

# Annual Compliance Report

**Moorebank Avenue Realignment Works**

**EPBC Approval No. 2020/8839**

**23 October 2023 – 22 October 2024**

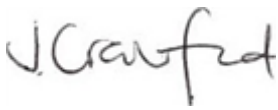
# Moorebank Avenue Realignment Works

Annual Compliance Report

EPBC Approval 2020-8839

23 October 2023 – 22 October 2024

18/12/24



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## Version Control

Revision No.	Date Issued	Description	Author	Approver
A	16/12/24	Draft for client review	J. Crawford	W. Owers
B	18/12/24	Updated to address client comments	J. Crawford	W. Owers

## Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (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): Westley Owers

Position (please print): Senior Manager - Planning Environment

Organisation (please print including ABN/ACN if applicable): NATIONAL INTERMODAL (ABN 64 161 635 105)

Date: 20/12/24

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## Acronyms and Definitions

Acronym	Definition
CoA	Condition of Approval
CEMP	Construction Environmental Management Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DJLU	Defence Joint Logistics Unit
EPA	Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act
IMEX	Import Export Terminal
MARW	Moorebank Avenue Realignment Works
MLP	Moorebank Logistics Park
MPW	Moorebank Precinct West
MPE	Moorebank Precinct East
OCPs	Organochlorine pesticides
PFAS	Per- and polyfluoroalkyl substances
RAP	Remediation Action Plan
SAQP	Sampling Analysis Quality Plan

# 1 INTRODUCTION

## 1.1 Description of activities

EPBC number	2020/8839
Project name	Moorebank Avenue Realignment Works
Approval holder	National Intermodal (ABN 64 161 635 105)
Approved action	To realign a section of Moorebank Avenue, from south of Anzac Road to the East Hills Railway, in Moorebank, NSW. [See EPBC Act referral 2020/8839].
Location of the Project	Sydney, NSW
Person accepting responsibility for the report	National Intermodal (ABN 64 161 635 105)
Reporting period	23 October 2023 to 22 October 2024
Report date	16 December 2024

Refer to Section 3 for details of activities undertaken during the reporting period.

## 1.2 Purpose of this report

The Moorebank Avenue Realignment Works (MARW) was approved on 7 December 2021 under Sections 18, 18A, 26 and 27A of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Annual compliance reporting requirements are specified in Condition of Approval (CoA) Condition 16. The Condition states:

*The approval holder must prepare a **compliance report** for each 12 month period for the life of the approval, following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:*

- a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12-month period*
- b. notify the **department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within 5 **business days** of the date of publication*
- c. keep all **compliance reports** publicly available on the **website** until this approval expires*
- d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website***
- e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **department** within 5 **business days** of publication.*

Construction of the MARW commenced on 23 October 2023 and this report summarises construction progress and compliance against the relevant CoA for the reporting period 23 October 2023 to 22 October 2024.

Refer to [Appendix A](#) for a copy of the EPBC 2020/8839 Approval.

Refer to [Appendix B](#) for a Compliance Table outlining the compliance status of the action against each CoA.

This report has been prepared by Arcadis with input from National Intermodal.

## 2 ACTION DESCRIPTION

### 2.1 Overview

Moorebank Avenue currently connects to Newbridge Road and M5 Motorway to the north, Anzac Road to the south and terminates at Cambridge Avenue, near the Holsworthy Military Reserve. Moorebank Avenue is currently a four-lane undivided road between Newbridge Road and the M5 Motorway, while between the M5 Motorway and Cambridge Avenue it is a two-lane undivided road. A section of Moorebank Avenue currently divides the Moorebank Logistic Park (MLP) into Moorebank Precinct East (MPE site) and Moorebank Precinct West (MPW site).

North of the M5 Motorway, Moorebank Avenue is a State road. Between the M5 Motorway and Anzac Road it is owned and maintained by Liverpool City Council, Between Anzac Road and Cambridge Avenue it is a private road on Commonwealth land. [Figure 2-1](#) provides an overview of the Project.

The Project involves the realignment of an existing two-kilometre section of Moorebank Avenue, from a point approximately 130 meters south of the Anzac Road/Moorebank Avenue intersection to a point immediately north of the East Hills Railway

The Project is a controlled action under Section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and was approved by the Minister for the Environment on 7 December 2021 (EPBC 2020-8839).

A variation to the EPBC Approval was lodged with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 19 July 2024 involving changes to the boundary of the Project. This EPBC Variation is currently under assessment with DCCEEW.

