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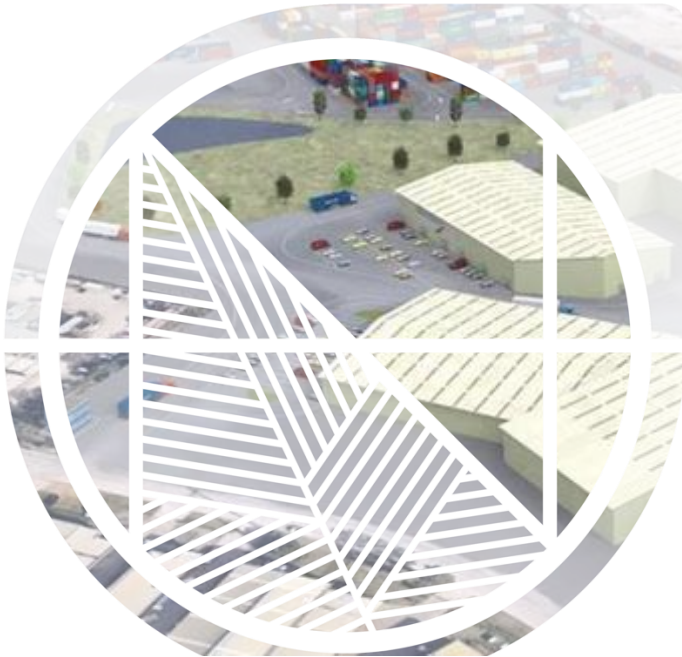
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# INDEPENDENT AUDIT REPORT

## St Marys Intermodal SSD-7308

August 2021

Project Number: 20-206



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## **EXECUTIVE SUMMARY**

Pacific National have been engaged to construct the St Mary's Intermodal project. The project includes the construction and operation of an Inland Container Terminal with a 301,000 TEU annual throughput operating capacity, including associated container handling operations from the eastern side. Container transportation would be via train or road.

The project (SSD-7308) was determined on the 7 May 2020 and has been subject to six Modifications (MODS) including:

- MOD 1 - Rail siding refurbishment works package – approved and determined 29/01/2021
- MOD 2 - Minor amendments to layout & office building - approved and determined 21/09/2020
- MOD 3 - Stockpile site and development layout boundary - approved and determined 29/10/2020
- MOD 4 - Revised Condition B36 - approved and determined 17/12/2020
- MOD 5 - Office Building Changes - approved and determined 12/04/2021
- MOD 6 - Amendment to Condition D13- approved and determined 13/08/2021

This is the second independent audit of this project and was conducted by Natascha Arens as the NSW Department of Planning and Industry and Environment approved auditor for the Project. The audit covers the period from the 9 February 2021 to the end of the document review period on 25 August 2021.

The audit has raised six non-compliances out of a total of 180 Conditions of Approval.

# 1. INTRODUCTION

## 1.1. Background

The St Marys Intermodal is the construction and operation of an Inland Container Terminal with a 301,000 TEU (Twenty foot Equivalent Unit) annual throughput operating capacity, including associated container handling operations from the eastern side. Utility services connections and amplification works.

Construction includes the following works:

- Construction of hardstand areas for container storage and laydown, rail and vehicle loading and unloading areas;
- Construction of new internal access roads providing separate ingress and egress for light and heavy vehicles as follows:
  - to/from Lee Holm Road for heavy vehicles
  - to/from Forrester Road for light vehicles
- Construction of:
  - Wash bay area
  - Office building pad site
  - Fuel storage area
  - Container workshop (repair bay) pad site
  - Transport workshop pad site
  - Staff and visitor light vehicle parking bays (parallel to the internal light vehicle access road connecting to Forrester Road)
  - Heavy vehicle parking bays
- Ancillary development includes:
  - Signage and landscaping
  - Utility services to support the proposed development including drainage, potable water, water (for firefighting purposes), power, data, security, and sewerage.
  - Minor realignment of a section of the Sydney Trains high voltage overhead power line at the southern end of the subject site
  - Minor clearing of areas of vegetation regrowth, remediation (if required) and minor earthworks.
  - Electrical transformer

The project is subject to a State Significant Development (SSD - 7308) and approval was issued by the Minister for Planning on the 7 May 2020.

The project has undergone six Modifications (MODS) including:

- MOD 1 - Rail siding refurbishment works package – approved and determined 29/01/2021
- MOD 2 - Minor amendments to layout & office building - approved and determined 21/09/2020
- MOD 3 - Stockpile site and development layout boundary - approved and determined 29/10/2020
- MOD 4 - Revised Condition B36 - approved and determined 17/12/2020
- MOD 5 - Office Building Changes - approved and determined 12/04/2021

- MOD 6 - Amendment to Condition D13- approved and determined 13/08/2021

This is the second audit of the project and has been undertaken in accordance with the Audit Schedule submitted to the NSW Department of Planning and Industry and Environment (DPIE) on 13 August 2020. The audit scope includes the relevant requirements of the consolidated consent for SSD- 7308 Conditions of Approval, the CEMP and sub plans.

## **1.2. Audit Team**

The audit was undertaken by Natascha Arens, Exemplar Global certified Lead Environmental auditor. Natascha has around 25 years' experience as an environmental professional and 17 years of auditing experience.

DPIE's acceptance of Natascha as the auditor for this project is provided at Appendix B.

## **1.3. Objectives**

The objectives of the audit were to determine compliance with the SSD - 7308 issued by the Minister for Planning on the 7 May 2020 and the six approved modifications as detailed in Section 1.1 above.

The scope of the audit included:

- Compliance with the SSD - 7308 conditions as modified by MOD1-6 issued as the consolidated approval on the 13 August 2021. A checklist was compiled (Appendix A) and was used during this audit to detail compliance.
- Implementation of the site environmental management plans
- An assessment of performance of the project in relation to implementation of environmental plans.

# **2. AUDIT METHODOLOGY**

## **2.1. Selection and Endorsement of the Audit Team**

Natascha Arens provided an independence declaration and CV and was nominated to the DPIE as the Independent Auditor for the St Marys Intermodal. Natascha Arens was endorsed as the auditor by the Department in a letter dated 8 July 2020.

## **2.2. Independent Audit scope development**

The audit scope was developed by reviewing the Compliance with the SSD - 7308 conditions as modified by MODS 1-6, the scope of works, the *Independent Audit Post Approval Requirements* (DPIE May 2020) and the audit program (submitted to the Department 13 August 2020).

The audit comprised of offsite document review; MSTeams meetings and document review and a virtual site visit via FaceTime; and offsite audit analysis and reporting.

An audit plan was provided to the auditee prior to the site audit detailing the timing of the audit and requirements regarding accessing the site and documentation.



Offsite document review was undertaken prior to the site component of the audit with further request for information following the MSTeams meeting. The MSTeams component of the audit included:

- Opening meeting to introduce all parties and discuss the scope and objectives of the audit.
- Document and records review to check compliance with conditions.
- Interviews with staff including construction site personnel.
- Virtual site inspection
- Discussion of outstanding documentation requirements and email request of outstanding information.

## **2.3. Compliance evaluation**

The audit consisted of offsite document review, online document review, virtual site inspection and interviews. The document review included a review of the consolidated Conditions of Approval as and all management plans and sub plans. The audit protocol was developed and refined and submitted with the audit program (Appendix A).

An Opening Meeting was held via MSTeams on 10 August 2021 at 830am.

Present at the opening meeting were:

- Guy Evans (Urbanco)
- Leigh Cook (Pacific National)
- David Djulbic (Pacific National)
- Christian Rheeder (McMahon Services)
- Shane Pearce (McMahon Services)
- Anil Basnet (McMahon Services)
- Dave Illingworth (McMahon Services)

On line document review occurred throughout the day. A virtual site inspection was conducted at 14.30 on the 10 August 2021. The purpose of site visit was to undertake an inspection of works on site, view the site and access arrangements, and gain an understanding of the current scope of the works. The site inspection viewed the entire site.

## **2.4. Site interviews**

Interviews with all staff as detailed in Section 2.3 above were undertaken throughout the course of the first day of the audit and the following 10 business days to gather evidence during offsite document review.

## **2.5. Site inspection**

A virtual site inspection was conducted at 14.30 on the 10 August 2021. The inspection viewed the environmental controls including implementation of the Erosion and Sediment Control Plan, fencing of the site, access, site signage, storage areas, waste storage and separation. In addition, a check for evidence of mud tracking on to the public road was inspected during the site visit. Photos of the inspection are provided in Appendix E and presented in the audit findings below.



## 2.6. Consultation

Consultation was undertaken with all levels of the project team including, Urbanco, Pacific National and McMahon Services. Consultation was undertaken with NSW DPIE regarding the audit scope, a copy of the correspondence is provided in Appendix C. No response has been received to date

## 2.7. Compliance status descriptors

The compliance status for each requirement or commitment has been assessed in accordance with the criteria in Table 2 (DPIE 2020).

**Table 1 - Compliance status descriptors**

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

## 3. AUDIT FINDINGS

### 3.1. Approval and Documents list

The following documents were reviewed to test for compliance with conditions or for implementation of plans. Text in BLACK notes documentation reviewed during the first audit and RED text notes documentation for the second audit.

Approvals, plans and reports

- Independent Audit Report (NGH February 2021)
- Pre construction compliance report October 2020
- St Marys Construction compliance report 24 May 2021
- MOD 1 - Rail siding refurbishment works package – approved and determined 29/01/2021
- MOD 5 - Office Building Changes - approved and determined 12/04/2021
- MOD 6 - Amendment to Condition D13- approved and determined 13/08/2021
- Yard Capacity layout options SK-C-1081 REV E 8.2.2021
- WGA plans including :
  - WGA1811931-DR-CC-0092
  - WGA1811931-DR-CC-0093
  - WGA1811931-DR-CC-0094
- HEC (July 2021) Final validation report
- State Significant Development (SSD - 7308) approval issued 7/052020

- SSD – 7308 Modification 2 (MOD 2) issued as the consolidated approval on the 21/09/2020
- SSD – 7308 MOD 3 issued as the consolidated approval on the 29/10/2020
- SSD – 7308 MOD 4 issued as the consolidated approval on the 17/12/2020
- MOD 1 issued as the consolidated approval on the 29/1/2021
- St Marys Freight Hub Environmental Impact Statement May 2019
- St Marys Freight Hub Response to Submissions October 2019 Rev 3 27 July 2020
- Construction environmental management plan (CEMP) Rev 3 dated 5/8/2020
- Construction noise and vibration management sub plan (CVNVMS) Rev 4 dated 3/7/2020
- Construction waste management sub plan (CWMS) Rev 2 22/6/2020
- Construction Biodiversity management sub plan ((CBMS) Rev 2 8/7/2020
- Flood emergency management sub plan (FERMS) Rev 4 16/6/2020
- FERMS Rev 5 Updated October 2020
- Construction soil and water management sub plan (CSWMS) Rev 4 27/7/2020
- Construction Community Consultation Strategy Rev 1 15/6/2020
- Construction Traffic and Pedestrian Management Sub-Plan (CTPMS)
- Annexure L of the CEMP – Unexpected Finds Procedure
- Vegetation Management plan (VMP) (Ecological July 2020)
- And Landscape plans SS18-4031\_000-501 V3.pdf
- BGE Flood Impact Assessment 17/4/2019
- SSD – 7308 Compliance program
- NGH Audit program dated 13 August 2020
- Noise Barrier Report (Urbanco Nov 2020)
- Remediation action plan prepared by Douglas partners (August 2019)
- Asbestos Management Plan (draft with client for approval)
- Testing reports for contaminated material enviro science report dated December 2020

#### Other records

- Construction certificate 20210531 GMA certification Group approved 24 May 2021 (administration/office building – MOD 5)
- GMA & Associates Engineering PTY LTD Structural Compliance Certificate dated 23 April 2021
- Material tracking register July 2021
- MBC Group compliance certificate dated 16 March 2021.
- Weekly Toolboxes 11/1/2021; 15/1/2021 18/6/21
- Evidence of Erosion and sediment control training SEEC 3 August 2021
- ESCP Inspection 9 February (Elder Enviro)
- Wolf Peak inspection 3/3/21
- Wolfpeak inspection 15/04/21
- Dewatering report 5 February 2021
- Dewatering permit 10/7/21 & 14/7/21
- Induction materials, induction and skills matrix for all staff, roller operator induction 5/2/2021
- Pre start and weekly toolbox records including for month of February 1-27/02/2021, month of April including from 7/04/2021 to 30/04/2021, 10/5/2021 and 1-4/06/2021, 8-11/06/2021, 15/06/2021, 18/06/2021, 19/06/2021 and 21-26/06/2021
- APS 044-F 269 Plant Induction Checklist V7\_20052020\_1 18/6/21
- APS044 - Plant Risk Assessment V3- XN68OT 19/3/21

- APS044 - Registration - XN68OT 2001 Spray Truck
- APS044 - Service History - 2020 09 30
- Tipper Truck Induction checklist, 18/6/21, Risk assessment registration and service History
- Bitumen Spray truck: Plant Induction Checklist 19/3/21 Risk assessment registration and service History
- Incident report dated 23 April 2021 and notification to SafeWork
- SafeWork NSW response letter 27/04/2021
- Sydney Water WORK ID request for Sewer updates 19/07/2021.
- Evidence of credit retirement as required by 6.33 of the BC Act Certificate dated 9/03/2021 from the Biodiversity Conservation Trust
- DPIE letter dated 31/03/21 confirming retirement of credits
- WGA Design certificate 4 August 2020
- SAGE (6 April 2021) Maintenance and operation manual for St Marys Freight Hub
- S138 Roads Act Approval from Council dated 21 July 2021
- HEC Waste classification records for unexpected find – Asbestos dated 15 July 2021
- McMahon Service Induction
- <https://www.planningportal.nsw.gov.au/major-projects/project/40636>
- <https://primary.engagementhub.com.au/>
- Induction register
- Prestart record sheet
- Construction certificate 1 (CC1) 20000370 / 2by MBC dated 13 October 2020
- Dilapidation reports -Thomas Engineers dated 2 – 4 June 2020
- Condition Report re fencing and rail infrastructure prepared by McMahons dated 1<sup>st</sup> July 2020
- McMahons Services Inspection record dated 1<sup>st</sup> June re fencing and rail infrastructure
- Outdoor Lighting Design Compliance Statement - prepared by Andrew Iarossi of WGA dated 06 Oct 2020 (B8)
- Wolf peak monthly inspection dated 13/1/2020
- McMahon Services Environmental audits dated 26/11/2020, 2/12/2020, 6/1/21, 15/1/2020
- Evidence of credit retirement as required by 6.33 of the BC Act Certificates dated 19/6/2020 and 4/12/2020 from the Biodiversity Conservation Trust
- Statements confirming payment into the Biodiversity Conservation Fund for an offset obligation dated 19/6/2020 and 4/12/2020
- Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020
- Plant induction Checklist 12/1/2021 for impact roller
- Purchase order to instrument Choice (Noise logger) on the 21 December 2020.
- Weekly Toolboxes 11/1/2021; 15/1/2021
- Boral waste docketts dated 6/1/21 7/1/21, 11/1/21, 12/1/2021

#### Communication

- Email from DPIE dated 25 May 2021 regarding receipt of the compliance report.
- Letter from DPIE dated 6 July 2021 re construction compliance report.
- Letter to DPIE dated 2 February 2021 regarding revision of plans
- RFI from DPIE Letter dated 11/02/2021 regarding revision of plans
- Letter dated 2 Feb 2021 requesting approval of modified CEMP

- Letter dated 5 March 2021 requesting further information regarding the CEMP.
- Letter Dated 1 April 2021 from DPIE approving the CEMP Rev 8 requesting further information
- Letter to DPIE dated 18 January 2021 notifying a review of the relevant plans
- DPIE show cause letter dated 25 May 2021
- Pacific National show cause response letter dated 18 June 2021
- Letter to DPIE dated 17 November 2020 - Formal Notification of construction commencement
- Email evidence dated 29 October to DPIE – submission of compliance report
- Email Notification to the DPIE dated 18 January 2021 – review of plans and strategies (A30)
- Sydney Water developer works deed case # 179519
- Optus email dated 24 November 2020
- Customer acceptance form Telstra dated 3/7/2020
- Electricity – email land O'Rourke & TfNSW dated 12- 13th January 2021
- Endeavour energy emails dated 4/12/2020
- Email to council and the certifier dated 15 June 2020 – regarding submission of dilapidation reports
- Letter from DPIE to Urbanco Acknowledging acceptance of the Construction Community Consultation strategy dated 7 July 2020 (B7)
- CEMP evidence of submission (letter dated 21/8/2020) DPIE (B11)
- Letter from DPIE Re draft traffic and pedestrian management sub-plan for St Marys Intermodal dated 15 June 2020
- Letter from DPIE re approval of independent auditor dated 8 July 2020
- Email dated Wednesday, 24 June 2020 from DPIE regarding receipt of retirement of credits and payment to the biodiversity conservation trust
- Email dated 18 January 2021 (from Urbanco to DPIE) for the second retirement of credits associated with MOD 2
- Email from Ecological dated 14 August 2020 RE B33 compliance
- Emails to Penrith City Council dated November – December 2020 re progress of S138 under the Roads Act and associated documentation
- Email dated 25/11/20 to Penrith City Council re compliance with AS 2890.2
- Letter dated 17 June from TfNSW Re compliance B39

### **3.2. Compliance performance**

In summary the audit found six non-compliances for audit 2, 75 compliances and 85 conditions that were not triggered. A break down is provided in the table below.

Table 1: Compliance performance against each part of the conditions.

Condition Part	Compliances	Non Compliances	Not triggered	Total
<b>A</b>	16	4 (1 audit 1)	13	33
<b>B</b>	43	3 (audit 1)	4	50
<b>C</b>	26	1 (audit 1) 2 (audit 2)	11	40
<b>D</b>			29	29
<b>E</b>			28	28
<b>Advisory notes</b>				4 (not counted in condition sum)
<b>Total audit 2</b>	75	6 (Audit # 2 results) (6 Audit 1 results with two overlapping conditions)	85	180

Note: In relation to the tally above whole conditions of consent have been used to generate the tally. i.e., where a condition contains part a), b), c) etc this has been counted as one condition.

### 3.3. Summary of agency notices, orders, penalty notices or prosecutions

DPIE representatives undertook a site visit on the 28 April 2021 and noted three non compliances including, as issued in a show cause letter dated 18 June 2021:

- Stockpile management and erosion and sediment controls not complying with the requirements of the CSWMP
- Lack of noise monitoring as required by the CNVMP
- Use of unauthorised access of Lee Holm Drive not in accordance with the approved site layout in Condition A2d or the CTMP in Condition B13.

