

Ref: 034-Response to IEA Report, January 2023

30 January 2023

The Planning Secretary
Department of Planning, Industry & Environment
4 Parramatta Square
12 Darcy Street,
PARRAMATTA NSW 2150

Dear Lee,

**St Marys Intermodal (SSD-7308)
Condition C38 - Response to Independent Environmental Audit Report, January 2023**

In accordance with Condition C37 of SSD-3708, St Marys Intermodal, and with the agreement of the Planning Secretary on November 25, 2021, the proponent engaged suitably qualified and experienced independent auditors as per Condition C33 to undertake the first operational audit (third to date in total) for the above development.

The Independent Environmental Audit Report has been received by the proponent and, in accordance with Condition C38, the proponent has provided responses to all identified non-compliances and audit recommendations in Attachments A and B; respectively.

Please note that the submission of the Independent Environmental Audit Report and proponent responses is made today, January 30, 2023, in accordance with extension previously granted by the Planning Secretary.

If you have any questions or wish to discuss this further, please contact Rob Woods on 0437 605 385.

Yours faithfully



Rob Woods
Manager Infrastructure Planning

Attachment A: Proponent Responses to Non-Compliances under SSD-7308

Non-Compliance #	CoC ID	Consent Conditions	Audit Comments	Audit Findings	Proponent Response
NC 1	A2	<p>The development may only be carried out:</p> <ul style="list-style-type: none"> (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS and Response to Submissions; (d) in accordance with the Development Layout in Appendix 1; (e) in accordance with the revised management and mitigation measures in Appendix 3; (f) in accordance with the approved plans in the table below: (g) in accordance with modification application SSD-7308-Mod-2 and supporting documentation; (h) in accordance with modification application SSD-7308-Mod-3 and supporting documentation; (i) in accordance with modification application SSD-7308-Mod-4 and supporting documentation; (j) in accordance with modification application SSD-7308-Mod-1 and supporting documentation; (k) in accordance with modification application SSD-7308-MOD-5 and supporting documentation; and (l) in accordance with modification application SSD-7308-MOD-6 and supporting documentation 	Refer to the non-compliant conditions below	Address non-compliance actions listed in the table below	<p>Noted</p> <p>Refer to PN's responses to specific identified non-compliances below</p>
NC 2	A22	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.</p>	<p>A Biannual Trip Origin and Destination Report has not been sighted (Condition E8).</p> <p>All other monitoring requirements as part of the consent conditions have been met.</p>	Refer to the action for Condition E8	<p>Pending</p> <p>The Proponent is currently working with the current operator of the terminal development to finalise the Biannual Trip Origin and Destination Report.</p> <p>The terminal operator is currently finalising their trip data for the reporting period in order that the report author can prepare and issue the report.</p> <p>The Proponent anticipates the report to be finalised within 1st quarter 2023.</p>

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Non-Compliance #	CoC ID	Consent Conditions	Audit Comments	Audit Findings	Proponent Response
NC 3	A23	<p>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>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ul style="list-style-type: none"> (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (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; (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; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (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; (x) any other matter required by the Planning Secretary; and <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • https://primary.engagementhub.com.au/st-marys-freight-hub • https://pacificnational.com.au/about/environmental-compliance-reporting/ <p>The public website has not been updated with post-construction information.</p>	<p>Update the public website with documentation required under this condition.</p>	<p>Pending</p> <p>The Proponent is currently working with its external community and stakeholder consultant to secure an extension of the license for the project website until such time as all public project reporting functions are transferred to the Proponent's company website.</p> <p>In the interim, all current project documentation required to be available to the public will be uploaded to the project website until the transition of web platforms is completed.</p> <p>The Proponent anticipates updates to the project website to be finalised within 1st quarter 2023.</p>
NC 4	A24	<p>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</p>	<p>Evidence was not sighted that show that sub-contractors/employees are made aware of the conditions.</p>	<p>Proponent to include consent conditions relevant to employees, contractors and their</p>	<p>Pending</p> <p>The Proponent is currently working with the operator of the terminal</p>

