



Pacific National  
St Marys Intermodal Terminal SSD 7308  
1<sup>st</sup> Operational Independent Environmental Audit

30 January 2023

63864/149,801 (Rev 0)

JBS&G

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## Abbreviations

Term	Definition
AS	Australian Standard
DoPE	Department of Planning and Environment
DPIE	Department of Planning Infrastructure and Environment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A	Environmental Planning & Assessment
IEA	Independent Environmental Audit
NSW	New South Wales
OMP	Operational Management Plan
SEARs	Planning Secretary's Environmental Assessment Requirements
SHEQ	Health, Safety, Environment and Quality
SSD	State Significant Development
TfNSW	Transport for New South Wales

## Executive Summary

JBS&G Australia Pty Ltd was engaged by Pacific National to undertake an Independent Environmental Audit of operational activities for the St Marys Intermodal Terminal a road and rail terminal and container park located on Lot 2 DP 876781, Lot 3 DP 876781, Lot 196 DP 31912 and Lot 2031 DP 815293 (the site).

The construction of the St Marys Intermodal Terminal was granted 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 January 2021
- MOD 2 – Minor amendments to layout and office building – approved and determined 21 September 2020
- MOD 3 – Stockpile site and development layout boundary – approved and determined 29 October 2020
- MOD 4 – Revised Condition B36 – approved and determined 17 December 2020
- MOD 5 – Office Building Changes – approved and determined 12 April 2021; and
- MOD 6 – Amendment to Condition D13 – approved and determined 13 August 2021

The development comprises a hardstand area for container storage and laydown; rail and vehicle loading and unloading areas; internal access roads; a wash bay; offices; fuel storage area; container and transport workshops; parking area, including heavy vehicle parking; signage and landscaping; utility services; minor realignment of a section of the Sydney Trains high voltage overhead power line at the southern end of the project; minor clearing of areas of vegetation growth and earthworks; and installation of an electrical transformer.

Two Independent Environmental Audits were completed by NGH Pty Ltd as part of the construction phase of the development in accordance with SSD 7308.

The project commenced operations on 8 December 2021. This audit is the first operational phase audit conducted and the third cumulative IEA of the project.

The project was assessed to be compliant with 132 triggered conditions. A total of 14 non-compliances were identified. Non-compliances are noted to be generally associated with the delivery of compliance documentation to relevant parties and not necessarily associated with their existence, adequacy or the overall environmental performance of the site. Significant detrimental impacts on the environment as a result of the non-compliances have not been identified.

The findings for this operational independent audit are documented in this audit report. To ensure continued mitigation and management of impacts to the environment and receptors, the implementation of an EMS including an overall OEMP should be progressed with continued environmental inspections, monitoring and reporting.

# 1. Introduction

## 1.1 Background

JBS&G Australia Pty Ltd (JBS&G) was engaged by Pacific National (the client) to undertake an Independent Environmental Audit of the operation phase of the St Marys Intermodal Terminal, a road and rail terminal, and container park located on Lot 2 DP 876781, Lot 3 DP 876781, Lot 196 DP 31912 and Lot 2031 DP 815293 (the site).

The construction of the St Marys Intermodal Terminal was granted 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 9 March 2021
- MOD 2 – Minor amendments to layout and office building – approved and determined 21 September 2020
- MOD 3 – Stockpile site and development layout boundary – approved and determined 29 October 2020
- MOD 4 – Revised Condition B36 – approved and determined 17 December 2020
- MOD 5 – Office Building Changes – approved and determined 12 April 2021; and
- MOD 6 – Amendment to Condition D13 – approved and determined 13 August 2021

Construction of the St Marys Intermodal Terminal was completed in the third quarter of 2021 with operations commencing on 8 December 2021.

The development comprises:

- A hardstand area for container storage and laydown, rail and vehicle loading and unloading areas;
- Internal access roads providing separate ingress and egress for light and heavy vehicles;
- Wash bay area;
- Office building;
- Fuel storage area;
- Container workshop;
- Transport workshop;
- Parking areas;
- Heavy vehicle parking;
- Signage and landscaping;
- Utility services to support the proposed development including drainage, potable water, firefighting water, 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 growth and earthworks; and
- Installation of an electrical transformer.

The scope of works for Independent Audits is outlined under eight development consent conditions of the State Significant Development (SSD) consent and subsequent consent modifications (SSD 7308 Mod-6) for the site, as follows:

- Condition 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.
- Condition 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.
- Condition C35 – 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 weeks of the notified commencement date of construction; and
  - (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.
- Condition 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.
- Condition C37 - 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
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- Condition C38 - In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition C37 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 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.
- Condition 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.
- Condition C40 - Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the 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.



Two Independent Environmental Audits (IEAs) were completed by NGH Pty Ltd as part of the construction phase of the St Marys Intermodal Terminal dated February 2021<sup>1</sup> and August 2021<sup>2</sup>. Where relevant, consideration has been given to the previous IEAs for the compliance status of conditions for the construction stage.

This IEA has been completed in accordance with the Independent Audit Post Approval Requirements (Department 2018). This audit represents the 1st IEA for the operational phase of the development and the 3rd overall IEA.

## 1.2 Audit Team

The audit team comprised of Ms Christine Louie and Mr Jack Braithwaite. The audit was conducted by Ms Christine Louie (Certified Exemplar Global EMS Auditor No. 132320) as lead auditor and Mr Jack Braithwaite as auditor. Mr Lachlan Wilkinson (Certified Environmental Practitioner No. 0165) provided overall quality assurance for the audit.

The audit team was approved by the Planning Secretary nominee of the NSW DPE<sup>3</sup> on 25 November 2022 as possessing the required skills and experience to undertake the Independent Environmental Audit (**Appendix B**).

## 1.3 Audit Objectives

The objectives of the works were to undertake an Independent Environmental Audit in accordance with Development Consent SSD 7308 and SSD 7308 MOD 1 – MOD 6.

## 1.4 Audit Scope

An Independent Environmental Audit was undertaken in accordance with Department (2018) *Independent Audit, Post Approval Requirements May 2020*<sup>4</sup> to assess the environmental compliance of the St Marys Intermodal Terminal development during the operational phase with the conditions of Development Consent SSD 7308 and SSD 7308 MOD 1 - MOD 6 under the *Environmental Planning and Assessment Act 1979*.

The independent environmental audit involved desktop review of available information relating to the development consent approval conditions including the operational Environmental Management Plan (EMP) and relevant management plans and monitoring records; site inspection and interviews with staff; and preparation of this independent environmental audit report detailing the findings of the audit.

## 1.5 Audit Period

This third overall independent environmental audit is the first to address the operational activities of the development undertaken since the site commenced operations on 8 December 2021. This audit specifically covers the period 30 August 2021 to 30 January 2023.

It is noted that this Audit was granted an initial extension to be complete by 13 January 2023, however, a request for a further extension to 30 January 2023 was approved by the Planning Secretary's representative on 13 January 2023 (**Appendix D**).

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<sup>1</sup> NGH Pty Ltd (9 February 2021) Independent Audit Report, St Marys Intermodal SSD-7308 February 2021, Project No. 20-206.

<sup>2</sup> NGH Pty Ltd (30 August 2021) Independent Audit Report, St Marys Intermodal SSD-7308 February 2021, Project No. 20-206.

<sup>3</sup> DPIE, DPE, Department and Planning Secretary have been used interchangeably throughout this report. All references refer to the NSW Government entity now known as Department of Planning and Environment.

<sup>4</sup> Department (2020) *Independent Audit Post Approval Requirements*, June 2018, NSW Department of Planning and Environment

## 2. Audit Methodology

### 2.1 Selection and Endorsement of Audit Team

The audit was conducted by Christine Louie (Lead Auditor) and Jack Braithwaite (Auditor). Approval of the Audit Team for the third Independent Audit for the St Marys Intermodal Terminal development was provided by DPIE on 25 November 2022. A copy of the approval is provided in **Appendix B**.

The Independent Audit Declarations for the audit team are provided in **Appendix C**.

### 2.2 Independent Audit Scope Development

In accordance with Department (2020), the scope of the audit included the following:

- a) assessment of compliance with:
  - conditions of development consent SSD 7308 and SSD 7308 MOD 1 – MOD 6 for the operational phase;
  - all post approval and compliance documents prepared to satisfy the conditions of consent, including assessment of the implementation of Environmental Management Plans and sub-plans;
- b) Review of the environmental performance of the development including an assessment of:
  - actual impacts compared to predicted impacts documented in the environmental impact assessment;
  - the physical extent of the development in comparison with the approved boundary;
  - incidents, non-compliances and complaints that occurred or were made during the audit period;
  - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation;
  - feedback received from the Department, and other agencies and stakeholders on the environmental performance of the project during the audit period;
- c) the status of implementation of previous Independent Audit findings, recommendations and actions;
- d) high level assessment of whether the Environmental Management Plan and sub-plans are adequate; and
- e) any other matters considered relevant by the auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

### 2.3 Compliance Evaluation

Assessment of compliance with the conditions of consent of SSD 7308 and SSD 7308 MOD 1 – MOD 6 was undertaken through evidence-based evaluation including review of verifiable evidence such as site records, environmental management plans and sub-plans, monitoring records, and other project documents.

Evaluation of the adequacy of post approval documents and compliance with these documents was also undertaken. Environmental monitoring records were reviewed as part of the evaluation.

Relevant records and documents were viewed during the site interview with an inspection of the site during operation undertaken on the same day. Project documents were also made available for viewing via a shared project drive.

The assessment of compliance with development consent conditions is presented in the Independent Audit Table in **Appendix A**.

## 2.4 Opening Meeting and Site Interview

An opening meeting was conducted on the day of the site inspection on 6 December 2022 with the following Pacific National and ACFS operations personnel.

## 2.5 Site Inspection

An inspection of the St Marys Intermodal Terminal was also undertaken on 6 December 2022.

Photos of the site taken during the site inspection are presented in **Appendix D**.

## 2.6 Consultation

Consultation was undertaken with the following project stakeholders as part of the independent audit to obtain input into the scope of the audit:

- Department of Planning, Industry & Environment – Gabriel Peters Shaw, Senior Compliance Officer
- Penrith City Council – Gavin Cherry, Development Assessment Co-ordinator
- Transport for NSW, Sydney Trains - Osman Ulubeli, Program Manager, External Interface

Copies of the consultation correspondence are provided in **Appendix E**. No input on the scope of the audit was provided by TfNSW.

Stakeholder consultation has been undertaken by the client during the construction and operation phases through ongoing engagement with DPE, Council and the local community.

## 2.7 Compliance Status Descriptors

The compliance status descriptors used to record the level of compliance of the St Marys Intermodal development with the conditions of Development Consent SSD 7308 and SSD 7308 MOD 2 – MOD 6 are summarised in **Table 2.1** below.

**Table 2.1: Compliance Status Descriptors**

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

### 3. Audit Findings

#### 3.1 Document List

Documents reviewed as part of the independent audit are listed in the Independent Audit Table (**Appendix A**). The documents included compliance documentation.

#### 3.2 Compliance Performance

Compliance of the development was assessed against the Development Consent conditions of SSD 7308 and SSD 7308 MOD 1 – MOD 6 applicable to the operational phase of the project, and the audit findings are presented in **Appendix A**.

Out of a total of 188 development consent conditions, 42 conditions have not been triggered. There were 14 non-compliances identified in this operational audit. Details of the non-compliances are provided in **Table 3.1**.

**Table 3.1: Details of identified non-compliances and audit actions**

Condition ID	Comments/ observations/ supporting documentation	Independent Audit Findings
A2 – Terms of Consent	A site inspection was conducted by JBS&G on 6 December 2022. There was no evidence of material harm to the environment.  It is understood interim noise control measures have been installed.	<b>Non-Compliance No. 1</b>  Action: address all non-compliance actions.
A22 – Monitoring and Environmental Audits	A Biannual Trip Origin and Destination Report has not been sighted (Condition E8). All other monitoring requirements as part of the consent conditions have been met.	<b>Non-compliance No. 2</b>  Refer to the action for condition E8.
A23 – Access to Information	<ul style="list-style-type: none"> <li><a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a></li> <li><a href="https://pacificnational.com.au/about/environmental-compliance-reporting/">https://pacificnational.com.au/about/environmental-compliance-reporting/</a></li> </ul> The public website has not been updated with post-construction information.	<b>Non-compliance No. 3</b>  Action: Update the public website with documentation required under this condition.
A24 – Compliance	Evidence was not sighted that show that sub-contractors/employees are made aware of the conditions.	<b>Non-compliance No.4</b>  Action: include consent conditions relevant to employees, contractors and their subcontractors within the induction or OMP or another method.
A30 – Revision of Strategies, Plans and Programs	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.	<b>Non-compliance No. 5</b>  Action: 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.