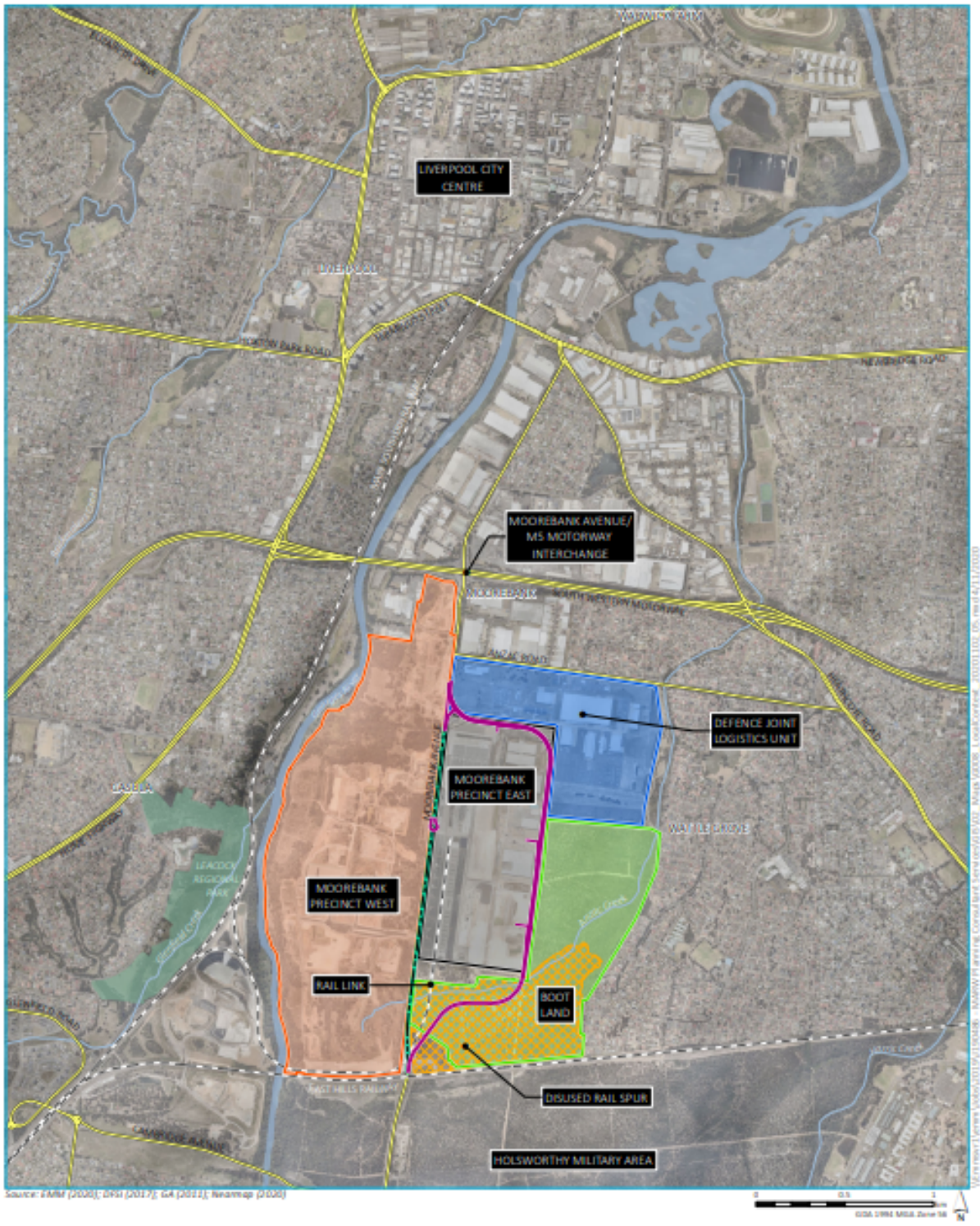
### 2.2 Site location

The Project is located approximately 27 kilometres south-west of the Sydney Central Business District (CBD) and approximately 26 kilometres west of Port Botany within the Liverpool Local Government Area in Sydney's South West Sub-Region, approximately 2.5 kilometres from the Liverpool City Centre.

Refer to [Figure 2-1](#) for a summary of surrounding land uses, which comprise:

- The Moorebank Precinct West (MPW) site on the western side of Moorebank Avenue
- The Moorebank Precinct East (MPE) site on the eastern side of Moorebank Avenue
- The Defence Joint Logistics Unit (DJLU) site on the eastern side of Moorebank Avenue, north of MPE
- The Holsworthy Military Reserve, to the south of the MPE site on the southern side of the East Hills Rail Corridor
- Residual Commonwealth land (known as the Boot Land) comprising heavily vegetated remnant bushland between Moorebank Avenue, the MPE site and the Wattle Grove residential suburb
- Rail infrastructure including the East Hills Rail Corridor, the Import Export Terminal (IMEX) rail link and a disused rail spur corridor
- Residential suburbs including Wattle Grove (320 metres north and 350 metres east), Moorebank (1,200 metres north), Casula (770 metres west), and Glenfield (1,250 metres south-west)





Source: EMU (2020); DPA (2017); GA (2011); Inetmap (2020)

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

Local context

Moorebank Avenue realignment  
 Environmental impact assessment  
 Figure ES1

Figure 2-1: Project overview

## 2.3 Construction activities

The key features of the Action include:

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

### 3 SCOPE OF REPORTING

This section summarises the activities that have been undertaken during the 23 October 2023 to 22 October 2024 reporting period.

Works on site have been limited since the commencement of construction on 23 October 2023.

Physical works during the reporting period have comprised of field survey, geotechnical investigation works and utility relocations, as follows (but not limited to):

- Geotechnical and soil contamination investigation works which involved minor clearing of vegetation and extraction of soil samples using an auger drill
- Temporary flagging installation in the northern part of the Project site near the “Piccolo Me” café on Moorebank Avenue to delineate electrical utility works
- 11kV electrical utility works were undertaken near the “Piccolo Me” café on Moorebank Avenue.

No permanent road works have occurred during the reporting period. Road works are scheduled to commence with site establishment scheduled in the first quarter of 2025, following mobilisation of the head construction contractor to site.

## 4 NEW ENVIRONMENTAL RISKS

This section presents an overview of new environmental risks identified during the reporting period.

### 4.1 Confirmed levels of site contamination

A program of targeted site contamination investigations was completed between August and November 2023 in order to assess the contamination risk at the Project site within the context of the planned road development.

The scope of the investigations was completed with reference to a Sampling Analysis Quality Plan (SAQP) endorsed by the National Intermodal Corporation appointed NSW Environment Protection Authority (EPA) Accredited Site Auditor.

The SAQP identified the requirement for targeted soil/fill investigations to be completed in areas of the Project site where either:

- preliminary investigation identified the likelihood of soil/fill contamination to be present; and/or
- in areas which will be significantly disturbed as part of the proposed construction works.

