a PFOS or PFOA content above 50 milligrams per kilogram (mg / kg) to be stored or disposed of in an environmentally sound manner, such that PFAS content does not enter the environment
 - all soil remaining at the site of the action to be suitable for purpose.
- e) be approved by **the Minister**.
9. Sections of the CEMP and OEMP relating to water must be prepared by a **suitably qualified expert** and must:
- a) be consistent with the *Water Quality, Stormwater and Flooding Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 9A to 9AG from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 9A to 9AG from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.
10. Sections of the CEMP and OEMP relating to air quality must be prepared by a **suitably qualified expert** and must:
- a) be consistent with the *Air Quality Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 10A to 10U (CEMP only) and 10V to 10AH and 11A to 11H (OEMP only) from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 10A to 10U (CEMP only) and 10V to 10AH and 11A to 11H (OEMP only) from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.
11. Sections of the CEMP and OEMP relating to Aboriginal heritage must be prepared by a **suitably qualified expert** and must:
- a) be consistent with the *Aboriginal Heritage Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 12A to 12G from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 12A to 12G from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.

12. Sections of the CEMP and OEMP relating to European heritage must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the *European Heritage Provisional Environmental Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 13A to 13M from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 13A to 13M from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.

13. Sections of the CEMP and OEMP relating to visual impacts (including light spill) must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the *Light Spill Provisional Environmental Management Framework* (2 July 2014), provided at Appendix O to the **finalised EIS**
 - b) incorporate all measures 14A to 14H from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) explain how all measures 14A to 14H from Table 7.1 of the **finalised EIS** that are described as 'subject to review' have been addressed
 - d) be approved by **the Minister** or a **relevant New South Wales regulator**.

Biodiversity offsets

14. To address residual impacts on protected biodiversity values, including **listed threatened species and communities**, the person taking the action must finalise a biodiversity offset strategy (BOS). The BOS must be approved in writing within twelve (12) months of **commencement of early works**, by a **relevant New South Wales regulator**, and once approved must be implemented. The BOS must be prepared by a **suitably qualified expert** and must:
 - a) be consistent with the biodiversity offsets strategy provided at Appendix E to the **finalised EIS**
 - b) incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the **finalised EIS** that are described as 'mandatory'
 - c) incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the **finalised EIS** that are described as 'subject to review' or justify any alternative protocols
 - d) offset impacts on protected biodiversity values including **listed threatened species and communities** in accordance with the **FBA**
 - e) include map(s) and **shapefiles** that identify the location and boundaries of all offset sites
 - f) be approved by a **relevant New South Wales regulator**, and also by **the Minister** if the BOS does not involve the protection and management in perpetuity of the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at **Annexure 2**.

15. Until the BOS described in Condition 14 is approved, the person taking the action must manage the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at **Annexure 2**, for the protection of native vegetation, and in particular the vulnerable Small-Flower Grevillea (*Grevillea parviflora* subsp. *parviflora*) and endangered Nodding Geebung (*Personia nutans*).

Administrative conditions

16. Within ten (10) days after the **commencement of construction**, the person taking the action must advise **the Department** in writing of the actual date of **commencement**.
17. The person taking the action must provide **the Department** with copies of all management plans or strategies required by this approval within one (1) month of their approval.
18. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans or strategies required by this approval, and make them available upon request to **the Department**. Such records may be subject to audit by **the Department** or an independent auditor in accordance with section 458 of **the EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on **the Department's** website. The results of audits may also be publicised through the general media.
19. Unless otherwise agreed in writing by **the Minister**, within three (3) months of every twelve (12) month anniversary of the **commencement of construction**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management and strategies as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to **the Department** at the same time as the compliance report is published. Reports must remain published for the life of this approval. The person taking the action must continue to publish these reports each year until such time as agreed in writing by **the Minister**.
20. Upon the direction of **the Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to **the Minister**. The independent auditor, and audit criteria, must be approved by **the Minister** prior to the commencement of the audit. Audit criteria must be agreed to by **the Minister** and the audit report must address the criteria to the satisfaction of **the Minister**.
21. The person taking the action may choose to revise a management plan or strategy approved by **the Minister** under Conditions 2, 4 or 14 without submitting it for approval under section 143A of **the EPBC Act**, if the taking of the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must:
 - a) notify **the Department** in writing that the approved plan or strategy has been revised and provide **the Department** with an electronic copy of the revised plan or strategy
 - b) implement the revised plan or strategy from the date that the plan or strategy is submitted to **the Department**
 - c) for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan or strategy would not be likely to have a **new or increased impact**.

Note: Condition 21 does not affect any obligation to consult or seek approval from a **relevant New South Wales regulator** when revising a management plan or strategy.

22. The person taking the action may revoke their choice under Condition 21 at any time by notice to **the Department**. If the person taking the action revokes the choice to implement a

revised plan or strategy, without approval under section 143A of **the EPBC Act**, the plan or strategy approved by **the Minister** must be implemented.

23. Condition 21 does not apply if the revisions to the approved plan or strategy include changes to environmental offsets provided under the plan or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by **the Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan or strategy would, or would not, be likely to have **new or increased impacts**.
24. If **the Minister** gives a notice to the person taking the action that **the Minister** is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a **new or increased impact**, then:
 - a) Condition 21 does not apply, or ceases to apply, in relation to the revised plan or strategy
 - b) the person taking the action must implement the plan or strategy approved by **the Minister**.

To avoid any doubt, this condition does not affect any operation of Conditions 21, 22 or 23 in the period before the day the notice is given.

At the time of giving the notice **the Minister** may also notify that for a specified period of time, Condition 21 does not apply for one or more specified plans or strategies required under the approval.

25. Conditions 21 to 24 are not intended to limit the operation of section 143A of **the EPBC Act** which allows the person taking the action to submit a revised plan or strategy to **the Minister** for approval.
26. If, at any time after five (5) years from the date of this approval, the person taking the action has not **commenced construction**, then the person taking the action must not **commence construction** without the written agreement of **the Minister**.
27. Unless otherwise agreed to in writing by **the Minister**, the person taking the action must publish all management plans and strategies referred to in these conditions of approval (including the **finalised EIS**) on their website. Each management plan and strategy must be published on the website within one (1) month of being approved by **the Minister** or being submitted under Condition 21.

Notes

Management plans or strategies referred to in Conditions 2, 4 and 14 may be reorganised for administrative efficiency provided that all specified requirements are addressed and that each document is submitted with a clear description of the condition(s) it is intended to satisfy.

Definitions

Commencement (also **commence**, **commenced** etc) means the first instance of an activity.

Construction means the erection of any structures or the formation of any hardstand surfaces, as well as any preparatory earthworks or clearing of vegetation, in relation to the action, with the exception of:

- installation of temporary signage
- installation of temporary fencing
- erection of temporary site compounds and construction facilities or relocation of services not requiring the clearance of any **listed threatened species and communities** or endangered ecological communities for the purpose of the New South Wales *Threatened Species Conservation Act 1995*
- exploratory, mitigation or asset protection measures required in the fulfilment of these or other conditions of regulatory approval.

The Department means the Australian Government department or other agency with responsibility for administration of the EPBC Act.

Early works, also known as pre-construction works, have the definition provided in **SSD 5066**.

The EPBC Act is the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, as amended from time to time.