Condition ID	Comments/ observations/ supporting documentation	Independent Audit Findings
D19 – Stormwater Management	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ul> <p>Positive Covenant after the issue of an Occupation Certificate.</p>	<p><b>Non-compliance No. 6</b></p> <p>No action required as the non-compliance relates to timing.</p>
D30 – Structural Inspection Certificate	<ul style="list-style-type: none"> <li><i>Structural Adequacy – Smoker’s Hut Slab &amp; 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.</li> <li><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.</li> <li><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.</li> <li>NSW Government Construction Certificate Registration including stamped approved plans submitted 25/11/21.</li> </ul> <p>The auditor has not sighted evidence of submission of the Structural Inspection Certificate or Compliance Certificate to Council.</p>	<p><b>Non-compliance No. 7</b></p> <p>Action: Submit the Structural Inspection Certificate or Compliance Certificate to Council</p>
D32 - Flooding	<ul style="list-style-type: none"> <li>Interface Agreement Managing Risks to Safety between Sydney Trains and Pacific National (NSW) Pty Ltd and Asciano Services (Pty Ltd) dated 1 June 2016.</li> <li>Email from Pacific National to TfNSW dated 26/8/21 providing Risk Assessment Hazard log.</li> <li>Draft Connection Agreement between Sydney Trains, Transport Asset Holding Entity of NSW and Pacific National Pty Ltd in respect of the maintenance and use of the private siding at St Marys.</li> <li>Draft Interface Agreement between Sydney Trains and Pacific National Pty Ltd for management of risks to safety and the environment that may arise due to rail operations at private siding connection for St Marys Yard dated 2021.</li> </ul> <p>Sydney Trains has been engaged to establish an agreement on the updating of the existing Safety Interface Agreement (2016).</p>	<p><b>Non-compliance No. 8</b></p> <p>Action: Finalise the OEMP and include the flood safety assessment.</p>

Condition ID	Comments/ observations/ supporting documentation	Independent Audit Findings
E2 – Community Communication Strategy	<ul style="list-style-type: none"> <li>• <i>Construction Community Communication Strategy St Marys Intermodal SSD-7308 St Marys Freight Hub</i>, B7 Construction CCS Final Rev 2, dated 22/2/21 (Pacific National Pty Ltd)</li> <li>• 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.</li> </ul> <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 (<a href="http://StMarysFreight.com.au">St Marys Freight   St Marys Freight Hub (engagementhub.com.au)</a>) 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>	<p><b>Non-compliance No. 9</b></p> <p>Action: 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>
E8 – Biannual Trip Origin and Destination Report	<p>A Biannual Trip Origin and Destination Report has not been sighted by the auditor.</p>	<p><b>Non-compliance No. 10</b></p> <p>Action: 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>
E13 – Operation of Rail Spur	<ul style="list-style-type: none"> <li>• <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.</li> </ul> <p>Several exceedances of the provided noise limits occurred during the evening (11) and night-time (14) periods.</p>	<p><b>Non-compliance No. 11</b></p> <p>Action: continue to monitor noise and implement any recommendations from the noise management consultant.</p>

Condition ID	Comments/ observations/ supporting documentation	Independent Audit Findings
E19 – Pedestrian Safety	Information of sufficient detail was not provided to be able to confirm the compliance status of E19.	<p><b>Non-compliance No. 12</b></p> <p>Action: 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>
E25 – Biosecurity	Insufficient evidence was provided to the auditor to demonstrate compliance with this condition.	<p><b>Non-compliance No. 13</b></p> <p>Action: Provide evidence of management measures implemented to demonstrate compliance with this condition and incorporate into the site OEMP.</p>
E28 – Temporary Stockpile	<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>	<p><b>Non-compliance No. 14</b></p> <p>Action: 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>

### 3.3 Non-compliances

A total of 14 non-compliances were identified as part of the audit process. Details of non-compliances are tabulated above.

### 3.4 Previous Audit Recommendations

The previous IEA completed for the site was completed during the construction phase by NGH Pty Ltd (30 August 2021) Independent Audit Report, St Marys Intermodal SSD-7308 February 2021, Project No. 20-206. The previous audit identified six non-compliances, however, there were only two recommendations made which included:

1. A23 – a copy of the applicants response to the audit recommendation should be made publicly available as required by this condition; and
2. A25 – 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.

These items are considered closed as part of this Audit. A copy of the applicants' response to the previous audit recommendations is publicly available on the project website. There is understood to have been no further reportable incidents at the site.

### 3.5 Environmental Management

#### 3.5.1 Environmental Management Plans

Development consent condition B10 specifies requirements for environmental management plans for the development. While there are no specific requirements for an Operation Management Plan (OEMP), elements of an OEMP are stated in consent conditions D8 (Operational Traffic and Access Management Plan), D18 (Stormwater Quality Management Plan), D24 (Operational Waste Management Plan), D27 (Operational Landscape Management Plan), D32 (Flood Safety Assessment) and E3 (refers back to the Operational Traffic and Access Management Plan).

Due to the leasing arrangements for the site where operations of the intermodal container terminal are undertaken by a party leasing the site from the development applicant and the lack of specific requirement for an OEMP for the operation phase of the development, an overall OEMP for operations conducted at the site has not been completed and is in draft format. While operational management plans have been developed addressing the environmental elements as required under the development consent and the environmental management of operations appears to effectively manage and mitigate potential impacts to the environment and receptors, the completion of the OEMP for the site should be undertaken and implemented at the earliest instance.

#### 3.5.2 Environmental Management System

In conjunction with the development of the OEMP, an environmental management system (EMS) for the site should be outlined in the OEMP and implemented. The EMS developed should be in accordance with *AS/NZS ISO 14001: 2016 Environmental Management Systems* and be sufficiently comprehensive to address management of all environmental aspects for operation of the site.

### 3.6 Consultation Outcomes

As part of the independent audit, input into the scope of the audit was sought from the following project stakeholders:

- Department of Planning, Industry & Environment – Gabriel Peters-Shaw, Senior Compliance Officer; and
- Penrith City Council – Gavin Cherry, Development Assessment Coordinator.
- Transport for NSW, Sydney Trains - Osman Ulubeli, Program Manager, External Interface



Documentation detailing consultation is provided in **Appendix E**.

DPE had no requests for items to be included as part of the Independent Environmental Audit.

Penrith Council did not have any specific concerns for inclusion in the audit beyond what is required by the consent authority being DPIE and their conditions of consent in the notice of determination. According to the response from Council, they had raised concerns prior to determination relating to impacts to the function of the local road network, including the classified road intersection function with Mamre Road and the Great Western Highway. Council stated that an audit of the impacts of the development on the local road network in terms of traffic generation of intersection function should be addressed by the developer. Furthermore, Council requested that impacts or implications to retained and protected endangered or critically endangered vegetation on the site be addressed in the audit scope.

The items raised by Council fall outside the scope of this Audit, however, the increased traffic associated with the development was investigated and reported on prior to the construction of the site through Operational Traffic and Access Management Plan (OTAMP) which was developed in consultation with Council. No evidence was sighted by the auditors to suggest a lack of adherence to the OTAMP.

During the site audit, exclusion zones were observed maintaining protection of the endangered vegetation. The EIS for prepared for the development stated for the operation phase, areas of ecological significance are to be managed, protected and conserved. These areas have been fenced off to restrict access and as such, no impacts are expected to these communities.

### **3.7 Community Complaints**

There were no complaints received from the community since the previous audit.

### **3.8 Incidents and Enforcements**

There were no reportable incidents reported since the previous audit.

On 9<sup>th</sup> June 2022, the Planning Secretary of the Department of Planning, Industry and Environment accepted an Enforceable Undertaking<sup>5</sup> given under Section 9.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) from ACFS Port Logistics Pty Limited. The Undertaking was in relation to conduct by ACFS for the breach of Condition E3 of development consent SSD 7308.

The Department had conducted investigations and considered that between 10 December 2021 and 7 March 2022 ACFS had used a truck route that was not in compliance with the approved Operational Traffic and Access Management Plan (OTAMP) dated 10 September 2021 therefore breaching Section 4.2(1)(b) of the EP&A Act and failing to comply with Condition E3 of SSD 7308.

The Undertaking required the payment of \$45,000 to Blacktown City Council by 27 June 2022. It is understood that payment has been made by ACFS as per the Undertaking.

### **3.9 Assessment of Environmental Impacts**

An Environmental Impact Statement (EIS) was prepared by SITE Planning + Design (in partnership with UrbanCo)<sup>6</sup> (2019) for the St Marys Freight Hub that considered the staged construction and operation of the development. The EIS was prepared in alignment with the Planning Secretary's Environmental Assessment Requirements for the development issued 23 October 2018 (SEARs).

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<sup>5</sup> Undertaking given under Section 9.5 of the *Environmental Planning and Assessment Act 1979 (NSW)* by: ACFS Logistics Pty Limited ACN: 603 120 047 executed 9/6/2022 between ACFS Port Logistics and the Department of Planning, Industry and Environment.

<sup>6</sup> *St Marys Freight Hub Environmental Impact Statement*, May 2019, Issue No. 4, Rev C. (SITE Planning + Design (in partnership with UrbanCo) 2019).

Potential adverse environmental impacts and proposed management and mitigation measures were identified in the EIS (SITE/UrbanCo 2018). The key environmental considerations for the development are summarised below:

- Traffic and transport – operational traffic analysis conducted for the EIS confirmed that the development would not have noticeable impact on intersection functionality for the eight intersections considered and that the minor increase in truck movements would result in negligible increase in crash likelihood. The two access points to the site were considered to have sufficient sight distances for safe entry and exit. Manoeuvring areas for trucks were considered to be sufficient.

Truck access and manoeuvrability were observed to be adequate during the site inspection.

Under condition E5 of SSD 7308, a traffic audit is not triggered until the annual throughput of the development reaches 50,000 TEU. Given that this throughput has not been exceeded yet and that a Biannual Trip Origin and Destination Report (condition E8) has not been prepared as yet, an assessment of operational traffic impact of the development cannot be made. It is noted however that a breach of the approved OTAMP in relation to the use of an unapproved truck route was determined by the Department and an Enforceable Undertaking (**Section 3.8**) has been undertaken.

- Noise – changes to noise levels were indicated in the EIS to be likely from site operations. Noise control measures to mitigate impacts on sensitive noise receivers along Kalang Avenue were considered likely to be required. Mitigation measures proposed for implementation during operations included the use of best available equipment, application of soft landing technology and greater separation of empty container stacking areas to residential receivers.

Implementation of noise mitigation measures including installation of a permanent 3 m noise barrier and maintenance of the rail spur have been included under the conditions of SSD 7308. Additionally, noise monitoring has been undertaken and indicates that operations are generally within the nominated operational noise limits. Temporary monitoring of rail spur noise however indicated that there were a number of exceedances of the evening and night-time rail spur noise limits.

- Biodiversity – Measures were identified in the EIS to minimise impacts on vegetation and species habitat of the development including the use of ecosystem credits to offset the residual impacts of the development and adoption of endemic species to complement native vegetation.

Biodiversity ecosystem and species credits were reported to have been retired in compliance with the conditions of SSD 7308 in the previous audit. Landscaping at the site has been certified as being undertaken in accordance with the requirements of SSD 7308. Landscaping was observed during the site inspection to have been well maintained.

- Contamination – the site was concluded in the EIS to be able to be made suitable for development subject to undertaking remediation and validation of asbestos impacted soils and implementation of an Unexpected Finds Protocol.

Remediation and validation of the site was undertaken prior to commencement of operation of the development. A Site Audit Statement and Site Audit Report were issued by a NSW accredited site auditor confirming the suitability of the site for the proposed use.

- Visual impacts – no highly or moderately impacted viewpoints were identified in the visual impact assessment undertaken for the EIS.
- Flooding – the EIS concluded that the development site was not significantly impacted by normal flood events. Any major event short term flooding from South Creek were proposed to be dealt with via shelter-in-place arrangements until short term flooding on surrounding roads subsided.

Flooding mitigation measures included in the conditions of SSD 7308 included undertaking a flood safety assessment prior to commencement of operation. Flood mitigation measures have been incorporated in the development design, and flood depth indicators and signage have been installed at the Little Creek track crossing.

### **3.10 Assessment of Environmental Management and Performance**

Independent environmental audit of the operational phase of the development has not identified any adverse environmental impacts due to operations at the site.

As indicated from audit of compliance with the conditions of consent for SSD 7308, elements of an OEMP as required under the consent conditions have been implemented however an overall OEMP applicable to the operation of the development as a whole has only been developed in a draft format at the time of this audit. In addition, there have been delays in the implementation of some of the noise mitigation measures and reporting requirements under the development consent which nevertheless have not resulted in significant detrimental environmental impacts. An enforcement undertaking has been accepted in relation to the use of an unapproved truck route and non-conformance with the approved OTAMP further indicating a lack of implementation of an EMS at the site.

To ensure continued mitigation and management of impacts to the environment and receptors, the implementation of an overall environmental management system including an overall Operational Environmental Management Plan should be progressed with continued environmental inspections, monitoring and reporting. An associated EMS for the site is also required to be implemented.

## 4. Recommendations

Based on an evaluation of compliance with the conditions of consent of SSD 7308 and SSD 7308 MOD 1 – MOD 6, 14 non-compliances were identified. The following actions should be undertaken to address consent condition non-compliances (as presented in **Table 3.1**):

- the public website is to be updated with the information and documentation as required under condition A23;
- the development consent conditions relevant to employees, contractors and their subcontractors should be included within the site induction, OEMP or other suitable method to ensure compliance as part of operational activities;
- Ensure that a review of strategies, plans and programs is undertaken for all future occurrences listed under items a) to d) and notified to the Planning Secretary and the Certifier as required by condition A30;
- Submit the Structural Inspection Certificate or Compliance Certificate and electronic set of drawings to Council;
- Completion the Biannual Trip Origin and Destination Reports as required under condition E8;
- Continuation of implementation of temporary noise mitigation and monitoring measures. Implementation of any recommendations from the noise consultant and progress the implementation of the permanent noise mitigation measures as required under the relevant conditions of SSD 7308;
- Complete preparation and implementation of an overall OEMP for the site including but not limited to, management of flood safety, community communication, transport and traffic, noise, biosecurity and the temporary stockpile.