Pacific National provided DPIE a response to the show cause on 18 June 2021 in line with the required due date. The response document stated the following:

- Pacific National do not agree that stockpile heights and batter slopes are not in accordance with the requirements of the CSWMP. Have implemented additional erosion and sediment controls along the batter slope and bund along the southern boundary.
- Provided noise monitoring results dating back to December 2020. The audit notes that the provision of these noise monitoring results do not align with the findings of Independent Audit Report (NGH February 2021), which found that no monitoring had occurred up to the time of the site audit in January 2021.
- Provided explanation that the access road was for wet weather access and additional controls had been provided.

### 3.4. Non compliances

Six non-compliances were raised in this audit.

Non Compliance #	Condition	Audit finding and recommendations
NC # 1 Audit 2	<p><b>A2</b> The development must only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p>	<p>The audit found that the requirements of the Conditions CEMP and subplans were largely being implemented. Contractors were made aware of relevant conditions of consent through inductions.</p> <p>However given a total of six Non compliances have been raised against the conditions during this audit and the previous audit this audit has raised an NC against this condition.</p>
	<p>A2 (d) in accordance with the Development Layout in Appendix 1;</p>	<p>A DPIE inspection in April 2021 noted that there was an unapproved access road off Lee Holm Drive and that this access was not in accordance with the approved development layout.</p> <p>Accordingly Pacific National provided a show cause letter providing reasoning for using this access point, however the use of this access point is still not in accordance with the approved development layout and therefore this is an open NC.</p>

Non Compliance #	Condition	Audit finding and recommendations
NC # 2 Audit 2	<p><b>A23</b> At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</p>	<p>Audit reports are available on the website but not the applicants responses.</p> <p>A copy of the applicants response to the audit recommendation should be made publicly available as required by this condition.</p>
NC # 3 Audit 2	<p><b>A25</b> The Planning Secretary must be notified <del>in writing to</del> <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> <b>through the major projects portal</b> immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.</p>	<p>The Safety incident involving a trailer roll over was reported to SafeWork NSW. No further investigation was required by SafeWork as noted in their response. However the planning secretary was not notified of the incident and therefore this is a Non compliance with this condition.</p> <p>All incidents should be provided to DPIE as soon as the applicant becomes aware of the incident. Following notification a subsequent report is required under A26 in accordance with the requirements set out in Appendix 4 of the consolidated approval.</p>
NC #4 Audit 2	<p><b>A30</b> Within three months of:</p> <p>(d) the approval of any modification of the conditions of this consent; or the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.</p>	<p>Mod 5 was approved on the 12/04/2021 but there has been no written notification stating that plans are being reviewed in response to the modification within the required three month period.</p>
NC # 5	<p><b>C8</b> The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p>	<p>The audit review external inspection reports prepared by Wolf Peak. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions are not being closed out in an appropriate</p>



Non Compliance #	Condition	Audit finding and recommendations
		time frame. Therefore, this audit has raised a NC regarding the works being undertaken in accordance with the CEMP
NC #6 Audit 2	<b>C20</b> All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	The audit review external inspection reports prepared by Wolf Peak and Elder enviro. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions have included the requirement to check that Erosion and sediment controls are in accordance with relevant plans and are not being closed out in an appropriate time frame. Therefore, this has been raised as an NC.

### 3.5. Previous audit recommendations

Audit 1 Non Compliance #	Condition	Audit finding and recommendations	Status
<b>NC 1</b>	A30 Revision of plans and strategies Within three months of: d) the approval of any modification of the conditions of this consent; ... the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.	MOD 2 was approved on the 21 September 2020. The audit noted that notification to the planning secretary and the certifier did not occur by the 21 December 2020 as required by this condition.  A review of the plans and strategies is currently underway to accommodate all 4 modifications. The DPIE has been notified as evidenced by email dated 18 January 2021, however this notification is not	This has been raised again as a Non Compliance in the second audit as the Planning Secretary and the Certifier were not notified of a review of plans/strategies within three months of the approval of MOD 5 determined on the 14 April 2021.

Audit 1 Non Compliance #	Condition	Audit finding and recommendations	Status
		within the three month period of MOD 2.	
<b>NC2</b>	B16A Within one month of the approval of SSD-7308-MOD-3, the Construction Soil and Water Management Sub-Plan (CSWMSP) referred to in condition B16 is to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-3.	The soil and water management plan was not updated within one month of the approval of SSD-7308 MOD 3.  The audit notes that this has now been done and updated plans have been sent to DPIE to accommodate the changes required for all three modifications.	CLOSED
<b>NC3</b>	B29 Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B28 must be provided to the Planning Secretary prior to vegetation clearing.	Evidence regarding the retirement of credits and payment was provided to the DPIE for the first set of retirement of credits was undertaken prior to clearing. A second retirement of credits has also occurred, but this had not been provided to the DPIE prior to clearing of vegetation. The audit noted that this evidence was provided to DPIE during the preparation of this audit.	CLOSED
<b>NC4</b>	B32 Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B31 must be provided to the Planning Secretary prior to vegetation clearing.	Evidence regarding the retirement of credits and payment was provided to the DPIE for the first set of retirement of credits was undertaken prior to clearing. A second retirement of credits has also occurred, but this had not been provided to the DPIE prior to clearing of vegetation.	CLOSED

Audit 1 Non Compliance #	Condition	Audit finding and recommendations	Status
		The audit noted that this evidence was provided to DPIE during the preparation of this audit.	
<b>NC5</b>	B33A Within one month of the approval of SSD-7308-MOD-3, the Vegetation Management Plan referred to in condition B33(g) is to be updated to the satisfaction of the Planning Secretary to incorporate appropriate measures to manage rehabilitation of the temporary stockpile site referred to under SSD-7308-MOD-3, after use of that site.	The VMP was not submitted with one month of the approval of the MOD -3.	Open The VMP was submitted to DPIE on 15 January but the audit found no evidence that DPIE have accepted the VMP
<b>NC6</b>	C1 – site notice  d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and	The Audit noted that the hours of work were not included on the site notice.  The site notice should be updated to comply with the requirements of this condition.	CLOSED

### **3.6. Environmental plans, sub plans and post approval documents**

A summary of the implementation of management plans relevant to this stage of works is provided below. This is a summary of key plans and is not an exhaustive list of all plans required by the approval.

All plans required by the approval are discussed in the audit protocol table provided in Appendix A of this report. The suite of environmental management plans includes:

- Construction Environmental Management Plan (CEMP) underpinned by the following sub plans
  - Biodiversity Management Sub-Plan (BMSP)
  - Construction Noise and Vibration Management Sub-Plan including Out-of-Hours Works Protocol (CNVMSP) [
  - Construction Soil and Water Management Sub-Plan (CSWMSP)
  - Construction Traffic and Pedestrian Management Sub-Plan including a Driver Code of Conduct (CTPMSP)
  - Community Communication Strategy (CCS)
  - Remediation Action Plan (RAP)
  - Construction Waste Management Sub-Plan
  - Flood Emergency Response Sub-Plan
  - Incident Response Plan

### **3.6.1. Construction Noise and Vibration Management Plan (SC2-B14)**

In response to the COVID-19 Development – Construction Work Days) Order 2020 that commenced 2 April 2020, working hours have been extended. Compliance with construction hours is managed through a combination of mechanisms including a locked gate with security allowing access only during work hours. The audit found no evidence that works are being undertaken outside of these hours.

The audit found that systems are in place to ensure that plant and equipment is maintained through vehicle inspections, maintenance registers and daily pre start checks. Evidence was provided via records as listed in Section 3.1 above.

A review of the complaints register showed that there have been no complaints relating to noise or any other issues.

The audit noted that construction noise monitoring had not occurred at the time of the first audit in February 2021.

Subsequently in April 2021, DPIE also noted that noise monitoring had not yet commenced as did Wolfpeak in their March 2021 inspection.

It is noted that DPIE in their assessment of audit #1 indicated that this should have been raised as a Non Compliance.

Noise monitoring results were provided to DPIE by Pacific National (and viewed during this second audit) as part of a show cause response as a result of the April 2021 site inspection.

The noise monitoring results, for noise monitoring undertaken by McMahons do not clearly provide details of which Noise catchment the results pertain to or whether the noise management levels in the Construction Noise and Vibration Management Sub Plan have been exceeded. Therefore, based on the McMahons noise monitoring the audit could not determine compliance or otherwise with the noise management levels set out in the Construction Noise and Vibration Management Plan.

Subsequently EMS were engaged to undertake attended noise monitoring to test compliance with the noise management levels set in the CEMP in May 2021. This report shows that noise from construction did not exceed the noise management level at sensitive receivers. Based on the EMS report and the fact that there have been no noise related complaints the audit has found that there

is now sufficient evidence to show that the development is being constructed in accordance with the CNVMP.

### **3.6.2. Waste Management (SC2-B15)**

The site visit found that waste was being separated and appropriate waste receptacles were available onsite.

A review of the waste docket showed that the quantities of each waste type generated, and the proposed reuse, recycling and disposal locations are noted.

The audit reviewed the materials register, the document that records the volume and type of material that is brought on to site. The audit found that material tracking is occurring via the register.

### **3.6.3. Soil and Water Management Plan (SC2-B16)**

The Soil and water management plan was prepared by WolfPeak (updated March 2021). This plan included a concept Erosion and Sediment Control Plan (ESCP).

WolfPeak are supporting McMahons in managing erosion and sediment control on site by undertaking monthly inspections. The audit noted that the most recent inspection occurred on the in March 2021. In addition, McMahons are undertaking their own inspections as evidenced by environmental inspections/audits.

It was noted during the review of the Wolfpeak inspections that some of recommendations made in Wolf Peak inspection 3/3/21 were still open in Wolfpeak inspection 15/04/21, some six weeks later. A non conformance was therefore raised against C20 regarding soil and water management. It should be noted that during the virtual site audit (undertaken via FaceTime due to COVID restrictions), controls were in place, and from what was possible via an online inspection, appeared to be in place and maintained.

### **3.6.4. Biodiversity Management Sub Plan (SC2- B17)**

The key requirement of the biodiversity management plan is maintaining the clearing boundary, and no go zones, undertaking preclearing surveys and clearing supervision. The site inspection found that the clearing boundary is well marked and fenced.

Pre clearing surveys were undertaken as required by the plan on the 19 November 2020. The pre clearing surveys, defined the boundaries of Endangered Ecological Communities and the location of the *Grevillea juniperina*, map priority weeds and hollow bearing trees onsite and inspect the culvert for the presence of microbats. It is noted that no bats were located in culverts.

It was noted the retirement of credits and payment to the Biodiversity Conservation Fund was provided to the DPIE for the first set of retirement of credits. A second retirement of credits has also occurred as a result of modifications, but this had not been provided to the DPIE prior to clearing of vegetation as required by Condition B29 and B32 as raised in Audit #1. This has subsequently occurred, as has the retirement of credits for MOD 1 and MOD 2.

### **3.6.5. Site Inspections, incidents, and Other Records**

Weekly site inspections occur with representatives of the project team. The inspections include an audit/review process and give recommendations /actions. A review of actions raised in the checklist found that actions are closed out as evidenced by signed close out sheets.

This audit viewed the inspection checklists for 26/11/2020, 2/12/2020, 6/1/21, 15/1/2020, Weekly Toolboxes 11/1/2021; 15/1/2021, and 18/6/21, Erosion and Sediment Control Inspection 9 February (Elder Enviro), Wolf Peak inspection 3/3/21, Wolfpeak inspection 15/04/2, Dewatering report 5 February 2021, Dewatering permit 10/7/21 & 14/7/21, Induction materials, induction and skills matrix for all staff, roller operator induction 5/2/2021, Pre start and weekly toolbox records including for month of February 1-27/02/2021, month of April including from 7/04/2021 to 30/04/2021, 10/5/2021 and 1-4/06/2021, 8-11/06/2021, 15/06/2021, 18/06/2021, 19/06/2021 and 21-26/06/2021, which provides evidence that compliance is regular checked and records maintained and accessible.

There have been no environmental incidents and one notifiable safety incidents to date. The safety incident was reported to SafeWork, however not to DPIE as required by Condition A25, and therefore this has been raised as a non conformance.

### **3.6.6. Stakeholder, Community engagement and complaints**

The website is the key location for the community to access information on the project. The Website is being updated and the majority of required information was found on the website. It was noted that while the Independent Audit report (Feb 2021) was provided on the website as required by A23, the applicants response was not available.

## **3.7. Environmental performance**

Environmental performance is implemented on site via the CEMP and relevant sub plans.

In summary the audit found that the Environmental Management Plans and sub plans are adequate for the stage of works. Mitigation and monitoring requirements of the plans are largely being implemented and undertaken.

## **3.8. Consultation outcomes**

Relevant stakeholders were consulted as required by the conditions in the preparation of the management plans for the site. Specifically:

- Penrith City Council were consulted regarding the preparation of the landscape plan as required by condition B33.
- Council and Transport for NSW were consulted during the preparation of the Construction Traffic and Pedestrian Management Sub plan.
- The Flood Emergency response plan was in consultation with Penrith Council – Consultation with council is appended to the plan.
- Penrith City Council were consulted regarding the Soil and Water Management Plan. Consultation is summarised in section 3.4 of the plan
- Utility providers regarding utility connections.

### **3.9. Complaints**

The audited noted that there have been no complaints to date.

### **3.10. Incidents**

There has been one notifiable safety incident and no reported environmental incidents to date. The safety incident was reported to SafeWork, however not to DPIE as required by Condition A25, and therefore this has been raised as a non conformance.

### **3.11. Actual and predicted impacts - Project key risk in the EIS**

An assessment was undertaken of the actual versus the predicted impacts of the projects' key risks as identified in the EIS. Project key risks identified in the EIS included:

- Traffic and transport
- Noise
- Biodiversity
- Contamination
- Stormwater management and quality
- Bushfire
- Heritage
- Visual impacts
- Flooding.

#### **3.11.1. Traffic**

Bitzios Consulting (2019) undertook a Traffic and Transport Impact Assessment during the preparation and exhibition of the EIS. In response to a number of issues raised around the traffic impact on the surrounding road network further assessment was undertaken on ingress and egress from Lee Holm Road. The final Traffic and Transport Assessment report concluded that any potential impacts regarding transport and traffic could be managed by mitigation and management measures described in this Construction Traffic and Pedestrian Management Sub-Plan.

#### **Actual impact**

A Construction traffic and pedestrian management plan has been prepared to manage construction traffic. The plan has been prepared in consultation with Penrith City Council and TfNSW. The plan identifies haul routes, waste transport routes and parking requirements.

The weekly inspection includes a check of traffic management on site. The site inspection for the audit did not note any construction vehicles parked outside of the designated parking areas and there was ample parking available within the site, at the compound. To date there have been no complaints regarding construction traffic.

Preconstruction Dilapidation surveys of the road network have been undertaken by Thomas Engineers dated 2 – 4 June 2020.

It was raised in the DPIE inspection in April 2021, and subsequently in the DPIE show cause letter issued in May 2021 that there is use of an unauthorised access off Lee Holm Drive that is not in



accordance with the approved site layout in Condition A2d or the CTMP in Condition B13. This access road continues to be used as noted during audit 2. This has been raised as a non-conformance against Condition A2.

### **3.11.2. Noise impact**

AECOM prepared a noise assessment as part of the EIS. The report found that the predicted construction noise levels during standard construction hours identifies that at the closest noise sensitive receivers some residents will be 'Noise Affected' No residents will be 'Highly Noise Affected'. The report also noted that noise exceedances during the standard hours works period are generally unavoidable given the proposed works and proximity to receivers, notwithstanding the implementation of feasible and reasonable noise mitigation measures.

### **Actual impacts**

The construction noise and vibration management plan (CNVMP) prepared by Wolf Peak for McMahon (updated March 2021) confirmed the predicted noise impacts in the EIS.

In response to the COVID-19 Order 2020, working hours have been extended working hours as allowed under this order.

The Construction Noise and Vibration Management Plan set construction noise targets. In order to test compliance with these targets monitoring needs to occur. The first audit (Feb 2021) noted that noise monitoring had not occurred and that a logger was being purchased. Subsequently in April 2021, DPIE also noted that noise monitoring had not yet commenced as did Wolfpeak in their March 2021 inspection.

It is noted that DPIE in their assessment of the Independent Audit Report (NGH Feb 2021) indicated that the lack of noise monitoring should have been raised as a Non Compliance.

Noise monitoring results were provided to DPIE by Pacific National (and viewed during this second audit) as part of a show cause response as a result of the April 2021 site inspection.

The noise monitoring results, for noise monitoring undertaken by McMahons do not clearly provide details of which Noise catchment the results pertain to or whether the noise management levels in the Construction Noise and Vibration Management Sub Plan had been exceeded. Therefore, based on the McMahons noise monitoring, the audit could not determine compliance or otherwise with the noise management levels set out in the Construction Noise and Vibration Management Plan.

Subsequently EMS were engaged to undertake attended noise monitoring to test compliance with the noise management levels set in the CEMP in May 2021. This report shows that noise from construction did not exceed the noise management level at sensitive receivers. Based on the EMS report and the fact that there have been no noise related complaints the audit has found that there is now sufficient evidence to show that the development is being constructed in accordance with the CNVMP.

### **3.11.3. Biodiversity**

The St Marys Freight Hub EIS (Urbanco 2019) and Response to Submissions Report and the associated Biodiversity Development Assessment Reports (BDAR) prepared by EcoLogical dated 24 April 2019 and 13 September 2019 assessed the impacts of construction and operation of the Project on biodiversity values, including endangered ecological communities and threatened flora

and fauna species. Direct impacts include the removal of 1.51 hectares of native vegetation within the intermodal site boundary, impacts to one threatened flora species *Grevillea juniperina subsp. juniperina* and impacts to microbats listed under the *Biodiversity Conservation Act 2016 (BC Act)*. These direct impacts will be offset via ecosystem and species credits in accordance with the Project's Conditions of approval and requirements of the BC Act.

Notwithstanding, the EIS and subsequent assessments identified that potential indirect, or inadvertent impacts to biodiversity values (such as removal of vegetation outside the site footprint) as a result of construction of the project could be managed with the implementation of mitigation measures.

### **Actual impacts**

Pre clearing surveys were undertaken as required by the Biodiversity Management plan on the 19 November 2020. The pre clearing surveys, defined the boundaries of Endangered Ecological Communities and the location of the *Grevillea juniperina*, mapped priority weeds and hollow bearing trees onsite and inspect the culvert for the presence of microbats. It is noted that no bats were located in culverts.

The site visit found that all areas outside of the project footprint were fenced and there was no evidence of access to these areas.

#### **3.11.4. Contamination**

Douglas Partners prepared a PSI as part of the EIS in March 2019 and this was supplemented by further assessment in April 2019. The reports found that there are a number of areas of potential concern including construction waste, Asbestos containing material fragments, some leaks and spills in former parking areas and some dumping of waste, tyres etc. The report recommended the implementation of an unexpected finds protocol and Remediation Action Plan for the site of the former stockpile footprint.

### **Actual impacts**

A remediation action plan has been prepared (Douglas Partners May 2019) and there is an unexpected finds procedure within the CEMP (Annexure L of the CEMP). The audit noted that there had been one unexpected find and that the material was dealt with in accordance with the procedure with regards to testing and disposal.