The **finalised EIS** means the environmental impact statement, dated December 2015, published pursuant to the assessment of the action under **the EPBC Act**, and also includes such portions of the draft environmental impact statement dated October 2014 as are referenced by the finalised environmental impact statement.

The **FBA** is the Framework for Biodiversity Assessment – a public policy framework administered by the New South Wales Office of Environment and Heritage for the assessment of impacts on biodiversity and the corresponding implementation of offsets (compensation).

Listed threatened species and communities are flora and fauna species and ecological communities that are listed under the **EPBC Act** as vulnerable, endangered or critically endangered.

The Minister is the Australian Government minister responsible for administration of the **EPBC Act**, and includes any delegate of that minister.

A **new or increased impact** is a new or increased impact on any matter protected by the controlling provisions for the action, when compared to a plan or strategy that has already been approved by **the Minister**.

Operations means any handling of freight at the site of the action, including introduction to the site, storage, transfer or transit but explicitly excluding **construction** activities.

A **relevant New South Wales regulator** is a New South Wales minister or government agency whose official role includes providing advice, developing policy and / or implementing regulation in relation to the subject matter to which a condition relates. To be clear, their ordinary functions need not be strictly regulatory in nature.

Shapefiles are ESRI ARCGIS Shapefiles, containing '.shp', '.shx' and '.dbf' files and other files. Shapefiles must include appropriate metadata capturing attributes including but not limited to the EPBC reference number of the approved action and details of the **listed threatened species and communities** present within the offset, covenant or legal protection details, including type and

identification. **The Department** prefers shapefiles using the Geocentric Datum of Australia (GDA) 94.

SSD 5066 is the development consent, reference SSD 5066, granted in relation to the action under section 89E of the New South Wales *Planning and Environment Act 1979*.

Suitably qualified expert refers to a person with tertiary qualifications and a minimum of five (5) years demonstrated experience relevant to the task in question.

Annexure 1 – development footprint

Annexure 1 - Development Footprint



LEGEND

- ▭ Development footprint
- ~ Watercourse
- Existing railway

ARCADIS AUSTRALIA PACIFIC PTY LTD
 10/11/2018 10:44:22 AM
 Project: 181 028 0000 - 1811 Sydney - NSW - 2018
 18/11/2018 10:44:22 AM

Scale: 1:15,000 @ A4

ARCADIS

SIMTA



Development Footprint

Annexure 2 – proposed offset areas

Annexure 2 - Proposed Offset Areas



LEGEND

-  Development footprint
-  Offset area
-  Watercourse
-  Existing railway

ARCADIS AUSTRALIA PACIFIC PTY LTD
 15/150 104 489 287
 15/150 104 489 287
 15/150 104 489 287

Scale: 1:20,000 @ A4



Location of proposed biodiversity offset areas

Appendix B – EPBC 2011/6086 Variation to Approval Conditions



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

Moorebank Intermodal Terminal Project – Concept, Moorebank, New South Wales
(EPBC 2011/6086)

This decision to vary conditions of approval is made under section 143 of the
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Approved action

Person to whom the approval is granted	Qube RE Services (No. 2) Pty Ltd ACN: 605 751 782
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Proposed action	To construct and operate the Moorebank Intermodal Terminal Project, in Southwest Sydney, NSW. [see referral EPBC 2011/6086; and variations approved on 1 July 2014 and 2 February 2016]
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Variation

Variation of conditions attached to approval	The variation is: Delete conditions 2 and 14 to the approval and substitute with conditions 2 and 14 as specified below. Add conditions 2A, 2B and 3A as specified below. Delete definition of Construction attached to the approval and substitute with the definition specified below Add definitions of Moorebank Avenue , Site Contamination NEPM and PFAS NEMP as specified below. Add Annexure 3, as specified below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments and Post Approvals Branch
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Signature	
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Date of decision	17 September 2019
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Conditions of approval

2. For the protection of the environment, including *listed threatened species and communities*, the person taking the action must prepare a construction environmental management plan (CEMP) addressing at least the elements specified in Conditions 5 to 13. Apart from *early works*, as described in Condition 3, the person taking the action must not **commence construction** until all specified CEMP approvals have been obtained in writing. The approved CEMP must be implemented.
- 2A. The CEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and the person taking the action must not **commence construction** of any stage until all specified approvals required for that stage have been obtained in writing.
- 2B. The CEMP corresponding to the stage that is confined to the upgrade of **Moorebank Avenue** is exempt from the requirements of Condition 8(d).
- 3A. For the protection of the environment, including *listed threatened species and communities*, the person taking the action must implement the following for the stage that is confined to the upgrade of **Moorebank Avenue**:
 - a) comprehensively sample the soil, sediment, surface water, groundwater, and other material at **Moorebank Avenue** for PFAS contamination prior to any construction commencing. Sampling must be consistent with the requirements set out in the **Assessment of Site Contamination NEPM** and sufficient to delineate any site contamination (with 95% confidence). PFAS must be analysed in samples at ultratrace level and reported in accordance with guidance set out in the **PFAS NEMP**;
 - b) record the origin, nature, volume, concentrations and masses of PFAS contaminants, source location, and intended placement location of soil and other material imported to **Moorebank Avenue**;
 - c) analyse and record the origin, nature, volume, concentrations and masses of PFAS contaminants, of soil, sediment, water and other materials taken, excavated, extracted or discharged from within **Moorebank Avenue**, at an appropriate frequency to allow for effective management intervention;
 - d) record the source location, and intended disposal destination of soil, sediment, water and other materials taken, excavated, extracted or discharged from within **Moorebank Avenue**;
 - e) not infiltrate, recharge, discharge, or re-use water arising from dewatering if the mean concentrations of PFAS contaminants exceed the ecosystem freshwater guideline values for the 95% species protection set out in the **PFAS NEMP**;
 - f) treat water in (d) above the limits set in (e) to remove the PFOS and PFOA content to at or below these limits before being infiltrated, recharged or discharged¹;
 - g) manage, treat, remediate, or dispose of any soil with concentrations of PFOS, PFHxS, or the sum of PFOS+PFHxS greater than 0.01 mg/kg and below 50mg/kg or ppm, and / or concentrations of PFOA greater than 0.3 mg/kg and below 50mg/kg or ppm, in accordance with the **PFAS NEMP**;
 - h) in accordance with the **PFAS NEMP**, treat, remediate, completely contain, or destroy any PFAS-contaminated material including water and excavated soil, with a PFOS, PFOA, or PFHxS content above 50 milligrams per kilogram (mg/kg or ppm) such that PFAS contaminants are prevented from entering the environment;

¹ It is recognised that there may be operational constraints on treatment plant process that mean treatment levels may vary over time. With this in mind water must not be re-infiltrated if it is more than 50% above the limit (i.e., 0.195 µg/L and 330 µg/L).