Recommendations have also been made following independent audit of the operational phase of the development and include the following:

- Additional way-finding signage should be installed to clearly direct bicycle paths to parking areas;
- Review and update the Operational Waste Management Plan to reflect the implemented waste management system; and
- the overall OEMP should also include details for the storage and handling of chemicals, fuels and oils.

While non-compliance with the consent conditions of SSD 7308 have been identified, there have not been significant adverse environmental impacts due to operations at the site. To ensure continued mitigation and management of impacts to the environment and receptors, the implementation of an overall environmental management system including an overall Operational Environmental Management Plan should be progressed with continued environmental inspections, monitoring and reporting.

## 5. Conclusion

An independent audit has been undertaken following the commencement of operation of a rail and road intermodal terminal and container park in St Marys. The operational phase audit was required under Condition C37 of Development Consent SSD 7308.

The audit assessed the environmental compliance of the project against the conditions of the development consent and the adequacy of management strategies and plans currently in place. Project documentation and records provided by the client were reviewed and a site inspection was conducted as part of the audit.

Two previous environmental audits were completed for the pre-construction and construction phases of the development. This audit addresses activities undertaken during the operation of the development.

While elements of an OEMP in the form of sub-plans as required under conditions of SSD 7308 have been reviewed and assessed as generally adequate to address the requirements under the development consent, an overall OEMP for the site has not been completed or implemented.

Audit of compliance with SSD 7308 conditions was undertaken. Fourteen non-compliances were identified and an enforcement undertaking was accepted by the DPE relating to the operation phase. While the non-compliances include delays in implementation of noise mitigation measures and reporting requirements under SSD 7308, there have not been significant detrimental impacts on the environment as a result of the non-compliances.

The audit was conducted in accordance with DoPE (2018) *Independent Audit Post Approval Requirements*. To ensure continued mitigation and management of impacts to the environment and receptors, the implementation of an EMS including an overall OEMP should be progressed with continued environmental inspections, monitoring and reporting.

## **6. Limitations**

The work was conducted, and this report prepared, for use by the client who has commissioned the works in accordance with the defined project brief / scope herein, within time and budgetary constraints, and in reliance on certain data and information made available to JBS&G Pty Ltd. The report has been prepared using accepted procedures and practices of the consulting profession at the time it was prepared.

The advice herein relates only to this project and all results, conclusions and recommendations made are based on the information obtained and available (from the client and other parties) at the time of report preparation and submission to the client. JBS&G, accepts no liability for use or interpretation by any person or body other than the client who commissioned the works. Use of the report for any other purpose, should be undertaken with caution and with reliance on a competent person with experience in environmental investigations. Unless otherwise stated in the report, the report should not be relied upon by other parties, who should make their own enquires and obtain independent advice in relation to such matters. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties.

Should further data / information be obtained that differs from the data / information on which the report conclusions and recommendations are based, then the conclusions and recommendations would need to be reviewed and may need to be revised.

This report may contain confidential material and must not be provided to third parties without the prior approval of the client. The report should only ever be provided in its complete form and must not be altered by any person or body other than JBS&G Pty Ltd.

## Appendix A Independent Audit Table

**1<sup>st</sup> Operational Independent Audit Table – St Marys Intermodal, Lot 2 and 3 DP 876781, Lot 196 DP 31912, and Lot 2031 DP 815293, St Marys NSW**

**Site Address:** 69 Lee Holm Road St Marys **Date:** January 2023  
**Development Application No.** SSD 7308  
**Audit Team Members:** Christine Louie (Lead Auditor), Jack Braithwaite  
**Site Representatives:** Russell Brown (ACFS), Kate Flint (PN), Robert Woods (PN), Cameron Hands (PN), Alex Nicoletti (PN)

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
<b>Part A - Administrative Conditions</b>					
A1	<b>Obligation to Minimise Harm to the Environment</b>	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.	<p>A site inspection was conducted by JBS&amp;G on 6 December 2022. There was no evidence of material harm to the environment.</p> <p>It is understood interim noise control measures have been installed.</p>	Compliant	
A2	<b>Terms of Consent</b>	<p>The development may only be carried out:</p> <ul style="list-style-type: none"> <li>(a) in compliance with the conditions of this consent;</li> <li>(b) in accordance with all written directions of the Planning Secretary;</li> <li>(c) generally in accordance with the EIS and Response to Submissions;</li> <li>(d) in accordance with the Development Layout in Appendix 1;</li> <li>(e) in accordance with the revised management and mitigation measures in Appendix 3;</li> <li>(f) in accordance with the approved plans in the table below:</li> <li>(g) in accordance with modification application SSD-7308-Mod-2 and supporting documentation;</li> <li>(h) in accordance with modification application SSD-7308-Mod-3 and supporting documentation;</li> <li>(i) in accordance with modification application SSD-7308-Mod-4 and supporting documentation;</li> <li>(j) in accordance with modification application SSD-7308-Mod-1 and supporting documentation; and</li> <li>(k) in accordance with modification application SSD-7308-MOD-5 and supporting documentation.</li> <li>(l) in accordance with modification application SSD-7308-MOD-6 and supporting documentation</li> </ul>	Refer to the non-compliant conditions below.	Non-compliant	<p><b>Non-compliance No. 1.</b></p> <p>Action: address non-compliance actions listed in the table.</p>



ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
A3	<b>Terms of Consent</b>	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:  (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;  (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and  (c) the implementation of any actions or measures contained in any such document referred to in (a) above.	No written directions have been received from the Planning Secretary during the operational phase of the project.	Not triggered	
A4	<b>Terms of Consent</b>	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 A2(l). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) to A2(l), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Noted	Compliant	
A5	<b>Limits of Consent</b>	This consent lapses five years after the date of consent unless work is physically commenced.	Noted as compliant as part of the previous audit.	Compliant	
A6	<b>Limits of Consent</b>	The container freight throughput for the site must not exceed 301,000 TEU p.a.	<ul style="list-style-type: none"> <li>44,789 TEU incl truck and train quoted by ACFS Port Logistics (14 December 2022).</li> </ul>	Compliant	
A7	<b>Limits of Consent</b>	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).	Pacific National stated that they are not aware of any transfer of containers by means other than rail between the terminal and Port Botany during the audit period.	Compliant	
A8	<b>Limits of Consent</b>	For the avoidance of doubt, nothing in this consent permits truck-to-truck movements.	Noted	Compliant	
A9	<b>Prescribed Conditions</b>	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	Assessed as part of the previous Independent Environmental Audit (IEA) and determined to be compliant.	Compliant	
A10	<b>Planning Secretary as Moderator</b>	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.	No disputes noted.	Not triggered	
A11	<b>Evidence of Consultation</b>	Where conditions of this consent require consultation with an identified party, the Applicant	Where conditions that require consultation have been identified, consultation has been demonstrated and documented in the relevant conditions below.	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		must: (a) consult with the relevant party prior to submitting the subject document for information or approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.			
A12	<b>Staging</b>	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).	The project is not staged.	Not triggered	
A13	<b>Staging</b>	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 timing of when construction of each stage will commence and finish; (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); (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.	The project is not staged.	Not triggered	
A14	<b>Staging</b>	Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.	The project is not staged.	Not triggered	
A15	<b>Staging</b>	Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent	The project is not staged.	Not triggered	

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		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.			
A16	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	With the approval of the Planning Secretary, the Applicant may: <ul style="list-style-type: none"> <li>(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);</li> <li>(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</li> <li>(c) update any strategy, plan (including management plan, architectural 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).</li> </ul>	The project is not staged.	Not triggered	
A17	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	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.	The project is not staged.	Not triggered	
A18	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	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.	The project is not staged.	Not triggered	
A19	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>	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 condition that requires the strategy, plan, program or drawing.	Updated plans and strategies were implemented. Implementation of the finalised OMP to be assessed in the subsequent audit.	Compliant	
A20	<b>Applicability of Guidelines</b>	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such	Noted.	Compliant	

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		guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.			
A21	<b>Applicability of Guidelines</b>	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.	No written directions have been received from the Planning Secretary during the operational phase of the project.	Not triggered	
A22	<b>Monitoring and Environmental Audits</b>	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.	A Biannual Trip Origin and Destination Report has not been sighted (Condition E8). All other monitoring requirements as part of the consent conditions have been met.	Non-compliant	<b>Non-compliance No. 2.</b>  Refer to the action for Condition E8
A23	<b>Access to Information</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:  (a) make the following information and documents (as they are obtained or approved) publicly available on its website:  (iii) the documents referred to in condition A2 of this consent;  (iv) all current statutory approvals for the development;  (v) all approved strategies, plans and programs required under the conditions of this consent;  (vi) 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;  (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;  (viii) a summary of the current stage and progress of the development;  (ix) contact details to enquire about the development or to make a complaint;  (x) a complaints register, updated monthly;  (xi) audit reports prepared as part of any independent audit of the development and the	<ul style="list-style-type: none"> <li>• <a href="https://primary.engagementhub.com.au/st-marys-freight-hub">https://primary.engagementhub.com.au/st-marys-freight-hub</a></li> <li>• <a href="https://pacificnational.com.au/about/environmental-compliance-reporting/">https://pacificnational.com.au/about/environmental-compliance-reporting/</a></li> </ul> <p>The public website has not been updated with post-construction information.</p>	Non-compliant	<b>Non-compliance No. 3.</b>  (A) Update the public website with documentation required under this condition.

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		Applicant’s response to the recommendations in any audit report; (xii) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.			
A24	<b>Compliance</b>	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 was not sighted that show that sub-contractors/employees are made aware of the conditions.	Non-compliant	<b>Non-compliance No. 4.</b>  (A) include consent conditions relevant to employees, contractors and their subcontractors within the induction or OMP or another method.
A25	<b>Incident Notification, Reporting and Response</b>	The Planning Secretary must be notified 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.	No incidents were identified as requiring reporting to the Planning Secretary.	Not triggered	
A26	<b>Incident Notification, Reporting and Response</b>	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 4.	No incidents were identified as requiring reporting to the Planning Secretary.	Not triggered	
A27	<b>Non-Compliance Notification</b>	The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.	No non-compliances identified during the audit period.	Not triggered	
A28	<b>Non-Compliance Notification</b>	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.	No non-compliances identified during the audit period.	Not triggered	
A29	<b>Non-Compliance Notification</b>	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Noted	Compliant	
A30	<b>Revision of Strategies, Plans and Programs</b>	Within three months of: (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	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.	Non-compliant	<b>Non-compliance No. 5.</b>  (A) 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.



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		consent; or (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.			
A31	<b>Revision of Strategies, Plans and Programs</b>	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 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.	This has not occurred as part of the current audit.	Not triggered	
A32	<b>Structural Adequacy</b>	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.	Occupation Certificate – Final Occupation Certificate issued by GMA Certification (NSW) Pty Ltd to Pacific National. Lot 2 on DP 876781, 2 Forrester Rd St Marys NSW 2760 dated 5/11/21.	Compliant	
A33	<b>External Walls and Cladding</b>	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Assessed as compliant in the previous audit.	Compliant	
<b>PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION</b>					
B1	<b>Notification of Commencement</b>	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.	Assessed as compliant in the previous audit.	Compliant	
B2	<b>Notification of Commencement</b>	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.	The project is not staged.	Not triggered	
B3	<b>Certified Drawings</b>	Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.	Assessed as compliant in the previous audit.	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
B3A	<b>Certified Drawings</b>	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.	Assessed as compliant in the previous audit.	Compliant	
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 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.	Assessed as compliant in the previous audit.	Compliant	
B4	<b>Protection of Public Infrastructure</b>	<p>Prior to the commencement of construction, the Applicant must:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths);</li> <li>(c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council; and</li> <li>(d) in relation to rail infrastructure (including powerlines) the Applicant shall consult with Sydney Trains West Interface team at <a href="mailto:West_Interface@transport.nsw.gov.au">West_Interface@transport.nsw.gov.au</a></li> </ul>	Assessed as compliant in the previous audit.	Compliant	
B5	<b>Pre-Construction Dilapidation Report</b>	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 existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.	Assessed as compliant in the previous audit.	Compliant	
B6	<b>Unexpected Contamination Procedure</b>	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.	Assessed as compliant in the previous audit.	Compliant	

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B7	<b>Community Communication Strategy</b>	<p>No later than two weeks before the commencement of construction, or within another timeframe agreed with the Planning Secretary, a Community Communication Strategy must be submitted to the Planning Secretary for approval. 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> <ul style="list-style-type: none"> <li>(a) identify people to be consulted during the design and construction phases;</li> <li>(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;</li> <li>(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;</li> <li>(d) set out procedures and mechanisms:                             <ul style="list-style-type: none"> <li>(i) through which the community can discuss or provide feedback to the Applicant;</li> <li>(ii) through which the Applicant will respond to enquiries or feedback from the community; and</li> <li>(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.</li> </ul> </li> <li>(e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.</li> </ul>	Assessed as compliant in the previous audit.	Compliant	
B8	<b>Outdoor Lighting</b>	<p>Prior to commencement of lighting installation, evidence 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.</p>	Assessed as compliant in the previous audit.	Compliant	