#### **3.11.5. Stormwater management and quality**

BG&E Prepared a Stormwater management report as part of the EIS. (BG&E April 2019). The report outlines the existing drainage conditions, as well as providing an overall philosophy for the collection, treatment and disposal of stormwater from the development site. The report notes that the existing sediment basin is to be retained at the downstream end of the site with temporary cut off drains catching runoff from the entire development site. It is expected that this sediment basin will eliminate almost all risk of sediment being washed off the site during construction.

### **Actual impacts**

The audit found that the Soil and water management plan, Erosion and Sediment Control Plan (ESCP) were largely implemented. Issues with close out of inspections being undertaken by

Wolfpeak are discussed above in Section 3.6.3, however these largely relate to erosion and sediment control and not stormwater management.

The audit found that the basin that is currently used as a sediment basin is the major end of line control for stormwater on site. Dewatering has occurred on a number of occasions and this has been done in accordance with the requirements of a dewatering permit, i.e. water testing has occurred prior to any release of water to a stable area. For the most part water from the basin has been used for dust suppression.

### **3.11.6. Bushfire**

A Bushfire Protection Assessment was undertaken by Ecological (April 2019) to investigate the potential construction and operational bushfire hazards of the Proposal and how these risks could be suitability reduced and managed.

The land is located on bushfire prone land classified as bushfire prone on Penrith City Councils Bush fire prone land map. The report noted the Bushfire Attack Level (BAL) as being low for all buildings and recommended several bushfire protection measures, including Asset Protection Zones between 100- 252m, and concluded that the proposed development complies with the acceptable solutions within 'Planning for Bush Fire Protection 2006'.

### **Actual impacts**

In relation to impacts that could be assessed during the audit, the audit noted that Ecological (in an email dated August 2020 confirmed that the landscape plans conform with the requirements of an Inner protection area and the principals of *Planning for Bush Fire Protection 2019*. Certifier records show that asset protection zones are implemented.

### **3.11.7. Heritage**

The EIS in a report prepared by NGH Environmental (2019) noted St Marys Station is listed on the State Heritage register. There is also an unlisted heritage item identified near the site, the Ropes Creek branch railway line. The EIS noted that there would be no impact to either of these items as a result of the project.

The current mature trees present on the southern side of the site (outside of the site and within Western Line Railway Reserve) help to shield the view of the Freight Hub from the listed St Marys Railway Station should be retained during works to the site to mitigate a significant visual impact to the railway station.

An Aboriginal Cultural heritage assessment was also prepared as part of the EIS (NGH environmental May 2019). The report found that despite there being one AHIMS record on site it was not located during the field survey and the co-ordinates for the site locate it 50m from the impact area. There are no previously recorded AHIMS sites within the project area footprint, and no sites identified during the site survey, mitigation measures including salvage, detailed recording, or changes to the design footprint of the works were not considered necessary. The proposal area is located on a site of historical ground modification, minimising the potential for locating in-situ surface and subsurface artefacts.

### **Actual impacts**

An unexpected finds procedure has been prepared as part of the CEMP. There have been no unexpected finds to date.

### **3.11.8. Visual**

A visual impact assessment was prepared by NGH Environmental (2019). The report found that given the relatively short duration of the construction period compared to the lifetime of the project, industrial use of the three roads and very few residents with any view of the proposal, it is considered that the potential visual impact during construction would be minimal.

The report found that during operation the project would be visible from St Marys High School and South Creek Park and Blair Oval. The report recommended that vegetation screening be considered to break up views from the southern boundary of the site.

### **Actual impact**

It is noted that the Landscape Plan and the Vegetation Management Plans have recommended screening vegetation. Subsequent updates to the Vegetation Management Plan have occurred as a result of MOD 3. Some site stabilisation and planting had occurred during this audit period.

### **3.11.9. Flooding**

BG&E prepared a flood impact assessment (April 2019) as part of the EIS. The report found that flood modelling shows that in the 5% AEP event flows are expected to exceed the existing channel capacity and spill into the site. Some localised flooding on Lee Holm Road to the north of the site is also expected in this event. Much of the proposed development area is not affected by flooding until the Probably Maximum Flood (PMF) event.

The Flood Impact assessment post development found that for the full range of events assessed there are no significant increases in flood level outside of the land owned by Pacific National, with the exception of a minor increase in the PMF event near the site access from Lee Holm Road. Given the already medium to high hazard flooding in this area, the minor increase in flood levels does not affect flood hazard. The DCP also requires that "The development will not increase the flood hazard or risk to other properties". A comparison of the hazard mapping for pre and post development, shows there is no change to flood hazard in the vicinity of the site for all design events assessed.

### **Actual impacts**

The Drainage Design Compliance Statement prepared by Tom McFarlane of WGA dated 02 Oct 2020, indicates that the stormwater design is in accordance with BG&E (Sept 2019)

## **3.12. Site inspection**

The site inspection was undertaken virtually via FaceTime. In as far as possible to see the site inspection found the site to be well maintained. The entire site was viewed at the inspection. The purpose of the site inspection was to check that environmental controls were implemented and maintained. The audit found that:

- The site has now largely been sealed with the main unexposed areas occurring on the almost completed final car park.
- The site was clearly fenced and vegetation to be retained was protected with fencing.
- Site signage was in place.
- Separation of reusable materials such as mulch and topsoil was occurring.
- There was no sign of mud tracking on to public roads.

- There was no evidence that dust was escaping the site (i.e., no dusty vegetation or boundary fencing)

Photos of the site are provided in Appendix E.

The site visit found the site to be well managed, with waste being separated, erosion and sediment controls in place and site fencing, including clearing boundaries, clearly marked and in good condition.

### **3.13. Site Interviews**

Site interviews were undertaken with members of the construction team including:

- Anil Basnet McMahon Services Project Engineer
- Guy Evans (Urbanco)
- David Djulbic (Pacific National)
- Dave Illingworth (McMahon Services)

### **3.14. Previous annual review or compliance report recommendations**

There have only been two compliance reports prepared under the conditions of consent. The construction compliance report (April 2021) raised seven non conformances. These included the findings of the Independent Audit Report #1 in addition to C38, noting that the Independent Audit Report #1 was not available on the website within 60 days required by this condition.

It was noted during audit #2 (this audit) that the audit report is now on the website, however the response report required by this audit is not provided on the website. It is further noted that the compliance report in effect includes a response to most of the non conformances raised in audit 1 but not all. Missing from the compliance report is a response to condition C1, regarding missing work hours from the site notice board.

### **3.15. Improvement opportunities**

A number of non conformances were raised in relation to information being provided to DPIE as required by various conditions. It is recommended that more attention is given to the detail in the wording of the consent so that these are no missed moving forward.

It was also noted that it was difficult to track formal close out of recommendations made in inspection reports prepared by external providers and it is recommended that a system is set to manage these inspection actions and their close out.

The preconstruction compliance and construction compliance report were available on the project website. This provides monitoring against compliance with the conditions but does not provide monitoring results. In order to provide more complete monitoring records to the public, records such as noise monitoring could also be made available.

### **3.16. Key Strengths**

The key strength of this project is the committed team. McMahon Services, Urbanco and Pacific National staff all have a good understanding of the conditions and dedicate enough resources to manage the site. Records show that sub-contractors have a good understanding of relevant requirements.



## 4. RECOMMENDATIONS

### 4.1. Summary of Compliance and non compliances against conditions

Six non-compliances were raised in this audit out of a total of 180 conditions.

Table 2: Summary of non-compliances

Non Compliance #	Condition	Audit finding and recommendations
NC # 1 Audit 2	<p><b>A2</b> The development must only be carried out:</p> <p>(b) in compliance with the conditions of this consent;</p>	<p>The audit found that the requirements of the Conditions CEMP and subplans were largely being implemented. Contractors were made aware of relevant conditions of consent through inductions.</p> <p>However given a total of six Non compliances have been raised against the conditions during this audit and the previous audit this audit has raised an NC against this condition.</p>
	<p>A2 (d) in accordance with the Development Layout in Appendix 1;</p>	<p>A DPIE inspection in April 2021 noted that there was an unapproved access road off Lee Holm Drive and that this access was not in accordance with the approved development layout.</p> <p>Accordingly Pacific National provided a show cause letter providing reasoning for using this access point, however the use of this access point is still not in accordance with the approved development layout and therefore this is an open NC.</p>



Non Compliance #	Condition	Audit finding and recommendations
NC # 2 Audit 2	<p><b>A23</b> At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</p>	<p>Audit reports are available on the website but not the applicants responses.</p> <p>A copy of the applicants response to the audit recommendation should be made publicly available as required by this condition.</p>
NC # 3 Audit 2	<p><b>A25</b> The Planning Secretary must be notified <del>in writing to</del> <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> <b>through the major projects portal</b> immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.</p>	<p>The Safety incident involving a trailer roll over was reported to SafeWork NSW. No further investigation was required by SafeWork as noted in their response. However the planning secretary was not notified of the incident and therefore this is a Non compliance with this condition.</p> <p>All incidents should be provided to DPIE as soon as the applicant becomes aware of the incident. Following notification a subsequent report is required under A26 in accordance with the requirements set out in Appendix 4 of the consolidated approval.</p>
NC #4 Audit 2	<p><b>A30</b> Within three months of:</p> <p>(d) the approval of any modification of the conditions of this consent; or the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.</p>	<p>Mod 5 was approved on the 12/04/2021 but there has been no written notification stating that plans are being reviewed in response to the modification within the required three month period.</p>
NC # 5	<p><b>C8</b> The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p>	<p>The audit review external inspection reports prepared by Wolf Peak. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions are not being closed out in an appropriate</p>

<b>Non Compliance #</b>	<b>Condition</b>	<b>Audit finding and recommendations</b>
		time frame. Therefore, this audit has raised a NC regarding the works being undertaken in accordance with the CEMP
NC #6 Audit 2	<b>C20</b> All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	The audit review external inspection reports prepared by Wolf Peak and Elder enviro. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions have included the requirement to check that Erosion and sediment controls are in accordance with relevant plans and are not being closed out in an appropriate time frame. Therefore, this has been raised as an NC.

## 5. CONCLUSION

The audit found six non-compliances with the Conditions of Approval relating to a range of conditions. The document review found that Environmental Management Plans and sub plans are relevant to the site and were largely being implemented.

It was also noted that it was difficult to track formal close out of recommendations made in inspection reports prepared by external providers and it is recommended that a system is set to manage these inspection actions and their close out.

The table below shows the compliances against each part of the conditions.

Condition Part	Compliances	Non Compliances	Not triggered	Total
<b>A</b>	16	4 (1 audit 1)	13	33
<b>B</b>	43	3 (audit 1)	4	50
<b>C</b>	26	1 (audit 1) 2 (audit 2)	11	40
<b>D</b>			29	29
<b>E</b>			28	28
<b>Advisory notes</b>				4 (not counted in condition sum)
<b>Total audit 2</b>	75	6 (Audit # 2 results) (6 Audit 1 results with two overlapping conditions)	85	180

## APPENDIX A AUDIT PROTOCOL

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

Colouring of text identifies the six modifications to SSD-7308 as follows:

- **SSD-7308-Mod-1**
- **SSD-7308-Mod-2**
- **SSD-7308-Mod-3**
- **SSD-7308-Mod-4**
- **SSD-7308-MOD-5**
- **SSD-7308-MOD-6**

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>PART A - ADMINISTRATIVE CONDITIONS</b>					
<b>Obligation to Minimise Harm to the Environment</b>					
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	Virtual Site Inspection  Implementation of CEMP & subplans	The audit found that the requirements of the CEMP and subplans were being largely being met and that there was no evidence of material harm to the environment	C	
<b>Terms of Consent</b>					
A2-a	The development must only be carried out:  (a) in compliance with the conditions of this consent;	CEMP  Inductions	The audit found that the requirements of the Conditions CEMP and subplans were largely being implemented. Contractors were made aware of relevant conditions of consent through inductions.  However given a total of six Non compliances have been raised against the conditions during this audit and the previous audit this audit has raised an NC against this condition.	NC	NC #1 Audit 2
A2-b	(b) in accordance with all written directions of the Planning Secretary;	DPIE show cause letter dated 25 May 2021	DPIE representatives undertook a site visit on the 28 April 2021 and noted three non	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		Pacific National show cause response letter dated 18 June 2021	<p>compliances including, as issued in the show cause letter:</p> <ul style="list-style-type: none"> <li>• Stockpile management and erosion and sediment controls not complying with the requirements of the CSWMP</li> <li>• Lack of noise monitoring as required by the CNVMP</li> <li>• Use of unauthorised access of Lee Holm Drive not in accordance with the approved site layout in Condition A2d or the CTMP in Condition B13.</li> </ul> <p>Pacific National provided DPIE a response to the show cause on 18 June in line with the required due date. The response document:</p> <ul style="list-style-type: none"> <li>• disputes that stockpile heights and batter slopes are not in accordance with the requirements of the CSWMP. Have implemented additional erosion and sediment controls along the batter slope and bund along the southern boundary.</li> <li>• Provided noise monitoring results dating back to December 2020, which contradicts the findings of IAP No #1</li> <li>• Provided explanation that the access road was for wet weather access and additional controls had been provided.</li> </ul>		

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A2-c	(c) generally in accordance with the EIS and Response to Submissions;	Mod1 – Mod 6 Management plans /SOPs EMWS etc	There have been 5 modifications to the project as presented in the EIS including:  MOD1 - MOD 1 - Rail siding refurbishment works package (under assessment)  MOD2 – Minor amendments to layout & office building  MOD 3 Stockpile site and development layout boundary  MOD 4 Revised Condition B36  MOD 5 Office building changes no approved  MOD 6 – Amendment to Condition D13	C	
A2-d	(d) in accordance with the Development Layout in Appendix 1; and	Consolidated consent, Site visit, Plans  DPIE show cause letter dated 25 May 2021	The development layout was altered as part of MOD3. The development is in the early stages but will proceed in accordance with this layout.  A DPIE inspection in April 2021 noted that there was an unapproved access road off Lee Holm Drive and that this access was not in accordance with the approved development layout. Accordingly Pacific National provided a show cause letter providing reasoning for using this access point, however the use of this access point is still not in accordance with the approved	NC	NC # 1 Audit 2



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
			development layout and therefore this is an open NC.		
A2-e	(e) in accordance with the revised management and mitigation measures in Appendix 3.	CEMP and sub plans	These requirements have been addressed in the CEMP and relevant sub plans. Implementation of the CEMP and subplans have been separately audited (refer to B11-B19 and C8 )	C	
A2-f	(f) in accordance with the approved plans in the table below:	Copies of plans onsite		C	

Architectural Drawings prepared by ATCO Structures & Logistics Pty Ltd <del>–prepared by Kit Handley Architects Pty Ltd</del>			
Dwg No.	Rev	Name of Plan	Date
A000 A101	A 4	TITLE PAGE Proposed Site & Roof Plan	22/01/21 17/04/20
A200 A102	A 4	PLAN Proposed G & L1 Floor Plan	22/01/21 17/04/20
A220 A103	A 4	WALL LAYOUT Proposed Electrical Plan	22/01/21 17/04/20
A300 A104	A 4	ELEVATIONS Proposed Elevations	22/01/21 17/04/20
A500 A105	A 4	SALES SCHEDULES 1 OF 2 Proposed Elevation & Sections	22/01/21 17/04/20
A501 A106	A 4	SALES SCHEDULES 2 OF 2 Proposed Group 1 Furniture Plans	22/01/21 17/04/20
A200 A107	A 4	ELECTRICAL COMBINED PLAN Proposed Group 2 & 3 FF&E	22/01/21 17/04/20
M200	A	MECHANICAL PLAN	22/01/21