- i) not re-use excavated and extracted soils and sediments until the conditions in (g) and (h) are met. Temporary or long term stockpiling of soils, sediments and materials, such as while analysis is undertaken, must be in accordance with guidance set out in the **PFAS NEMP**.
14. To address residual impacts on protected biodiversity values, including *listed threatened species and communities*, the person taking the action must submit to the Minister for approval a Biodiversity Offset Strategy and Management Plan (BOSaMP). The BOSaMP must be prepared by a *suitably qualified expert* and must:
- be consistent with the biodiversity offsets strategy provided at Appendix E to the *finalised EIS*
 - incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the *finalised EIS* that are described as 'mandatory'
 - incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the *finalised EIS* that are described as 'subject to review' or justify any alternative protocols
 - offset impacts on protected biodiversity values including *listed threatened species and communities* in accordance with the **FBA**
 - include map(s) and *shapefiles* that identify the location and boundaries of all offset sites and
 - involve the protection and management in perpetuity of the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at Annexure 2 (now known as the BA341 biobank site).

The approval holder must not **commence construction** other than directly required for the upgrade of Moorebank Avenue until the BOSaMP has been approved by the **Minister** in writing. The approved BOSaMP must be implemented.

Definitions

Construction means any horizontal or vertical works, including the erection of any structures or the formation of any hardstand surfaces, as well as any preparatory earthworks or clearing of vegetation, in relation to the action, with the exception of:

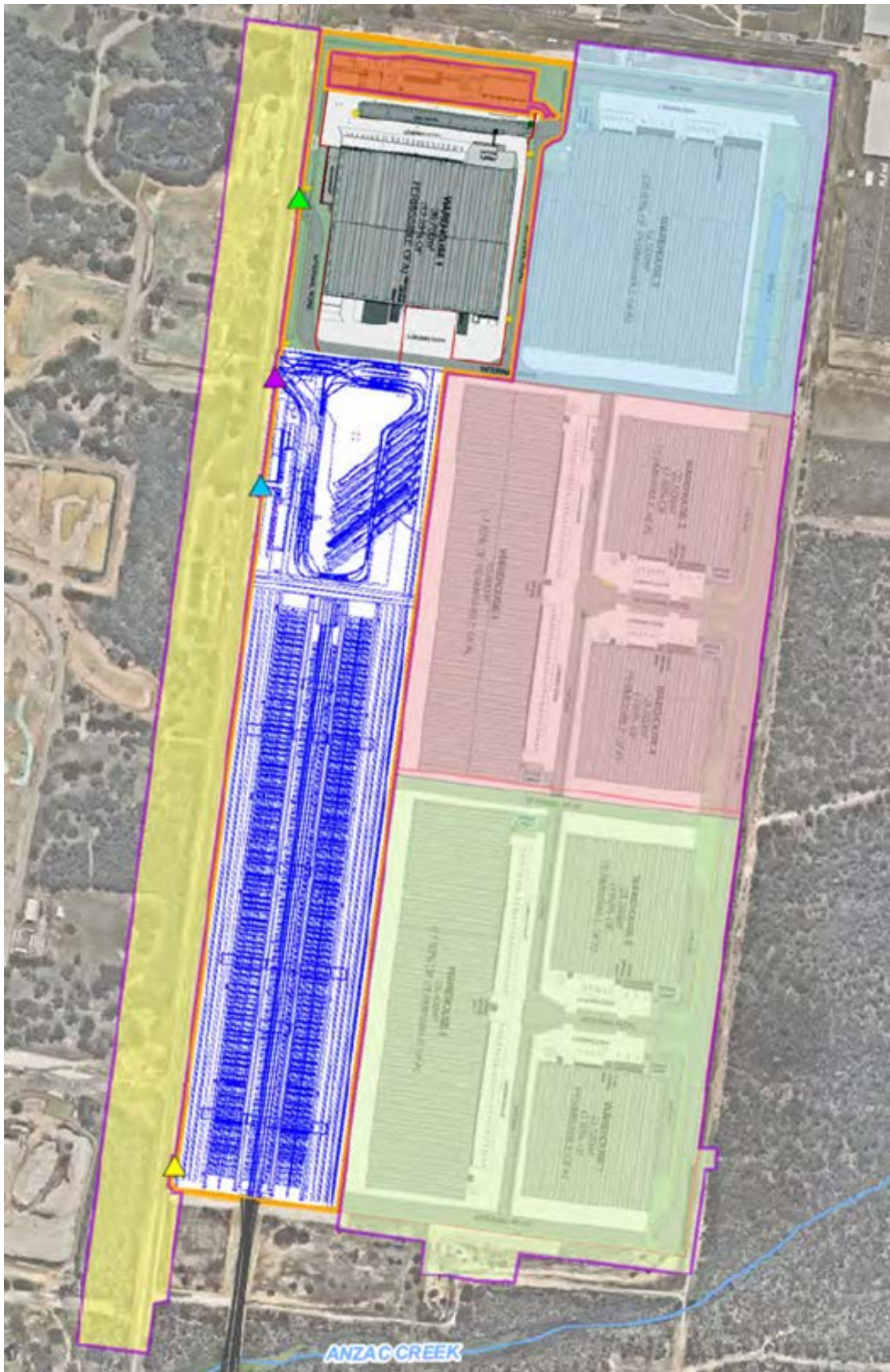
- installation of temporary signage
- installation of temporary fencing
- erection of temporary site compounds and construction facilities or relocation of services not requiring the clearance of any ***listed threatened species and communities*** or endangers ecological communities for the purpose of the New South Wales *Biodiversity Conservation Act 2016*
- exploration, mitigation or asset protection measures required in the fulfilment of these or other conditions of regulatory approval.

Moorebank Avenue means the area highlighted in yellow in Annexure 3.

PFAS NEMP means the current published version of the *PFAS National Environmental Management Plan* as updated from time to time (as published by the Heads of Environment Protection Agencies Australia and New Zealand (HEPA); currently version 2.0 (consultation draft), published in March 2019 and accessible via the Environment Protection Agency Victoria website [www.epa.vic.gov.au/your-environment/land-and-groundwater/pfas-in-victoria/pfas-nemp-2-0].

Site Contamination NEPM means the *National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) 1999, amended (varied) on 11 April 2013 and registered 15 May 2013*, by National Environment Protection Council (NEPC); Commonwealth of Australia, Canberra [www.nepc.gov.au/nepms/assessment-site-contamination].

Annexure 3 – Moorebank Avenue



Moorebank Avenue is the area shaded yellow in this Annexure.