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B9	<b>Demolition</b>	Prior to the commencement of construction, demolition work plans required by <i>AS 2601-2001 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.	The previous audit stated the demolition of the existing structure was completed under a separate DA with Penrith Council prior to the construction commencement, and as such, was considered to be not triggered.	Not triggered	
B10	<b>Environmental Management Plan Requirements</b>	Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the <i>Environmental Management Plan Guideline: Guideline for Infrastructure Projects</i> (DPIE, April 2020).	Previously completed plans were found to be compliant with this condition in the previous audit.	Compliant	
B11	<b>Construction Environmental Management Plan</b>	<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:</p> <ul style="list-style-type: none"> <li>(i) hours of work;</li> <li>(ii) 24-hour contact details of site manager;</li> <li>(iii) management of dust and odour to protect the amenity of the neighbourhood;</li> <li>(iv) stormwater control and discharge;</li> <li>(v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;</li> <li>(vi) groundwater management plan including measures to prevent groundwater contamination;</li> <li>(vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;</li> <li>(viii) community consultation and complaints handling;</li> </ul> <p>(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);</p> <p>(c) Construction Noise and Vibration Management Sub-Plan (see condition B14);</p> <p>(d) Construction Waste Management Sub-Plan (see condition B15);</p> <p>(e) Construction Soil and Water Management Sub-Plan (see condition B16);</p> <p>(f) Biodiversity Management Sub-Plan (see condition B17);</p> <p>(g) Flood Emergency Response Sub-Plan (see condition B18);</p>	This pre-construction condition was found to be compliant in previous audits.	Compliant	

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		<ul style="list-style-type: none"> <li>(h) an unexpected finds protocol for contamination and associated communications procedure;</li> <li>(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;</li> <li>(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</li> <li>(k) sustainability measures and practices to be implemented during the construction process.</li> </ul>			
B12	<b>Construction Environmental Management Plan</b>	The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B13	<b>Construction Environmental Management Plan</b>	<p>A 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:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person(s);</li> <li>(b) be prepared in consultation with Council and TfNSW</li> <li>(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</li> <li>(d) detail heavy vehicle routes, access and parking arrangements.</li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B14	<b>Construction Environmental Management Plan</b>	<p>The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced noise expert;</li> <li>(b) describe procedures for achieving the noise management levels in <i>EPA's Interim Construction Noise Guideline</i> (DECC, 2009);</li> <li>(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;</li> <li>(d) include strategies that have been developed with the community for managing high noise generating works;</li> <li>(e) describe the community consultation undertaken to develop the strategies in condition B14(d);</li> <li>(f) include a complaints management system that would be</li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	

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		<p>implemented for the duration of the construction; and</p> <p>(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 the requirements outlined under condition B10.</p>			
B14A	<b>Construction Environmental Management Plan</b>	<p>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.</p>	<p>This pre-construction condition was found to be compliant in previous audits.</p>	Compliant	
B15	<b>Construction Environmental Management Plan</b>	<p>The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:</p> <p>(a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and</p> <p>(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.</p>	<p>This pre-construction condition was found to be compliant in previous audits.</p>	Compliant	
B16	<b>Construction Environmental Management Plan</b>	<p>The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:</p> <p>(a) be prepared by a suitably qualified expert, in consultation with Council and DPIE Fisheries;</p> <p>(b) describe all erosion and sediment controls to be implemented during construction;</p> <p>(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 Site);</p> <p>(d) detail all off-Site flows from the Site; and</p> <p>(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.</p>	<p>This pre-construction condition was found to be compliant in previous audits.</p>	Compliant	
B16A	<b>Construction Environmental Management Plan</b>	<p>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.</p>	<p>This condition was not triggered during the operational phase, however, it is noted that this pre-construction condition was found to be non-compliant in the first Independent Environmental Audit (NC#2).</p>	Not triggered	

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B17	<b>Construction Environmental Management Plan</b>	The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following: <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified expert;</li> <li>(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;</li> <li>(c) include measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected areas;</li> <li>(d) detail measures to maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation.</li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B18	<b>Construction Environmental Management Plan</b>	The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following: <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;</li> <li>(b) be consistent with the findings of the St Marys Freight Hub – Stormwater Management Report prepared by BG&amp;E, dated 30 September 2019</li> <li>(c) address the provisions of the <i>Floodplain Risk Management Guidelines</i> (EESG);</li> <li>(d) include details of:                             <ul style="list-style-type: none"> <li>(i) the flood emergency responses for both construction and operation phases of the development;</li> <li>(ii) predicted flood levels;</li> <li>(iii) flood warning time and flood notification;</li> <li>(iv) assembly points and evacuation routes;</li> <li>(v) evacuation and refuge protocols; and</li> <li>(vi) awareness training for employees and contractors.</li> </ul> </li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B19	<b>Driver Code of Conduct</b>	A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following: <ul style="list-style-type: none"> <li>(a) minimise the impacts of earthworks and construction on the local and regional road network;</li> <li>(b) minimise conflicts with other road users;</li> <li>(c) minimise road traffic noise; and</li> <li>(d) ensure truck drivers use specified routes.</li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	

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B20	<b>Construction Parking</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B21	<b>Soil and Water</b>	Prior to the commencement of construction, the Applicant must: (a) install erosion and sediment controls on the site to manage wet weather events; and (b) divert existing clean surface water around operational areas of the site.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B22	<b>Soil and Water</b>	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'.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B23	<b>Soil and Water</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B24	<b>Soil and Water</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B25	<b>Flood Management</b>	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 (b) evacuation and refuge protocols; and (c) the Floor Emergency Response Sub-Plan required under condition B18	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B25A	<b>Flood Management</b>	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	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B26	<b>Operational Noise – Design</b>	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	This pre-construction condition was found to be compliant in previous audits.	Compliant	



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		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 prepared by AECOM and dated 11 February 2020, the St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Non-network rail addendum, prepared by AECOM and dated 24 June 2020 and the St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Northern section of non-network rail line, prepared by AECOM and dated 20 November 2020</i>			
B27	<b>Biodiversity – Ecosystem Credits</b>	Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in <b>Table 1</b> below must be retired to offset the residual biodiversity impacts of the development.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B28	<b>Biodiversity – Ecosystem Credits</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B29	<b>Biodiversity – Ecosystem Credits</b>	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.	This pre-construction condition was found to be non-compliant in previous audits (audit #1 NC#3). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
B30	<b>Biodiversity – Species Credits</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B31	<b>Biodiversity – Species Credits</b>	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 and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B32	<b>Biodiversity – Species Credits</b>	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.	This pre-construction condition was found to be non-compliant in previous audits (audit #1 NC#4). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
B33	<b>Landscaping</b>	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; (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;	This pre-construction condition was found to be compliant in previous audits.	Compliant	

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		(c) include species (trees, shrubs and groundcovers) indigenous to the local area; (d) include the planting of trees with a pot container of <b>25-45</b> litres or greater; (e) comply with the principles of <i>Planning for Bush Fire Protection 2019</i> ; (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: (i) plantings to be one row deep and where practical planted on the inside of the boundary fence, (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. (g) include a Vegetation Management Plan, to detail measures to protect and enhance retained vegetation on site for the life of the development.			
B33A	<b>Landscaping</b>	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.	This pre-construction condition was found to be non-compliant in previous audits (audit #1 NC#5). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
B34	<b>Stormwater Drainage</b>	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; (b) Design Guidelines for Engineering Works for Subdivisions and Developments; (c) Engineering Construction Specification for Civil Works; (d) Penrith City Council's Water Sensitive Urban Design (WSUD) Policy 2013, and associated WSUD Technical Guidelines; and (e) <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016), applicable Australian Standards and <i>Managing Urban Stormwater</i> (EPA, 1997) guidelines.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B35	<b>Stormwater Drainage</b>	The development must not have any adverse impact upon adjoining properties by the damming, concentration, or diversion of existing stormwater flows.	PN is not aware of any occurrences where the development has caused adverse impact on adjoining properties as a result of the damming, concentration or diversion of existing stormwater flows during the audit period.	Compliant	

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B36	<b>Stormwater Drainage</b>	Post-developed stormwater management and design is to be in accordance with the <i>St Marys Freight Hub – Stormwater Management Report Revision E</i> , prepared by BG&E Consulting dated 30 September 2019.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B37	<b>Roadworks and Access</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B38	<b>Roadworks and Access</b>	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> .	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B39	<b>Roadworks and Access</b>	<p>The Applicant must ensure that:</p> <ul style="list-style-type: none"> <li>(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 – 2002 for heavy vehicle usage;</li> <li>(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;</li> <li>(c) the required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping, fencing or signposting;</li> <li>(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;</li> <li>(e) the layout of the site must be designed to ensure heavy vehicles associated with the 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;</li> <li>(f) the layout of the site shall be designed so that heavy vehicles are not required to select reverse gear;</li> <li>(g) heavy vehicles and bins associated with the development do not park or stand on local</li> </ul>	This pre-construction condition was found to be compliant in previous audits.	Compliant	



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		roads or footpaths in the vicinity of the site; (h) all vehicles are wholly contained on site before being required to stop; (i) all vehicles must enter and leave the site in a forward direction; (j) all loading and unloading of materials is carried out on site; (k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; (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 (m) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle pedestrian access occurs, is to be addressed. Detailed plans demonstrating compliance with condition B39(a)-(m) shall be prepared in consultation with TfNSW and to the satisfaction of the Certifier.			
B40	<b>Compliance Reporting</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B41	<b>Compliance Reporting</b>	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	<ul style="list-style-type: none"> <li>MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul>	Compliant	
B42	<b>Compliance Reporting</b>	Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B43	<b>Compliance Reporting</b>	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.	This pre-construction condition was found to be compliant in previous audits.	Compliant	
B44	<b>Compliance Reporting</b>	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.	This has not been requested.	Not triggered	
<b>PART C DURING CONSTRUCTION</b>					

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C1	<b>Site Notice</b>	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; (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; (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period; (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 (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.	This during construction condition was found to be non-compliant in previous audits (Audit #1, non-compliance #6). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
C2	<b>Operation of Plant and Equipment</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C3	<b>Demolition</b>	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.	Not applicable as the demolition work was conducted under a separate DA.	Not triggered	
C4	<b>Construction Hours</b>	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: a) between 7am and 6pm, Mondays to Fridays inclusive; and b) between 8am and 1pm, Saturdays. No work may be carried out on Sundays or public holidays.	This during construction condition was found to be compliant in previous audits.	Compliant	
C5	<b>Construction Hours</b>	Construction activities may be undertaken outside of the hours in condition C4 if required: (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or (c) where the works are inaudible at the nearest sensitive receivers; or	This during construction condition was found to be not triggered.	Not triggered	

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		(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.			
C6	<b>Construction Hours</b>	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.	As per Condition C5 above, this was considered not triggered by the previous audit.	Not triggered	
C7	<b>Construction Hours</b>	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.	This condition was considered not triggered by the previous audit.	Not triggered	
C8	<b>Implementation of Management Plans</b>	The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).	This during construction condition was found to be non-compliant in previous audits (Audit #2, non-compliance #5). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
C9	<b>Construction Traffic and Access</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C10	<b>Construction Traffic and Access</b>	Construction vehicles (including staff vehicles) shall be managed to: (a) minimise parking or queuing on public roads; (b) minimise idling and queuing in local residential streets where practicable; (c) adhere to the nominated haulage routes identified in the Construction Traffic and Pedestrian Management Sub-Plan required under condition B13; and (d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.	This during construction condition was found to be compliant in previous audits.	Compliant	
C11	<b>No Obstruction of Public Way</b>	The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.	This during construction condition was found to be compliant in previous audits.	Compliant	
C12	<b>Construction Noise Limits</b>	The development must be constructed to achieve the construction noise management levels detailed in <i>the 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	This during construction condition was found to be compliant in previous audits.	Compliant	

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		mitigation measures identified in the approved Construction Noise and Vibration Management Plan.			
C13	<b>Construction Noise Limits</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C14	<b>Construction Noise Limits</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C15	<b>Vibration Criteria</b>	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) Structural vibration - Effects of vibration on structures</i> (German Institute for Standardisation, 1999); and (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).	This during construction condition was found to be compliant in previous audits.	Compliant	
C16	<b>Vibration Criteria</b>	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.	This during construction condition was found to be not triggered in previous audits.	Not triggered	
C17	<b>Vibration Criteria</b>	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.	This during construction condition was found to be not triggered in previous audits.	Not triggered	
C18	<b>Air Quality</b>	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	This during construction condition was found to be compliant in previous audits.	Compliant	
C19	<b>Air Quality</b>	During construction, the Applicant must ensure that: (a) exposed surfaces and stockpiles are suppressed by regular watering; (b) all trucks entering or leaving the site with loads have their loads covered; (c) trucks associated with the development do not track dirt onto the public road network; (d) public roads used by these trucks are kept clean; and (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	This during construction condition was found to be compliant in previous audits.	Compliant	

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C20	<b>Erosion and Sediment Control</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 <i>Managing Urban Stormwater: Soils &amp; Construction</i> (4 <sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	This during construction condition was found to be non-compliant in previous audits (Audit #2, non-compliance #6). However, given that the construction phase is complete and that this is an audit of the operational phase within the past 12 months, it is no longer considered relevant to this audit to continue to report this as a non-compliance, and as such, is considered 'not triggered' for this phase of the project.	Not triggered	
C21	<b>Imported Soil</b>	The Applicant must: (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Certifier upon request.	This during construction condition was found to be compliant in previous audits.	Compliant	
C22	<b>Disposal of Seepage and Stormwater</b>	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 stormwater to Council's stormwater drainage system or street gutter.	This during construction condition was found to be compliant in previous audits.	Compliant	
C23	<b>Stormwater Management System</b>	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: (a) be designed by a suitably qualified and experienced person(s); (b) be generally in accordance with the conceptual design in the EIS; (c) be in accordance with applicable Australian Standards; (d) be designed in accordance with Council's Stormwater Drainage for Building Developments and WSUD policies; and (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	This during construction condition was found to be compliant in previous audits.	Compliant	