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		<p>conditions of this consent relevant to activities they carry out in respect of the development.</p>		<p>subcontractors within the induction or OMP or another method.</p>	<p>development to incorporate relevant information and requirements from the development Condition of Consent into the terminal site induction to ensure employees, contractors and visitors are aware of the requirements.</p> <p>Upon completion of the revision of the terminal induction package, the Proponent will submit a copy of the documentation for consideration.</p> <p>The Proponent anticipates the updated induction package documentation will be finalised within 1st quarter 2023.</p>
NC 5	A30	<p>Within three months of:</p> <ul style="list-style-type: none"> (a) the submission of a compliance report under condition B42; (b) the submission of an incident report under condition A25; (c) the submission of an Independent Audit under condition C37; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review, <p>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>No evidence has been provided to the Auditor to suggest a review of plans has occurred following the issue of a compliance report on 15 December 2022 or the second IEA completed on 30 August 2022.</p> <p>(Note: 2nd IEA was issued on August 30, <u>2021</u> and not August 30, 2022 as noted in the auditors findings above)</p>	<p>Ensure the strategies, plans and programs required under this consent are reviewed in accordance with this condition, and the Planning Secretary and the Certifier are notified in writing that a review is being carried out.</p>	<p>Proponent Compliant with Condition</p> <p>The audit has raised two (2) potential non-compliances against the Proponent with respect to sub-clauses of Condition A30. Accordingly, the Proponent has addressed each item below separately for clarity.</p> <p><i>With respect to clause (a) the submission of a compliance report under condition B42</i></p> <p>The Proponent completed and issued its latest Compliance Report in accordance with Condition B42 on December 15, 2022.</p> <p>In accordance with Condition A30, clause (a), 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 within three (3) months of the issuance of the Compliance Report.</p> <p>Based on the date of issue, the review is not due until <u>March 15, 2023</u>, and at the time of writing is not due for completion.</p>

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Non-Compliance #	CoC ID	Consent Conditions	Audit Comments	Audit Findings	Proponent Response
					<p>Accordingly, the Proponent considers the identified requirements relating to Condition A30, clause (a), to be 'not triggered' and the associated non-compliance 'invalid'.</p> <p><i>With respect to clause (c) the submission of an Independent Audit under condition C37</i></p> <p>The Proponent completed and issued its second Independent Environmental Audit (IEA) Report in accordance with Condition C37 on August 30, 2021.</p> <p>In accordance with Condition A30, clause (c), 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 within three (3) months of the issuance of the IEA Report.</p> <p>Based on the date of issue, the review was due to be completed by November 30, 2021.</p> <p>However, Practical Completion of all major construction elements of the development were achieved prior to the due date for the review.</p> <p>Furthermore, on August 27, 2021, the Proponent formally advised the Department that operations were due to commence in approximately one (1) month following notification.</p> <p>As the development had now passed from 'construction' phase to 'operational' phase, the Proponent considered that the proposed review of strategies, plans and programs, required under this consent and triggered by the second IEA construction audit, were no longer applicable and no further review of strategies, plans and programs was undertaken.</p>