Appendix C – Compliance Tracking Table

Moorebank Intermodal Precinct - MPW (EPBC 2011/6086)				
Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
Disturbance Limits				
1	The person taking the action must not undertake (or permit to be undertaken) any construction activities or operations outside the development footprint as depicted in Annexure 1 .	During construction	Compliant	No construction activities or operations were undertaken outside the development footprint during the reporting period.
Environmental Management Plans				
2 EPBC Variation 2011/ 6086 September 2019	For the protection of the environment, including listed threatened species and communities , the person taking the action must prepare a construction environmental management plan (CEMP) addressing at least the elements specified in Conditions 5 to 13. Apart from early works , as described in Condition 3, the person taking the action must not commence construction until all specified CEMP approvals have been obtained in writing. The approved CEMP must be implemented.	Prior to the commencement of and during construction.	Compliant	The agreed date of commencement for construction works on the MPW S2 Site was received on 22 July 2021. The MPW Stage 2 and Stage 3 Construction Environmental Management Plan (CEMP - Rev S, dated 13 December 2023) was prepared in accordance with this condition and was approved by the NSW Regulator on 08 March 2024. The MPW Stage 2 CEMP was submitted to DCCEEW for information on 02 April 2024 under CoA 21. The MPW South Addendum to the MPW Stage 2 and 3 CEMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21.
2A EPBC Variation 2011/ 6086 September 2019	The CEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and the person taking the action must not commence construction of any stage until all specified approvals required for the stage have been obtained in writing.	Prior to the commencement of construction	Not applicable	The CEMP is not being staged.
2B EPBC Variation 2011/ 6086 September 2019	The CEMP corresponding to the stage that is confined to the upgrade of Moorebank Avenue is exempt from the requirements of Condition 8(d).	Prior to the commencement of construction	Not applicable	Noted
3	For the protection of the environment, including listed threatened species and communities , the person taking the action must ensure that early works are undertaken in accordance with SSD 5066 and comply with the measures described in Condition 8 wherever perfluoroalkyl substance (PFAS) contamination is identified.	During construction	Not applicable	The early works were undertaken in accordance with MPW Concept & Stage 1 Consent SSD 5066. Demolition, remediation and removal of PFAS impacted material under SSD 5066 did not occur during the reporting period. The Moorebank Precinct West Per & Poly-fluoroalkyl Management Plan (PFASMP, Revision K, dated 21 July 2021) was submitted to DCCEEW on 11 August 2021 and was approved on 26 October 2021. The MPW Long Term Environmental Management Plan (MPW LTEMP - rev13 dated 01 December 2020, EP Risk) was in compliance with this condition and was approved by a delegate of the Minister on 26 October 2021. No PFAS contaminated material has been identified beyond those in known areas and place site areas during the reporting period.
3A EPBC Variation 2011/ 6086 September 2019	For the protection of the environment, including listed threatened species and communities , the person taking the action must implement the following for the stage that is confined to the upgrade of Moorebank Avenue :	Prior to the commencement of construction	Compliant	The MAUW CMP was submitted to DCCEEW for approval on 12 August 2021 and was approved 26 October 2021. The revised version of MAUW CMP (Version 7, dated 26 May 2021) was provided to DCCEEW for information on 11 November 2021 under CoA 21. The revised version of MAUW CMP included updates to demonstrate compliance against Condition 3A and EPBC Variation 2011/ 6086 September 2019. The revised Moorebank Avenue Upgrade Works Contamination Management Plan was prepared by suitably qualified persons in accordance with this condition and approved by the NSW Regulator on 28 September 2021. CoA requirement is included in Section 1.1 of MAUW CMP. EP Risk undertook a PFAS soil, sediment and surface water Assessment at the Site in compliance with this condition. No past or present primary source of PFAS was found at the MAUW Site. EP Risks also examined the PFAS concentration groundwater which reported PFOS at concentrations above the 99% ecological freshwater species protection criteria (0.00023 µg/L) but below the 95% ecological freshwater criteria (0.13 µg/L).
	a) comprehensively sample the soil, sediment, surface water, groundwater, and other material at Moorebank Avenue for PFAS contamination prior to any construction commencing. Sampling must be consistent with the requirements set out in the Assessment of Site Contamination NEPM and sufficient to delineate any site contamination (with 95% confidence). PFAS must be analysed in samples at ultratrace level and reported in accordance with guidance set out in the PFAS NEMP;	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and managed under EMP11 of the approved MPW Long term Environmental Management Plan (MPW LTEMP - rev13 dated 01 December 2020, EP Risk). No PFAS contaminated material has been identified beyond those in known areas and place site areas during the reporting period.
	b) record the origin, nature, volume, concentrations and masses of PFAS contaminants, source location, and intended placement location of soil and other material imported to Moorebank Avenue ;	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and managed under EMP04, EMP05, EMP 06 and EMP 07 of the approved MPW LTEMP.
	c) analyse and record the origin, nature, volume, concentrations and masses of PFAS contaminants, of soil, sediment, water and other materials taken, excavated, extracted or discharged from within Moorebank Avenue , at an appropriate frequency to allow for effective management intervention;	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and managed under EMP05 and EMP 10 of the approved MPW LTEMP.
	d) record the source location, and intended disposal destination of soil, sediment, water and other materials taken, excavated, extracted or discharged from within Moorebank Avenue ;	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and stormwater is managed under EMP17 of the approved MPW LTEMP.
e) not infiltrate, recharge, discharge, or re-use water arising from dewatering if the mean concentrations of PFAS contaminants exceed the ecosystem freshwater guideline values for the 95% species protection set out in the PFAS NEMP ;	Prior to the commencement of construction	Compliant	No dewatering has been conducted on the Site and is not permitted in the MPW LTEMP.	

Moorebank Intermodal Precinct - MPW (EPBC 2011/6086)				
Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
	f) treat water in (d) above the limits set in (e) to remove the PFOS and PFOA content to at or below these limits before being infiltrated, recharged or discharged';	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and treatment of stormwater is managed under EMP17 of the approved MPW LTEMP.
	g) manage, treat, remediate, or dispose of any soil with concentrations of PFOS, PFHxS, or the sum of PFOS+PFHxS greater than 0.01 mg/kg and below 50mg/kg or ppm, and l or concentrations of PFOA greater than 0.3 mg/kg and below 50mg/kg or ppm, in accordance with the PFAS NEMP ;	Prior to the commencement of construction	Compliant	CoA requirement is included in Appendix D, and managed under EMP04, EMP05, EMP 06 and EMP 07 of the approved MPW LTEMP.
	h) in accordance with the PFAS NEMP , treat, remediate, completely contain, or destroy any PFAS-contaminated material including water and excavated soil, with a PFOS, PFOA, or PFHxS content above 50 milligrams per kilogram (mg/kg or ppm) such that PFAS contaminants are prevented from entering the environment;	Prior to the commencement of construction	Compliant	Treatment and remediation was not required as PFOS, PFOA, or PFHxS content above 50 milligrams per kilogram (mg/kg or ppm) was not detected within soil or water.
	l) not re-use excavated and extracted soils and sediments until the conditions in (g) and (h) are met. Temporary or long term stockpiling of soils, sediments and materials, such as while analysis is undertaken, must be in accordance with guidance set out in the PFAS NEMP .	Prior to the commencement of construction	Compliant	PFOS, PFOA, or PFHxS content above 50 milligrams per kilogram (mg/kg or ppm) was not detected within soil or water within the MAUW Site. CoA requirement is included in Appendix D, and stockpiles are managed under EMP 06 of the approved MPW LTEMP.
4	For the protection of the environment, including listed threatened species and communities , the person taking the action must prepare an operational environmental management plan (OEMP) addressing at least the elements outlined in Conditions 5 to 13. Operations must not commence until all specified OEMP approvals have been obtained in writing, and once approved, the OEMP must be implemented. The OEMP may be prepared in stages, in which case the corresponding stage must be clearly defined, and operations of that stage must not commence until all specified approvals have been obtained in writing.	Prior to the commencement of and during operations.	Compliant	The MPW Stage 2 OEMP (Rev 7, dated 06 May 2024) was prepared by suitably qualified experts and approved by a delegate of the Minister on 22 May 2024. Appendix A of the MPW Stage 2 OEMP addresses conditions 5 to 13. The MPW Stage 2 OEMP is not being staged. The operational activities on MPW Stage 2 have not yet commenced.
	Sections of the CEMP and OEMP relating to traffic must be prepared by a suitably qualified expert and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 Construction Traffic and Access Management Plan (CTAMP - Rev P, dated 13 December 2023) was prepared by suitably qualified persons in accordance with this condition. CoA requirement is included in Author Details table. The MPW South Addendum to the MPW Stage 2 and 3 CTAMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 Operational Traffic and Access Management Plan (OTAMP, Rev 9, dated 08 April 2024) was prepared by suitably qualified persons in accordance with this condition. CoA requirement is included in Section 1 of the OTAMP.
5	a) be consistent with the <i>Traffic, Transport and Access Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the finalised EIS	Prior to the commencement of construction and operation.	Compliant	CoA requirement is addressed in Section 2.2.1 of the MPW Stage 2 and Stage 3 CTAMP. CoA requirement is addressed in Section 2.2.1 of the MPW Stage 2 OTAMP.
	b) incorporate all measures 4A to 40 from Table 7.1 of the finalised EIS that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix A of the MPW Stage 2 and Stage 3 CTAMP. CoA requirement is included in Section 3 and Section 4 of the MPW Stage 2 OTAMP.
	c) explain how all measures 4A to 40 from Table 7.1 of the finalised EIS that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix A of the MPW Stage 2 and Stage 3 CTAMP. CoA requirement is included in Section 3 and Section 4 of the MPW Stage 2 OTAMP.
	d) be approved by the Minister or a relevant New South Wales regulator .	Prior to the commencement of construction and operation.	Compliant	The revised MPW Stage 2 and Stage 3 CTAMP (Rev P, dated 13 December 2023) was approved by the NSW Regulator on 19 February 2024. The MPW Stage 2 OTAMP (rev 9, dated 08 April 2024) was approved by the NSW Regulator on 07 June 2024.
	Sections of the CEMP and OEMP relating to noise and vibration must be prepared by a suitably qualified expert and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 Construction Noise and Vibration Management Plan (CNVMP - Rev 17, dated 13 December 2023) was prepared by suitably qualified persons in accordance with this condition. Table 11 in Section 3.1.2 of the MPW Stage 2 and Stage 3 CNVMP addresses this requirement. The MPW South Addendum to the MPW Stage 2 and 3 CNVMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 Operational Noise Management Plan (ONMP - Rev 4, dated 15 February 2024) as prepared by suitably qualified persons in accordance with this condition. Appendix A of the MPW Stage 2 ONMP addresses this requirement.
6	a) be consistent with the <i>Noise and Vibration Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the finalised EIS	Prior to the commencement of construction and operation.	Compliant	Table 11 in Section 3.1.2 of the MPW Stage 2 and Stage 3 CNVMP addresses this requirement. Appendix A of the MPW Stage 2 ONMP addresses this requirement.