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C24	<b>Emergency Management</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C25	<b>Unexpected Finds Protocol – Aboriginal Heritage</b>	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 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.	This during construction condition was found to be not triggered in previous audits.	Not triggered	
C26	<b>Unexpected Finds Protocol – Historic Heritage</b>	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.	This during construction condition was found to be not triggered in previous audits.	Not triggered	
C27	<b>Waste Storage and Processing</b>	All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.	This during construction condition was found to be compliant in previous audits.	Compliant	
C28	<b>Waste Storage and Processing</b>	All waste generated during construction must be assessed, classified, and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	This during construction condition was found to be compliant in previous audits.	Compliant	
C29	<b>Waste Storage and Processing</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C30	<b>Waste Storage and Processing</b>	The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling, and disposal locations for the duration of construction.	This during construction condition was found to be compliant in previous audits.	Compliant	
C31	<b>Waste Storage and Processing</b>	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	This during construction condition was found to be compliant in previous audits.	Compliant	

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		requirements of the relevant legislation, codes, standards, and guidelines.			
C32	<b>Outdoor Lighting</b>	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.	<ul style="list-style-type: none"> <li>MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul>	Compliant	
C33	<b>Independent Environmental Audit</b>	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.	<p>This during construction condition was found to be compliant in previous audits.</p> <ul style="list-style-type: none"> <li>DPIE letter (25/11/2022) agreeing to the appointment of the JBS&amp;G audit team.</li> </ul>	Compliant	
C34	<b>Independent Environmental Audit</b>	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.	This during construction condition was found to be compliant in previous audits.	Compliant	
C35	<b>Independent Environmental Audit</b>	<p>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:</p> <p>(a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and</p> <p>(b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.</p>	This during construction condition was found to be compliant in previous audits.	Compliant	
C36	<b>Independent Environmental Audit</b>	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.	The Planning Secretary has not requested alterations to the times of the Independent Audits.	Not triggered	
C37	<b>Independent Environmental Audit</b>	<p>Independent Audits of the development must be carried out in accordance with:</p> <p>(a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 of this consent; and</p> <p>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</p>	This Independent Audit has been carried out in accordance with the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 of this consent; and the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Compliant	
C38	<b>Independent Environmental Audit</b>	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>(a) review and respond to each Independent Audit</p>	To be assessed in subsequent audits for compliance. Previous audits have found this condition to be compliant.	Compliant	

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		Report prepared under condition C37 of this consent; (b) submit the response to the Planning Secretary and the Certifier; and (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.			
C39	<b>Independent Environmental Audit</b>	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.	To be assessed in subsequent audits for compliance. Previous audits have found this condition to be compliant.	Compliant	
C40	<b>Independent Environmental Audit</b>	Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018), the 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.	A request has not been made to cease ongoing annual operational audits.	Not triggered	
C41	<b>Temporary Construction Compound Area</b>	Use of the temporary construction compound area to support the rail refurbishment works is permitted for a period of up to six months following establishment of the temporary construction compound area referred to under SSD-7308-MOD-1.	PN has advised that this area is not being used. During the site audit on 6 December 2022, this area was observed to be fenced-off and unused.	Compliant	
<b>PART D PRIOR TO COMMENCEMENT OF OPERATION</b>					
D1	<b>Notification of Occupation</b>	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.	<ul style="list-style-type: none"> <li>Pacific National letter to Director Social and Infrastructure Assessments, Department of Planning, Industry &amp; Environment dated 26 August 2021 – <i>St Marys Intermodal (SSD-7308) – Notification of Occupation</i>. Advised that commencement of operation was scheduled for 11 October 2021.</li> <li>DPIE email acknowledging receipt of notification of occupation post approval document dated 27 August 2021.</li> </ul>	Compliant	
D1A	<b>External Walls and Cladding</b>	Prior to commencement of operation for the office administration building, the Applicant must provide the Certifier with documented evidence that the products and systems 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.	<ul style="list-style-type: none"> <li>Various of certificates of testing including carpet tiles, ceiling lining, plasterboard, plywood and wall batts.</li> <li>ATCO letter dated 8 October 2021 – <i>Re: Evidence of Materials and Products in External Wall</i>. Letter stated that details of wall construction were reviewed and that external wall, ceiling linings and floor linings comply with the NCC 2019 Specification C1.1 Fire Hazard Properties.</li> <li>GMA Certification Group (certifier) email acknowledging receipt of letter (external walls) dated 28 October 2021.</li> </ul>	Compliant	



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D1B	<b>External Walls and Cladding</b>	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.	<ul style="list-style-type: none"> <li>Post Approval documentation lodgement acknowledgement – construction materials documentation.</li> <li>DPIE email acknowledging receipt of notification of occupation post approval document dated 4 November 2021.</li> </ul>	Compliant	
D2	<b>Post-construction Dilapidation Report</b>	<p>Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:</p> <p>(a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;</p> <p>(b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:</p> <p>i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and</p> <p>ii) have written confirmation from the relevant authority (including but not limited to Council and TfNSW) that there is no adverse structural damage to their infrastructure and roads;</p> <p>(c) to be forwarded to Council.</p>	<ul style="list-style-type: none"> <li>Thomas Engineers <i>Post-Construction Dilapidation Report and Photographic Survey</i> for Entry Gate, road and Council assets at 2 Forrester Road St Marys, Lot 2 Forrester Road St Marys inspected 19 October 2021.</li> <li>Thomas Engineers <i>Post-Construction Dilapidation Report and Photographic Survey</i> for 21-149 Lee Holm Road, Lot 2 Forrester Road St Marys inspected 6 October 2021.</li> <li>Thomas Engineers <i>Post-Construction Dilapidation Report and Photographic Survey</i> for Train Boundary Fence, Lot 2 Forrester Road St Marys inspected 30 September 2021.</li> <li>MCM Services email dated 18 October 2021 to TfNSW/Sydney Trains stating that no changes have occurred to the Sydney Trains boundary fence.</li> <li>Penrith City Council email dated 2 November 2021 confirming that Forrester Road and Lee Holm Road have not had adverse structural damage during construction process.</li> <li>Sydney Trains email dated 24 November 2021 stating that Condition D2 has been satisfied.</li> </ul> <p>The above documentation satisfies Condition D2 a-c.</p>	Compliant	
D3	<b>Protection of Public Infrastructure</b>	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.</p>	No damage was required to be repaired.	Not triggered	
D4	<b>Protection of Property</b>	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.	No damage was required to be repaired.	Not triggered	
D5	<b>Utilities and Services</b>	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> .	<ul style="list-style-type: none"> <li>Sydney Water Subdivider/Developer Compliance Certificate for 6-8 Forrester Rd, St Marys, Lots 2,3 DP 876781 and Lot 196 DP 31912 dated 28 September 2021.</li> </ul>	Compliant	
D6	<b>Works as Executed Plans</b>	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	<ul style="list-style-type: none"> <li>Architectural Plans Prepared by Wallbridge Gilbert Aztec DWG -WGA181931-DR-CC-0001 (0), WGA 181931-DR -CC-0041 (0), WGA 181931 -DR - CC- 0042 (1), WGA181931 - DR</li> </ul>	Compliant	

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		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	<ul style="list-style-type: none"> <li>- CC - 0043 (0), WGA 181931- DR - CC - 0044 (1), WGA 181931- DR- CC- 0045 (1), WGA181931- DR - CC - 0046 (0)</li> <li>• MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul>		
D7	<b>Work Place Travel Plan</b>	<p>Prior to the commencement of operation, the Applicant must prepare a Workplace Travel Plan and submit to the Planning Secretary for information. The Work Place Travel Plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with TfNSW;</li> <li>(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and</li> <li>(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.</li> </ul>	<ul style="list-style-type: none"> <li>• Email from TfNSW to UrbanCo dated 18 October 2021 confirming satisfaction with contents of the WPTP and consultation as per condition D7.</li> <li>• <i>St Marys Intermodal SSD-7308 Work Place Travel Plan, St Marys Freight Hub Forrester Road, St Marys</i> version 4 dated 18 October 2021, UrbanCo.</li> <li>• DPIE letter to UrbanCo, <i>St Marys Intermodal (SSD 7308) Acknowledgement of Work Place Travel Plan</i> dated 5/11/21. Letter acknowledged Work Place Travel version 4 dated 18 October 2021 subject to amendment to include details of end-of-trip facilities available on-site.</li> <li>• Post approval confirmation of submission of Work Place Travel Plan to DPIE dated 5 November 2021.</li> </ul> <p>Preparation of the Work Place Travel Plan was compliant with conditions a) through c).</p>	Compliant	
D8	<b>Operational Transport and Access Management Plan (OTAMP)</b>	<p>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:</p> <ul style="list-style-type: none"> <li>(a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;</li> <li>(b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;</li> <li>(c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and</li> <li>(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.</li> </ul> <p>The Applicant must not commence operation of the development until the OTAMP is approved by the Planning Secretary.</p>	<ul style="list-style-type: none"> <li>• <i>St Marys Freight Hub Operational Traffic and Access Management Plan</i> dated 5/7/2021 prepared by Bitzios Consulting.</li> <li>• Email from Penrith City Council to UrbanCo dated 23 July 2021 providing comments on the St Marys Freight Hub Operational Traffic and Access Management Plan (Bitzios Consulting) dated 5 July 2021.</li> <li>• Email from Penrith City Council to UrbanCo dated 17 August 2021 providing additional comments on revised OTAMP provided to Council on 29 July 2021.</li> <li>• <i>St Marys Freight Hub Operational Traffic and Access Management Plan</i> dated 10/9/2021 prepared by Bitzios Consulting.</li> <li>• Email from Penrith City Council traffic engineer to UrbanCo dated 23 September 2021 providing one remaining comment on OTAMP.</li> <li>• Email from TfNSW to UrbanCo dated 23 September 2021 providing confirmation that revised OTAMP is accepted.</li> <li>• Email correspondence between Penrith City Council and UrbanCo dated 27 September and 1 October 2021 regarding outstanding Council comment on OTAMP. Council provided acceptance of Applicant’s response and OTAMP.</li> <li>• Post approval confirmation of submission of Operational Transport &amp; Access Management Plan to DPIE dated 5 October 2021.</li> <li>• DPIE letter to UrbanCo dated 28/10/21 – <i>St Marys Intermodal (SSD 7308) Approval of Operational Traffic and</i></li> </ul>	Compliant	

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			<p><i>Access Management Plan</i>. OTAMP revision 2 dated 5 July 2021 approved and noted as having been prepared in consultation with TfNSW and Penrith City Council, and contains information required by the conditions of approval (under condition D8).</p>		
D9	<b>Evacuation and Emergency Planning</b>	<p>Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with <i>Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> December 2014</p>	<ul style="list-style-type: none"> <li><i>Bushfire Emergency Management and Evacuation Plan St Marys Intermodal Lot 2 Forrester Road, Lot 3 Lee Holm Road and Lot 196 Christie Street, St Marys NSW</i> version 1.0 dated 2 September 2021 prepared by Blackash Bushfire Consulting.</li> </ul> <p>Section 1 of the Bushfire Emergency Management and Evacuation Plan states that bushfire evacuation procedures have been completed in accordance with NSW Rural Fire Service <i>Guide to Developing A Bushfire Emergency Management Plan</i> and with consideration of AS 3745-2010 – <i>Planning for Emergencies in facilities</i> and NSW Government <i>Evacuation Management Guidelines (2014)</i>.</p>	Compliant	
D10	<b>Operational Noise – site design and selection of mechanical plant and equipment</b>	<p>The Applicant is to ensure that:</p> <p>(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</p> <p>(b) operational mechanical plant and equipment is selected with the objective to achieve good practice in noise reduction and control.</p>	<ul style="list-style-type: none"> <li>AECOM letter to Pacific National – <i>St Marys Freight Hub – Development Consent Condition D10</i> dated 26 August 2021. Letter stated that the architectural and building services documentation confirms that the acoustic treatments comply with Development Consent Condition D10.</li> <li>MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021.</li> </ul>	Compliant	
D11	<b>Rail Noise, Air Quality, Monitoring and Reporting</b>	<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., under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.);</p> <p>(b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging.</p> <p>(c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and</p>	<ul style="list-style-type: none"> <li>AECOM letter to Pacific National – <i>St Marys Intermodal Freight Hub – Development Consent Conditions Prior to Commencement of Operations</i> dated 19 August 2021. The letter was prepared to satisfy part of condition D11 and concludes that Pacific National is incorporating the best practise noise technologies at St Marys Freight Hub to minimise the occurrence of brake squeal.</li> <li>DPIE email acknowledging receipt of notification of occupation post approval document (brake squeal report as required by Condition D11) dated 25 August 2021.</li> </ul> <p>The AECOM letter addresses items a) through d) of condition D11 and constitutes the Brake Squeal Report.</p>	Compliant	