The targeted site contamination investigations confirmed the following contamination issues:

- Fill material impacted with asbestos fines and friable asbestos at a location within the Sydney Trains owned land area at the southern extent of the Project site
- Stockpiles impacted with bonded asbestos at a location within the Sydney Trains owned land area at the southern extent of the Project site
- Sediment impacted with organochlorine pesticides (OCPs) within the proposed Anzac Creek Culvert Crossing Area
- Ecological criteria exceedences were noted in site fill/soils, sediment and surface water (for heavy metals and per- and polyfluoroalkyl substances (PFAS)). Contamination in the sampled media was attributed to historical defence and industrial land use and was not considered to warrant further investigation or remediation.

The *Targeted Site Contamination Investigation Report* (WSP, 2024) recommended the preparation of a Remediation Action Plan (RAP) to document remediation of the identified asbestos contaminated soils in the south of the site and organochlorine pesticides identified in the Anzac Creek culvert.

The *Remediation Action Plan* (WSP, 2024) has been developed in accordance with relevant guidelines and includes measures to remediate the contamination at the site to make the site suitable for the proposed use, and details how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater. The RAP will be implemented by the contractor during works undertaken for the Project.

## 5 COMPLIANCE SUMMARY

### 5.1 Overview

This section provides a summary of the compliance status of the action.

Refer to [Appendix B](#) for a Compliance Table outlining the compliance status of the action against each CoA.

### 5.2 Independent audit, potential breach and warning letters

No independent audits against EPBC 2020/8839 were undertaken during the reporting period.

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

### 5.3 Non-compliances identified in the Reporting Period

Three non-compliances were identified during the reporting period. Refer the following table.

CoA	Requirement	Detail	Corrective Action	Status
11	The approval holder must notify the department in writing of the date of commencement of the action within 30 business days after the date of commencement of the action.	DCCEEW were notified via email on 25 June 2024 of the commencement of the action, noting that the action commenced on 23 October 2023, outside of the 30 business days requirement.  In the interim, only low impact works relating to site contamination investigations were undertaken on site.  Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.	The compliance tracker is reviewed on a quarterly basis to ensure that any forthcoming actions are scheduled and resourced. National Intermodal is also actively investigating automated compliance tracking systems as a means of streamlining the compliance tracking process and managing risk.	Closed
17	The approval holder must notify the department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify: a) any condition which is or may be in breach b) a short description of the	In the notification email of 25 June 2024 sent to DCCEEW in relation to Condition 11 it was not made clear that Condition 11 was in breach (a failure to notify the department in writing of the date of commencement of the action within 30 business days after the date of commencement of the action). In addition, the other information specified under this condition to be included in the notification was not included. Therefore, the requirements of this condition were not achieved.	The delivery team have re-familiarised with the requirements of this condition. National Intermodal is also actively investigating automated compliance tracking systems as a means of streamlining the compliance tracking process and managing risk.	Closed

	incident and/or non-compliance c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.			
18	The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future b) the potential impacts of the incident or non-compliance c) the method and timing of any remedial action that will be undertaken by the approval holder.	In the notification email of 25 June 2024 sent to DCCEEW in relation to Condition 11 it was not made clear that a non-compliance had occurred in relation to Condition 11. Further, details of a non-compliance required to be provided under this condition were not provided, namely the details of any corrective action undertaken, a confirmation that there were no potential impacts resulting from the non-compliance and a confirmation that no further remedial actions were proposed to be undertaken.	The delivery team have re-familiarised with the requirements of this condition. National Intermodal is also actively investigating automated compliance tracking systems as a means of streamlining the compliance tracking process and managing risk.	Closed

## 5.4 Management Plans

During the reporting period, the following management plans were prepared and implemented in accordance with CoA 9 and NSW Approval (SSI 10053) Conditions C1 to C11:

- Community Consultation Strategy (CCS)
- Construction Environmental Management Plan (CEMP)
- Construction Contamination Management Plan (CCMP)
- Construction Biodiversity Management Plan (CBMP)
- Construction Noise and Vibration Management Plan (CNVMP).

As agreed between National Intermodal and DCCEEW Post Approvals Section on 24 February 2024, the above stated plans were provided to DCCEEW for information only. In accordance with CoA 14, on 13 July 2024 these plans were placed on the Moorebank Precinct Website and notified as available for the information of DCCEEW.

In addition to this, during the reporting period a Biodiversity Offset Strategy was prepared in consultation with DCCEEW in accordance with NSW Approval Condition E4. As part of this consultation, National Intermodal evidenced to the satisfaction of DCCEEW that the biodiversity offset credit obligations had been achieved in accordance with NSW Approval Conditions E5 to E8.

## 6 CONCLUSION

Three non-compliances with the Commonwealth Conditions of Approval EPBC 2020/8839 were identified during the reporting period. The Project was otherwise compliant.

Works on site have been limited since the commencement of construction on 23 October 2023. Works that were completed were undertaken in accordance with EPBC 2020/8839 and the approved management plans, as demonstrated in the compliance table located in [Appendix B](#).

# **Appendix A: EPBC 2020/8839 Approval**





## APPROVAL

### Moorebank Avenue Realignment, Moorebank, NSW (EPBC 2020/8839)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

#### Details

<b>Person to whom the approval is granted (approval holder)</b>	Sydney Intermodal Terminal Alliance
<b>ACN or ABN of approval holder</b>	Approval holder does not have an ABN or ACN.
<b>Action</b>	To realign a section of Moorebank Avenue, from south of Anzac Road to the East Hills Railway, in Moorebank, NSW. [See EPBC Act referral 2020/8839].

#### Proposed Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

#### Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve
Commonwealth land	
Section 26	Approve
Section 27A	Approve

#### Period for which the approval has effect

This approval has effect until 03 December 2051.

#### Decision-maker

<b>Name and position</b>	Kate Gowland Acting Assistant Secretary Environment Assessments NSW and ACT Branch
<b>Signature</b>	
<b>Date of decision</b>	7/12/2021

#### Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. The approval holder must undertake the action as described in and in accordance with the **NSW Approval**.
2. The approval holder must not **clear** outside of the **project area**.