Moorebank Intermodal Precinct - MPW (EPBC 2011/6086)

Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
	b) incorporate all measures 5A to 5T (CEMP only) and 5U to 5AJ (OEMP only) from Table 7.1 of the finalised EIS that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix I of the MPW Stage 2 and Stage 3 CNVMP. CoA requirement is included in Section 3 and Section 4 of the MPW Stage 2 ONMP.
	c) explain how all measures 5A to 5T (CEMP only) and 5U to 5AJ (OEMP only) from Table 7.1 of the finalised EIS that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix I of the MPW Stage 2 and Stage 3 CNVMP. CoA requirement is included in Section 3 and Section 4 of the MPW Stage 2 ONMP.
	d) be approved by the Minister or a relevant New South Wales regulator .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 CNVMP (Rev 17, dated 13 December 2023) was approved by the NSW Minister on 09 May 2024. The MPW Stage 2 ONMP (Rev 4, dated 15 February 2024) was approved by the NSW Minister on 08 March 2024.
	Sections of the CEMP and OEMP relating to biodiversity must be prepared by a suitably qualified expert and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 Construction Flora and Fauna Management Plan (CFFMP - Rev P, dated 13 December 2023) was prepared by suitably qualified persons in accordance with this condition. The MPW South Addendum to the MPW Stage 2 and 3 CFFMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 Operational Flora and Fauna Management Plan (OFFMP - Rev 07, dated 06 May 2024) was prepared by suitably qualified persons in accordance with this condition.
	a) be consistent with the <i>Biodiversity Provisional Environmental Management Framework</i> (3 July 2014), provided at Appendix 0 to the finalised EIS	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3.2 of the MPW Stage 2 CFFMP. CoA requirement is included in Section 1.3 and Table 1-1 of the MPW Stage 2 OFFMP.
	b) incorporate all measures 6A to 6R, 6T, 6V and 6X from Table 7.1 of the finalised EIS that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3.3 of the MPW Stage 2 CFFMP. CoA requirement is included in Section 4.4 of the MPW Stage 2 OFFMP.
7	c) explain how all measures 6A to 6R, 6T, 6V and 6X from Table 7.1 of the finalised EIS that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3.3 of the MPW Stage 2 CFFMP. CoA requirement is included in Section 4.4 of the MPW Stage 2 OFFMP.
	d) include detailed biosecurity protocols, prepared in consultation with relevant New South Wales and Commonwealth biosecurity agencies, in relation to international and interstate container movement	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix C of the MPW Stage 2 CFFMP. CoA requirement is also included in Section 4.2 and Appendix E (Biosecurity Protocol) of the MPW Stage 2 OFFMP.
	e) be approved by the Minister .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 CFFMP - Rev K, dated 10 March 2020 was submitted to DCCEEW for approval on 2 April 2020 and approved on 26 October 2021. The revised CFFMP (Rev P, dated 13 December 2023) was provided to DCCEEW on 02 April 2024 under CoA 21 for information and is currently being implemented on site. The MPW South Addendum to the MPW Stage 2 and 3 CFFMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 Operational Flora and Fauna Management Plan (OFFMP - Rev 07, dated 06 May 2024) was approved by a delegate of the Minister on 22 May 2024.
	Sections of the CEMP and OEMP relating to contamination and soils must be prepared by a suitably qualified expert and must:	Prior to the commencement of construction and operation.	Compliant	The Moorebank Precinct West Per & Poly-fluoroalkyl Management Plan - Construction (PFASMP - rev K, dated 21 July 2021) was prepared by suitably qualified persons in accordance with this condition. The Moorebank Precinct West Long-Term Environmental Management Plan, (LTEMP - Version 13, dated 1 December 2020) was prepared by suitably qualified persons in accordance with this condition.
	a) be consistent with the <i>Soils and Contamination Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the finalised EIS	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix E of the MPW LTEMP.
	b) incorporate all measures 7A to 7K, and 8A to 8AA, from Table 7.1 of the finalised EIS that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix E, Table E3 of the MPW LTEMP
	c) explain how all measures 7A to 7K, and 8A to 8AA, from Table 7.1 of the finalised EIS that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix E, Table E3 of the MPW LTEMP
	d) in relation to management of PFAS:	Prior to the commencement of construction and operation.	Compliant	Specific CoA requirements are addressed within applicable management plans at the locations detailed below:

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Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
8	i) be consistent with: <ul style="list-style-type: none"> National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) Australian and New Zealand Guidelines for Fresh and Marine Water Quality (under the National Water Quality Management Strategy) including the draft default guideline values for perfluorooctanoic acid (PFOS) and perfluorooctane sulfonic acid (PFOA) in freshwater as applied by the state government relevant Commonwealth environmental management guidance on PFOS and PFOA 	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3 of the MPW PFASMP. CoA requirement is included in Section 4 and Appendix D of the MPW LTEMP.
	ii) detail implementation and operational procedures, appropriate to the risk posed by any contamination, including: <ul style="list-style-type: none"> roles and responsibilities management of potential PFAS contaminated sites as yet un-investigated management of areas of known PFAS contamination, including strategies to reduce runoff, dewatering and migration of contamination across and off the proposed site a contingency action plan for unexpected PFAS contaminant discoveries detail soil, groundwater and surface water PFAS contamination monitoring requirements and testing and disposal procedures appropriate to the risk posed by any contamination 	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 6, Section 7 and Section 10 of the MPW PFASMP. CoA requirement is included in Section 4.1 and Appendix D of the MPW LTEMP.
	iii) detail soil, groundwater and surface water PFAS contamination monitoring requirements and testing and disposal procedures appropriate to the risk posed by any contamination	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 9 of the MPW PFASMP. CoA requirement is included in Appendix D of the MPW LTEMP.
	iv) include requirements for site validation reports appropriate to the risk posed by any contamination	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 9.2 and Appendix E of the MPW PFASMP.
	v) include requirements for remedial action plans appropriate to the risk posed by any contamination	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in the Appendix E - Remediation Action Plan of the MPW PFASMP.
	vi) detail review procedures appropriate to the risk posed by any contamination	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 11 of the MPW PFASMP. CoA requirement is included in Appendix D of the MPW LTEMP.
	vii) impose the following performance measures for managing earthworks and the potential for effects to occur due to disturbance of PFAS contaminated soils during construction: <ul style="list-style-type: none"> contaminated sediment to be discharged outside the site of the action to be minimised contaminated waste material, including excavated soil, to be released through dewatering to be handled appropriately to the risk posed by the contamination and disposed of in an environmentally sound manner such that potential for the PFAS content to enter the environment is minimised contaminated waste material, including excavated soil, with a PFOS or PFOA content above 50 milligrams per kilogram (mg / kg) to be stored or disposed of in an environmentally sound manner, such that PFAS content does not enter the environment all soil remaining at the site of the action to be suitable for purpose. 	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 7 of the MPW PFASMP. CoA requirement is included in Appendix D of the MPW LTEMP.
	e) be approved by the Minister .	Prior to the commencement of construction and operation.	Compliant	The revised PFASMP (rev K, dated 21 July 2021) and LTEMP (Version 13, dated 1 December 2020) were submitted to DCCEEW on 11 August 2021 and approved on 26 October 2021.
9	Sections of the CEMP and OEMP relating to water must be prepared by a suitably qualified expert and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 Construction Soil and Water Management Plan (CSWMP - Rev 18, dated 12 November 2021) was prepared by suitably qualified persons in accordance with this condition. The MPW South Addendum to the MPW Stage 2 and 3 CEMP (Revision 2, dated 29 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 Stormwater Infrastructure Operation and Maintenance Plan (SIOMP - Rev 03 dated 31 May 2023) was prepared by suitably qualified persons in accordance with this condition. The requirement has been addressed in Appendix A of the SIOMP.
	a) be consistent with the <i>Water Quality, Storm water and Flooding Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the finalised EIS	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 CSWMP was prepared in accordance with this CoA. The requirement is addressed in Section 1.3 of the CSWMP. The MPW Stage 2 SIOMP was prepared in accordance with this CoA. The requirement has been addressed in Appendix A of the SIOMP.
	b) incorporate all measures 9A to 9AG from Table 7.1 of the finalised EIS that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 1.2 of the MPW Stage 2 and Stage 3 CSWMP. CoA requirement is included in Table 3-4 of the MPW Stage 2 SIOMP.
	c) explain how all measures 9A to 9AG from Table 7.1 of the finalised EIS that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 1.2 of the MPW Stage 2 and Stage 3 CSWMP. CoA requirement is included in Table 3-4 of the MPW Stage 2 SIOMP.
	d) be approved by the Minister or a relevant New South Wales regulator .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 CSWMP - Rev 18, dated 12 November 2021) was approved by the NSW Regulator on 18 March 2022. It was submitted to DCCEEW for information on 01 April 2022. The MPW South Addendum to the MPW Stage 2 and 3 CSWMP (Revision 2, dated 29 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 SIOMP - Rev 03, dated 31 May 2023 was approved by the NSW Regulator on 08 March 2024. It was submitted to DCCEEW for information on 12 March 2024.

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Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
10	Sections of the CEMP and OEMP relating to air quality must be prepared by a <i>suitably qualified expert</i> and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 Construction Air Quality Management Plan (CAQMP - Rev F, dated 2 April 2020) was prepared by suitably qualified persons in accordance with this condition. The author details and qualifications are provided at the beginning CAQMP. The MPW Stage 2 Precinct Operational Air Quality Management Plan (POAQMP - Rev 015, dated 20 February 2023) was prepared by suitably qualified persons in accordance with this condition. The author details and qualifications are provided at the beginning POAQMP.
	a) be consistent with the <i>Air Quality Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the <i>finalised EIS</i>	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 CAQMP was prepared in accordance with this CoA. This requirement is addressed in Section 4.1.3 of the MPW Stage 2 CAQMP. The MPW Stage 2 POAQMP was prepared in accordance with this CoA. CoA requirement has been addressed in Section 2.3.1 of the POAQMP.
	b) incorporate all measures 10A to 10U (CEMP only) and 1 OV to 10AH and 11 A to 11 H (OEMP only) from Table 7.1 of the <i>finalised EIS</i> that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3.3 and Appendix A of the MPW Stage 2 CAQMP CoA requirement is included in Table 3-8 and Section 4.1.1 of the MPW Stage 2 POAQMP
	c) explain how all measures 10A to 10U (CEMP only) and 10V to 10AH and 11A to 11 H (OEMP only) from Table 7.1 of the <i>finalised EIS</i> that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 3.3 and Appendix A of the MPW Stage 2 CAQMP. CoA requirement is included in Table 3-8 and Section 4.1.1 of the MPW Stage 2 POAQMP.
	d) be approved by <i>the Minister</i> or a relevant <i>New South Wales regulator</i> .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 CAQMP (Rev F, dated 2 April 2020) was submitted to DCCEEW for approval on 11 February 2020 and approved on 26 October 2021. The MPW Stage 2 Precinct Operational Air Quality Management Plan (POAQMP - Rev 015, dated 20 February 2023) was approved by NSW Regulator on 20 December 2023. The plan was submitted to DCCEEW for information on 07 March 2024.
11	Sections of the CEMP and OEMP relating to Aboriginal heritage must be prepared by a <i>suitably qualified expert</i> and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 Construction Heritage Management Plan (CHMP), prepared by Biosis (Rev.08, dated 22 February 2017) was prepared by suitably qualified persons in accordance with this condition. The MPW Stage 2 OEMP (Rev 7, dated 06 May 2024) was prepared by suitably qualified persons in accordance with this condition.
	a) be consistent with the <i>Aboriginal Heritage Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the <i>finalised EIS</i>	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 CHMP was prepared in accordance with this CoA. The MPW Stage 2 OEMP Appendix H was prepared in accordance with this CoA.
	b) incorporate all measures 12A to 12G from Table 7.1 of the <i>finalised EIS</i> that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 5.2 and Appendix H - Unexpected Finds Protocol of the MPW Stage 2 OEMP.
	c) explain how all measures 12A to 12G from Table 7.1 of the <i>finalised EIS</i> that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 5.2 and Appendix H - Unexpected Finds Protocol of the MPW Stage 2 OEMP.
	d) be approved by <i>the Minister</i> or a relevant <i>New South Wales regulator</i> .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 Construction Heritage Management Plan (CHMP), prepared by Biosis (Rev.08, dated 22 February 2017) was approved by the NSW Regulator on 29/05/2017. The MPW Stage 2 OEMP (Rev 7, dated 06 May 2024) was approved by a delegate of the Minister on 22 May 2024.
12	Sections of the CEMP and OEMP relating to European heritage must be prepared by a <i>suitably qualified expert</i> and must:	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 CHMP was prepared by suitably qualified persons in accordance with this condition. The MPW Stage 2 OEMP was prepared by suitably qualified persons in accordance with this condition.
	a) be consistent with the <i>European Heritage Provisional Environmental Framework</i> (2 July 2014), provided at Appendix 0 to the <i>finalised EIS</i>	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 CHMP was prepared in accordance with this CoA. The MPW Stage 2 OEMP Appendix H was prepared in accordance with this CoA.
	b) incorporate all measures 13A to 13M from Table 7.1 of the <i>finalised EIS</i> that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Table 1 of the MPW Stage 1 CHMP.
	c) explain how all measures 13A to 13M from Table 7.1 of the <i>finalised EIS</i> that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Section 5.2.1.5 and Appendix H - Unexpected Finds Protocol of the MPW Stage 2 OEMP. CoA requirement is included in Table 1 of the MPW Stage 1 CHMP.
	d) be approved by <i>the Minister</i> or a relevant <i>New South Wales regulator</i> .	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 1 CHMP, prepared by Biosis (Rev 08, dated 22 February 2017) was approved by the NSW Regulator on 29 May 2017. The OEMP (Rev 7, dated 06 May 2024) was approved by a delegate of the Minister on 22 May 2024.