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					<p>In accordance with the audit schedule issued under Condition C34, the Initial Operation Audit was required to be undertaken within 52 weeks of the commencement of operation. The audit the subject of this response to non-compliances forms that operational IEA.</p> <p>The approval of the current IEA team was issued by the Department on November 25, 2021.</p> <p>Accordingly, the Proponent considers the identified requirements relating to Condition A30, clause (c), to be 'not triggered' and the associated non-compliance 'invalid'.</p>
NC 6	D19	<p>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.</p>	<ul style="list-style-type: none"> Email correspondence between UrbanCo and Penrith City Council dated 7/9/21 to 25/10/21 regarding deferral of registration of positive covenant on property for stormwater management systems. Proposed to delay registration of positive covenant within 3 months of operations due to logistical issues in obtaining approvals from relevant parties. DPIE letter to UrbanCo – St Marys Intermodal (SSD-7308) Operational requirements – conditions D13 and D19, dated 10/11/21. Approval provided by DPIE for issue of Occupation Certificate prior to requirements of condition D19 being satisfied. Penrith Council letter dated 1 June 2022 from the Development Assessment Coordinator re: Land Title Dealings for Positive Covenant and Restriction on the Use of the Land for Stormwater Management Systems at Lot 2 Forrester Road St Marys NSW 2760 <p>Positive Covenant after the issue of an Occupation Certificate.</p>	<p>No action required as the non-compliance relates timing.</p>	<p>Proponent Compliant with Condition</p> <p>Positive covenant was registered on the affected titles post issue of the Occupation Certificate due to Proponent delays securing the necessary approvals for registration.</p> <p>Proponent formally requested extension of time to fulfill requirements of Condition D19 with respect to registration of positive covenants over the affected property.</p> <p>On November 10, 2021, the Department formally advised the Proponent that it had no objection to the issuance of the Occupation Certificate prior to the registration of positive covenants over the affected property providing this was completed no later than March 31, 2022.</p> <p>Whilst the Proponent submitted its application for positive covenants over the affected lands prior to March 31, 2022, confirmation was only received from Penrith City Council on June 1, 2022.</p> <p>The Proponent considers any delays in obtaining approvals from external parties and authorities to be beyond</p>

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					<p>its control and considers, in this instance, it has used its best endeavours to meet the stipulated time frames.</p> <p>Accordingly, the Proponent considers that it has satisfactorily complied with the identified requirements relating to Condition D19 and the associated non-compliance to be 'invalid'.</p>
NC 7	D30	<p>Prior to commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:</p> <p>(a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and</p> <p>(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.</p>	<ul style="list-style-type: none"> • <i>Structural Adequacy – Smoker’s Hut Slab & Platform Lift Slab, 2 Forrester Road, St Marys NSW</i> dated 2/6/21. Report stated that an assessment undertaken of the elements found that the elements were in accordance with the relevant Australian Standards and deemed structurally adequate. • <i>Final Civil and Structural Certificate – St Marys Freight Terminal</i>, dated 7 October 2021 (Tonkin Consulting). Certification that the St Mary’s freight terminal had a final inspection of the completed site on 5/10/21 and has been constructed in accordance with design drawings. • <i>Structural Adequacy – Smoker’s Hut Steel Roof Frame: Posts, Beams, Rafters, Connections, 2 Forrester Road, St Marys NSW</i> dated 18/10/21. Report stated that an assessment undertaken of the structural elements found that the elements were in accordance with the relevant Australian Standards and deemed structurally adequate. • NSW Government Construction Certificate Registration including stamped approved plans submitted 25/11/21. <p>The auditor has not sighted evidence of submission of the Structural Inspection Certificate or Compliance Certificate to Council.</p>	<p>Submit the Structural Inspection Certificate or Compliance Certificate to Council.</p>	<p>Pending</p> <p>The Proponent was of the understanding that the receipt of an email from the building constructor on November 25, 2021, providing evidence from the independent certifier that all applicable documentation had been lodged through the appropriate NSW government Construction Certificate Registration Portal provided sufficient evidence to satisfy Condition D30.</p> <p>The Proponent has to date received no further advice or objection from the department or Penrith City Council with respect to the lodgement of construction compliance documentation and so has proceeded on the basis that the condition has been satisfied.</p> <p>In review of the findings of this audit, the Proponent has reached out to the building constructor to confirm if any further information is available to evidence its fulfilment of requirements under this condition.</p>
NC 8	D32	<p>Prior to the commencement of operation, a flood safety assessment shall be undertaken for the section of the existing access track that traverses Little Creek, and included as part of the Operational Environmental Management Plan for the development. The flood safety assessment must assess flood velocity-depth products for flood safe access of vehicles, details of signage (including depth markers) and flood warning signage. Any recommendations of the flood safety</p>	<ul style="list-style-type: none"> • Flood Safety Assessment – St Marys Freight Hub – Access Track Flood Safety Assessment dated 16 April 2021 (BG&E). The flood safety assessment included an assessment of frequency of flooding at the Little Creek track crossing, vehicle and pedestrian safe access, flood velocity and flood signage. Recommendations of the assessment included placement of signage and flood depth indicators, and incorporation of the assessment as an appendix to an Operational Environmental Management Plan. 	<p>Finalise the OEMP and include the flood safety assessment.</p>	<p>Pending</p> <p>The Proponent is currently working with its internal and external stakeholders to finalise the Operational Environmental Management Plan (OEMP) and flood safety assessment.</p> <p>The Proponent anticipates the updated induction package</p>