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A2-g	(g) in accordance with modification application SSD-7308-Mod-2 and supporting documentation.	CEMP Rev 8 CTPMP Rev 8 CSWMP Rev 9 CWMP Rev 7 CBMP Rev 5	The CEMP and associated sub plans have been revised to reflect this modification.	C	
A2-(h)	(h) in accordance with modification application SSD-7308-Mod-3 and supporting documentation.	CEMP Rev 8 CTPMP Rev 8 CSWMP Rev 9 CWMP Rev 7 CBMP Rev 5	The stockpile area is in use and being managed via SWMP and ESCP which has been prepared and approved by DPIE. The implementation of these plans has been audited separately in B11, B13, B14, B15, B16 and B17.	C	
A2 (i)	(i) in accordance with modification application SSD-7308-Mod-4 and supporting documentation	CEMP Rev 8 CTPMP Rev 8 CSWMP Rev 9 CWMP Rev 7 CBMP Rev 5	The CEMP and associated sub plans have been revised to reflect this modification. The implementation of these plans has been audited separately in B11, B13, B14, B15, B16 and B1	C	
A2 (j)	(j) in accordance with modification application SSD-7308-Mod-1 and supporting documentation.; and	CEMP Rev 8 CTPMP Rev 8 CSWMP Rev 9 CWMP Rev 7 CBMP Rev 5	The CEMP and associated sub plans have been revised to reflect this modification. The implementation of these plans has been audited separately in B11, B13, B14, B15, B16 and B1	C	
A2 (k)	in accordance with modification application SSD-7308-MOD-5 and supporting documentation.	CEMP Rev 8 CTPMP Rev 8 CSWMP Rev 9 CWMP Rev 7 CBMP Rev 5	The CEMP and associated sub plans have been revised to reflect this modification. The implementation of these plans has been audited separately in B11, B13, B14, B15, B16 and B1	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A2 (l)	<u>in accordance with modification application SSD-7308-MOD-6 and supporting documentation</u>				
A3-a	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>(a) the content of any strategy, study, system, plan, program, review, audit, notification, report, or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;</p>	DPIE Letter dated 1 April 2021 approving revised plans	<p>Plans were submitted to DPIE for approval following updates to reflect modifications. DPIE request additional information and the proponent provided information and updated accordingly. DPIE approved the following plans on 1 April 2021:</p> <ul style="list-style-type: none"> <li>• CEMP Rev 8</li> <li>• CTPMP Rev 8</li> <li>• CSWMP Rev 9</li> <li>• CWMP Rev 7</li> <li>• CBMP Rev 5</li> </ul>	C	
A3-b	(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and	DPIE Show Cause letter dated 25 May 2021	<p>DPIE representatives undertook a site visit on the 28 April 2021 and noted three non compliances including, as issued in the show cause letter:</p> <ul style="list-style-type: none"> <li>• Stockpile management and erosion and sediment controls not complying with the requirements of the CSWMP</li> <li>• Lack of noise monitoring as required by the CNVMP</li> <li>• Use of unauthorised access of Lee Holm Drive not in accordance with the approved site layout in Condition A2d or the CTMP in Condition B13.</li> </ul>	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A3-c	(c) the implementation of any actions or measures contained in any such document referred to in (a) above.	Show Cause letter dated 25 May 2021  Pacific National show cause response letter dated 18 June 2021	Pacific National provided DPIE a response to the show cause on 18 June in line with the required due date. The response document: <ul style="list-style-type: none"> <li>• Disagrees that stockpile heights and batter slopes are not in accordance with the requirements of the CSWMP. Have implemented additional erosion and sediment controls along the batter slope and bund along the southern boundary.</li> <li>• Provided noise monitoring results dating back to December 2020, which contradicts the findings of IAP No #1</li> <li>• Provided explanation that the access road was for wet weather access and additional controls had been provided. This access road continues to be used as noted during audit 2.</li> </ul>	C	
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) to <u>A2(l)</u> . In the event of an inconsistency, ambiguity, or conflict between any of the documents listed in condition A2(c) to <u>A2(l)</u> , the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.			Noted C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>Limits of Consent</b>					
A5	This consent lapses five years after the date of consent unless work is physically commenced.	Letter to DPIE dated 17 November 2020 - Formal Notification of construction commencement	Formal Notification of construction commencement stated that construction commencement is 23 November 2020	NT	
A6	The container freight throughput for the site must not exceed 301,000 TEU p.a.	Nil - Operational requirement	Operations is planned to commence in September or October 2021.	NT	
A7	Containers that are transferred between the site and Port Botany must be transferred by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g., an incident, breakdown, derailment, or emergency maintenance on the line).	Nil Operational requirement		NT	
A8	For the avoidance of doubt, nothing in this consent permits truck-to-truck movements.	Nil - Operational requirement		NT	
<b>Prescribed Conditions</b>					
A9	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	Compliance with BCA and signage requirements  Virtual Site visit  Construction certificate 20210531 GMA certification	The administration office is the only building that is subject to BCA compliance.  Site signage was inspected during the site visit and complied with the requirements of this condition.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		Group approved 24 May 2021 (administration/office building – MOD 5)			
<b>Planning Secretary as Moderator</b>					
A10	In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.	Nil disputes		NT	
<b>Evidence of Consultation</b>					
A11	Where conditions of this consent require consultation with an identified party, the Applicant must:				
A11-a	(a) consult with the relevant party prior to submitting the subject document for information or approval; and	Consultation showing with DPIE, Council, TFNSW regarding development of plans	Consultation with relevant parties in relation to utility relocations and works and preparation of various sub plans has been undertaken (refer B4, B13, B16 B33)	C	
A11-b	(b) provide details of the consultation undertaken including: i) the outcome of that consultation, matters resolved and unresolved; and	Details of consultation with relevant parties in relation to utility relocations and works and preparation of various sub	The outcome of consultation has been appended to plans or provided at the audit via emails (eg utility providers - refer B4).  There have been no disagreements.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	plans has been undertaken (refer B4, B13, B16 B33)			
<b>Staging</b>					
A12	The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	NA	The project is not staged.	NT	
A13	A Staging Report prepared in accordance with condition A12 must:  (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general	NA	The project is not staged.	NT	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>timing of when construction of each stage will commence and finish;</p> <p>(b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);</p> <p>(c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and</p> <p>(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.</p>				
A14	Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.	NA	The project is not staged.	NT	
A15	Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.	NA	The project is not staged.	NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>Staging, Combining and Updating Strategies, Plans or Programs</b>					
A16	With the approval of the Planning Secretary, the Applicant may:	NA	The project is not staged.	NT	
A16-a	(a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);	NA	The project is not staged.	NT	
A16-b	(b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and	NA	The project is not staged.	NT	
A16-c	(c) update any strategy, plan (including management plan, architectural	NA	The project is not staged.	NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).</p>				
A17	<p>Any strategy, plan or program prepared in accordance with condition A16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.</p>	NA	The project is not staged.	NT	
A18	<p>If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.</p>	NA	The project is not staged.	NT	
A19	<p>If approved by the Planning Secretary, updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the</p>	<p>Letter dated 2 Feb 2021 requesting approval of modified CEMP</p> <p>Letter dated 5 March 2021 requesting further information regarding the CEMP.</p>	<p>The CEMP was initially approved by DPIE as detailed in the letter dated 21/8/2020. Construction did not commence until November 2020.</p> <p>The CEMP was subsequently updated to include Modifications 1-4 and submitted to DPIE for approval. CEMP Rev 8 was</p>	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	condition that requires the strategy, plan, program or drawing.	Letter Dated 1 April 2021 from DPIE approving the CEMP Rev 8 requesting further information  CEMP – Section 2.5	approved by DPIE on the 1/4/2021, following a request for further information.  CEMP Section 2.5 lists construction hours		
<b>Applicability of Guidelines</b>					
A20	References in the conditions of this consent to any guideline, protocol, Australian Standard, or policy are to such guidelines, protocols, Standards, or policies in the form they are in as at the date of this consent.		Note	Noted C	
A21	Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Show Cause letter dated 25 May 2021  Pacific National show cause response letter dated 18 June 2021	A show cause letter was issued by the department on the 25 May 2021. Pacific National have provided a response to the show cause and have updated site erosion and sediment controls in response to the issues raised.	C	
<b>Monitoring and Environmental Audits</b>					
A22	Any condition of this consent that requires the carrying out of monitoring or an	Noise monitoring records provided with Show Case	The Construction Noise and Vibration Management Plan set construction noise	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>environmental audit, whether directly or by way of a plan, strategy, or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.</p> <p><i>Note: For the purposes of this condition, as set out in the EP&amp;A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</i></p>	<p>response to DPIE dated 18 June 2021</p>	<p>targets. In order to test compliance with these targets monitoring will occur. The first audit (NGH Feb 2021) noted McMahon Services stated that a noise logger was being purchased but not delivered to site at the time of the audit, therefore monitoring had not commenced.</p> <p>The first audit (Feb 2021) noted that noise monitoring had not occurred and that a logger was being purchased. Subsequently in April 2021, DPIE also noted that noise monitoring had not yet commenced as did Wolfpeak in their March 2021 inspection.</p> <p>It is noted that DPIE in their assessment of audit #1 indicated that this should have been raised as a Non Compliance.</p> <p>Noise monitoring results were provided to DPIE (and viewed during this second audit) as part of a show cause response as a result of the April 2021 site inspection.</p> <p>The noise monitoring results, for noise monitoring undertaken by McMahons do not clearly provide details of which Noise catchment the results pertain to or whether the noise management levels in the Construction Noise and Vibration Management Sub Plan have been exceeded. Therefore, based on the McMahons noise monitoring the audit could not determine compliance or otherwise with</p>		

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
			<p>the noise management levels set out in the Construction Noise and Vibration Management Plan.</p> <p>Subsequently EMS were engaged to undertake attended noise monitoring to test compliance with the noise management levels set in the CEMP in May 2021. This report shows that noise from construction did not exceed the noise management level at sensitive receivers. Based on the EMS report and the fact that there have been no noise related complaints the audit has found that there is now sufficient evidence to show that the development is being constructed in accordance with the CNVMP.</p>		
<b>Access to Information</b>					
A23	At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:	Project website <a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a>	The audit reviewed the website action log and noted that the website was loaded in September 2020.	C	
A23-a	(a) make the following information and documents (as they are obtained or approved) publicly available on its website:  (i) the documents referred to in condition A2 of this consent;	DPIE website <a href="https://www.planningportal.nsw.gov.au/major-projects/project/40636">https://www.planningportal.nsw.gov.au/major-projects/project/40636</a>	Approved plans are available on the DPIE website. There is a link on the Projects website to the DPIE site	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A23-ii	(ii) all current statutory approvals for the development;	DPIE website <a href="https://www.planningportal.nsw.gov.au/major-projects/project/40636">https://www.planningportal.nsw.gov.au/major-projects/project/40636</a>	Statutory approvals are available on the DPIE website. There is a link on the Projects website to the DPIE site	C	
A23-iii	(iii) all approved strategies, plans and programs required under the conditions of this consent;	DPIE website <a href="https://www.planningportal.nsw.gov.au/major-projects/project/40636">https://www.planningportal.nsw.gov.au/major-projects/project/40636</a>	All approved strategies, plans and programs required under the conditions are available on the DPIE website. There is a link on the Projects website to the DPIE site	C	
A23-iv	(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;	St Marys Project Website <a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a> Pre construction compliance report St Marys Construction compliance report 24 May 2021	The preconstruction and six monthly construction compliance report was available on the project website. These reports provide detail of regular reporting.	C	
A23-v	(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	St Marys Project Website <a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a>	The preconstruction compliance and construction compliance report was available on the project website. This provides monitoring against compliance with the conditions but does not provide monitoring results. This has been raised as a recommended improvement.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A23-vi	(vi) a summary of the current stage and progress of the development;	St Marys Website	Community update and Project time line on website	C	
A23-vii	(vii) contact details to enquire about the development or to make a complaint;	St Marys Website	Contact us tab on website	C	
A23-ix	(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;	<a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a>	Audit reports are available on the website but not the applicants responses.	NC	NC # 2 Audit 2
A23-x	(x) any other matter required by the Planning Secretary; and			NT	
A23-b	(b) keep such information up to date, to the satisfaction of the Planning Secretary.			C	
<b>Compliance</b>					
A24	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Evidence of communication of conditions to employees/contractors; e.g., induction/contracts  Induction materials, induction and skills matrix for all staff, roller operator induction 5/2/2021  Pre start and weekly toolbox records including for month of February 1-27/02/2021, month	SSD Consent and CEMP are referenced in the induction  Includes project footprint, S&W management Noise and dust, hours of work unexpected finds, waste traffic  A review of pre-starts found that environmental issues relating to maintaining compliance with the conditions are discussed.	C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<p>of April including from 7/04/2021 to 30/04/2021, 10/5/2021 and 1-4/06/2021, 8-11/06/2021, 15/06/2021, 18/06/2021, 19/06/2021 and 21-26/06/2021</p>					
<b>Incident Notification, Reporting and Response</b>					
A25	<p>The Planning Secretary must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.</p>	<p>Incident report dated 23 April 2021 and notification to SafeWork</p> <p>SafeWork NSW response letter 27/04/2021</p>	<p>The Safety incident involving a trailer roll over was reported to SafeWork NSW. No further investigation was required by SafeWork as noted in their response. However the planning secretary was not notified of the incident and therefore this is a Non compliance.</p>	NC	NC # 3 Audit 2
A26	<p>Subsequent notification must be given, and reports submitted in accordance with the requirements set out in <b>Appendix 4</b>.</p>			NT	
<b>Non-Compliance Notification</b>					

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A27	<p>The Planning Secretary must be notified <del>in writing to</del> <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> through the major projects portal immediately after the Applicant becomes aware of a non-compliance.</p> <p>The Certifier must also notify the Planning Secretary <del>in writing to</del> <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> through the major projects portal within seven days after they identify any non-compliance.</p>	Independent Audit Report NGH February 2021	Non Compliances were raised in the February 2021 audit report and as such notification is required. The audit report was provided via the planning portal to DPIE on the 14 February, therefore this is considered to satisfy this condition.	C	
A28	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Independent Audit Report NGH February 2021	These details are provided in the audit report	C	
A29	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.			Noted C	
<b>Revision of Strategies, Plans and Programs</b>					
A30	Within three months of:				

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
A30-a	(a) the submission of a compliance report under condition B42;	Compliance report submission Email evidence dated 29 October to DPIE Letter to DPIE dated 18 January 2021 notifying a review of the relevant plans	Letter dated 18 January 2021 notifying a review of the relevant plans, post submission of the pre construction compliance report (dated October 2020) and therefore within the three month period.  A six monthly compliance report has been prepared and submitted dated 24 May 2021, and as such the three month period has not been triggered	C	
A30-b	(b) the submission of an incident report under condition A25;		The was a safety incident in April 2021, however as the incident report was not issued to DPIE under Condition A 25, A30 b has technically not been triggered. A non conformance has already been raised against A25 and as such has not been replicated here.	NT	
A30-c	(c) the submission of an Independent Audit under condition C37;	Letter to DPIE dated 2 February 2021 RFI from DPIE Letter dated 11/02/2021 Letter from DPIE dated 1 April 2021	Updated plans were reviewed and issued to DPIE on 2 February 2021, DPIE issued an RFI regarding updates required to the plans and DPIE subsequently approved the plans on 1 April 2021.	C	
A30-d	(d) the approval of any modification of the conditions of this consent; or	CEMP and Subplans MOD 2 approved on the 21 September 2020	It is noted in the first audit that notification to the planning secretary and the certifier did not occur by the 21 December 2020.	NC	Audit # 1 NC#1 NC # 4