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Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
13	Sections of the CEMP and OEMP relating to visual impacts (including light spill) must be prepared by a <i>suitably qualified expert</i> and must:	Prior to the commencement of construction and operation.	Compliant	Appendix P of the MPW Stage 2 and Stage 3 CEMP (Rev S, dated 13 December 2023) was prepared by suitably qualified persons. Appendix G of the MPW Stage 2 OEMP (Rev 7, dated 06 May 2024) was prepared by suitably qualified persons in accordance with this condition.
	a) be consistent with the <i>Light Spill Provisional Environmental Management Framework</i> (2 July 2014), provided at Appendix 0 to the <i>finalised EIS</i>	Prior to the commencement of construction and operation.	Compliant	The MPW Stage 2 and Stage 3 CEMP Appendix P was prepared in accordance with this CoA. The MPW Stage 2 OEMP Appendix G was prepared in accordance with this CoA.
	b) incorporate all measures 14A to 14H from Table 7.1 of the <i>finalised EIS</i> that are described as 'mandatory'	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix P - Light Spill Management of the MPW Stage 2 and Stage 3 CEMP. CoA requirement is included in Section 5.2 and Appendix G - Light Spill Management of the MPW Stage 2 OEMP.
	c) explain how all measures 14A to 14H from Table 7.1 of the <i>finalised EIS</i> that are described as 'subject to review' have been addressed	Prior to the commencement of construction and operation.	Compliant	CoA requirement is included in Appendix P - Light Spill Management of the MPW Stage 2 and Stage 3 CEMP. CoA requirement is included in Section 5.2 and Appendix G - Light Spill Management of the MPW Stage 2 OEMP.
	d) be approved by <i>the Minister</i> or a <i>relevant New South Wales regulator</i> .	Prior to the commencement of construction and operation.	Compliant	The revised MPW Stage 2 and Stage 3 CEMP (Rev S, dated 13 December 2023) was approved by the NSW Regulator on 08 March 2024 and was submitted to DCCEEW for information on 02 April 2024 under CoA 21 and is currently being implemented on site. The MPW South Addendum to the MPW Stage 2 and 3 CEMP (Revision 2, dated 28 February 2024) was submitted to DCCEEW for information on the 06 March 2024 in accordance with CoA 21. The MPW Stage 2 OEMP (Rev 7, dated 06 May 2024) was approved by a delegate of the Minister on 22 May 2024.
Biodiversity offsets				
14 EPBC Variation 2011/ 6086 September 2019	To address residual impacts on protected biodiversity values, including listed threatened species and communities , the person taking the action must submit to the Minister for approval a Biodiversity Offset Strategy and Management Plan (BOSaMP). The BOSaMP must be prepared by a <i>suitably qualified expert</i> and must:	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	The Moorebank Precinct West Biodiversity Offset Strategy and Management Plan (BOSaMP - dated 18 November 2019) was prepared by suitably qualified persons in accordance with this condition and was approved by DCCEEW on 11 December 2019.
	a) be consistent with the biodiversity offsets strategy provided at Appendix E to the <i>finalised EIS</i>	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Section 3.2 of the MPW BOSaMP.
	b) incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the <i>finalised EIS</i> that are described as 'mandatory'	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Section 1.2, Table 3 of the MPW BOSaMP.
	c) incorporate all measures 6S, 6U, 6W and 6Y to 6AA from Table 7.1 of the <i>finalised EIS</i> that are described as 'subject to review' or justify any alternative protocols	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Section 1.2, Table 3 of the MPW BOSaMP.
	d) offset impacts on protected biodiversity values including <i>listed threatened species and communities</i> in accordance with the <i>FBA</i>	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Section 3.5 of the MPW BOSaMP.
	e) include map(s) and <i>shapefiles</i> that identify the location and boundaries of all offset sites and	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Figure 3 of the MPW BOSaMP.
	f) involve the protection and management in perpetuity of the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at Annexure 2 (now known as the BA341 biobank site).	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	CoA requirement has been addressed in Section 3.1 of the MPW BOSaMP.
	The approval holder must not commence construction other than directly required for the upgrade of Moorebank Avenue until the BOSaMP has been approved by <i>the Minister</i> in writing. The approved BOSaMP must be implemented.	Prior to commencement of construction directly required for the upgrade of Moorebank Avenue.	Compliant	The MPW BOSaMP was approved by DCCEEW on 11 December 2019 and the commencement of construction was determined to be 22 July 2021. The MPW BOSaMP is currently being implemented on site.
15	Until the BOS described in Condition 14 is approved, the person taking the action must manage the 'Casula', 'Moorebank' and 'Wattle Grove' Offset Areas identified at Annexure 2 , for the protection of native vegetation, and in particular the vulnerable Small-Flower Grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>) and endangered Nodding Geebung (<i>Personia nutans</i>).	Prior to approval of the BOS	Not applicable	The MPW BOSaMP was approved by DCCEEW on 11 December 2019. This CoA falls outside of the reporting period and is not triggered for this reporting period.
Administrative Conditions				
16	Within ten (10) days after the commencement of construction , the person taking the action must advise <i>the Department</i> in writing of the actual date of commencement .	Within 10 days after the commencement of construction	Compliant	The agreed date of commencement of construction between The Applicant and DCCEEW was determined to be 22 July 2021.