#### Listed threatened species and ecological communities and biodiversity on Commonwealth Land

3. The approval holder must comply with conditions E2 – E3 of the **NSW Approval** as they relate to minimising the impact on **protected matters**.
4. Within the **project area**, the approval holder must not **clear** more than:
  - a. 0.91 hectares of **Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest**.
  - b. 5.41 hectares of **Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion**.
  - c. 6.84 hectares of **Koala habitat**.
5. The approval holder must comply with conditions E4 – E6 and E8 of the **NSW Approval** as they relate to offsetting the impact to **protected matters**.
6. In retiring the number and class of **credits** in accordance with condition E5 of the **NSW Approval**, the following number and class of **credits** are specified for listed threatened species and communities:
  - a. 27 ecosystem **credits** for **Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest**, and
  - b. 128 ecosystem **credits** for **Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion**, and
  - c. 168 species **credits** for **Koala habitat**.

#### Commonwealth land

7. The approval holder must comply with conditions E32 – E43 of the **NSW Approval** as they relate to minimising contamination impacts on the environment, including in the **Commonwealth lands** surrounding the **study area**.
8. The approval holder must comply with conditions E47 – E48 of the **NSW Approval** as they relate to minimising impacts to property access to the **Commonwealth lands**.

#### Construction Environmental Management Plans

9. The approval holder must comply with conditions C1 – C11 of the **NSW Approval** as they relate to the preparation and implementation of a Construction Environmental Management Plan, to avoid, mitigate, and manage impacts on **protected matters** during **construction**.
10. The Construction Environmental Management Plan must include measures in accordance with Table A.1 of the **Response to Submissions** to manage environmental impacts during construction, including to **protected matters**.

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### Part B – Standard administrative conditions

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#### Notification of date of commencement of the action

11. The approval holder must notify the **department** in writing of the date of **commencement of the action** within 30 **business days** after the date of **commencement of the action**.

#### Compliance records

12. The approval holder must maintain accurate and complete **compliance records**.



13. If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **department's** website or through the general media.

#### Submission and publication of plans

14. **Plans** required under **NSW Approval** in accordance with this approval must be submitted electronically for the information of and/or consultation with the **department**.
15. Each **plan** must be published on the **website** within 20 **business days** of the date the **plan** is approved by the NSW Planning Secretary, and until the end date of this approval.

#### Annual compliance reporting

16. The approval holder must prepare a **compliance report** for each 12 month period for the life of the approval, following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
- publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period
  - notify the **department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within 5 **business days** of the date of publication
  - keep all **compliance reports** publicly available on the **website** until this approval expires
  - exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**
  - where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **department** within 5 **business days** of publication.

**Note:** **Compliance reports** may be published on the **department's** website.

#### Reporting non-compliance

17. The approval holder must notify the **department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than 2 **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
- any condition which is or may be in breach
  - a short description of the **incident** and/or non-compliance
  - the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
18. The approval holder must provide to the **department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
- any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future
  - the potential impacts of the **incident** or non-compliance
  - the method and timing of any remedial action that will be undertaken by the approval holder.

#### Independent audit

19. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.



20. For each **independent audit**, the approval holder must:
- provide the name and qualifications of the independent auditor and the draft audit criteria to the **department**
  - only commence the **independent audit** once the audit criteria have been approved in writing by the **department**
  - submit an audit report to the **department** within the timeframe specified in the approved audit criteria.
21. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

### Completion of the action

22. Within 30 days after the **completion of the action**, the approval holder must notify the **department** in writing and provide **completion data**.

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## Part C - Definitions

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Business day** means a day that is not a Saturday, a Sunday, or a public holiday in the state of NSW.

**Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion** means the threatened ecological community, listed under the **EPBC Act** on 15 March 2017 as endangered, as specified in the *Approved Conservation Advice (including listing advice) for Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion* (Department of the Environment, 2015). The location of **Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion** in the **study area** is shown in Map 1 at **Appendix A** by the areas shaded in dark and fluoro green, which are designated '883 - Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion (High and Medium)'.

**Clear, clearance, or clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

**Commencement of the action** means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to carry out **low impact work**.

**Commonwealth land** means land owned or leased by the Commonwealth or a Commonwealth agency. **Commonwealth lands** are shown in Map 2 at **Appendix A**, shaded in blue and green, and respectively designated 'Defence Joint Logistics Unit' (Lot 3 DP 1197707 and Lot 3002 DP 1125930) and 'Boot Land' (Lot 41 DP 1197707 and Lot 42 DP 1197707).

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department's** preferred spatial data format is **shapefile**.

**Completion of the action** means the date on which all specified activities associated with the action have permanently ceased.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**
- consistent with the **department's** *Annual Compliance Report Guidelines* (2014)



- iii. include a **shapefile** of any **clearance** of any **protected matters**, or their habitat, undertaken within the relevant 12 month period
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

**Construction** means all work required to **construct** the action including commissioning trials of equipment and temporary use of any part of the action, but excluding **low impact work** which is carried out or completed before approval of the Construction Environmental Management Plan.

**Credit(s)** means biodiversity credits under the *Biodiversity Conservation Act 2016* (NSW).

**Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest** means the threatened ecological community, listed under the **EPBC Act** on 9 December 2009 as critically endangered, as specified in the *Approved Conservation Advice for Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest* (Department of the Environment, Water, Heritage and the Arts, 2009). The location of **Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest** in the **study area** is shown in Map 1 at Appendix A by the areas shaded in dark and medium brown, which are designated '724 - Broad-leaved Ironbark - Grey Box - *Melaleuca decora* grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion (High and Medium)'.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Incident** means any event which has the potential to, or does, impact on one or more **protected matter(s)** other than as authorised by this approval.