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		assessment shall be implemented prior to the commencement of operation.	<ul style="list-style-type: none"> Pre-operation photos of installed flood warning signage and flood depth indicators at locations nominated in the flood safety assessment. <p>The flood warning signage and flood depth indicators were observed to have been installed as shown in the photos provided.</p> <p>The Operational Environmental Management Plan remains in draft and therefore has not been completed prior to the commencement of operation.</p>		documentation will be finalised within 1 st quarter 2023.
NC 9	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.	<ul style="list-style-type: none"> <i>Construction Community Communication Strategy St Marys Intermodal SSD-7308 St Marys Freight Hub, B7 Construction CCS Final Rev 2, dated 22/2/21 (Pacific National Pty Ltd)</i> Pacific National Community Consultation Register dated 2/12/22. Engagement has been undertaken with local residents in response to complaints or as part of obtaining consent for installation noise mitigation measures at residential properties. <p>The communication strategy for the operational period of the development was documented as being via the PN website however the website has a shortcut back to the St Marys Freight Hub engagement website (St Marys Freight St Marys Freight Hub (engagementhub.com.au)) which has not been updated since the completion of construction.</p> <p>Regular engagement appears to have been undertaken by Pacific National with the community through direct engagement in response to complaints and for the purposes of implementing noise mitigation measures.</p> <p>Insufficient evidence was sighted to indicate the implementation of the CCS during the 12 months following the completion of construction, specifically related to the local community, land owners and businesses other than in relation to the installation noise mitigation measures.</p>	A Community Communication Strategy should be incorporated into the OEMP being developed for the site to ensure stakeholder concerns are being captured and addressed.	<p>Pending</p> <p>Whilst the operational phase of the development has commenced, the Proponent considers the current Construction CCS to remain relevant as it will be applicable for the proposed ECP development which will form the next phase of the development.</p> <p>As stated in its response to Non-Compliance # 3 (Condition A23), the Proponent is currently working with its external community and stakeholder consultant to secure an extension of the license for the project website until such time as all public project reporting functions are transferred to the Proponent's company website.</p> <p>In the interim, all current project documentation required to be available to the public will be uploaded to the project website until the transition of web platforms is completed.</p> <p>During the transition of project documentation and links from the project-specific website to PN's company website, and the transition of the development from "construction" to "operational" phase, the CCS will be amended to reflect the changes and submitted to the Department for review.</p> <p>The Proponent will also consider this requirement as part of the finalisation of its OEMP.</p>