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Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
17	The person taking the action must provide the Department with copies of all management plans or strategies required by this approval within one (1) month of their approval.	Within one month of approval of management plans	Compliant	The NSW regulator identifies that the approval of the CEMP and sub-plans as being contingent on the approval of the suite. The MPW Stage 2 and Stage 3 CEMP (Rev S, dated 13 December 2023) and subplans were approved by the NSW Regulator and were submitted to DCCEEW for information on 02 April 2024, making it compliant with this CoA.
18	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement any management plans or strategies required by this approval, and make them available upon request to the Department . Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act , or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	At all times	Compliant	Compliance with this condition is affirmed in this compliance report. No independent environmental audits were undertaken during the reporting period.
19	Unless otherwise agreed in writing by the Minister , within three (3) months of every twelve (12) month anniversary of the commencement of construction , the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management and strategies as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. Reports must remain published for the life of this approval. The person taking the action must continue to publish these reports each year until such time as agreed in writing by the Minister.	Within three months of every 12 month anniversary of the commencement of construction.	Non-Compliant	This Moorebank Intermodal Terminal Facility Commonwealth Compliance Report (July 2022 - July 2023, dated 25 October 2023) was submitted to DCCEEW on 31 October 2023. This report was made available on the project website (https://moorebankintermodalprecinct.com.au/community/document-library/) within one month of submission.
20	Upon the direction of the Minister , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor, and audit criteria, must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister	Upon the direction of the Minister	Not applicable	No directions to undertake an independent audit have been received during the reporting period.
21	The person taking the action may choose to revise a management plan or strategy approved by the Minister under Conditions 2, 4 or 14 without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the revised plan or strategy would not be likely to have a new or increased impact . If the person taking the action makes this choice they must:	At all times	Compliant	The following management plans were revised under CoA 21 during the reporting period and DCCEEW was provided with the plans on 02 April 2024: - MPW Stage 2 and Stage 3 CEMP - Revision S, dated 13 December 2023 - MPW Stage 2 and Stage 3 CTAMP - Revision P, dated 07 February 2024 - MPW Stage 2 and Stage 3 CNVMP - Revision 17, dated 13 December 2023 - MPW Stage 2 - Revision P, dated 13 December 2023. The following addenda to the MPW Stage 2 and 3 management plans for the MPW South scope of works were submitted under CoA 21 during the reporting period: - The MPW South Addendum to the MPW Stage 2 and 3 CEMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CTAMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CNVMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CFFMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CSWMP- Revision 2, dated 29 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CERP- Revision 2, dated 29 February 2024.
	a) notify the Department in writing that the approved plan or strategy has been revised and provide the Department with an electronic copy of the revised plan or strategy	At all times	Compliant	Written notification of the revised MPW Stage 2 and Stage 3 CEMP and subplans were provided to DCCEEW on 02 April 2024. The revised plans were attached to the notification. Written notification of the addenda to the MPW Stage 2 and Stage 3 CEMP and subplans were provided to DCCEEW on the 06 March 2024.
	b) implement the revised plan or strategy from the date that the plan or strategy is submitted to the Department	At all times	Compliant	The following management plans were revised under CoA 21 and notified to DCCEEW on 02 April 2024. The following revised management plans are currently being implemented on site: - MPW Stage 2 and Stage 3 CEMP - Revision S, dated 13 December 2023 - MPW Stage 2 and Stage 3 CTAMP - Revision P, dated 07 February 2024 - MPW Stage 2 and Stage 3 CNVMP - Revision 17, dated 13 December 2023 - MPW Stage 2 CFFMP - Revision P, dated 13 December 2023. The following addenda to the MPW Stage 2 and 3 management plans for the MPW South scope of works were submitted under CoA 21 during the reporting period: - The MPW South Addendum to the MPW Stage 2 and 3 CEMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CTAMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CNVMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CFFMP- Revision 2, dated 28 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CSWMP- Revision 2, dated 29 February 2024 - The MPW South Addendum to the MPW Stage 2 and 3 CERP- Revision 2, dated 29 February 2024.

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Condition No.	Condition	Timing for Compliance	Compliance Status	Evidence / Comments
	c) for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan or strategy would not be likely to have a new or increased impact .	At all times	Compliant	The revised MPW Stage 2 and Stage 3 CEMP and subplans were notified to DCCEEW for information on 02 April 2024. The notification included that the management plans have been updated to reflect a revised construction access point for MPW Stage 2 activities. Given the changes to the previously approved plans, the revised plans did not result in any new or increased impacts. Written notification of the addenda to the MPW Stage 2 and Stage 3 CEMP and subplans were provided to DCCEEW on the 06 March 2024. The notification identified that the submitted plans do not result in any new or increased impacts.
	Note: Condition 21 does not affect any obligation to consult or seek approval from a relevant New South Wales regulator when revising a management plan or strategy.	At all times	Not applicable	Noted.
22	The person taking the action may revoke their choice under Condition 21 at any time by notice to the Department . If the person taking the action revokes the choice to implement a revised plan or strategy, without approval under section 143A of the EPBC Act , the plan or strategy approved by the Minister must be implemented.	At all times	Compliant	The Applicant did not take any action to revoke their choice under Condition 21 during the reporting period.
23	Condition 21 does not apply if the revisions to the approved plan or strategy include changes to environmental offsets provided under the plan or strategy in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister . This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan or strategy would, or would not, be likely to have new or increased impacts .	At all times	Compliant	The revisions to the approved plans or strategy did not include changes to environment offsets during this reporting period.
24	If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a new or increased impact , then:	At all times	Compliant	No such notice was received during the reporting period.
	a) Condition 21 does not apply, or ceases to apply, in relation to the revised plan or strategy	At all times	Compliant	
	b) the person taking the action must implement the plan or strategy approved by the Minister .	At all times	Compliant	
	To avoid any doubt, this condition does not affect any operation of Conditions 21, 22 or 23 in the period before the day the notice is given.	At all times	Not applicable	
	At the time of giving the notice the Minister may also notify that for a specified period of time, Condition 21 does not apply for one or more specified plans or strategies required under the approval.	At all times	Not applicable	No such notification was received during the reporting period.
25	Conditions 21 to 24 are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan or strategy to the Minister for approval.	At all times	Not applicable	Noted
26	If, at any time after five (5) years from the date of this approval, the person taking the action has not commenced construction , then the person taking the action must not commence construction without the written agreement of the Minister .	Prior to 27 September 2021	Not applicable	Construction of the approved action commenced within five years of the date of the approval.
27	Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management plans and strategies referred to in these conditions of approval (including the finalised EIS) on their website. Each management plan and strategy must be published on the website within one (1) month of being approved by the Minister or being submitted under Condition 21.	Within one month of commencing construction	Compliant	MPW management plans and strategies are available on the development website: (https://moorebankintermodalprecinct.com.au/community/document-library/).
Notes	Management plans or strategies referred to in Conditions 2, 4 and 14 may be reorganised for administrative efficiency provided that all specified requirements are addressed and that each document is submitted with a clear description of the condition(s) it is intended to satisfy.			