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		(d) Any monitoring system proposed to capture brake squeal.			
D12	<b>Rail Noise, Air Quality, Monitoring and Reporting</b>	<p>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:</p> <p>Port shuttle operations must use:</p> <p>(a) locomotives that incorporate available best practice noise and emission technologies; and</p> <p>(b) wagons that incorporate available best practice noise technologies.</p>	<ul style="list-style-type: none"> <li>• AECOM letter to Pacific National – <i>St Marys Freight Hub – Development Consent Conditions Prior to Commencement of Operations</i> dated 14 July 2021. Letter provided a review of curve squeal noise causes and mitigation measures proposed by Pacific National to minimise the risk of curve squeal. The mitigation measures were concluded to be best practise noise technologies.</li> <li>• EPA letter to AECOM – <i>St Marys Intermodal (SSD 7308) Proposed Air Quality Technology (Condition D12)</i> dated 23 July 2021. Letter provides confirmation of EPA review of explanation and justification of proposed locomotive emissions technology for the intermodal facility and EPA support for installation of Tier 0+ upgrade kits on locomotive fleet.</li> <li>• Transport for NSW letter to UrbanCo – <i>SSD 7308 – St Mary’s Intermodal – Pre-operation approval for Condition D12</i> dated 11 August 2021. Letter confirms TfNSW of submitted documents in relation to rail noise to meet condition D12 and provides feedback for recommendations to improve rail noise technologies and amendment of AECOM noise assessment letter.</li> <li>• AECOM letter to Pacific National – <i>St Marys Freight Hub – Development Consent Conditions Prior to Commencement of Operations</i> dated 12 August 2021. Updated 14 July 2021 letter.</li> <li>• EPA letter to AECOM – <i>St Marys Intermodal (SSD 7308) Proposed Noise Technology (Condition D12)</i> dated 1 September 2021. Letter notes that mitigation measures to control curve squeal and other technological measures including rail curve gauge widening, gauge face lubrication and installation of a permanent noise monitoring system to be implemented.</li> <li>• Email correspondence between TfNSW and UrbanCo between 27 August 2021 and 21 September 2021. Following clarification of queries by TfNSW on mitigation measure to reduce rail noise, TfNSW confirmed that there were no further comments on the AECOM letter of 12 August 2021.</li> <li>• DPIE letter to UrbanCo – <i>St Marys Intermodal (SSD 7308) Rail Noise and Air Quality Technology</i> dated 17/9/21. Letter acknowledges receipt of correspondence for information under condition D12 and all matters addressed.</li> </ul>	Compliant	



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D13	<b>Rail Noise, Air Quality, Monitoring and Reporting</b>	<p>The Applicant must install and maintain a rail noise monitoring system on the rail spur at the commencement of operation to continuously monitor the noise from rail operations on the rail spur. The system must capture the noise from each individual train passby noise generation event, and include information to identify:</p> <p>(a) time and date of train movement;</p> <p>(b) Radio Frequency Identification (RFID) system to enable identification of the rolling stock during the day and night, including:</p> <p>i 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;</p> <p>ii 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 and Freight Branch within Transport for NSW; and</p> <p>iii Provide Transport for NSW ongoing access to the data obtained by the RFID system and data obtained by the rail noise monitoring system.</p> <p>(c) LAeq(15hour) and LAeq (9hour) from rail operations; and</p> <p>(d) LAF(max) and SEL of individual train passby, measured in accordance with ISO3095; or</p> <p>(e) Other alternative information as agreed with or required by the Planning Secretary.</p> <p>The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hour) results from each day must be available on the website within 24 hours of the period ending.</p>	<ul style="list-style-type: none"> <li>• DPIE letter to UrbanCo – St Marys Intermodal (SSD-7308) Operational requirements – conditions D13 and D19 dated 10/11/21. Letter acknowledging and approving use of an interim noise monitoring system until the approved Rail Noise Monitoring System (condition D13) is installed and operational subject to the RNMS being installed no later than 28 February 2022 and monthly progress updates are provided to the Department.</li> <li>• Pacific National letter to Planning Secretary, DPIE dated 25/2/22 – <i>St Marys Intermodal (SSD-7308) – Condition D13 &amp; D19 Monthly Status Update</i>. Letter advised that noise monitoring system final design was revised by Wabtec and installation by 28/2/22 was not possible due to requirement for sensors to be located within Sydney Trains/Transport Asset Holding Entity of NSW (TAHE) rail corridor and that an Authorised Engineering Organisations (AEO) approval was required from Sydney Trains taking 3 to 6 months.</li> <li>• AECOM and Wabtec St Marys Train Noise Monitor design drawings as of 28/2/22.</li> <li>• Pacific National letters dated 9/5/22 (April 2022 update), 19/7/22 (June 2022 update), 8/9/22 (July/August 2022 update), 12/10/22 (September 2022 update), 11/11/22 (October 2022 update) – <i>St Marys Intermodal (SSD-7308) – Condition D13 &amp; D19 Monthly Status Update</i></li> <li>• Email from AECOM to UrbanCo dated 10 November 2022 providing status update of installation of train noise monitor. Noise monitor device is ready for installation pending completion of final design and civil works.</li> <li>• Wabtec St Marys Noise Monitor design drawings as of 18/11/22.</li> <li>• Results of the noise monitoring is available from the Project website <a href="http://StMarysFreight.com.au">St Marys Freight   St Marys Freight Hub (engagementhub.com.au)</a></li> </ul>	Compliant	
D14	<b>Rail Noise, Air Quality, Monitoring and Reporting</b>	<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. The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.</p>	<ul style="list-style-type: none"> <li>• AECOM letter to Pacific National dated 12 July 2021 – <i>St Marys Freight Hub – Development Consent Condition D13 and D14</i>. Letter providing details of proposed rail monitoring system location and justification for location.</li> <li>• Email from DPIE to UrbanCo dated 12 July 2021 acknowledging receipt of Location of Noise Monitor letter.</li> <li>• DPIE letter to UrbanCo dated 6/8/21 – <i>St Mary’s Intermodal (SSD 7308) Approval of Rail Noise Monitoring Location</i>.</li> </ul>	Compliant	

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			<p>Letter confirmed review of submitted information and approval of Option 5 as the preferred location for rail noise monitoring.</p>		
D15	<b>Rail Noise, Air Quality, Monitoring and Reporting</b>	<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                      (b) LAeq15hr for daytime 7am to 10pm                      (c) LAFmax for night-time 10pm to 7am                      (d) LAFmax for daytime 7am to 10pm.</p>	<ul style="list-style-type: none"> <li>Noise contours zip file</li> <li>Email from DPIE to UrbanCo dated 1/9/21 acknowledging receipt of noise contour files as required by condition D15.</li> <li>Email from DPIE to UrbanCo dated 10/9/21 acknowledging receipt of noise contour files and stating that Department had no comments.</li> </ul>	Compliant	
D16	<b>Noise Barrier</b>	<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) 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 <a href="mailto:West.Interface@transport.nsw.gov.au">West.Interface@transport.nsw.gov.au</a>.</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 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>	<ul style="list-style-type: none"> <li>Pacific National letter to DPIE dated 9/3/21 – <i>St Marys Intermodal (SSD-7308) – Compliance with Condition D16 Noise Barrier</i>. Letter provided a summary of discussions with Sydney Trains on ownership and maintenance of the proposed noise barrier, and lack of progress in gaining approval of Sydney Trains prior to operation of the Intermodal.</li> <li>Email from Sydney Trains to UrbanCo dated 25/3/21 not agreeing to ownership and maintenance of proposed noise barrier.</li> <li>Pacific National letter to DPIE dated 26/3/21 – <i>St Marys Intermodal (SSD-7308) – Compliance with Condition D16 Noise Barrier</i>. Letter confirming response from Sydney Trains on 25 March 2021 not agreeing to ownership and maintenance of proposed sound barrier.</li> <li>St Marys Intermodal SSD-7308 Submission on Condition of Consent D16 Noise Barrier Interim Noise Mitigation Solution, Final (version 2), dated 26 July 2021 (UrbanCo).</li> <li>DPIE letter to UrbanCo dated 23/8/21 – <i>St Marys Intermodal (SSD 7308) Interim Noise Barrier</i>. Letter providing approval for construction of interim noise mitigation barrier as described in <i>St Marys Intermodal Submission: Interim Noise Mitigation Solution, Version 2</i> dated 26/7/21 subject to provisions including installation of at source or barrier treatment to 17 properties within six months of approval; monthly noise monitoring and summary of performance of treatments on Pacific National web-site; noise monitoring for a minimum of 12 months following installation; provision of monthly status update to the Department on obtaining agreement with Sydney Trains for design, construction and maintenance of noise barrier.</li> <li>Email from Urbanco dated 23 October 2021 to DPIE providing an update on the installation of the interim noise barrier stating that was currently being installed and included photographic evidence.</li> </ul>	Compliant	

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			<ul style="list-style-type: none"> <li>Email from Urbanco dated 24 November 2021 to DPIE providing an update on the installation of the interim noise barrier stating that it has been installed and complete.</li> <li>Email from DPIE to UrbanCo dated 25/10/21 acknowledging receipt of monthly update on interim noise barrier progress.</li> <li>Sydney Trains letter to DPIE dated 11/11/21 – <i>St Marys Intermodal (SSD-7308) – Compliance with Condition D16 Noise Barrier</i>. Letter presenting Sydney Trains’ preferred location for the noise barrier to be on Pacific National land.</li> <li>Pacific National letter to DPIE dated 25/2/22 – <i>St Marys Intermodal (SSD-7308) – Condition D16 Noise Barrier Status Update</i>. Letter stated that interim noise barrier had been installed and that Sydney Trains supported noise mitigation facilities within the St Marys Intermodal site and at-property treatments.</li> <li>Pacific National letters dated 9/5/22 (April 2022 update), 19/7/22 (June 2022 update), 8/9/22 (July/August 2022 update), 12/10/22 (September 2022 update), 11/11/22 (September 2022 update) – <i>St Marys Intermodal (SSD-7308) – Condition D16 Noise Barrier Status Update</i>.</li> </ul> <p>The auditor notes that PN is providing monthly updates to DPIE regarding the progress of the permanent noise barrier and the ‘at receiver dwelling treatments’. Given this, it is considered that the actions taken are to the satisfaction of the Planning Secretary.</p>		
D17	<b>Fire Safety Certification</b>	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.	<ul style="list-style-type: none"> <li>Fire Safety Certificate issued to Pacific National for 2 Forrester Road St Marys 2760, Lot 2 DP 876781 Admin building for fire safety measures including emergency lighting, exit signs and portable fire extinguishers, dated 7/10/21.</li> <li>Fire Safety Certificate issued c/o McMahon Services Australia Pty Ltd for Forrester Road St Marys 2760, Lot 2, 3 &amp; 196 DP 876781 and DP 31912 Office building for fire safety measures including asset protection zones, bushfire emergency response and evacuation plan, fire hose reel systems, fire hydrant systems, vehicle access for emergency vehicles, portable fire extinguishers, fire engineering report prepared by Lucid Consulting Australia (16/8/21), dated 5/11/21.</li> <li>Email from UrbanCo to Penrith City Council submitting Fire Safety Certificates, dated 15/11/21.</li> <li>Email from DPIE to UrbanCo acknowledging receipt of D17 Fire Safety Certificate.</li> <li>Image provided of Fire Safety Certificate prominently displayed in the building at ACSF.</li> </ul>	Compliant	
D18	<b>Stormwater Quality</b>	Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the	<ul style="list-style-type: none"> <li><i>St Marys Freight Hub Terminal Stormwater Operational Management Plan</i>, rev A dated 20/7/21 (BG&amp;E Pty Ltd).</li> </ul>	Compliant	

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	<b>Management Plan</b>	satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective for the life of the development and contain the following: (a) maintenance schedule of all stormwater quality treatment devices; (b) record and reporting details to be maintained and made available to Council upon request; (c) relevant contact information; and (d) Work Health and Safety requirements.	<ul style="list-style-type: none"> <li>Email correspondence from Pacific National forwarding SMFH Terminal Stormwater Operational Management Plan to private certifier (MCM Services), dated 18/8/21.</li> <li>MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul> <p>The OMP addresses items a) through d).</p>		
D19	<b>Stormwater Management</b>	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.	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ul> <p>Positive Covenant after the issue of an Occupation Certificate.</p>	Non-compliant	<b>Non-compliance No. 6.</b>  No action required as the non-compliance relates timing.
D20	<b>Stormwater Management</b>	Prior to the issue of any Occupation Certificate, the Certifier shall ensure that the stormwater management systems, overland flow path work and flood control works: (a) have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent; (b) have met the design intent with regard to any construction variations to the approved design; and (c) any remedial works required to be undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the works-as executed drawings.	<ul style="list-style-type: none"> <li>Phase 1 – St Marys Freight Terminal Work as Executed stamped drawings for stormwater layout and drainage longitudinal sections.</li> <li>Drainage design package certification dated 2/10/20, Wallbridge Gilbert Aztec.</li> <li><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 has been constructed in accordance with design drawings.</li> </ul> <p>Provided documentation satisfies items a) though c).</p>	Compliant	
D21	<b>Outdoor Lighting</b>	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 spillage to any adjoining or adjacent sensitive receivers and:	<ul style="list-style-type: none"> <li>Electrical Installation Certificate issued by Lindsay Civil dated 22/10/21.</li> <li>Lighting Installation Certificate issued by Lindsay Civil dated 22/10/21.</li> <li>MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul>	Compliant	