**Independent audit** means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

**Koala** means the threatened species *Phascolarctos cinereus* (**combined populations of Queensland, New South Wales and the Australian Capital Territory**), listed under the **EPBC Act** on 2 May 2012 as vulnerable, as specified in the *Approved Conservation Advice for Phascolarctos cinereus (combined populations in Queensland, New South Wales and the Australian Capital Territory)* (Department of Sustainability, Environment, Water, Population and Communities, 2012); **habitat** means the location of **Koala habitat** in the **study area**, shown in Map 1 at Appendix A by the areas shaded in all shades of brown, pink, green, and purple (excluding areas marked "DNG"), which are designated '724 - Broad-leaved Ironbark - Grey Box - *Melaleuca decora* grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion', '725 - Broad-leaved Ironbark - *Melaleuca decora* shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion', '883 - Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion' and '1067 - Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin Bioregion'.

**Low impact work** means:

- i. survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys
- ii. investigations including investigative drilling, contamination investigations and excavation
- iii. use of ancillary facilities if the **NSW Environmental Representative** has determined the operational activities will have minimal impact on the environment and community
- iv. minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1 of the **NSW Approval**



**Australian Government**

**Department of Agriculture,  
Water and the Environment**

- v. installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments
- vi. property acquisition adjustment work including installation of property fencing
- vii. relocation and connection of utilities where the relocation or connection has been determined by the **NSW Environmental Representative** to have a minor impact to the environment
- viii. archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW* (DECCW, 2010) or archaeological monitoring undertaken in association with i – vii above to ensure that there is no impact on heritage items
- ix. maintenance of existing buildings and structures required to facilitate the carrying out of the action
- x. other activities determined by the **NSW Environmental Representative** to have minimal environmental impact which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths, and the provision of property access.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**NSW Approval** means the NSW Government Infrastructure Approval under section 5.19 of the *Environmental Planning & Assessment Act 1979*, for the Moorebank Avenue Realignment project, application number SSI-10053, dated 14 October 2021.

**NSW Environmental Representative** means the person approved by the NSW Planning Secretary for the State Significant Infrastructure.

**Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

**Project area** means the area to be directly impacted by the action, shown in Map 1 at [Appendix A](#) by the area enclosed in the solid maroon line, and designated 'Construction footprint'.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Response to Submissions** means the Moorebank Avenue Realignment – Response to Submissions document, prepared by Sydney Intermodal Terminal Alliance, dated May 2021.

**Sensitive ecological data** means data as defined in the Australian Government department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

**Shapefile** means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Study area** means the area comprising the **project area** and a 20 metre buffer around the **project area**, shown in Map 1 at [Appendix A](#) by the entire area enclosed in the blue solid line, and designated 'Indirect impact area'.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.



**ATTACHMENTS**

**APPENDIX A**

Maps

Map 1

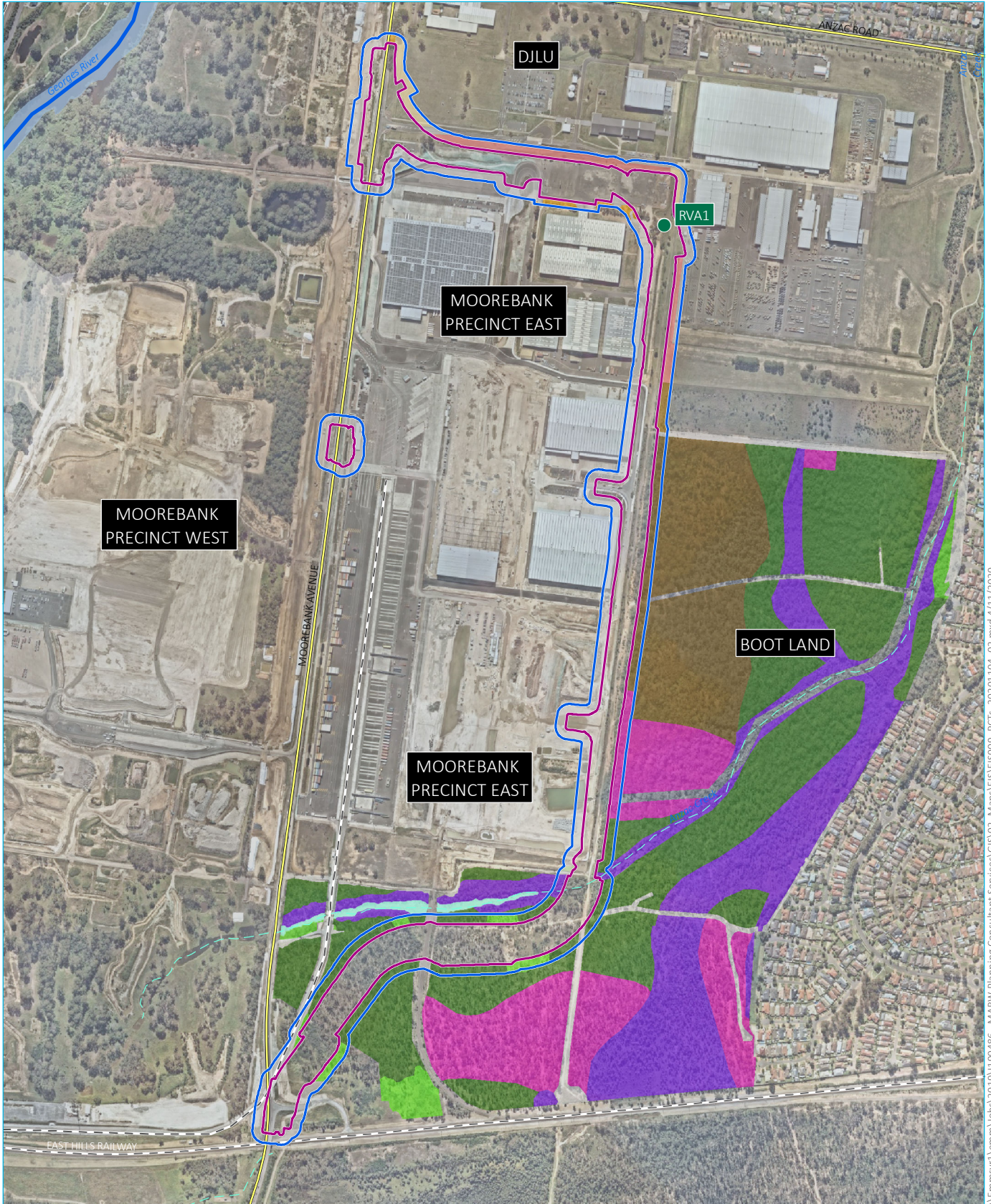
Project area, Study area, and plant community types to be impacted