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		<p>Notification to the department – email dated 18 January 2021</p> <p>Letter to DPIE dated 2 February 2021</p> <p>RFI from DPIE Letter dated 11/02/2021</p> <p>Letter from DPIE dated 1 April 2021</p>	<p>DPIE has been notified as evidenced by email dated 18 January 2021, however this notification is not within the three month period of MOD 2.</p> <p>Updated plans were reviewed and issued to DPIE as a result of the updates required for Mods 1-4, on 2 February 2021. DPIE issued an RFI regarding updates required to the plans and DPIE subsequently approved the plans on 1 April 2021.</p> <p>Mod 5 was approved on the 12/04/2021 but there has been no written notification stating that plans are being reviewed in response to the modification within the required three month period.</p>		Audit 2
A30-e	<p>(e) the issue of a direction of the Planning Secretary under condition A3 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.</p>	<p>Show Cause letter dated 25 May 2021</p> <p>Pacific National show cause response letter dated 18 June 2021</p>	<p>The show cause letter did not require an update of plans or strategies, therefore this condition is not triggered.</p>	NT	
A31	<p>If necessary, to either improve the environmental performance of the development, cater for a modification, or comply with a direction, the strategies, plans, programs, or drawings required under this consent must be revised, to the</p>	<p>Letter to DPIE dated 2 February 2021</p> <p>RFI from DPIE Letter dated 11/02/2021</p>	<p>Updated plans were reviewed and issued to DPIE as a result of the updates required for Mods 1-4, on 2 February 2021. DPIE issued an RFI regarding updates required to the</p>	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>satisfaction of the Planning Secretary or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and Certifier for information (where relevant) within six weeks of the review.</p> <p><b>Note:</b> <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	Letter from DPIE dated 1 April 2021	plans and DPIE subsequently approved the plans on 1 April 2021.		
A 32	<p><b>Structural Adequacy</b></p> <p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.</p> <p><b>Note:</b> <i>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</i></p>	<p>BCA compliance</p> <p>GMA &amp; Associates Engineering PTY LTD Structural Compliance Certificate dated 23 April 2021</p>	<p>A Structural Compliance Certificate has been issued certifying compliance with this condition. On going inspections are required to ensure compliance as built.</p> <p>Construction of the Office building was not finalised at the time of the audit.</p>	C	
A33	<p><b>External Walls and Cladding</b></p>	<p>GMA &amp; Associates Engineering PTY LTD</p>	<p>A Structural Compliance Certificate has been issued certifying compliance with this</p>	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA	Structural Compliance Certificate dated 23 April 2021	condition. This certification includes the design component external walls and cladding. On going inspections are required to ensure compliance as built. Construction of the Office building was not finalised at the time of the audit.		
<b>PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION</b>					
<b>Notification of Commencement</b>					
B1	The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.	Letter to DPIE – from Urbanco dated 17 November 2020	Construction commencement was detailed in this letter as being 23 November 2020	C	
B2	If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	NA	The Project is not being staged.	NT	
<b>Certified Drawings</b>					
B3	Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural	Construction certificate 1 (CC1) 20000370 / 2by MBC dated 13 October.	CC 1 has been issued  It is noted that the majority of the works are a civil design and structural designs are	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.	GMA & Associates Engineering PTY LTD Structural Compliance Certificate dated 23 April 2021	limited to the admin office and light poles. Lighting Designed by Lucid and ADCO are doing the design for the office.  A Structural Compliance Certificate has been issued certifying compliance with this condition in relation to the office building. On going inspections are required to ensure compliance as built. Construction of the Office building was not finalised at the time of the audit.		
B3A	Prior to the commencement of construction for the office administration building, the Applicant must submit to the satisfaction of the Certifier structural drawings for the administration office building prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.	MOD 5  Construction certificate 2 MBC Dated 13 October 2020  GMA & Associates Engineering PTY LTD Structural Compliance Certificate dated 23 April 2021	Detailed design of the office buildings was included in Modification 5 as approved by DPIE of the 12 April 2021.  A Structural Compliance Certificate has been issued certifying compliance with this condition in relation to the office building.	C	
B3B.	<b>External Walls and Cladding</b>  Prior to the commencement of construction for the office administration building, the Applicant must provide the Certifier with documented	MOD 5  Construction certificate 2 MBC Dated 13 October 2020  GMA & Associates Engineering PTY LTD	A Structural Compliance Certificate has been issued certifying compliance with this condition in relation to the office building. This certification includes the materials used for external walls and cladding.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.	Structural Compliance Certificate dated 23 April 2021			
<b>Protection of Public Infrastructure</b>					
B4 - a	Prior to the commencement of construction, the Applicant must: (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;	Sydney Water developer works deed case # 179519  Optus email dated 24 November 2020  Customer acceptance form Telstra dated 3/7/2020  Electricity – email land O’Rourke & TfNSW dated 12-13 <sup>th</sup> January 2021  Endeavour energy emails dated 4/12/2020	Developer works deed for water utilities is underway (sewer and water)  66kv & 11kv – consultation with Laing O’Rourke and TfNSW regarding relation to the 66kv line was noted during the audit.  11kv line consultation regarding the design was noted on the site.  Optus email trail showing that relocation works were undertaken to the satisfaction of the provider.  Consultation undertaken with Sydney water regarding sewer updates. Work request dated 19/07/2021 and works undertaken on 4/08/2021.	C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		Sydney Water WORK ID request for Sewer updates 19/07/2021.	Customer acceptance form from Telstra for investigation works prior to construction		
B4 - b	(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, and footpaths);	Dilapidation reports -Thomas Engineers dated 2 – 4 June 2020	Dilapidation reports have been prepared by Thomas Engineers 2 – 4 June 2020, including for all surrounding roads and related infrastructure.	C	
B4 - c	(c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council; and	Dilapidation reports email to council dated 15 June 2020	Council and the certifier were provided copies of the dilapidation reports.	C	
B4 -d	(d) in relation to rail infrastructure (including powerlines) the Applicant shall consult with Sydney Trains West Interface team at West_Interface@transport.nsw.gov.au.	Inspection record dated 2 June 2020 Report prepared by McMahons dated 1 <sup>st</sup> July 2020 and provided to TFNSW	A report of the condition of the boundary rail line fencing was prepared for submission the Sydney Trains West Interface team. Powerlines were not included in this report as they are proposed to be relocated as part of the project (refer B4a above)	C	
<b>Pre-Construction Dilapidation Report</b>					
B5	(a) Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the	Email to council and the certifier dated 15 June 2020	The dilapidation reports were provided as required under this condition.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.				
<b>Unexpected Contamination Procedure</b>					
B6	Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B11 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.	Annexure L of the CEMP	An unexpected find procedure is included in the CEMP	C	
<b>Community Communication Strategy</b>					
B7	No later than two weeks before the commencement of construction, or within another timeframe agreed with the Planning Secretary, a <b>Community Communication Strategy</b> must be submitted to the Planning Secretary for approval.	Letter from DPIE to Urbanco Acknowledging acceptance of the strategy dated 7 July 2020	The strategy was approved in advance of construction commencement .	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council, and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.</p> <p>The Community Communication Strategy must:</p>				
B7 - a	(a) identify people to be consulted during the design and construction phases;	Section 3.2 of the CCS		C	
B7 - b	(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;	Section 3.2 and 3.4 of the CCS		C	
B7 - c	(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;	Section 3.3 of the CCS		C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B7 – d-i	(d) set out procedures and mechanisms:  (i) through which the community can discuss or provide feedback to the Applicant;	Section 3.3 of the CCS		C	
B7 -d – ii	(ii) through which the Applicant will respond to enquiries or feedback from the community; and	Section 3.3 of the CCS		C	
B7 – d – iii	(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.	Section 3.3 of the CCS		C	
B7 – e	(e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.	Section 3.3 of the CCS		C	
<b>Outdoor Lighting</b>					
B8	Prior to commencement of lighting installation, evidence	Construction certificate	Lighting is not yet constructed.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	Compliance statement WGA dated 06 Oct 2020	Outdoor Lighting Design Compliance Statement - prepared by Andrew Iarossi of WGA dated 06 Oct 2020		
<b>Demolition</b>					
B9	Prior to the commencement of construction, demolition work plans required by AS 2601-2001 <i>The demolition of structures</i> (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.	NA	Demolition of the existing structure (dump station) was done under a DA with Penrith council prior to the construction commencement.	NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B10	Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE, April 2020)	CEMP and Subplans	A review of the CEMP and subplans found that that plans have been prepared in accordance with this requirement.	C	
B11 – a i	<p><b>Construction Environmental Management Plan</b></p> <p>Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:</p> <p>(a) Details of: B11 – a – hours of work;</p>	<p>CEMP evidence of submission (letter dated 21/8/2020)</p> <p>Letter dated 2 Feb 2021 requesting approval of modified CEMP</p> <p>Letter dated 5 March 2021 requesting further information regarding the CEMP.</p> <p>Letter Dated 1 April 2021 from DPIE approving the CEMP Rev 8 requesting further information</p> <p>CEMP – Section 2.5</p>	<p>The CEMP was initially approved by DPIE as detailed in the letter dated 21/8/2020. Construction did not commence until November 2020.</p> <p>The CEMP was subsequently updated to include Modifications 1-4 and submitted to DPIE for approval. CEMP Rev 8 was approved by DPIE on the 1/4/2021, following a request for further information.</p> <p>CEMP Section 2.5 lists construction hours</p>	C	
B11 – a – ii	24-hour contact details of site manager;	CSWMSP	The CEMP references the CSWMSP as having a 24 hr contact.	C	
B11 – a – iii	management of dust and odour to protect the amenity of the neighbourhood;	CSWMSP	The CEMP references the CSWMSP.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B11 – a – iv	stormwater control and discharge;	CSWMSP	The CEMP references the CSWMSP	C	
B11 – a – v	measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;	CSWMSP	The CEMP references the CSWMSP	C	
B11 – a – vi	groundwater management plan including measures to prevent groundwater contamination;	CSWMSP	The CEMP references the CSWMSP	C	
B11 – a – vii	external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;	CEMP Section 7.8		C	
B11 – a – viii	community consultation and complaints handling;	CEMP Section 3		C	
B11 - b	(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);	Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)	CEMP has CTPMSP as Annexure N	C	
B11 - c	(c) Construction Noise and Vibration Management Sub-Plan (see condition B14);	Construction Noise and Vibration Sub plan (CNVMSP)	CEMP has CNVMSP as Annexure N	C	
B11 – d	(d) Construction Waste Management Sub-Plan (see condition B15);	Construction Waste Sub-Plan (CWMSPP)	CEMP has CWMSPP as Annexure N	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B11 – e	(e) Construction Soil and Water Management Sub-Plan (see condition B16);	Construction Soil and Water Management Sub plan (CSWMSP)	CEMP has CTPMSP as Annexure N	C	
B11 – f	(f) Biodiversity Management Sub-Plan (see condition B17);	Construction Biodiversity Sub-Plan (CBMSP)	CEMP has CTPMSP as Annexure N	C	
B11 - g	(g) Flood Emergency Response Sub-Plan (see condition B18);	Construction Emergency Response Management Sub-Plan (CERMSP)	CEMP has CTPMSP as Annexure N	C	
B11 - h	(h) an unexpected finds protocol for contamination and associated communications procedure;	CEMP Annexure L		C	
B11 - i	(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;	CEMP Annexure M		C	
B11 - j	(j) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site; and	CEMP Annexure N		C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B12	The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary.	Evidence of approval dated 21/8/2020	Evidence of approval dated 21/8/2020 is available on the planning portal	C	
B13 – a	The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:  (a) be prepared by a suitably qualified and experienced person(s);	Construction Traffic and Pedestrian Management Sub-Plan	The CTPMSP was prepared TRS Transport and Road Safety. TfNSW 'Prepare Work zone Traffic Management Plan' card holder # 002932442	C	
B13 – b	(b) be prepared in consultation with Council and TfNSW;	Table 4 of the CTPMSP	Table 4 of the CTPMSP list stakeholders consulted in the preparation of the plan	C	
B13 – c	(c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and	Section 7 of the CTPMSP		C	
B13 – d	(d) detail heavy vehicle routes, access, and parking arrangements.	Section 7 of the plan		C	
B14 – a	The Construction Noise and Vibration Management Sub-Plan must address, but	CNVMP	Talitha Judge is an experienced environmental manager who has managed	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced noise expert;</p>		<p>noise and vibration issues on a range of SSI projects across NSW.</p> <p>Hadi Khairuddin has over 12 years' experience as an environmental manager and has up to four years years experience as an acoustic consultant, including development of noise and vibration management plans, preparation of noise and vibration impact assessment and providing acoustic advice to a range of SSI and SSD projects in NSW.</p>		
B14 – b	(b) describe procedures for achieving the noise management levels in EPA's <i>Interim Construction Noise Guideline</i> (DECC, 2009);	CVMSP (b) Sections 5.0, 7.2 & 8		C	
B14 – c	(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;	CVMSP Sections 8.1, 3.6, 7.1		C	
B14 – d	(d) include strategies that have been developed with the community for managing high noise generating works;	Sections 8.1, 3.6, 8.1.3		C	
B14 – e	(e) describe the community consultation undertaken to develop the strategies in condition B14 (d);	Sections 3.6, 8.1.3		C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B14 – f	(f) include a complaints management system that would be implemented for the duration of the construction; and	Section 8.1.3		C	
B14 – g	(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition B10.	Sections 8.1, 9.2.1 – 9.2.3, 9.6 & 9.7		C	
B15 – a	The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:  (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling, and disposal locations; and	Table 3 of the CWMSP		C	
B14A	Within one month of the approval of SSD-7308-MOD-1, the Construction Noise and Vibration Sub-Plan (CNVMSP) referred to in condition B14 is to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-1.	CNVMSP Rev 9  DPIE letter dated 1 April 2021 approving updated plans (including CNVMSP)	CNVMSP Rev 9 was updated in January 2021 to reflect the requirements of Mod 1 Rail siding refurbishment works package. The updated plan was issued to DPIE and changes were made in response to DPIE comments as indicated by Rev 8 of the plan dated 16 February 2021. Rev 9 was approved by DPIE in the letter dated 1/04/2021.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B15 - b	(b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards, and guidelines, prior to the commencement of construction.	5.6 of CWMSMP		C	
B16 - a	The Proponent must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:  (a) be prepared by a suitably qualified expert, in consultation with Council and DPIE Fisheries;	Copy of SWMP Section 3.4 of the CSWMSP	The plan was prepared by David Stubbs (Bachelor Environmental Science & Management/Forestry and Masters Environmental Management) who has held Senior Environmental Coordinator roles on projects including Northern Beaches Hospital Roads Project and Pacific Complete Woolgoolga to Ballina. He has also completed the Blue Book five day training.  Consultation is detailed in Section 3.4	C	
B16 - b	(b) describe all erosion and sediment controls to be implemented during construction;	Section 6		C	
B16 -c	(c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the	Flood Emergency Response Plan	The Flood emergency response plan details wet weather requirements. This plan is referenced in the CSWMSP.		

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	Site);				
B16 - d	(d) detail all off-Site flows from the Site; and	ESCP	The ESCP details off site flows	C	
B16 - e	(e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.	SWMP & ESCP	The Primary ESCP and FERMP have been prepared in accordance with this condition and describes how McMahon propose to manage flood events during construction of the Project.	C	
B16A	Within one month of the approval of SSD-7308-MOD-3 and SSD-7308-MOD-1, the Construction Soil and Water Management Sub-Plan (CSWMSP) referred to in condition B16 is to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-3 and SSD-7308-MOD-1.	Determination date for MOD 3 29/10/2020	The soil and water management plan was not updated within one month of the approval of SSD-7308 MOD 3	NC	Audit 1 NC#2
B17- a	The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:  (a) be prepared by a suitably qualified expert;	BMSP	The plan was prepared by WolfPeak and specialist environmental consultancy with input from staff including :  Jamie Fermio (Bachelor of City Planning (Hons) is experienced in the development of approval documentation and management plans for major infrastructure projects  David Stubbs (Bachelor Environmental Science & Management/Forestry and	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
			Masters Environmental Management) is experienced in biodiversity management on major infrastructure projects.		
B17 – b	(b) include measures to minimise impacts on flora and fauna on the site, including measures to ensure the protection and appropriate management of all resident protected fauna, in addition to specifying protection measures for native vegetation identified for retention;	BSMSP – Table 9	Mitigation measures are detailed in table 9 of the plan	C	
B17– c	(c) include measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected areas;	BSMSP – Table 9	Mitigation measures are detailed in table 9 of the plan – including measures to fence and exclude protected areas.	C	
B17 – d	(d) detail measures to maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation.	BSMSP – Table 9		C	
B18 – a	The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:  (a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;	FERSP	The Flood Emergency response plan was prepared by Wolf Peak environmental professionals in consultation with Penrith Council – Consultation with council is appended to the plan.	C	
B18– b	(b) be consistent with the findings of the St Marys Freight Hub – Stormwater Management Report prepared by BG&E, dated 30 September 2019	FERSP – Section 1.3	The plan specifically references this report and was prepared based on the data from the BG&E report, dated 30 September 2019	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B18 – c	c) address the provisions of the <i>Floodplain Risk Management Guidelines</i> (EESG);	FERSP – Section 1.3		C	
B18 – d – i	(d) include details of: (i) the flood emergency responses for both construction and operation phases of the development;	FERSP – Section 6	Section 6 of the plan deals with flood response (6.4 and 6.5 construction and 6.6 operation)	C	
B18 – d – ii	(ii) predicted flood levels;	FERSP Section 3.1 and 4.1		C	
B18 – d – iii	(iii) flood warning time and flood notification;	FERSP – Section 6		C	
B18 – d – iv	(iv) assembly points and evacuation routes;	FERSP – Section 6		C	
B18 – d – v	(v) evacuation and refuge protocols; and	FERSP – Section 6.3		C	
B18 – d – vi	(vi) awareness training for employees and contractors.	FERSP – Section 7.3		C	
B19	A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:	Copy of Driver Code of Conduct	Driver Code of Conduct is in the CPTMP	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B19- a	(a) minimise the impacts of earthworks and construction on the local and regional road network;				
B19 – b	(b) minimise conflicts with other road users;				
B19 – c	(c) minimise road traffic noise; and				
B19 – d	(d) ensure truck drivers use specified routes.				
<b>Construction Parking</b>					
B20	Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.	Site visit	Evidence of sufficient parking was noted on site	C	
<b>Soil and Water</b>					
B21 – a	Prior to the commencement of construction, the Applicant must:	Section 6 SWMP ESCP	An ESCP has been prepared. Refer to Condition C20 for information on implementation.	C	
	(a) install erosion and sediment controls on the site to manage wet weather events; and				
B21- b	(b) divert existing clean surface water around operational areas of the site.	Section 6 SWMP		C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B22	Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4 <sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.	Virtual Site visit ESCP Inspection 9 February (Elder Enviro) Wolf Peak inspection 3/3/21 Wolfpeak inspection 15/04/21 Dewatering report 5 February 2021 Dewatering permit 10/7/21 & 14/7/21 Environmental audits 26/11/2020, 2/12/2020, 6/1/21, 15/1/2020 Environmental control maps	The site visit found that erosion and Sediment Controls were in place and maintained.  Further information on implementation and maintenance is provided in Condition C20.	C	
B23	Prior to the commencement of construction, the Applicant must describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI and incorporate those measures into the CEMP.	FERSP	These measures are included in the FERSP	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B24	Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.	SWMP	These measures are included in the SWMP	C	
<b>Flood Management</b>					
B25 – a	Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:  (a) flood warning and notification procedures for construction workers on site;	FERSP	These measures are included in the FERSP	C	
B25 – b	(b) evacuation and refuge protocols; and	FERSP	These measures are included in the FERSP	C	
B25 – c	I the Flood Emergency Response Sub-Plan required under condition B18.	FERSP	These measures are included in the FERSP	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B25A	Within one month of the approval of SSD-7308-MOD-2, the procedures, protocols, and Flood Emergency Response Sub-Plan (FERSP) referred to in condition B25 are to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-Mod-2.	Updated FERSP Rev 5 Updated October 2020	Mod 2 was determined on the 21/9/2020.	C	
<b>Operational Noise – Design</b>					
B26	The Applicant is to ensure that the design of the site is finalised with the objectives to minimise noise impacts, incorporate good practice noise management and on-site controls, and ensure all relevant noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the <i>St Mary's Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version</i> , prepared by AECOM and dated 11 February 2020, the <i>St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Non-network rail addendum</i> , prepared by AECOM and dated 24 June 2020 and the <i>St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Northern section of non-network rail line</i> , prepared	Operational noise assessment and design  Noise Barrier Report (Urbanco Nov 2020)	The purpose of the noise barrier report was to update the assessment undertaken in the AECOM noise and vibration assessment (Nov 2020) to accommodate the modifications to the proposal and to determine the detailed design requirements for the noise barrier.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	by AECOM and dated 20 November 2020..				
<b>Biodiversity – Ecosystem Credits</b>					
B27	Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in Table 1 below must be retired to offset the residual biodiversity impacts of the development.	Evidence of credit retirement as required by 6.33 of the BC Act Certificate dated 19/6/2020 4/12/2020 and 9/03/2021 from the Biodiversity Conservation Trust	Two Statements confirming payment into the Biodiversity Conservation Fund for an offset obligation were provided – the initial one for the original SSD application dated 19/6/2020 a second for Mod 2 which required additional clearing and a third for MOD 1 dated 9/03/2021	C	
B28	The requirement to retire credits in condition B27 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.	Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation dated 19.6.2020		C	
B29	Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B28 must be provided to the Planning Secretary prior to vegetation clearing.	Email dated Wednesday, 24 June 2020 from DPIE Email dated 18 January for the second retirement of credits associated with MOD 2	Email re retirement of credits and payment was provided to the DPIE for the first set of retirement of credits.  Letter re retirement of credits for Mod 1 and Mod 3 confirms this condition has been met.	C	Audit #1 NC #3

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
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**Table 1: Ecosystem credits**

Any PCT with the below TEC	Number of Credits	Containing hollow bearing trees	In the below IBRA subregions
PCT 835 - Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	18 45	No	Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
PCT 1800 - Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	1	No	Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
PCT 1071 - Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion	4	No	Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Email dated 24 June 2021 confirming receipt of evidence from DPIE for MOD 1.

DPIE letter dated 31/03/21 confirming retirement of credits

<b>Biodiversity – Species Credits</b>
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B30	Prior to the commencement of vegetation clearing, the class and number of species credits in Table 2 below must be retired to offset the residual biodiversity impacts of the development.	Evidence of credit retirement as required by 6.33 of the BC Act Certificates dated 19/6/2020, 4/12/2020 and 9/03/2021 from the Biodiversity Conservation Trust  DPIE letter dated 31/03/21 confirming retirement of credits	Three Statements confirming payment into the Biodiversity Conservation Fund for an offset obligation were provided – the initial one for the original SSD application dated 19/6/2020 a second for Mod 2 which required additional clearing and a third for Mod 1 dated 9/03/2021.	C	
B31	The requirement to retire credits in condition B30 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class	Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation dated		C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC								
	and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.	19/6/2020, 4/12/2020 and 9/03/2021											
B32	Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B31 must be provided to the Planning Secretary prior to vegetation clearing.	Email dated Wednesday, 24 June 2020 from DPIE  Email dated 18 January for the clearing the second retirement of credits associated with MOD 2  DPIE letter dated 31/03/21 confirming retirement of credits	Email re retirement of credits and payment was provided to the DPIE for the first set of retirement of credits. A second retirement of credits has also occurred, but this had not been provided to the DPIE prior to clearing of vegetation  This has subsequently been provided.	NC	Audit #1 NC#4  CLOSED								
	<p>Table 2: Species credits</p> <table border="1"> <thead> <tr> <th>Species (only for the below)</th> <th>Number of Credits</th> <th>In the below IBRA subregions</th> </tr> </thead> <tbody> <tr> <td>Juniper-leaved Grevillea (<i>Grevillea juniperina</i> subsp. <i>juniperina</i>)</td> <td>12 40</td> <td>Any in NSW.</td> </tr> <tr> <td>Southern Myotis (<i>Myotis macropus</i>)</td> <td>15 44</td> <td>Any in NSW.</td> </tr> </tbody> </table>	Species (only for the below)	Number of Credits	In the below IBRA subregions	Juniper-leaved Grevillea ( <i>Grevillea juniperina</i> subsp. <i>juniperina</i> )	12 40	Any in NSW.	Southern Myotis ( <i>Myotis macropus</i> )	15 44	Any in NSW.			
Species (only for the below)	Number of Credits	In the below IBRA subregions											
Juniper-leaved Grevillea ( <i>Grevillea juniperina</i> subsp. <i>juniperina</i> )	12 40	Any in NSW.											
Southern Myotis ( <i>Myotis macropus</i> )	15 44	Any in NSW.											
<b>Landscaping</b>													
B33 – a	Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to be prepared in consultation with Council, and submit a copy to the Planning Secretary for information. The plan must:  (a) provide for the planting of at least 139 trees;	Vegetation Management plan (VMP) (Ecological July 2020)  And Landscape plans SS18-4031_000-501 V3.pdf	The planting Schedule in the VMP include the planting of 522 trees.  The landscape plan includes 179 trees  Penrith City Council were consulted.	C									