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					The Proponent anticipates updates to the project website to be finalised within 1 st quarter 2023.								
NC 10	E8		<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> <ul style="list-style-type: none"> (a) the total number of actual and standard twenty-foot equivalent shipping containers despatched and received during this period; (b) the number of actual and standard twenty-foot equivalent shipping containers transported to and from the site by rail during the period; (c) actual hours of operation for the truck gate listing days and hours of operation; (d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time; (e) direction of travel into and out of the site for light vehicles on a representative day; and (f) representative vehicle origins and destination of all classes of vehicles and covering the intermodal terminal and any other uses. <p>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.</p>	The Biannual Trip Origin and Destination Report is required to be completed each six months following the commencement of operations. Two are currently outstanding and should be completed to satisfy this condition and reports are to be prepared and submitted in accordance with this condition for future reporting periods.	<p>Pending</p> <p>As stated in its response to Non-Compliance # 2 (Condition A22), the Proponent is currently working with the current operator of the terminal development to finalise the Biannual Trip Origin and Destination Report.</p> <p>The terminal operator is currently finalising their trip data for the reporting period in order that the report author can prepare and issue the report.</p> <p>The Proponent anticipates the first report to be finalised within 1st quarter 2023.</p>								
NC 11	E13	<p>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.</p> <p>Table 3: Rail Spur Noise Limits dB(A)</p> <table border="1" data-bbox="463 1566 1118 1831"> <thead> <tr> <th data-bbox="463 1566 626 1671">Location (residential receivers)</th> <th data-bbox="626 1566 789 1671">Day L_{Aeq} 11 hour</th> <th data-bbox="789 1566 952 1671">Evening L_{Aeq} 4 hour</th> <th data-bbox="952 1566 1118 1671">Night L_{Aeq} 9 hour</th> </tr> </thead> <tbody> <tr> <td data-bbox="463 1671 626 1831">All privately owned residential receivers</td> <td data-bbox="626 1671 789 1831">50 dB</td> <td data-bbox="789 1671 952 1831">45 dB</td> <td data-bbox="952 1671 1118 1831">40 dB</td> </tr> </tbody> </table>	Location (residential receivers)	Day L _{Aeq} 11 hour	Evening L _{Aeq} 4 hour	Night L _{Aeq} 9 hour	All privately owned residential receivers	50 dB	45 dB	40 dB	<ul style="list-style-type: none"> • <i>St Marys Freight Hub – Development Consent Conditions E13 and E14 – Rail Spur Noise</i> report dated 22 December 2022 (AECOM). Analysis of temporary noise monitoring undertaken during the first year of operation. <p>Several exceedances of the provided noise limits occurred during the evening (11) and night-time (14) periods.</p>	Proponent to continue to monitor noise and implement any recommendations from the noise management consultant.	<p>Pending</p> <p>On January 9, 2023, the Proponent lodged its first annual rail noise report for the development since comment of operations.</p> <p>On January 24, 2023, the Department advised that it was reviewing the report and indicated that it may require further information with respect to the reported exceedances.</p> <p>The Proponent will continue to work with the Department on this matter as required.</p>
Location (residential receivers)	Day L _{Aeq} 11 hour	Evening L _{Aeq} 4 hour	Night L _{Aeq} 9 hour										
All privately owned residential receivers	50 dB	45 dB	40 dB										

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NC 12	E19	<p>The Applicant must operate the project to ensure the following:</p> <ul style="list-style-type: none"> (a) safe pedestrian access to the station entrance away from heavy vehicle movements; and (b) (b) truck movements are reduced to the greatest extent possible during school pick up/drop off times. 	<p>Information of sufficient detail was not provided to be able to confirm the compliance status of E19.</p>	<p>Provide details of how the applicant operates the project to ensure safe pedestrian access to the station entrance away from heavy vehicle movements; and truck movements are reduced to the greatest extent possible during school pick up/drop off times should be documented.</p>	<p>Pending</p> <p>In response to concerns raised during the development review process, the Proponent proposed and implemented an automated system for the detection of pedestrians and management of heavy vehicle traffic to and from the development during operation via the Forrester Road access point.</p> <p>The primary purpose of this system is to manage potential for interactions between pedestrians and heavy vehicles on the western side of Forrester Road crossing the heavy vehicle access.</p> <p>Full details of the system that was implemented, including its method of operation, were provided during submission of the Operational Transport and Access Management Plan (OTAMP) as part of pre-operational development approvals.</p> <p>Approval of the OTAMP, including the proposed freight hub exit flow control system, was gained from both Penrith City Council and the Department prior to implementation of the OTAMP and commencement of terminal operation.</p> <p>In order to address further concerns around potential interactions between pedestrians using the public footpath in Forrester Road and trucks accessing the terminal, the terminal operator has indicated that their shift times are scheduled such that meal breaks and shift changes are concentrated around these times to minimise potential interactions.</p> <p>To date, the Proponent considers it has undertaken significant works in order to minimise potential interactions between pedestrians and heavy vehicles associated with the Forrester Road access and continues</p>