Map 2

Commonwealth Lands to be impacted

# APPENDIX A

## Map 1 – Project area, Study area, and plant community types to be impacted



Source: EMM (2020); DFSI (2017); GA (2011); ASGC (2006); Nearmap (2020)

### KEY

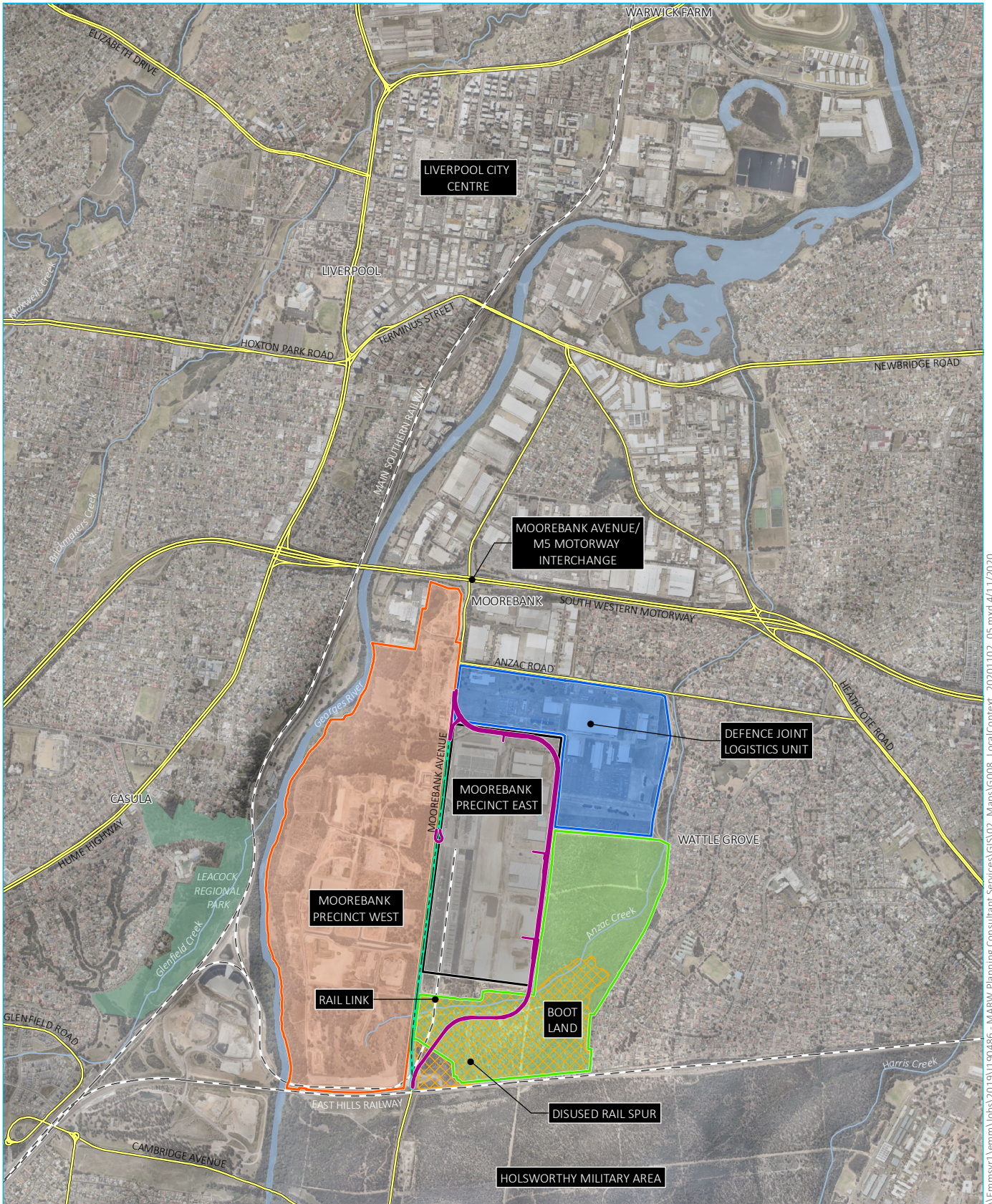
- |                             |   |   |
|-----------------------------|---|---|
| Construction footprint      | 724 - Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion | DNG   |
| Indirect impact area        | High  | 883 - Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion |
| Rail line                   | Medium  | High  |
| Major road                  | DNG   | Medium  |
| Rapid vegetation assessment | 725 - Broad-leaved Ironbark - Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion                  | DNG   |
| Strahler stream order       | High  | 1067 - Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin Bioregion                |
| 1st order                   |   | High  |
| 7th order                   |   |   |
| Plant community type        |   |   |
| Cleared                     |   |   |
| Exotic grassland            |   |   |

### Plant community type and vegetation zone mapping within the proposed Moorebank Avenue realignment

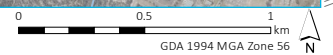
Moorebank Avenue realignment  
Environmental impact assessment  
Figure 7.1