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B33 – b	(b) detail the location, species, maturity, and height at maturity of plants to be planted on-site;	Vegetation Management plan (VMP) (Ecological July 2020)  Landscape plans SS18-4031_000-501 V3.pdf	Management zones and planting lists are included in the VMP  Locations species and the height at maturity of plants to be planted is included in the landscape plans	C	
B33 – c	l include species (trees, shrubs, and groundcovers) indigenous to the local area;	Vegetation Management plan (VMP) (Ecological July 2020)	Planting lists are included in the VMP and landscape include all stratum of vegetation to be planted. Locally occurring species are recommended (Appendix D VMP)	C	
B33 – d	(d) include the planting of trees with a pot container of 75 litres or greater;	Landscape plans SS18-4031_000-501 V3.pdf	This pot size is included in the landscape plans	C	
B33 – e	l comply with the principles of Planning for Bush Fire Protection 2019;	Email from Ecological dated 14 August 2020 RE B33 compliance	Ecological confirmed that the landscape plans conform with the requirements of an Inner protection area and the principals of <i>Planning for Bush Fire Protection 2019</i> .	C	
B33 – f	(f) provide for tree screening, to be established within two months of the completion of construction, in line with the Applicant’s commitments, including but not limited to:	Vegetation Management plan (VMP) (Ecological July 2020)  Landscape plans SS18-4031_000-501 V3.pdf	Acacias have been used as fast-growing screening species; construction is not yet complete, so this has not been triggered.	C	
B33 – f - i	(i) plantings to be one row deep and where practical planted on the inside of the boundary fence,	Landscape plans SS18-4031_000-501 V3.pdf		C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B33 – f - i	(ii) use of fast growing native plant species, with spreading habit and having a mature height of 10-11m, with species selection in consultation with a botanist or landscape architect.	Landscape plans SS18-4031_000-501 V3.pdf	A landscape architect and Ecological have been used to prepared plans	C	
B33 – g	(g) include a Vegetation Management Plan, to detail measures to protect and enhance retained vegetation on site for the life of the development.	Vegetation Management plan (VMP) (Ecological July 2020)		C	
B33A	Within one month of the approval of SSD-7308-MOD-3, the Vegetation Management Plan referred to in condition B33(g) is to be updated to the satisfaction of the Planning Secretary to incorporate appropriate measures to manage rehabilitation of the temporary stockpile site referred to under SSD-7308-MOD-3, after use of that site.	Email noting submission 23 Dec 2020	The VMP needed to be submitted by the 29 November to comply with this condition.	NC	Audit # 1 NC#5 CLOSED
<b>Stormwater Drainage</b>					
B34 - a	All stormwater drainage is to be designed and constructed in accordance with the following Council adopted policies and standards:  (a) Stormwater Drainage Specification for Building Developments;	Compliance certificate	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B34 - b	(b) Design Guidelines for Engineering Works for Subdivisions and Developments;	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020		C	
B34 - c	(c) Engineering Construction Specification for Civil Works;	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020		C	
B34 - d	(d) Penrith City Council's Water Sensitive Urban Design (WSUD) Policy 2013, and associated WSUD Technical Guidelines; and	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020		C	
B34 - e	(e) <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016), applicable Australian Standards and <i>Managing Urban Stormwater</i> (EPA, 1997) guidelines.	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020		C	
B35	The development must not have any adverse impact upon adjoining properties by the damming, concentration, or diversion of existing stormwater flows;	Operational		NT	
B36	<del>Post-developed stormwater discharge flows must match pre-developed flows for all storms up to and including the 1% AEP.</del> management and design is to be in accordance with the St Marys Freight Hub – Stormwater Management Report	Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	The Drainage Design Compliance Statement – prepared, indicates that the stormwater design is in accordance with BG&E (Sept 2019)	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	Revision E, prepared by BG&E Consulting dated 30 September 2019.				
<b>Roadworks and Access</b>					
B37	Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning paths identified in the Road Safety Audit.	Email to Penrith City Council dated November – December 2020  Section 138 Approval 21 July 2021	Emails include Swept path analysis.  Design plans have been submitted to council and S138 approval under the Roads Act granted by council on the 21 July 2021	C	
B38	Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with <i>Planning for Bush Fire Protection 2019</i> .	WGA Design certificate 2 October 2020	WGA have reviewed the plans WGA WGA181931-DR-CC-001 Rev L and WGA181931-DR-CC-0 Rev L and confirm that internal roads comply with this condition.	C	
B39 – a	The Applicant must ensure that:  (a) internal roads, driveways, and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest versions of AS 2890.1 – 2004, AS 2890.6-2009 and AS 2890.2 – 200	MBC Construction certificate dated 13 October 2020  WGA Design certificate 4 August 2020  SAGE (6 April 2021) Maintenance and operation manual for St Marys Freight Hub	MBC Construction certificate confirms that the development will be construction and maintained in accordance with these requirements for heavy vehicles, supported by WGA certificate.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	for heavy vehicle usage;				
B39 – b	(b) a minimum of 62 light vehicle on-site car parking spaces and 7 on-site truck parking spaces for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;	MBC Construction certificate dated 13 October 2020  WGA Design certificate 4 August 2020	This requirement is certified by MBC and WGA and included in the general arrangement plans: <ul style="list-style-type: none"> <li>• WGA181931-DR-CC-0091-</li> <li>• WGA181931-DR-CC-0092</li> <li>• WGA181931-DR-CC-0093</li> <li>• WGA181931-DR-CC-0094</li> </ul>	C	
B39 – c	(c) the required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping, fencing, or signposting;		In consultation with Penrith city Council , Sage automation system will be installed at Forrester Entry section. This comprise of 360 camera with warning signs for trucks entering/existing the site. There is no existing landscaping/ vegetation/ trees that exist on council land at the entry/ exit of Forrester road.	C	
B39– d	(d) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2;	Email dated 25/11/20 to Penrith city council  S138 Roads Act Approval dated 21 July 2021	Email detailed longest construction vehicle – that the longest vehicle will be a B Double and that this is accordance with latest version of AS 2890.2  Council has issued an approval under S138 of the Roads Act confirming compliance with this requirement	C	
B39– e	(e) the layout of the site must be designed to ensure heavy vehicles associated with the	Yard Capacity layout options SK-C-1081 REV E 8.2.2021	The yard capacity layout shows adequate space for queuing.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	operation of the intermodal terminal can be accommodated on site in the event of an incident blocking access to Forrester Road/ Glossop Street/Great Western Highway to avoid queuing on public roads;				
B39– f	(f) the layout of the site shall be designed so that heavy vehicles are not required to select reverse gear;	WGA1811931-DR-CC-0092 WGA1811931-DR-CC-0093 WGA1811931-DR-CC-0094	This requirement is included in the relevant design plans:  WGA1811931-DR-CC-0092 WGA1811931-DR-CC-0093 WGA1811931-DR-CC-0094	C	
B39– g	(g) heavy vehicles and bins associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;	WGA1811931-DR-CC-0092 WGA1811931-DR-CC-0093 WGA1811931-DR-CC-0094	Parking and other requirements are included in the relevant design plans: <ul style="list-style-type: none"> <li>• WGA1811931-DR-CC-0092</li> <li>• WGA1811931-DR-CC-0093</li> <li>• WGA1811931-DR-CC-0094</li> </ul> This requirement will also be included in the Operation and Maintenance Manual which is currently in preparation.	C	
B39– h	(h) all vehicles are wholly contained on site before being required to stop;	SAGE (6 April 2021) Maintenance and operation manual for St Marys Freight Hub	The requirement is managed by the Advanced Warning System and described in the maintenance and operation manual for St Marys Freight Hub	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B39– i	(i) all vehicles must enter and leave the site in a forward direction;	WGA1811931-DR-CC-0092 WGA1811931-DR-CC-0093 WGA1811931-DR-CC-0094 MGA Design Certificate 4 August 2020	Direction of flow is included in the relevant design plans: <ul style="list-style-type: none"> <li>• WGA1811931-DR-CC-0092</li> <li>• WGA1811931-DR-CC-0093</li> <li>• WGA1811931-DR-CC-0094</li> </ul> MGA have certified this requirement in the traffic Control design certificate.	C	
B39– j	(j) all loading and unloading of materials is carried out on site;	WGA1811931-DR-CC-0092 MGA Design Certificate 4 August 2020	MGA have certified this requirement in the traffic Control design certificate.	C	
B39– k	(k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;	WGA181931-DR-CC-0016-0.pdf WGA181931-DR-CC-0092-1.pdf MGA Design Certificate 4 August 2020	MGA have certified this requirement in the traffic Control design certificate.	C	
B39– l	(l) all car spaces are to be sealed/line marked and dedicated for parking of vehicles only and not be used for storage of materials/products/waste materials; and	WGA181931-DR-CC-0021-0.pdf WGA181931-DR-CC-0016-0.pdf WGA181931-DR-CC-0092-1.pdf MGA Design Certificate 4 August 2020	MGA have certified this requirement in the traffic Control design certificate.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B39– m	<p>(m) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle pedestrian access occurs, is to be addressed.</p> <p>Detailed plans demonstrating compliance with condition B39(a)-(m) shall be prepared in consultation with TfNSW and to the satisfaction of the Certifier.</p>	Letter dated 17 June from TfNSW Re B39	TfNSW confirmed that they have no further comments on the Plans	C	
<b>Compliance Reporting</b>					
B40	No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.	<p>Evidence of submission of the Compliance Monitoring and Reporting Program</p> <p>27 July 2020</p>	An Email from DPIE confirmed that the report was received 27/7/2020, construction did not commence until November 2020	C	
B41	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	<p>Pre construction Compliance report dated October 2020</p> <p>Construction compliance report dated 24 May 2021</p>	The compliance reports were generally undertaken in accordance with the requirements of Compliance Reporting Post Approval Requirements (Department 2018).	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
B42	Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.	<p>Email from DPIE dated 29 October 2020</p> <p>Email from DPIE dated 25 May 2021</p> <p>Letter from DPIE dated 6 July 2021 re construction compliance report.</p>	<p>A copy of the compliance report was provided to the DPIE on the 29 October 2020.</p> <p>The Construction compliance report dated 24 May 2021 was provided to DPIE on the 25 May 2021, as evidenced in an email from DPIE confirming receipt.</p>	C	
B43	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	<p>Project Website</p> <p><a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a></p>	The reports were available on the website at the time of the audit	C	
B44	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>PART C DURING CONSTRUCTION</b>					
<b>Site Notice</b>					
C1 - a	A site notice(s):  (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;	Site visit audit #1	Refer to site photos in first audit	C	
C1 - b	(b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;	Site visit	Refer to site photos in first audit	C	
C1 - c	(c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;	Site visit	Refer to site photos in first audit	C	
C1 - d	(d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for	Site visit	Hours of work are not on the site notice	NC	NC #6 Audit 1 CLOSED



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	any inquiries, including construction/ noise complaint must be displayed on the site notice; and				
C1 - e	(e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.	Site visit	Refer to site photos in first audit	C	
<b>Operation of Plant and Equipment</b>					
C2	All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.	Maintenance records, plant start up  Plant induction Checklist 12/1/2021 for impact roller  APS 044-F 269 Plant Induction Checklist V7_20052020_1 18/6/21 APS044 - Plant Risk Assessment V3- XN68OT 19/3/21 APS044 - Registration - XN68OT 2001 Spray Truck APS044 - Service History - 2020 09 30 Tipper Truck Induction checklist, 18/6/21, Risk assessment registration and service History Bitumen Spray truck: Plant Induction Checklist 19/3/21	McMahons provided maintenance records on site to show that vehicles are being maintained	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		Risk assessment registration and service History			
<b>Demolition</b>					
C3	Demolition work must comply with the demolition work plans required by <i>Australian Standard AS 2601-2001 The demolition of structures</i> (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B9.	NA		NT	
<b>Construction Hours</b>					
C4- a	<p>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7am and 6pm, Mondays to Fridays inclusive; and</p> <p>b) between 8am and 1pm, Saturdays.</p> <p>No work may be carried out on Sundays or public holidays.</p>	Induction/sign in /security	<p>Currently working under COVID work hours as allowed under the COVID order</p> <p>Access to the site is via a security gate which is not accessible prior to commencement of construction hours. Induction includes working hours</p>	C	
C5 - a	<p>Construction activities may be undertaken outside of the hours in condition C4 if required:</p> <p>(a) by the Police or a public authority for the delivery of vehicles, plant, or</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	materials; or				
C5 -b	(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or			NT	
C5 - c	(c) where the works are inaudible at the nearest sensitive receivers; or			NT	
C5 - d	(d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.			NT	
C6	Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.			NT	
C7	Rock breaking, rock hammering, sheet piling, pile driving, and similar activities may only be carried out between the following hours:  (a) 9am to 12pm, Monday to Friday; (b) 2pm to 5pm Monday to Friday; and (c) 9am to 12pm, Saturday.	Evidence of implementation of CNVMP		NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>IMPLEMENTATION OF MANAGEMENT PLANS</b>					
C8	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	<p>Copies of weekly /daily environmental checklists etc</p> <p>Wolf peak monthly inspection 13/1/2020</p> <p>Environmental audits 26/11/2020, 2/12/2020, 6/1/21, 15/1/2020</p> <p>Environmental control maps</p> <p>ESCP Inspection 9 February (Elder Enviro)</p> <p>Wolf Peak inspection 3/3/21</p> <p>Wolfpeak inspection 15/04/21</p> <p>Dewatering report 5 February 2021</p>	<p>Wolfpeak, undertook an inspection of the site to test compliance with the CEMP and sub plans on 13/1/2020.</p> <p>Weekly inspections/audits are also undertaken internally – these are checked for close out in the following week.</p> <p>Environmental control maps provide a visual aid for erosion and sediment controls, no go zones protected vegetation and noise catchments.</p> <p>The audit review external inspection reports prepared by Wolf Peak. It is noted that many of the actions in these inspection checklist are not being closed out between inspections. These actions are not being closed out in an appropriate time frame. Therefore this audit has raised a NC regarding the works being undertaken in accordance with the CEMP</p>	NC	NC # 5 Audit 2
<b>Construction Traffic and Access</b>					

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
C9	All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.	Site visit Induction Virtual site visit	There was no evidence of vehicles outside of the site at the time of the audit #1 or audit #2 virtual site visit.  This requirement is included in the induction	C	
C10 – a	Construction vehicles (including staff vehicles) shall be managed to:  a) minimise parking or queuing on public roads;	Site visit	There was no evidence of vehicles outside of the site at the time of the audit.  This requirement is included in the induction	C	
C10 - b	b) minimise idling and queuing in local residential streets where practicable;	Site visit induction	There was no evidence of vehicles outside of the site at the time of the audit.  This requirement is included in the induction	C	
C10 – c	c) adhere to the nominated haulage routes identified in the Construction Traffic and Pedestrian Management Sub-Plan required under condition B13; and	Induction material Driver Code of Conduct	No offsite haulage had commenced at the time of the site audit.  Haulage to the site is provided to delivery operators.	C	
C10 – d	d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.	Site visit	Speed limit in place – signage  Mentioned at security at the gate	C	
<b>No Obstruction of Public Way</b>					
C11	The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles,	Site visit	There was no evidence of this occurring noted during the site visit	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	refuse, skips or the like, under any circumstances.				
<b>Construction Noise Limits</b>					
C12	The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	<p>Purchase order to instrument Choice on the 21 December 2020.</p> <p>Noise Monitoring results 2020 – 2021</p> <p>EMS Attended Noise monitoring report 28 May 2021</p>	<p>The first audit (Feb 2021) noted that noise monitoring had not occurred and that a logger was being purchased. Subsequently in April 2021, DPIE also noted that noise monitoring had not yet commenced as did Wolfpeak in their March 2021 inspection.</p> <p>Noise monitoring results were provided to DPIE (and viewed during this second audit) as part of a show cause response as a result of the April 2021 site inspection.</p> <p>The noise monitoring results, for noise monitoring undertaken by McMahons does not clearly provide details of which Noise catchment the results pertain to or whether the noise management levels in the Construction Noise and Vibration Management Sub Plan have been exceeded. Therefore, based on the McMahons noise monitoring the audit could not determine compliance or otherwise with the noise management levels set out in the Construction Noise and Vibration Management Plan.</p> <p>Subsequently EMS were engaged to undertake attended noise monitoring to test</p>	C* (Audit #1) Although it is noted that DPIE in their show cause noted that this should have been and NC.	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
			compliance with the noise management levels set in the CEMP in May 2021. This report shows that noise from construction did not exceed the noise management level at sensitive receivers. Based on the EMS report and the fact that there have been no noise related complaints the audit has found that there is now sufficient evidence to show that the development is being constructed in accordance with the CNVMP.		
C13	The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.	Induction, code of conduct	This is mentioned in the induction.  Access to the site is via a locked gate	C	
C14	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.	Site visit , induction  Plant induction Checklist 12/1/2021 for impact roller	Standard requirement - CEMP	C	
<b>Vibration Criteria</b>					
C15 - a	Vibration caused by construction at any residence or structure outside the site must be limited to:  (a) for structural damage, the latest version of <i>DIN 4150-3 (1992-02)</i>	Site visit, interviews  CNVMP	Impact rollers have been used, there are no residence or structures that would be impacted	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<i>Structural vibration - Effects of vibration on structures</i> (German Institute for Standardisation, 1999); and				
C15 - b	(b) for human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: a technical guideline</i> (DEC, 2006) (as may be updated or replaced from time to time).		As above	C	
C16	Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.			NT	
C17	The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B11 of this consent.			NT	
<b>Air Quality</b>					
C18	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Photo of water cart in WolfPeak audit report	Noted in the WolfPeak audit report that two water carts were on site	C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
		Water cart noted in virtual site visit August 2021	Water cart noted in virtual site visit August 2021		
C19- a	During construction, the Applicant must ensure that:  (a) exposed surfaces and stockpiles are suppressed by regular watering;	Photo of water cart in WolfPeak audit report	Noted in the WolfPeak audit report that two water carts were on site	C	
C19 - b	(b) all trucks entering or leaving the site with loads have their loads covered;	Induction	This is included in the induction	C	
C19 – c	(c) trucks associated with the development do not track dirt onto the public road network;	Induction Site visit	Sweepers are also used to clean entrance as required.	C	
C19 – d	(d) public roads used by these trucks are kept clean; and	Site visit	A sweeper was seen during the site visit	C	
C19 - e	(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Site visit	Stabilisation is occurring – refer to site photos in Appendix E	C	
<b>Erosion and Sediment Control</b>					
C20	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it	Site visit Checklist, ESCP Copies of weekly /daily environmental checklists etc	The audit review external inspection reports prepared by Wolf Peak and Elder enviro. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions have included the requirement to check that Erosion and sediment controls are in	NC	NC # 6 Audit 2