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Non-Compliance #	CoC ID	Consent Conditions	Audit Comments	Audit Findings	Proponent Response
					<p>to monitor the effectiveness of these measures.</p> <p>Further to the above, the Proponent proposes to review the results of the anticipated Biannual Trip Origin Destination report which should confirm the effectiveness of these measures</p> <p>As stated above, in response to NC2 (A22) and NC10 (E8), the terminal operator is currently finalising their trip data for the reporting period in order that the report author can prepare and issue the Biannual Trip Origin Destination report.</p> <p>The Proponent anticipates the first report to be finalised within 1st quarter 2023.</p>
NC 13	E25	The Applicant must treat all freight containers on site to Australia Quarantine and Inspection Service (AQIS) requirements as relevant.	Insufficient evidence was provided to the auditor to demonstrate compliance with this condition.	Provide evidence of management measures implemented to demonstrate compliance with this condition and incorporate into the site OEMP.	<p>Pending</p> <p>The Proponent is currently working with the terminal operator to obtain details to ensure freight containers requiring biosecurity measures are treated such that all Australia Quarantine and Inspection Service (AQIS) requirements are met.</p> <p>The Proponent will submit details to the Department for review once obtained from the terminal operator.</p>
NC 14	E28	<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> <ul style="list-style-type: none"> (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; (b) only excavated material that has been directly sourced from within the St Marys Intermodal development layout boundary (Appendix 1) is permitted to be stockpiled within the stockpile site referred to under SSD-7308-MOD-3; (c) stockpiles that remain within the temporary stockpile site following completion of 	<p>ACFS has stated that there have been no changes to the temporary stockpile.</p> <p>No evidence has been sighted by the auditor to suggest that stockpiles have been shaped, surveyed and stabilised with hydroseed or that the erosion and sediment control measures have been inspected following the completion of construction, or that inspection and cleaning of the stockpiles has occurred in the last 12 months.</p>	Stockpiles are to be managed in accordance with the requirements of this condition and details of how this will be done should be incorporated into the OEMP.	<p>Condition Not Triggered</p> <p>The Proponent continues to undertake ongoing development of the greater St Marys Freight Terminal precinct as it progresses towards further development in the precinct subject to future development applications and approvals.</p> <p>At this time, the Proponent considers the majority of clause requirements stated within the overall umbrella Condition E28 have yet to triggered as the Proponent continues to actively access the stockpile site as part of its ongoing development</p>

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		<p>construction activities on 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>			<p>activities as permitted under sub-item (a) of E28.</p> <p>At the conclusion of the permitted period of use, the Proponent proposes to re-profile and reshape the stockpile as required in order to maintain compliance with the condition.</p> <p>As an interim measure, prior hydroseeding of the stockpile was undertaken to maintain stability of the stockpile including minimisation of erosion and sedimentation.</p> <p>It is the view of the Proponent that this condition is yet to be triggered and considers that no further action is required with respect to this Condition at this time.</p>