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		(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and (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.			
D22	Signage	Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.	<ul style="list-style-type: none"> <li>Photo evidence of wayfinding and parking signage dated 22/10/21.</li> </ul> Signage was observed during the site inspection on 6/12/22.	Compliant	
D23	Signage	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"> <li>Photo evidence of wayfinding and parking signage dated 22/10/21.</li> </ul> Limited signage was observed during the site inspection on 6/12/22	Compliant	(R): Additional way-finding signage be installed to clearly display the path cycles are to take.
D24	Operational Waste Management Plan	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"> <li>(a) detail the type and quantity of waste to be generated during operation of the development;</li> <li>(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);</li> <li>(c) detail the materials to be reused or recycled, either on or off site; and</li> <li>(d) include the Management and Mitigation Measures included in Section 7.2 in the RtS.</li> </ul>	<ul style="list-style-type: none"> <li>St Marys Intermodal 2 Forrester Road, St Marys NSW 2760, Operational Waste Management Plan, revision B, dated 6/10/21 (EF Consulting).</li> <li>Email from UrbanCo/MCM Services to MBC Group (certifier) providing copy of Operational WMP D24, dated 6/10/21 and forwarded 9/10/21.</li> </ul> The Operational Waste Management Plan (EF Consulting 2021) addresses items a) to d).  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).	Compliant	(R): Review and update Operational Waste Management Plan to reflect installed system.
D25	Site Contamination	Remediation approved as part of this development consent must be carried out in accordance with the Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal, prepared by Douglas Partners dated 12 August 2019. Any update to the Remediation Action Plan must be approved by a NSW EPA accredited Site Auditor.	<ul style="list-style-type: none"> <li>Remediation Action Plan Stage 1 – St Mary’s Intermodal Freight Terminal Lot 2 Forrester Road, St Mary’s, NSW, revision 2, dated 9 October 2020 (Douglas Partners).</li> <li>Remedial Work Plan for Current Audit Boundaries – February 2021, St Marys Intermodal 10 Forester Road, St Marys, NSW 2760, draft 1, dated 5/3/21 (Enviroscience Solutions).</li> <li>Site Audit Report St Mary’s International freight Terminal, 2 Forrester Road, St Mary’s NSW dated 12 November 2021 (Senversa Pty Ltd).</li> </ul> The Remediation Action Plan (Douglas Partners 2020) and Remedial Work Plan (Enviroscience Solutions 2021) were reviewed by the appointed NSW EPA accredited Site Auditor. The Site Audit Report stated that the RAP and RWP generally address the information required by NSW EPA (2020). The Site Audit Report stated that remediation works, comprising of	Compliant	

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			excavation of asbestos impacted fill in PAEC1 and the adjacent roadway and capping of the material placed in containment cells, was generally undertaken in accordance with the RAP and RWP.		
D26	<b>Site Audit Statement</b>	<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. The following applies regarding the Site Audit Statement:</p> <p>(a) the Applicant must engage a NSW EPA accredited Site Auditor;</p> <p>(b) the Applicant must adhere to the management measures in the Remediation Action Plan approved by the Site Auditor;</p> <p>(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;</p> <p>(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</p> <p>(e) prior to operation, the Applicant must obtain confirmation from the Certifier in writing that the requirement of condition D26(c) has been met.</p>	<ul style="list-style-type: none"> <li>• Long Term Environmental Management Plan St Mary Intermodal Facility, 10 Forrester Road, St Marys, NSW, V02, dated 27/10/21 (Harwood Environmental Consultants).</li> <li>• Site Audit Report St Mary's International freight Terminal, 2 Forrester Road, St Mary's NSW dated 12 November 2021 (Senversa Pty Ltd). The Site Audit Report concluded that the site audit areas are suitable for purposes of commercial/industrial land use subject to implementation of a long term environmental management plan.</li> <li>• Section A2 Site Audit Statement no. MP162 for Part Lot 2 DP876781 and Part Lot 3 DP876781 dated 12 November 2021.</li> <li>• Email from UrbanCo to MBC Group (certifier) – issue of Site Audit Statement and Site Audit Report, dated 12/11/21.</li> <li>• Email acknowledgement from DPIE to UrbanCo of receipt of Site Audit Statement and Site Audit Report.</li> </ul>	Compliant	
D27	<b>Landscaping</b>	<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> <p>(b) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and</p> <p>(c) be consistent with the Applicant's Management and Mitigation Measures in the RtS.</p>	<ul style="list-style-type: none"> <li>• Operation and Maintenance Manual, SMFH – Landscape Works St Marys,</li> <li>• Landscape Maintenance Manual, SMFH – Landscape Works St Marys, October 2021 (Cabbage Tree Landscape).</li> <li>• St Marys Intermodal Freight Terminal Landscape Construction Certificate, drawings 000, 001, 101, 102, 103, 104, 105, 106, 107, 108 and 501.</li> <li>• Cabbage Tree Landscape letter - SMFH – Landscaping Works St Marys Landscape Implementation dated 12 October 2021. Letter stated that landscaping at the site was satisfactorily completed in accordance with approved landscape drawings, design documentation and relevant conditions of consent including B33.</li> <li>• MBC Group – Staged Occupation Certificate No. 20000370/3 dated 17 November 2021</li> </ul>	Compliant	

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			Items A – C have been assessed as compliant based on the evidence above.		
D28	<b>Landscaping</b>	The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.	<ul style="list-style-type: none"> <li>Email to MBC Group (certifier) from DMD Projects (Project Manager) dated 13 October 2021 providing landscaping handover documents including certification letter, Operation and Maintenance Manual and landscaper contact details.</li> </ul>	Compliant	
D29	<b>Asset Protection Zones</b>	Prior to the commencement of operation, the entire property must be managed as an inner protection zone (IPA) as outlined within the Planning for Bush Fire Protection 2019 and the NSW RFS document Standards for asset protection zones.	<ul style="list-style-type: none"> <li>Blackash Bushfire Consulting letter to Urban Co dated 17 August 2021 – <i>Re: St Marys Intermodal, Bushfire Compliance Certificate</i>. Certificate confirms compliance with condition D29.</li> </ul>	Compliant	
D30	<b>Structural Inspection Certificate</b>	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: (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 (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.	<ul style="list-style-type: none"> <li><i>Structural Adequacy – Smoker’s Hut Slab &amp; 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.</li> <li><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.</li> <li><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.</li> <li>NSW Government Construction Certificate Registration including stamped approved plans submitted 25/11/21.</li> </ul> <p>The auditor has not sighted evidence of submission of the Structural Inspection Certificate or Compliance Certificate to Council.</p>	Non-compliant	<b>Non-compliance No. 7.</b>  (A) Submit the Structural Inspection Certificate or Compliance Certificate to Council.
D31	<b>Flooding</b>	The development must not increase flood levels on adjoining properties. Prior to the commencement of operation, further investigation shall be undertaken and modelled, and mitigation works undertaken (if required) to ensure that the rail corridor works at the north-eastern end of the development do not increase flood levels on adjoining properties to the east. Full details, including flood level difference mapping, are to be submitted to the Certifier.	<ul style="list-style-type: none"> <li><i>Technical Memorandum St Marys Freight Hub – Flood Mitigation at North Eastern End of Development</i> dated 18 May 2021 (BG&amp;E). Based on the results of the Flood Study and Flood Impact Assessment for the proposed rail development, the design of the culverts traversing the rail embankment was amended to reduce impacts on the neighbouring property and a new drain designed around the toe of the northern embankment to reduce water ponding. Flood mitigation works have been undertaken and while there are localised impacts to the adjoining property to the east, the impacts are not considered to cause tangible impact to safety or function in the occurrence of such an event. Memo included flood level impact maps for 0.2%,</li> </ul>	Compliant	

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			<p>0.5%, 1% and 5% AEP events and post-development PMF event.</p> <ul style="list-style-type: none"> <li>Email from DMD Projects to MBC Group (certifier) dated 17 June 2021 submitting reports for satisfaction of conditions D31 and D32.</li> </ul>		
D32	<b>Flooding</b>	<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 assessment shall be implemented prior to the commencement of operation.</p>	<ul style="list-style-type: none"> <li>Flood Safety Assessment – St Marys Freight Hub – Access Track Flood Safety Assessment dated 16 April 2021 (BG&amp;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.</li> <li>Pre-operation photos of installed flood warning signage and flood depth indicators at locations nominated in the flood safety assessment.</li> </ul> <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>	Non-compliant	<p><b>Non-compliance No. 8.</b></p> <p>(A): Finalise the OEMP and include the flood safety assessment.</p>
D33	<b>Sydney Trains Requirements</b>	<p>Prior to the commencement of any works or commencement of operations via the rail sidings, the Applicant must engage with Sydney Trains to establish an agreement on the updating of the existing Safety Interface Agreement, for the rail sidings and any works undertaken within the rail corridor and TAHE (Transport Asset Holding Entity) land.</p>	<ul style="list-style-type: none"> <li>Interface Agreement Managing Risks to Safety between Sydney Trains and Pacific National (NSW) Pty Ltd and Asciano Services (Pty Ltd) dated 1 June 2016.</li> <li>Email from Pacific National to TfNSW dated 26/8/21 providing Risk Assessment Hazard log.</li> <li>Draft Connection Agreement between Sydney Trains, Transport Asset Holding Entity of NSW and Pacific National Pty Ltd in respect of the maintenance and use of the private siding at St Marys.</li> <li>Draft Interface Agreement between Sydney Trains and Pacific National Pty Ltd for management of risks to safety and the environment that may arise due to rail operations at private siding connection for St Marys Yard dated 2021.</li> </ul> <p>Sydney Trains has been engaged to establish an agreement on the updating of the existing Safety Interface Agreement (2016).</p>	Compliant	
D34	<b>Sydney Trains Requirements</b>	<p>No works are permitted within the rail corridor, land and airspace, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been</p>	<ul style="list-style-type: none"> <li>Interface Agreement Managing Risks to Safety between Sydney Trains and Pacific National (NSW) Pty Ltd and Asciano Services (Pty Ltd) dated 1 June 2016</li> </ul> <p>Sydney Trains has been engaged to establish an agreement on the updating of the existing Safety Interface Agreement (2016).</p>	Compliant	



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		obtained by the Applicant, and is in accordance with any applicable existing Safety Interface Agreement.			
<b>PART E OPERATION OF PLANT AND EQUIPMENT</b>					
E1	<b>Operation of Plant and Equipment</b>	All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.	<ul style="list-style-type: none"> <li>• <i>Maintenance Management Plan St Marys Hub Forrester Road, St Marys, July 2022</i> (Pacific National and ACFS Port Logistics).</li> <li>• Kalmar Equipment Australia Pty Ltd Service Reports for 45T Reachstacker for 21/10/22, 23/10/22 and 22/11/22.</li> </ul> <p>Maintenance management for civil components is undertaken for ACFS by Statewide Civil. Scope of works is detailed in the Maintenance Management Plan Quotation dated 30/11/22 provided as part of audit documentation.</p> <p>ACFS stated that various external parties were engaged to service plant and equipment including Bulbeck Group (Cleanawater wastewater treatment system) and SAGE Automation (lights).</p> <p>The site operations was noted to be in an organised and tidy setting during the audit site inspection. Plant and equipment are considered to be maintained and operated properly and efficiently as indicated by ACFS.</p>	Compliant	
E2	<b>Community Communication Strategy</b>	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"> <li>• <i>Construction Community Communication Strategy St Marys Intermodal SSD-7308 St Marys Freight Hub, B7 Construction CCS Final Rev 2, dated 22/2/21</i> (Pacific National Pty Ltd)</li> <li>• 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.</li> </ul> <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 (<a href="http://StMarysFreight.com.au">St Marys Freight   St Marys Freight Hub (engagementhub.com.au)</a>) 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>	Non-compliant	<p><b>Non-compliance No. 9.</b></p> <p>(A) 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>

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E3	Operational Transport and Access Management Plan (OTAMP)	The OTAMP approved under condition D8 (as revised from time to time) must be implemented by the Applicant for the life of the development.	<ul style="list-style-type: none"> <li>St Marys Freight Hub Operational Traffic and Access Management Plan dated 24 May 2022, P5670.002R St Marys Freight Hub OTAMP prepared for ACFS Port Logistics (Bitzios Consulting).</li> </ul> <p>The above version of the OTAMP was being implemented at the time of the audit.</p>	Compliant	
E4	Operational Transport and Access Management Plan (OTAMP)	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.	<ul style="list-style-type: none"> <li>St Marys Freight Hub Operational Traffic and Access Management Plan dated 24 May 2022, P5670.002R St Marys Freight Hub OTAMP prepared for ACFS Port Logistics (Bitzios Consulting).</li> </ul> <p>Light vehicles access the site via a driveway on Lee Holm Road. Heavy vehicles access the site via a driveway off Forrester Road.</p> <p>Vehicles were observed to be accessing the site in this manner during the audit site inspection.</p>	Compliant	
E5	Traffic Audit	<p>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:</p> <p>(a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition A2 of this approval;</p> <p>(b) consideration of the results of the traffic monitoring during a representative period;</p> <p>(c) review of compliance with the approved access routes and performance measures prescribed under this consent;</p> <p>(d) consideration of traffic-related issues raised by TfNSW and Council; and</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>44,789 TEU incl truck and train quoted by ACFS Port Logistics (14 December 2022).</li> </ul> <p>Project has not reached 50,000 TEU and as such is considered not triggered.</p>	Not triggered	
E6	Traffic Audit	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,	See E5 above.	Not triggered	

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		and how the effectiveness of these measures would be measured and reported to the Planning Secretary.			
E7	<b>Traffic Audit</b>	Following consideration of the outcomes of the Traffic Audit and the Traffic Audit 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.	See E5 above.	Not triggered	
E8	<b>Biannual Trip Origin and Destination Report</b>	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: (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. 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.	A Biannual Trip Origin and Destination Report has not been sighted.	Non-compliant	<b>Non-compliance No. 10.</b>  (A) 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.