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	Wolf peak monthly inspection 13/1/2020, 3/3/21, 15/4/21  Environmental audits 26/11/2020, 2/12/2020, 6/1/21, 15/1/2021  Internal inspection for erosion and sediment control April and June 2021	accordance with relevant plans and are not being closed out in an appropriate time frame.		
<b>Imported Soil</b>					
C21 a	The Applicant must:  (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;	Material testing results for DGS20 pavement material dated 21 June 2021 undertaken by Resource Laboratories	Crush material to be used in road base was tested by Resource laboratories prior to being brought on to site. The material was found to be compliance with the TFSW Specification 3051	C	
C21 – b	(b) keep accurate records of the volume and type of fill to be used; and	Material tracking register July 2021		C	
C21 - c	(c) make these records available to the Certifier upon request.			NT	
<b>Disposal of Seepage and Stormwater</b>					
C22	Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site	Dewatering permit 10/7/21 & 14/7/21	Discharge permits are prepared following the process in the approved CEMP.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	stormwater to Council's stormwater drainage system or street gutter.				
<b>Stormwater Management System</b>					
C23 - a	<p>Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:</p> <p>(a) be designed by a suitably qualified and experienced person(s);</p>	<p>Drainage and Stormwater Management System (WGA 7 October 2020)</p> <p>MBC Group compliance certificate dated 16 March 2021.</p>	<p>The Drainage and Stormwater Management System was prepared by WGA, who are appropriately qualified to prepare this document.</p> <p>The design of the system was provided to the certifier and approved by the certifier on 16 March 2021.</p>	C	
C23 - b	(b) be generally in accordance with the conceptual design in the EIS	MBC Group compliance certificate dated 16 March 2021.	The Drainage and Stormwater Management System is generally in accordance with the conceptual design in the EIS	C	
C23 - c	(c) be in accordance with applicable Australian Standards;	MBC Group compliance certificate dated 16 March 2021.	The Drainage and Stormwater Management System has been certified as being compliant by MBC.	C	
C23 - d	(d) be designed in accordance with Council's Stormwater Drainage for Building Developments and WSUD policies; and	MBC Group compliance certificate dated 16 March 2021.	The Drainage and Stormwater Management System has been certified as being compliant by MBC.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
C23 - e	(e) ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;	MBC Group compliance certificate dated 16 March 2021.	The Drainage and Stormwater Management System has been certified as being compliant by MBC.	C	
<b>Emergency Management</b>					
C24	The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.	Environmental induction Weekly Toolboxes 11/1/2021; 15/1/2021 18/6/21 Erosion and sediment control training SEEC 3 August 2021	Twenty minute standalone environmental induction  Toolbox talks have a section for environmental including flora/fauna protection, noise, odour, vibration , soil and water waste, heritage	C	
<b>Unexpected Finds Protocol –Aboriginal Heritage</b>					
C25	In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group</p>				
<b>Unexpected Finds Protocol – Historic Heritage</b>					
C26	<p>If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.</p>			NT	
<b>Waste Storage and Processing</b>					
C27	<p>All waste generated during construction must be secured and maintained within designated waste storage areas at all</p>	Site visit – site photos	Waste storage areas are identified on site.	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	times and must not leave the site onto neighbouring public or private properties.				
C28	All waste generated during construction must be assessed, classified, and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	HEC Waste classification records for unexpected find – Asbestos dated 15 July 2021 SUEZ disposal dockets dated 3 August 2021	Waste classification of excavated material resulting from an unexpected find of asbestos in soil at the southern entrance to the site . The material was observed to be brown clayey sand with inclusions of gravels, glass, bricks, asbestos and other anthropogenic materials. Approximately 200t of material is expected to require off-site disposal due to the presence of asbestos. The material was classified as General Solid Waste – Non -Putrescible – Special Waste – Asbestos.  The report states that the material must be disposed to an appropriately licenced facility – SUEZ transported the waste to Elizabeth Drive facility.	C	
C29	The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse or Council’s stormwater system.	Site visit	Concrete washout areas were noted on site.	C	
C30	The Applicant must record the quantities of each waste type generated during construction and the proposed reuse,	Boral dockets dated 6/1/21 7/1/21, 11/1/21, 12/1/2021  Cobra waste dockets June and July 2021	Waste dockets record volume, type	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	recycling, and disposal locations for the duration of construction.				
C31	The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards, and guidelines.	<p>Remediation action plan prepared by Douglas partners (August 2019)</p> <p>Asbestos Management Plan</p> <p>Testing reports for contaminated material environmental science report dated December 2020</p> <p>HEC (July 2021) Final validation report</p>	<p>One unexpected find of hydrocarbon material has occurred.- it currently stockpile covered and banded on site until a way forward is determined</p> <p>The concentrations of all contaminants of potential concern (CoPC) in validation samples were below the site criteria and asbestos was not detected.</p> <p>Based on the remediation and validation works completed, the following statements are made:</p> <ul style="list-style-type: none"> <li>•The asbestos impacted fill materials were excavated and placed in the two cells.</li> <li>•Validation results indicate that the land is suitable for the continued commercial use and road development</li> </ul> <p>The material is stockpiled on site and covered and will be reused on site as per the recommended action in the contamination report.</p> <p>Remediation and validation works were completed on 27<sup>th</sup> May, 2021, and between the 2<sup>nd</sup> to 4<sup>th</sup> June, 2021.</p>	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
<b>Outdoor Lighting</b>					
C32	The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	Compliance cert	Lighting is not yet completed.	NT	
<b>Independent Environmental Audit</b>					
C33	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.	DPIE letter dated 8 July 2020		C	
C34	Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018), as amended by condition C35, must be submitted to the Planning Secretary and the Certifier.	Audit Program dated 13 August 2020		C	
C35 - a	Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:  (a) An initial construction Independent Audit must be undertaken within eight	Letter to DPIE dated 17 November 2020 - Formal Notification of construction commencement	Construction commencement was on the 23 November 2020. The first audit commenced on the 15 <sup>th</sup> January 2021 which is within 8 weeks of commencement	C	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	weeks of the notified commencement date of construction; and				
C35 – b	(b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.		The First audit was submitted to the Department on the 15/02 2021. Therefore this second audit (which commenced on the 10 August 2021) was undertaken within the six month time frame.	C	
C36	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice to the applicant of the date upon which the audit must be commenced.			NT	
C37 -a	Independent Audits of the development must be carried out in accordance with:  (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 of this consent; and	This audit	The first audit was undertaken within 8 weeks of construction commencement and this subsequent second audit was undertaken within six months of submission of the first audit, and therefore in accordance with the audit plan.	C	
C37- b	(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the	This audit	This audit has been undertaken in accordance with the requirements of the	C	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	Independent Audit Post Approval Requirements (Department 2018).		Independent Audit Post Approval Requirements (Department 2018).		
C38 – a	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018, or as amended), the Applicant must:  (a) review and respond separately to each Independent Audit Report prepared under condition C37 of this consent;	Viewed response document	Response document was provided to the DPIE	C	
C38 – b	(b) submit the response to the Planning Secretary and the Certifier; and			C	
C38 – c	(c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	<a href="https://primary.engagemenhub.com.au/st-marys-freight-hub">https://primary.engagemenhub.com.au/st-marys-freight-hub</a>	The audit report is publicly available. However no response document is available on the website.	C	
C39	Independent Audit Reports and the Applicant’s response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.	Post approval form to DPIE dated 14/2/21	The audit report was submitted within 21 days on the 14/2/2021 as required by this condition.	C	
C40	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.				
<b>PART D PRIOR TO COMMENCEMENT OF OPERATION</b>					
<b>Notification of Occupation</b>					
D1	At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.			NT	
<b>Post-construction Dilapidation Report</b>					
D2	Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	dilapidation report at the completion of construction. This report is:				
D2 – a	(a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;			NT	
D2– b	(b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:			NT	
D2 – b – i	(i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and			NT	
D2 – b – ii	(ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads;			NT	
D2- c	(c) to be forwarded to Council.			NT	
<b>Protection of Public Infrastructure</b>					
D3- a	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:  (a) repair, or pay the full costs associated with repairing, any public infrastructure that is			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	damaged by carrying out the development; and				
D3 - b	(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.  <i>Note: This condition does not apply to any damage to roads caused as a result of general road usage.</i>			NT	
<b>Protection of Property</b>					
D4	Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.			NT	
<b>Utilities and Services</b>					
D5	Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the <i>Sydney Water Act 1994</i> .			NT	
<b>Works as Executed Plans</b>					

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D6	<p>Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier. Works-as-executed drawings must be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments</p>			NT	
<b>Work Place Travel Plan</b>					
D7 - a	<p>Prior to the commencement of operation, the Applicant must prepare a Work Place Travel Plan</p> <p>and submit to the Planning Secretary for information. The Work Place Travel Plan must:</p> <p>(a) be prepared in consultation with TfNSW;</p>			NT	
D7 - b	<p>(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D7 - c	(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.			NT	
<b>Operational Transport and Access Management Plan (OTAMP)</b>					
D8	Prior to the commencement of operation, the Applicant must prepare an Operational Traffic and Access Management Plan (OTAMP) and submit it to the Planning Secretary for approval. The OTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council and TfNSW. The OTAMP must address the following:			NT	
D8 - a	(a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;			NT	
D8 - b	(b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;			NT	
D8 - c	(c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D8 - d	<p>(d) set out a framework and procedures, agreed with TfNSW, for data collection required to prepare the Biannual Trip Origin and Destination Report required under condition E8 including a main gate monitoring system (e.g., CCTV) to identify heavy vehicles turning left from the site onto Forrester Road, or turning right from Forrester Road to the site.</p> <p>The Applicant must not commence operation of the development until the OTAMP is approved by the Planning Secretary.</p>			NT	
<b>Evacuation and Emergency Planning</b>					
D9	<p>Prior to the commencement of operation, a <b>Bush Fire Emergency Management and Evacuation Plan</b> must be prepared consistent with <i>Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> December 2014.</p>			NT	
<b>Operational Noise – site design and selection of mechanical plant and equipment</b>					
D10 - a	<p>The Applicant is to ensure that:</p>			NT	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	(a) prior to the commencement of operation, the Applicant must submit evidence from an appropriately qualified noise expert to the Certifier that the noise mitigation recommendations and required noise controls, including but not limited to the requirements of condition D16, have been incorporated into the final design of the development; and				
D10 - b	(b) operational mechanical plant and equipment is selected with the objective to achieve good practice in noise reduction and control.			NT	
<b>Rail Noise, Air Quality, Monitoring and Reporting</b>					
D11 - a	<p>Prior to the commencement of operation, the Applicant must prepare a Brake Squeal Report and submit it to the Planning Secretary for information. The Brake Squeal Report must address the following:</p> <p>(a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminal. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g.,</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);				
D11 - b	(b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;			NT	
D11 - c	(c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and			NT	
D11 - d	(d) Any monitoring system proposed to capture brake squeal.			NT	
D12 - a	D12. Prior to the commencement of operation, the Applicant must prepare a report that justifies the rail noise and air quality technology proposed and how it meets the objectives of best practice noise and air quality technologies. The report must be prepared in consultation with TfNSW and the EPA and address the following:  Port shuttle operations must use:			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	(a) locomotives that incorporate available best practice noise and emission technologies; and				
D12 - b	(b) wagons that incorporate available best practice noise technologies.			NT	
D13 - a	time and date of train movement;			NT	
D13 - b	<p><u>Radio Frequency Identification (RFID) system</u> to enable identification of the rolling stock during the day and night <u>including:</u></p> <p>(i) <u>submit to Transport for NSW within 6 months of the system commencing operations, a report on the total number of rolling stock captured by the tag reader and percentage of tags missed or invalid over a continuous 4-month period;</u></p> <p>(ii) <u>over the life of the project, identify any missing or invalid tags (3 or more misreads within a 6 month period) and report these to the relevant freight operator to rectify and also report the fault to ASA</u></p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p><u>and Freight Branch within Transport for NSW; and</u></p> <p><u>(iii) provide Transport for NSW ongoing access to the data obtained by the RFID system and data obtained by the rail noise monitoring system.</u></p>				
D13 - c	<p>L<sub>Aeq</sub>(15hour) and L<sub>Aeq</sub> (9hour) from rail operations; and</p>			NT	
D13 - d	<p>L<sub>A</sub>F(max) and SEL of individual train passby, measured in accordance with ISO3095; or</p>			NT	
D13 - e	<p>Other alternative information as agreed with or required by the Planning Secretary</p> <p>The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e., a system malfunction) have occurred. The L<sub>Aeq</sub>(15hour) and L<sub>Aeq</sub>(9hour) results from each day must be available on the</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	website within 24 hours of the period ending.				
D14	<p>Prior to the commencement of operation, the Applicant must submit to the Planning Secretary for approval, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternate options considering the reasons for these being dismissed.</p> <p>The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.</p>			NT	
D15 – a	<p>Prior to the commencement of operation, the Applicant must submit to the Department noise contour data in an electronic format suitable for input to a GIS. The noise contours shall be in 1 dB intervals and represent the worst-case operational noise emissions from the terminal for each of following:</p> <p>(a) LAeq9hr for night-time 10pm to 7am</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D15 – b	(b) Laeq15hr for daytime 7am to 10pm			NT	
D15 – c	(c) LAFmax for night-time 10pm to 7am			NT	
D15 – d	(d) LAFmax for daytime 7am to 10pm.			NT	
<b>Noise Barrier</b>					
D16	<p>Prior to the commencement of operation of any part of the development, or by a time otherwise agreed by the Planning Secretary, the Applicant must build and implement a 3.0 m high noise barrier in the rail corridor along the southern edge of the Main Western Line reserve (north of Camira Street) as outlined in the St Marys Freight Hub – Updated Noise and Vibration Impact Assessment – Noise Barrier Locations prepared by AECOM, dated 9 April 2020, and shown in Appendix B of this consent.</p> <p>Prior to construction of the noise barrier required above, the Applicant must consult with and obtain the agreement of RailCorp (as land owner of the rail corridor)</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>to the design, construction, and maintenance requirements, of the noise barrier. To obtain RailCorp endorsement the Applicant shall obtain this approval via Sydney Trains by contacting their West Interface team at West_Interface@transport.nsw.gov.au.</p> <p>The Applicant must make best endeavours to obtain agreement with RailCorp for design and construction of the noise barrier at the location set out above, including complying with all reasonable requests from RailCorp as part of the consultation process. If the Applicant and RailCorp cannot agree on the terms of the agreement, then either party may refer the matter to the Planning Secretary for resolution, and/or the determination of alternative noise mitigation measures to be implemented to the satisfaction of the Planning Secretary and with the agreement of any relevant land owner.</p> <p>For the purposes of this condition, the Planning Secretary may</p>				

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>require any alternative noise mitigation measures that are feasible and reasonable, which may include but not limited to construction of a noise barrier on or adjacent to the proposal site, or at-receiver dwelling treatment such as double glazing, secondary glazing of 'weak' areas or insulation.</p>				
<b>Fire Safety Certification</b>					
D17	<p>Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.</p>			NT	
<b>Stormwater Quality Management Plan</b>					
D18	<p>Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:</p>			NT	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D18 - a	(a) maintenance schedule of all stormwater quality treatment devices;			NT	
D18 – b	(b) record and reporting details;			NT	
D18 – c	(c) relevant contact information; and			NT	
D18 – d	(d) Work Health and Safety requirements.			NT	
<b>Stormwater Management</b>					
D19	Prior to the issue of any Occupation Certificate, a positive covenant must be registered on the property for all stormwater management systems (including water sensitive urban design), overland flow path works (where applicable), and flood control works (where applicable) to ensure maintenance of the approved stormwater management system.			NT	
D20 – a	Prior to the issue of any Occupation Certificate, the Certifier shall ensure that the stormwater management systems, overland			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>flow path work and flood control works:</p> <p>(a) have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent;</p>				
D20 – b	<p>(b) have met the design intent with regard to any construction variations to the approved design; and</p>			NT	
D20 - c	<p>(c) any remedial works required to be undertaken have been satisfactorily completed.</p> <p>Details of the approved and constructed system/s shall be provided as part of the works-as executed drawings.</p>			NT	
<b>Outdoor Lighting</b>					
D21	<p>Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	spillage to any adjoining or adjacent sensitive receivers and:				
D21 - a	(a) complies with the latest version of AS 4282-2019 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and			NT	
D21 - b	(b) has been mounted, screened, and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.			NT	
<b>Signage</b>					
D22	Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.			NT	
D23	Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.			NT	
<b>Operational Waste Management Plan</b>					
D24 - a	Prior to the commencement of operation, the Applicant must			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:</p> <p>(a) detail the type and quantity of waste to be generated during operation of the development;.</p>				
D24 - b	<p>(b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the <i>Protection of the Environment Operations Act 1997</i>, <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and the <i>Waste Classification Guideline</i> (Department of Environment, Climate Change and Water, 2009);</p>			NT	
D24 - c	<p>(c) detail the materials to be reused or recycled, either on or off site; and</p>			NT	
D24 - d	<p>(d) include the Management and Mitigation Measures included in Section 7.2 in the RtS.</p>			NT	

**Site Contamination**

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
D25	Remediation approved as part of this development consent must be carried out in accordance with the <i>Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal</i> , prepared by Douglas Partners dated 12 August 2019.				
<b>Site Audit Statement</b>					
D26	<p>Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site, being land within the ‘site boundary’ as defined in the Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal, prepared by Douglas Partners dated 12 August 2019 and marked in Appendix B of that document. <b>The following applies regarding the Site Audit Statement:</b></p> <p><del>The Site Audit Report and Section A Site Audit Statement must: (a) be prepared by a NSW EPA accredited Site Auditor;</del></p> <p><del>(b) verify the relevant part of the site is suitable for commercial/industrial land use; and</del></p>	Remediation action plan prepared by Douglas partners (August 2019)	<p>Remediation and validation works were completed on 27<sup>th</sup> May, 2021, and between the 2<sup>nd</sup> to 4<sup>th</sup> June, 2021.</p> <p>The site auditor statement has not yet been prepared.</p>	NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	(c) be provided to the Planning Secretary and the Certifier for information.				
D26 - a	(a) the Applicant must engage a NSW EPA accredited Site Auditor;				
D26 - b	(b) the Applicant must adhere to the management measures in the Remediation Action Plan approved by the Site Auditor;	Remediation action plan prepared by Douglas partners (August 2019)			
D26 – c	(c) if work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s;				
D26 – d	(d) prior to commencement of operation, the Applicant must obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan – from a NSW EPA accredited Site Auditor and submit it to the Planning Secretary and Certifier for information. The Site Audit Statement must certify that the site is suitable for the proposed commercial/industrial land use; and				
D26 – e	(e) prior to operation, the Applicant must obtain confirmation from the Certifier in				