## Map 2 – Commonwealth Lands to be impacted



Source: EMM (2020); DFSI (2017); GA (2011); Nearmap (2020)



### KEY

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

Local context

Moorebank Avenue realignment  
Environmental impact assessment  
Figure ES1



# Appendix B: Compliance Matrix

Conditions Number	Condition	Compliance Status	Comment
1	The approval holder must undertake the action as described in and in accordance with the NSW Approval.	Compliant	There are currently no non-compliances in relation to the NSW Approval for conditions that have been triggered.
2	The approval holder must not clear outside of the project area	Not applicable	<p>Minor clearing of vegetation was undertaken as part of targeted site contamination investigations completed between August and November 2023. All minor clearing works were undertaken within the project area.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.</p>
3	The approval holder must comply with conditions E2 – E3 of the NSW Approval as they relate to minimising the impact on protected matters.	Not applicable	<p>Minor clearing of vegetation was undertaken as part of targeted site contamination investigations completed between August and November 2023. All minor clearing works were undertaken within the project area.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.</p> <p>Compliance with this condition will be monitored on an ongoing basis. The biobanking boundary is a hard boundary that will not be encroached.</p>
4	<p>Within the project area, the approval holder must not clear more than:</p> <p>a) 0.91 hectares of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest</p>	Not applicable	<p>Requirements are discharged via the Biodiversity Offset Strategy and Construction Biodiversity Management Plan.</p> <p>Minor clearing of vegetation was undertaken as part of targeted site contamination investigations completed between August and November 2023. All minor clearing works were undertaken within the project area.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.</p> <p>Compliance with this condition will be monitored on an ongoing basis.</p>
	b) 5.41 hectares of Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion	Not applicable	Requirements are discharged via the Biodiversity Offset Strategy and Construction Biodiversity Management Plan.

Conditions Number	Condition	Compliance Status	Comment
			<p>Minor clearing of vegetation was undertaken as part of targeted site contamination investigations completed between August and November 2023. All minor clearing works were undertaken within the project area.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.</p> <p>Compliance with this condition will be monitored on an ongoing basis.</p>
	c) 6.84 hectares of Koala habitat.	Not applicable	<p>Requirements are discharged via the Biodiversity Offset Strategy and Construction Biodiversity Management Plan.</p> <p>Minor clearing of vegetation was undertaken as part of targeted site contamination investigations completed between August and November 2023. All minor clearing works were undertaken within the project area.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.</p> <p>Compliance with this condition will be monitored on an ongoing basis.</p>
5	The approval holder must comply with conditions E4 – E6 and E8 of the NSW Approval as they relate to offsetting the impact to protected matters	Compliant	<p>A Biodiversity Offset Strategy has been prepared in consultation with DCCEEW.</p> <p>Before any impact on the species or community types to be offset, the number and classes of biodiversity credits (like-for-like) set out in Tables 7.8, 7.9, 7.10 and 7.11 of the revised Biodiversity Development Assessment Report (version 5), prepared by EMM and dated 24 May 2021, have been retired. A letter from the NSW Department of Planning and Environment (now Department of Planning, Housing and Infrastructure) to National Intermodal Corporation dated 15 September 2023 has been provided to DCCEEW as evidence. The letter acknowledged the following:</p> <ul style="list-style-type: none"> <li>• The retirement of biodiversity credits under NSW Approval conditions E5 and E7</li> <li>• Payment to the Biodiversity Conservation Fund as required under NSW Approval condition E6</li> <li>• The provision of offset evidence prior to any impact on the species or community to be offset</li> </ul>

Conditions Number	Condition	Compliance Status	Comment
			<ul style="list-style-type: none"> <li>That the biodiversity credit evidence has been provided to the Department as per NSW Approval condition E8.</li> </ul>
6	<p>In retiring the number and class of credits in accordance with condition E5 of the NSW Approval, the following number and class of credits are specified for listed threatened species and communities:</p> <p>a) 27 ecosystem credits for Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest, and</p>	Compliant	As above for CoA 5.
	<p>b) 128 ecosystem credits for Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion, and</p>	Compliant	As above for CoA 5.
	<p>c) 168 species credits for Koala habitat</p>	Compliant	As above for CoA 5.
7	<p>The approval holder must comply with conditions E32 – E43 of the NSW Approval as they relate to minimising contamination impacts on the environment, including in the Commonwealth lands surrounding the study area.</p>	Compliant	<p>Requirements are discharged via the Construction Contamination Management Plan.</p> <p>A NSW EPA-accredited Site Auditor has been engaged for the duration of work.</p> <p>On 4 July 2023, an Interim Audit Advice, prepared by the NSW EPA-accredited Side Auditor, was submitted to the Planning Secretary confirming that the Sampling Analysis and Quality Plan, included in the documents listed in Condition A1, was appropriate for the scope of targeted investigations.</p> <p>Targeted investigations have been undertaken between August and November 2023, before commencement of construction in accordance with the Sampling Analysis and Quality Plan. The MARW <i>Targeted Site Contamination Investigation Report</i> (WSP, 2024) indicated that remediation was required to make land suitable for the final intended land use.</p> <p>As a result a <i>Remediation Action Plan</i> (WSP, 2024) has been prepared by a suitably qualified and experienced person to document the proposed remediation of areas of identified contaminated soils and sediment located within the Project site. The RAP has been prepared in accordance with NSW CoA E35, E36, E37 and E38.</p> <p>The RAP includes measures to remediate contamination at the Project site to make the site suitable for the proposed use and detail how the environmental</p>