Attachment B: Proponent Responses to Recommendations under SSD-7308

Recommendation #	CoC ID	Consent Conditions	Audit Comments	Compliance Status	Audit Findings	Proponent Response
R 1	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.	<ul style="list-style-type: none"> Photo evidence of wayfinding and parking signage dated 22/10/21. <p>Limited signage was observed during the site inspection on 6/12/22</p>	Compliant	Additional way-finding signage be installed to clearly display the path cycles are to take.	<p>Noted</p> <p>The proponent has previously submitted its revised Operational Transport and Access Management Plan (OTAMP) for the development and, to date, has received no objections from the Department. The Department has also reviewed and approved the Work Place Travel Plan (WPTP) that has been adopted and been subject to an annual review by the operator. The WPTP is intended to educate employees on how to enter the site as a pedestrian or cyclist via the secure entry at Forrester Road, as shown in the Travel Access Guide in the WPTP.</p> <p>The pedestrian and cycle entry is a controlled entry and visitors should not use this entrance without an escort and unauthorised persons should be discouraged from accessing the site.</p> <p>With consideration of the security and safety issues and users should only be employees, the proponent will review current bicycle wayfinding provisions within the terminal based upon a risk-based approach with key stakeholders and determine whether additional control measures are merited.</p> <p>At this stage, it is understood that demand for cycling facilities within the terminal is very low. However, the terminal operator has committed to providing some additional bicycle wayfinding signage within the development.</p> <p>As the terminal is now operational, the proponent intends to conduct a full review of development wayfinding signage and facilities over the next 12 months.</p>
R 2	D24	Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:	<ul style="list-style-type: none"> <i>St Marys Intermodal 2 Forrester Road, St Marys NSW 2760, Operational Waste Management Plan</i>, revision B, dated 6/10/21 (EF Consulting). Email from UrbanCo/MCM Services to MBC Group (certifier) providing copy of Operational WMP D24, dated 6/10/21 and forwarded 9/10/21. 	Compliant	Review and update Operational Waste Management Plan to reflect installed system.	<p>Noted</p> <p>As an operational freight terminal, the proponent has engaged an operator for the development site who is best placed to provide input with respect to waste generation volumes, management procedures (including the Clearwater</p>

Attachment B: Proponent Responses to Recommendations under SSD-7308

Recommendation #	CoC ID	Consent Conditions	Audit Comments	Compliance Status	Audit Findings	Proponent Response
		<p>(a) detail the type and quantity of waste to be generated during operation of the development;</p> <p>(b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);</p> <p>(c) detail the materials to be reused or recycled, either on or off site; and</p> <p>(d) include the Management and Mitigation Measures included in Section 7.2 in the RtS.</p>	<p>The Operational Waste Management Plan (EF Consulting 2021) addresses items a) to d).</p> <p>The Operational Waste Management Plan was prepared prior to commencement of operation and while meets the requirements of D24 it should be reviewed and amended to provide updated waste generation volumes, management procedures (including details on the Clearwater treatment system) and contact details (including identification of waste contractor for the various waste streams).</p>			<p>treatment system) and contact details of any waste contractors engaged for the purposes of waste collection and disposal.</p> <p>Accordingly, the proponent undertakes to work with the terminal operator to review and amend the Operational Waste Management Plan for the development to ensure the currency of the plan.</p> <p>As the terminal is now operational, the proponent intends to conduct the review of the Operational waste Management Plan over the next 12 months.</p>
R 3	E24	<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> <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>	<p>During the site audit inspection conducted on 6 December 2022 did not indicate any chemicals, fuels or oils being stored or handled in contravention to this condition.</p>	Compliant	<p>The procedure within the OEMP requires further details regarding the storage and handling of chemicals, fuels and oils.</p>	<p>Noted</p> <p>As an operational freight terminal, the proponent has engaged an operator for the development site who is best placed to provide input with respect to the storage and handling of dangerous goods on site.</p> <p>As noted in the current audit finding, the storage and handling of dangerous goods on site should be included within the OEMP for the development.</p> <p>The proponent is currently working with the terminal operator to finalise the development of the OEMP and anticipates final submission within 1st quarter 2023.</p>