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	writing that the requirement of condition D26(c) has been met.				
	Landscaping				
D27 - a	<p>Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:</p> <p>(a) incorporate the requirements of the Landscape Plan approved under condition B33;</p>			NT	
D27 - b	<p>(b) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and</p>			NT	
D27 - c	<p>(c) be consistent with the Applicant's Management and Mitigation Measures in the RtS.</p>			NT	
D28	<p>The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.</p>			NT	
<b>Asset Protection Zones</b>					
D29	<p>Prior to the commencement of operation, the entire property must be managed as</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	an inner protection zone (IPA) as outlined within the <i>Planning for Bush Fire Protection 2019</i> and the NSW RFS document Standards for asset protection zones.				
<b>PART E      DURING OPERATION</b>					
<b>Operation of Plant and Equipment</b>					
E1	All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.			NT	
<b>Community Communication Strategy</b>					
E2	The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.			NT	
<b>Operational Transport and Access Management Plan (OTAMP)</b>					
E3	The OTAMP approved under condition D8 (as revised from time to time) must be implemented by the Applicant for the life of the development.			NT	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
E4	During operation of the facility, all heavy vehicles must enter and leave the site from Forrester Road only, and all light vehicles must enter and leave the site from Lee Holm Road only.			NT	
<b>Traffic Audit</b>					
E5	Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 301,000 TEU, or as may be directed by the Planning Secretary, and during a period in which the project is operating under normal operating conditions, a Traffic Audit of the project must be undertaken by an independent qualified person(s) approved by the Planning Secretary. The Traffic Audit shall include, but not necessarily be limited to:			NT	
E5 - a	(a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition A2 of this approval;			NT	
E5 – b	(b) consideration of the results of the traffic monitoring during a representative period;			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
E5 - c	(c) review of compliance with the approved access routes and performance measures prescribed under this consent;			NT	
E5 - d	(d) consideration of traffic-related issues raised by TfNSW and Council; and			NT	
E5 - e	(e) findings and recommendations with respect to the traffic performance of the project and any additional measures that may be required to manage traffic associated with the project.			NT	
E6	Within 28 days of conducting the Traffic Audit referred to under condition E5 of this consent, the Applicant must provide the Planning Secretary with a copy of the Traffic Audit report. If the Traffic Audit report identifies any non-compliance with the traffic predictions, approved access routes, or performance measures, the Applicant must detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary.			NT	
E7	Following consideration of the outcomes of the Traffic Audit and the Traffic Audit			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>report referred to under conditions E5 and E6 of this consent, the Planning Secretary may require the Applicant to implement additional traffic mitigation, monitoring or management measures to address traffic impacts associated with the project. The Planning Secretary may require any or all of the measures identified in the Traffic Audit report, or other measures considered appropriate by the Planning Secretary (including additional local area traffic management measures or on-site traffic management controls) to be implemented. The Applicant must implement the measures required by the Planning Secretary within such period as the Planning Secretary may specify.</p>				
	<p><b>Biannual Trip Origin and Destination Report</b></p>				
E8 - a	<p>Each six months following the commencement of operation, the Applicant must prepare a Biannual Trip Origin and Destination Report (in a format agreed with TfNSW under condition D8(d)) that advises:</p> <p>(a) the total number of actual and standard twenty-foot equivalent shipping containers despatched and received during this period;</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
E8 - b	(b) the number of actual and standard twenty-foot equivalent shipping containers transported to and from the site by rail during the period;			NT	
E8 - c	(c) actual hours of operation for the truck gate listing days and hours of operation;			NT	
E8 - d	(d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time;			NT	
E8 - e	(e) direction of travel into and out of the site for light vehicles on a representative day; and			NT	
E8 - f	(f) representative vehicle origins and destination of all classes of vehicles and covering the intermodal terminal and any other uses.  A copy of the report required under condition E8 is to be submitted to the Planning Secretary and TfNSW within one month of its preparation.			NT	
<b>Operational Noise Limits</b>					
E9	The Applicant must ensure that noise generated by operation of			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
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the development does not exceed the noise limits in Table 3 below.

Table 3: Operational Noise Limits dB(A)

Location (residential receivers)	Day L <sub>Aeq</sub> 15 minute	Evening L <sub>Aeq</sub> 15 minute	Night L <sub>Aeq</sub> 15 minute	Night L <sub>Amax</sub>
NCA 2	46 dB	46 dB	44 dB	55 dB
NCA 3	40 dB	36 dB	35 dB	52 dB

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and modifications, including certain meteorological conditions, of the Noise Policy for Industry (EPA, 2017). Refer to i. in Appendix 6 for the location of residential sensitive receivers.

E710 The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in St Marys Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version, prepared by AECOM dated 11 February 2020. Should the noise monitoring program

NT

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.				
<b>Operation of Rail Spur</b>					
E11 - a	The Applicant must undertake noise monitoring within 24 months of commencing operations, to:  (a) determine the effectiveness of noise mitigation implemented as part of condition D11(c); and			NT	
E11 - b	(b) verify that the noise contours supplied to the Department as part of condition D15 are representative of worst-case operational noise emissions from the terminal.			NT	
E12 - a	The following measures must be implemented on the rail spur during operation:			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC							
	(a) Automatic rail lubrication equipment must be used in accordance with <i>ASA Standard T HR TR 00111 ST Rail Lubricant</i> and top of rail friction modifiers, where required; and											
E12 - b	(b) The rail cross section profile must be maintained in accordance with <i>ETN-01-02 Rail Grinding Manual for Plain Track</i> to ensure the correct wheel/rail contact position and hence to encourage proper rolling stock steering.			NT								
E13	Notwithstanding conditions E11 or E12, The Applicant must ensure that noise generated by operation of trains on the rail spur does not exceed the noise limits in Table 4 below.			NT								
	<p><b>Table 4: Rail Spur Noise Limits dB(A)</b></p> <table border="1"> <thead> <tr> <th style="text-align: center;">Location (residential receivers)</th> <th style="text-align: center;">Day L<sub>Aeq</sub> 11 hour</th> <th style="text-align: center;">Evening L<sub>Aeq</sub> 4 hour</th> <th style="text-align: center;">Night L<sub>Aeq</sub> 9 hour</th> </tr> </thead> <tbody> <tr> <td>All privately owned residential receivers</td> <td style="text-align: center;">50 dB</td> <td style="text-align: center;">45 dB</td> <td style="text-align: center;">40 dB</td> </tr> </tbody> </table> <p><small>Note: Noise generated by the operation of trains on the Project Spur Line is to be measured in accordance with A.3 of the Rail Infrastructure Noise Guideline (EPA, 2013).</small></p>	Location (residential receivers)	Day L <sub>Aeq</sub> 11 hour	Evening L <sub>Aeq</sub> 4 hour	Night L <sub>Aeq</sub> 9 hour	All privately owned residential receivers	50 dB	45 dB	40 dB			
Location (residential receivers)	Day L <sub>Aeq</sub> 11 hour	Evening L <sub>Aeq</sub> 4 hour	Night L <sub>Aeq</sub> 9 hour									
All privately owned residential receivers	50 dB	45 dB	40 dB									
E14	From the commencement of operation, the Applicant must provide an annual Rail Noise Monitoring Report to the Planning Secretary for a period of 5 years, or			NT								

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	as otherwise agreed with the Planning Secretary. The Planning Secretary shall consider the need for further reporting following a review of the results for year 5.				
<b>Air Quality</b>					
E15	All container handling equipment purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard or achieve an equivalent emission control performance to those standards listed in this condition.			NT	
E16	The Applicant must carry out any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.			NT	
<b>Unobstructed Driveways and Parking Areas</b>					
E17	All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways, and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of			NT	



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	vehicles associated with the use of the premises.				
<b>Work Place Travel Plan</b>					
E18	The Work Place Travel Plan required by condition D7 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.			NT	
<b>Pedestrian Safety</b>					
E19 - a	The Applicant must operate the project to ensure the following:  (a) safe pedestrian access to the station entrance away from heavy vehicle movements; and			NT	
	(b) truck movements are reduced to the greatest extent possible during school pick up/drop off times.			NT	
<b>Outdoor Lighting</b>					
E20	Notwithstanding condition D21, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	reduce the impacts to an acceptable level.				
<b>Landscaping</b>					
E21	The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D27 for the duration of occupation of the development.			NT	
<b>Asset Protection Zones</b>					
E22	The asset protection zones required by condition D29 shall be maintained for the duration of occupation of the development			NT	
<b>Dangerous Goods</b>					
E23	The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i> at all times.			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
E24 - a	<p>The Applicant must store and handle all chemicals, fuels, and oils within the development in accordance with:</p> <p>(a) the requirements of all relevant Australian Standards; and</p>			NT	
E24 – b	<p>(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.</p> <p>In the event of an inconsistency between the requirements under conditions E24(a) and E24(b) above, the most stringent requirement must prevail to the extent of the inconsistency.</p>			NT	
<b>Biosecurity</b>					
E25	<p>The Applicant must treat all freight containers on site to Australia Quarantine and Inspection Service (AQIS) requirements as relevant.</p>			NT	
<b>Discharge Limits</b>					
				NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
E26	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.				
<b>Aboriginal Heritage</b>					
E27	The Applicant must avoid harm to AHIMS site 45-5-3141 located to the north of the proposal area within Lot 2 DP876781, as identified in Figure 8 of the Aboriginal Cultural Heritage Assessment (ACHAR) prepared by NGH Environmental and dated May 2019			NT	
E28.	<p><b>Temporary Stockpile Site</b></p> <p>During operation, use of the temporary stockpile site referred to under SSD-7308-MOD-3 must be managed in accordance with the following:</p> <p>(a) use of the temporary stockpile site is permitted for a period of up to five years following establishment of the temporary stockpile site referred to under SSD-7308-MOD-3;</p> <p>(b) only excavated material that has been directly sourced from within the St Marys Intermodal development layout boundary (<b>Appendix 1</b>) is permitted to be stockpiled within the stockpile site referred to under SSD-7308-MOD-3;</p> <p>(c) stockpiles that remain within the temporary stockpile site following completion of construction activities on</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>the St Marys Intermodal site must be shaped, surveyed, and stabilised with hydroseed;</p> <p>(d) the batters of any stockpile within the temporary stockpile site must not exceed the natural repose angle of the material (approximately 45 degrees) from the base of the stockpile;</p> <p>(e) the height of any stockpile within the temporary stockpile site must not exceed 4 metres in height above the ground;</p> <p>(f) stockpile erosion and sediment control measures referred to under SSD-7308-MOD-3 are to be inspected following the completion of construction activities on the St Marys Intermodal site, to ensure proper management of the stockpiles. Stockpiles must be inspected and cleaned annually (for a period of up to five years following establishment of the stockpile site).</p>				

**APPENDIX 5 ADVISORY NOTES**

**General**

AN1	<p>All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this approval removes any obligation to obtain, renew or comply with such</p>	Note
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ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	licences, permits, approvals and consents.				
<b>Legal Notices</b>					
AN2	Any advice or notice to the consent authority must be served on the Planning Secretary.			NT	
AN3	Water, electricity, and gas are to comply with Planning for Bush Fire Protection 2019.			C	
<b>Utilities and Services</b>					
AN4	Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.		Refer to B4, B13, B16 and B33	C	
AN5	Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier, and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.		Refer to B4	C	
<b>Road Occupancy Licence</b>					

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
AN6	A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.			NT	
<b>Section 138 Roads Act Application</b>					
AN7	<p>Prior to the issue of any Construction Certificate or Subdivision Works Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) vehicular crossings (including kerb reinstatement of redundant vehicular crossings)</li> <li>(b) concrete footpaths and or cycleways</li> <li>(c) road opening for utilities and stormwater (including stormwater connection to Council roads and other Council owned drainage)</li> <li>(d) road occupancy or road closures</li> </ul>		The S138 under the Roads Act has been issued by council (refer B39).		

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	<p>(e) the placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve</p> <p>(f) temporary construction access</p> <p>All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Council's specifications, guidelines, and best engineering practice.</p> <p>Contact Council's City Assets Department on 4732 7777 or visit Council's website for more information.</p>				
AN 8	<p>Prior to the issue of any Occupation Certificate or Subdivision Certificate, the Certifier shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Council.</p>				
<b>SafeWork Requirements</b>					
AN9	<p>To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in</p>	Site visit	The site is fenced, and the gates is staffed to prevent unauthorised access.		



ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	accordance with relevant SafeWork requirements.				
<b>Handling of Asbestos</b>					
AN10	The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – ‘Transportation and management of asbestos waste’ must also be complied with.		Handling of Asbestos has occurred in consultation with SafeWork		
<b>Fire Safety Certificate</b>					
AN11	The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council’s Fire Safety Statement.			NT	
<b>APPENDIX 4 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS</b>					
<b>Written Incident Notification Requirements</b>					

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
1	<p>1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.</p>	<p>Incident report dated 23 April 2021 and notification to SafeWork</p> <p>SafeWork NSW response letter 27/04/2021</p>	<p>The Safety incident involving a trailer roll over was reported to SafeWork NSW. No further investigation was required by SafeWork as noted in their response. However the planning secretary was not notified of the incident and therefore this is a Non compliance.</p> <p>This has been raised as an NC against Condition A25</p>	NC	NC #3 Audit 2
2 – a	<p>Written notification of an incident must:</p> <p>(a) identify the development and application number;</p>			NT	
2 -b	<p>(b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);</p>			NT	
2 - c	<p>(c) identify how the incident was detected;</p>			NT	
2 – d	<p>(d) identify when the Applicant became aware of the incident;</p>			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
2 - e	(e) identify any actual or potential non-compliance with conditions of consent;			NT	
2 - f	(f) describe what immediate steps were taken in relation to the incident;			NT	
2 - g	(g) identify further action(s) that will be taken in relation to the incident; and			NT	
2 - h	(h) identify a project contact for further communication regarding the incident.			NT	
3	3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.			NT	
4	The Incident Report must include:				
4 - a	(a) a summary of the incident;			NT	
4 - b	(b) Outcomes of an incident investigation, including identification of the cause of the incident;			NT	
4 - c	(c) details of the corrective			NT	

ID	Compliance Requirement	Evidence collected	Findings and recommendations	Status	ID No. for NC
	and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and				
4 - d	(d) details of any communication with other stakeholders regarding the incident.			NT	

## **APPENDIX B   DPIE ACCEPTANCE OF AUDITOR**



Guy Evans  
Director  
Urbanco Group Pty Ltd  
Suite 3.03 55 Miller Street  
Pymont NSW, 2009

Email: [guy.evans@urbanco.com.au](mailto:guy.evans@urbanco.com.au)

8 July 2020

Dear Mr Evans

**St Marys Intermodal (SSD 7308)**  
**Approval of Independent Auditor**

I refer to your request (SSD-7308-PA-10) for the Secretary's approval of suitably qualified persons to prepare the **Independent Audit** for the **St Marys Intermodal (SSD 7308)**.

The Department has reviewed the nomination and information that you have provided. In accordance with Schedule 2, Condition C33 of SSD 7308 (the 'Consent') and the *Independent Audit Post Approval Requirements*, the Secretary has agreed to Natascha Arens of NGH Environmental as the Independent Auditor.

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

The Independent Audit must be prepared, undertaken and finalised in accordance with the *Independent Audit Post Approval Requirements*. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

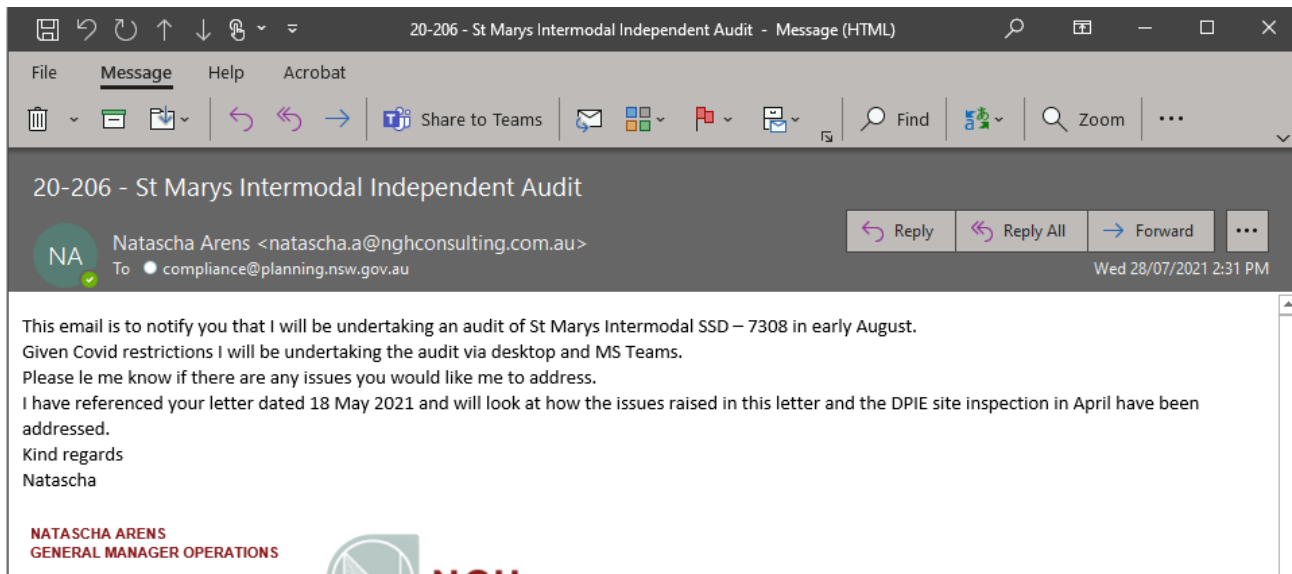
If you wish to discuss the matter further, please contact Maria Divis on (02) 8275 1156.

Yours sincerely


A handwritten signature in black ink, appearing to read 'Julia Pope'.

Julia Pope

## APPENDIX C CORRESPONDENCE



# APPENDIX D INDEPENDENT AUDIT DECLARATION FORM

Independent Audit Declaration Form	
Project Name	St Marys Intermodal
Consent Number	SSD - 7308
Description of Project	Construction of the St Marys Intermodal Facility
Project Address	Lot 2 Forrester Road, Lot 3 Lee Holm Road and Lot 196 Christie Street, St Marys
Proponent	Pacific National
Title of Audit	Independent Audit #2
Date	25 August 2021
I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:	
<ul style="list-style-type: none"> <li>- the audit has been undertaken in accordance with relevant condition(s) of consent and the <i>Independent Audit Post Approval Requirements (DPIE 2020)</i>;</li> <li>- the findings of the audit are reported truthfully, accurately and completely;</li> <li>- I have exercised due diligence and professional judgement in conducting the audit;</li> <li>- I have acted professionally, objectively and in an unbiased manner;</li> <li>- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;</li> <li>- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;</li> <li>- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and</li> <li>- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</li> </ul>	
Notes:	
<ul style="list-style-type: none"> <li>a) Under section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and</li> <li>b) The <i>Crimes Act 1900</i> contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)</li> </ul>	
Name of Auditor	Natascha Arens
Signature	 25/8/2021
Qualification	BAppSc, Masters Business and Environmental management, Certified Exemplar lead environmental auditor.
Company	Natascha.a@nghconsulting.com.au
Company Address	NGH 18/21 Mary Street, Surry Hills NSW 2010



## APPENDIX E SITE PHOTOS



Site entry from Lee Holmes Drive



Delineation of site and erosion control





Container storage area sealing in progress



Completed covered drainage pits



Basin showing planting and hydromulching



Basin outlet showing scour protection and end of line control





Stockpiling of temporary material



Near completed office/administration



Approved entrance road showing erosion controls and kerbing installation



Paved container storage area showing large stockpiles in background.