Conditions Number	Condition	Compliance Status	Comment
			<p>and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater.</p> <p>All other requirements relating to NSW Approval conditions E38 to E43 have not yet been triggered.</p>
8	The approval holder must comply with conditions E47 – E48 of the NSW Approval as they relate to minimising impacts to property access to the Commonwealth lands	Compliant	<p>Low impact works relating to targeted site contamination investigations were completed between August and November 2023. Access to utilities and properties was maintained for the duration of these works.</p> <p>Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site</p>
9	The approval holder must comply with conditions C1 – C11 of the NSW Approval as they relate to the preparation and implementation of a Construction Environmental Management Plan, to avoid, mitigate, and manage impacts on protected matters during construction.	Compliant	The Construction Environmental Management Plan (CEMP) and associated Sub-plans have been prepared and implemented in accordance with CoA 9 and NSW Approval (SSI 10053) Conditions C1 to C11. The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction. The CEMP was provided to DCCEEW for information on 13 July 2024 following confirmation of this approach agreed with DCCEEW Post Approvals Section on 24 February 2024.
10	The Construction Environmental Management Plan must include measures in accordance with Table A.1 of the Response to Submissions to manage environmental impacts during construction, including to protected matters	Compliant	The Construction Environmental Management Plan (CEMP) and associated Sub-plans have been prepared and implemented in accordance with CoA 9 and NSW Approval (SSI 10053) Conditions C1 to C11. The CEMP was approved by DPHI on 6/4/23 noting that the CEMP had been endorsed by the Environmental Representative and submitted at least one month prior to the commencement of construction. The CEMP was provided to DCCEEW for information on 13 July 2024 following confirmation of this approach agreed with DCCEEW Post Approvals Section on 24 February 2024.
11	The approval holder must notify the department in writing of the date of commencement of the action within 30 business days after the date of commencement of the action.	Non-compliant	DCCEEW were notified via email on 25 June 2024 of the commencement of the action, noting that the action commenced on 23 October 2023. The notification confirmed that works to date had been relatively minor and limited to geotechnical/contamination investigations and ancillary works (utilities

Conditions Number	Condition	Compliance Status	Comment
			connection), with primary road works not scheduled to commence until a later date.
12	The approval holder must maintain accurate and complete compliance records	Compliant	This compliance tracker and internal document control measures.
13	<p>If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.</p> <p><i>Note: Compliance records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the department's website or through the general media</i></p>	Not applicable	Not triggered.
14	Plans required under NSW Approval in accordance with this approval must be submitted electronically for the information of and/or consultation with the department.	Compliant	The CEMP and associated Sub-plans were placed on the Moorebank Precinct Website ( <a href="#">Moorebank Avenue Realignment (MAR) Archives   Moorebank Intermodal Precinct</a> ) and notified as available for the information of DCCEEW on 13 July 2024.
15	Each plan must be published on the website within 20 business days of the date the plan is approved by the NSW Planning Secretary, and until the end date of this approval	Compliant	The CEMP and associated Sub-plans were placed on the Moorebank Precinct Website ( <a href="#">Moorebank Avenue Realignment (MAR) Archives   Moorebank Intermodal Precinct</a> ) and notified as available for the information of DCCEEW on 13 July 2024.
16	<p>The approval holder must prepare a compliance report for each 12 month period for the life of the approval, following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> <li>a) publish each compliance report on the website within 60 business days following the relevant 12 month period</li> <li>b) notify the department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication</li> <li>c) keep all compliance reports publicly available on the website until this approval expires</li> <li>d) exclude or redact sensitive ecological data from compliance reports</li> </ul>	Compliant	The date of commencement of the action is 23 October 2023. This report represents the first compliance report required under CoA 16.



Conditions Number	Condition	Compliance Status	Comment
	<p>published on the website</p> <p>e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the department within 5 business days of publication.</p> <p><i>Note: Compliance reports may be published on the department's website.</i></p>		
17	<p>The approval holder must notify the department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify: a) any condition which is or may be in breach b) a short description of the incident and/or non-compliance c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>	Compliant	<p>In the notification email of 25 June 2024 sent to DCCEEW in relation to Condition 11 it was not made clear that a non-compliance had occurred in relation to Condition 11 (a failure to notify the department in writing of the date of commencement of the action within 30 business days after the date of commencement of the action). In addition, the other information to be included in the notification specified under this condition was not included. Therefore, the requirements of this condition were not achieved. However, this non-compliance is now closed.</p> <p>There were no other non-compliances to notify during the reporting period.</p>
18	<p>The approval holder must provide to the department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future</p> <p>b) the potential impacts of the incident or non-compliance</p> <p>c) the method and timing of any remedial action that will be undertaken by the approval holder.</p>	Compliant	<p>In the notification email of 25 June 2024 sent to DCCEEW in relation to Condition 11 it was not made clear that a non-compliance had occurred in relation to Condition 11. Further, details of a non-compliance required to be provided under this condition were not provided, namely the details of any corrective action undertaken, a confirmation that there were no potential impacts resulting from the non-compliance and a confirmation that no further remedial actions were proposed to be undertaken. However, this non-compliance is now closed.</p> <p>There were no other non-compliances to notify during the reporting period.</p>
19	<p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister</p>	Not applicable	<p>No requests received in writing by the Minister.</p>
20	<p>For each independent audit, the approval holder must:</p> <p>a) provide the name and qualifications of the independent auditor and the draft audit criteria to the department</p> <p>b) only commence the independent audit once the audit criteria have been approved in writing by the department</p>	Not applicable	<p>No requests received in writing by the Minister.</p>

Conditions Number	Condition	Compliance Status	Comment
	c) submit an audit report to the department within the timeframe specified in the approved audit criteria.		
21	The approval holder must publish the audit report on the website within 10 business days of receiving the department's approval of the audit report and keep the audit report published on the website until the end date of this approval	Not applicable	No requests received in writing by the Minister.
22	Within 30 days after the completion of the action, the approval holder must notify the department in writing and provide completion data.	Not applicable	Permanent road works are scheduled to commence with site establishment in the first quarter of 2025, following mobilisation of the head construction contractor to site.