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E9	Operational Noise Limits	<p>The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in <b>Table 3</b> below.</p> <p><b>Table 3: Operational Noise Limits dB(A)</b></p> <table border="1"> <thead> <tr> <th>Location (residential receivers)</th> <th>Day L<sub>Aeq</sub> 15 min</th> <th>Evening L<sub>Aeq</sub> 15 min</th> <th>Night LA<sub>Aeq</sub> 15 min</th> <th>Night LAMax</th> </tr> </thead> <tbody> <tr> <td>NCA 2</td> <td>46 dB</td> <td>46 dB</td> <td>44 dB</td> <td>55 dB</td> </tr> <tr> <td>NCA 3</td> <td>40 dB</td> <td>36 dB</td> <td>38 dB</td> <td>52 dB</td> </tr> </tbody> </table>	Location (residential receivers)	Day L <sub>Aeq</sub> 15 min	Evening L <sub>Aeq</sub> 15 min	Night LA <sub>Aeq</sub> 15 min	Night LAMax	NCA 2	46 dB	46 dB	44 dB	55 dB	NCA 3	40 dB	36 dB	38 dB	52 dB	<ul style="list-style-type: none"> <li>St Marys Freight Hub – Development Consent Conditions E9 and E10 – Short term compliance noise monitoring dated 8 February 2022 (AECOM). Report on short term noise monitoring undertaken at residential receivers in the vicinity of the St Marys Freight Hub.</li> </ul>	Compliant	
Location (residential receivers)	Day L <sub>Aeq</sub> 15 min	Evening L <sub>Aeq</sub> 15 min	Night LA <sub>Aeq</sub> 15 min	Night LAMax																
NCA 2	46 dB	46 dB	44 dB	55 dB																
NCA 3	40 dB	36 dB	38 dB	52 dB																
E10	Operational Noise Limits	<p>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, the St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Non-network rail addendum, prepared by AECOM dated 24 June 2020 and St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Northern section of non-network rail line, prepared by AECOM dated 20 November 2020. Should the noise monitoring program 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.</p>	<ul style="list-style-type: none"> <li>St Marys Freight Hub – Development Consent Conditions E9 and E10 – Short term compliance noise monitoring dated 8 February 2022 (AECOM). Report on short term noise monitoring undertaken at residential receivers in the vicinity of the St Marys Freight Hub. Monitoring was undertaken on 3/2/22 following commencement of operations on 8/12/21. Noise emissions from operation of the site were found to be in compliance with the limits in condition E9.</li> <li>Email from DPIE to UrbanCo/Pacific National dated 15/2/22 providing comments on the E10 Short Term Noise Monitoring Report dated 8/2/22.</li> <li>Pacific National letter to DPIE dated 14 March 2022 – St Marys Intermodal (SSD-7308) – Response to Request for Information on Condition E10 Short Term Noise Monitoring.</li> <li>DPE letter to Pacific National dated 16 May 2022 – St Marys Intermodal – E10 Short Term Noise Monitoring – April 2022 (SSD-7308). Acknowledgement of Monitoring Report – SSD-7308-PA-71 submitted to the Department on 15 March 2022 to satisfy condition E9 and E10 of SSD-7308.</li> </ul>	Compliant																
E11	Operation of Rail Spur	<p>The Applicant must undertake noise monitoring within 24 months of commencing operations, to:</p> <p>(a) determine the effectiveness of noise mitigation implemented as part of condition D11(c); and</p> <p>(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.</p>	<p>Interim monitoring until permanent option implemented</p> <p>Due to delays resulting from COVID-19, PN was not able to install a permanent noise monitoring solution prior to commencement of operations.</p> <p>In lieu, PN sought approval from the Department to implement an interim solution until such time as the permanent solution is finalised.</p> <p>The results of ongoing monitoring by the interim solution are continually reported through PN's St Marys Project website via an external link (refer to link) which is accessible to the public. <a href="https://aecom.vdvcloud.com/vdv.php/dashboard/1148">https://aecom.vdvcloud.com/vdv.php/dashboard/1148</a></p> <p>PN continues to work with its AEO provider to provide the permanent solution and intends to have this implemented during 2023.</p>	Not triggered																

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			PN is continually providing monthly updates to DPIE on progress.									
E12	<b>Operation of Rail Spur</b>	The following measures must be implemented on the rail spur during operation: (a) Automatic rail lubrication equipment must be used in accordance with ASA Standard T HR TR 00111 ST Rail Lubricant and top of rail friction modifiers, where required; and (b) The rail cross section profile must be maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel/rail contact position and hence to encourage proper rolling stock steering.	<ul style="list-style-type: none"> <li>Pacific National/ACFS Port Logistics Maintenance Management Plan, St Marys Freight Hub, Forrester Road, St Marys dated 29 July 2022 (Version 1).</li> </ul> PN stated they have installed the automatic rail lubrication equipment and have a Maintenance Management Plan in place to assess the rail cross section profile.	Compliant								
E13	<b>Operation of Rail Spur</b>	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 <b>Table 4</b> below.  <b>Table 3: Rail Spur Noise Limits dB(A)</b>	<ul style="list-style-type: none"> <li><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.</li> </ul> Several exceedances of the provided noise limits occurred during the evening (11) and night-time (14) periods.	Non-compliant	<b>Non-compliance No. 11.</b>  (A) continue to monitor noise and implement any recommendations from the noise management consultant.							
		<table border="1"> <thead> <tr> <th>Location (residential receivers)</th> <th>Day L<sub>Aeq</sub> 11 hour</th> <th>Evening L<sub>Aeq</sub> 4hour</th> <th>Night L<sub>Aeq</sub> 9hour</th> </tr> </thead> <tbody> <tr> <td>All privately owned residential receivers</td> <td>50 dB</td> <td>45 dB</td> <td>40 dB</td> </tr> </tbody> </table>	Location (residential receivers)	Day L <sub>Aeq</sub> 11 hour	Evening L <sub>Aeq</sub> 4hour	Night L <sub>Aeq</sub> 9hour	All privately owned residential receivers	50 dB	45 dB	40 dB		
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All privately owned residential receivers	50 dB	45 dB	40 dB									
E14	<b>Operation of Rail Spur</b>	From the commencement of operation, the Applicant must provide an annual Rail Noise Monitoring Report to the Planning Secretary for a period of 5 years, or as otherwise agreed with the Planning Secretary. The Planning Secretary shall consider the need for further reporting following a review of the results for year 5.	<ul style="list-style-type: none"> <li><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</li> </ul>	Compliant								
E15	<b>Air Quality</b>	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.	ACFS confirmed during the site meeting that all trucks meet O5 and O6 requirements and therefore the requirements of condition E15.	Compliant								
E16	<b>Air Quality</b>	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.	All operations observed during the audit site inspection were being undertaken in a manner that did not cause air pollution.	Compliant								
E17	<b>Unobstructed Driveways and Parking Areas</b>	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 vehicles associated with the use of the premises.	Driveways, footways and parking areas were observed to be well maintained and clear of any obstructions during the audit site inspection.	Compliant								
E18	<b>Work Place Travel Plan</b>	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.	<ul style="list-style-type: none"> <li><i>St Marys Intermodal SSD-7308 Work Place Travel Plan, St Marys Freight Hub Forrester Road, St Marys</i> version 5 dated 2 December 2022, UrbanCo.</li> </ul>	Compliant								
E19	<b>Pedestrian Safety</b>	The Applicant must operate the project to ensure the following:	Information of sufficient detail was not provided to be able to confirm the compliance status of E19.	Non-compliant	<b>Non-compliance No. 12.</b>							

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
		(a) safe pedestrian access to the station entrance away from heavy vehicle movements; and (b) truck movements are reduced to the greatest extent possible during school pick up/drop off times.			(A): 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.
E20	Outdoor Lighting	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 reduce the impacts to an acceptable level.	ACFS advised during the site meeting that there have been no issues in relation to outdoor lighting impacts on residents.	Compliant	
E21	Landscaping	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.	ACFS advised during the site meeting that Waratah Group Services is engaged to provide ground maintenance services at the site. This site landscaping was observed during the audit site inspection to be well maintained.	Compliant	
E22	Asset Protection Zone	The asset protection zones required by condition D29 shall be maintained for the duration of occupation of the development.	<ul style="list-style-type: none"> <li>Draft St Mary's Freight Hub Precinct Bushfire Management Plan, version 1, 1/12/22 (ACFS Port Logistics).</li> </ul> The Bushfire Management Plan outlines procedures for the management of risks and mitigate impacts from bushfire. The site was observed during the audit site inspection to be well maintained.	Compliant	
E23	Dangerous Goods	The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.	Dangerous goods stored at the site are registered on the Solvesafety management system. The largest volume of dangerous goods is 90,000 L of diesel stored in a self-bunded tank at the site which is less than the SEPP 33 screening threshold limit of 100,000 L for a Class 3C1 chemical.	Compliant	
E24	Dangerous Goods	The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids. 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.	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.	Compliant	(R): the procedure within the OEMP requires further details regarding the storage and handling of chemicals, fuels and oils.
E25	Biosecurity	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.	Non-compliant	<b>Non-compliance No. 13.</b>  (A) Provide evidence of management measures implemented to demonstrate compliance with this condition and incorporate into the site OEMP.
E26	Discharge Limits	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	ACFS has stated that there have been no discharges from the site resulting in pollution of waters.	Compliant	

ID	CONDITION HEADING	CONSENT CONDITION	COMMENTS / OBSERVATIONS / SUPPORTING DOCUMENTATION	COMPLIANCE STATUS <sup>1</sup>	INDEPENDENT AUDIT FINDINGS AND RECOMMENDATIONS ACTIONS (A) = Address Non-compliances RECOMMENDATIONS (R) = Address Observation
E27	<b>Aboriginal Heritage</b>	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.	The AHIMS site is located outside of the lease area for ACFS and has not been impacted by operations. No activities were observed to be undertaken in the vicinity of the AHIMS site during the audit site inspection. The area is fenced off.	Not Triggered	
E28	<b>Temporary Stockpile Site</b>	During operation, use of the temporary stockpile site referred to under SSD-7308-MOD-3 must be managed in accordance with the following: (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 construction activities on the St Marys Intermodal site must be shaped, surveyed and stabilised with hydroseed; (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; (e) the height of any stockpile within the temporary stockpile site must not exceed 4 metres in height above the ground; (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).	ACFS has stated that there have been no changes to the temporary stockpile.  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.	Non-compliant	<b>Non-compliance No. 14.</b>  (A) 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.

## Appendix B Planning Secretary Independent Audit Team Approval

Mr Rob Woods – Manager Infrastructure Planning  
Pacific National Pty Ltd  
Level 16, 15 Blue Street  
NORTH SYDNEY NSW 2060

25/11/2022

Dear Mr Woods,

### **St Marys Intermodal - IEA auditor nomination (SSD-7308)**

I refer to your request (SSD-7308-PA-85) for the Secretary's approval of suitably qualified persons to prepare the IEA auditor nomination for the first independent audit of St Marys Intermodal (SSD-7308).

The Department of Planning and Environment (department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, as nominee of the Planning Secretary, I approve the appointment of Christine Louie to conduct the Independent Environmental Audit and prepare the report.

In accordance with Schedule 2, Condition 33 of SSD-7308 (Consent) and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team from JBS&G:

- Christine Louie, Lead Auditor
- Jake Braithwaite; and
- Lachlan Wilkinson.

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.



Department of Planning and Environment



Should you wish to discuss the matter further, please contact Gabriel Peters Shaw on 0288376395 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read "Julia Pope".

Julia Pope  
Team Leader Compliance - Metro  
Compliance

As nominee of the Planning Secretary

## Appendix C Independent Audit Declaration Forms

# Declaration of Independence Form

**Project Name** St Marys Intermodal Terminal

**Consent Number** SSD 7308

**Description of Project** Construction and operation of an intermodal terminal comprising hardstand for container and storage laydown, rail and vehicle loading and unloading areas, internal access roads, wash bay, offices, fuel storage, container and transport workshops, and parking.

**Project Address** 69 Lee Holm Road, St Marys NSW (Lot 2 and 3 DP 876781, Lot 196 DP 31912, and Lot 2031 DP 815293)

**Proponent** Pacific National

**Title of Audit** St Marys Intermodal Terminal SSD 7308 1<sup>st</sup> Operational Independent Environmental Audit

**Date** 30 January 2023

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:

- i. The audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. The findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. 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;
- vi. 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;
- vii. 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
- viii. 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.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) 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 (or provide information for inclusion in) a report of monitoring data or an audit report produced by 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
- b) The *Crimes Act 1900* 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)

**Name of Auditor** Christine Louie

**Signature**



**Qualification** Exemplar Global Certified Auditor No. 132320

**Company** JBS&G Pty Ltd

**Company Address:** Level 1, 50 Margaret Street,  
Sydney NSW 2000

# Declaration of Independence Form

**Project Name** St Marys Intermodal Terminal

**Consent Number** SSD 7308

**Description of Project** Construction and operation of an intermodal terminal comprising hardstand for container and storage laydown, rail and vehicle loading and unloading areas, internal access roads, wash bay, offices, fuel storage, container and transport workshops, and parking.

**Project Address** 69 Lee Holm Road, St Marys NSW (Lot 2 and 3 DP 876781, Lot 196 DP 31912, and Lot 2031 DP 815293)

**Proponent** Pacific National

**Title of Audit** St Marys Intermodal Terminal SSD 7308 1<sup>st</sup> Operational Independent Environmental Audit

**Date** 30 January 2023

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:

- ix. The audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- x. The findings of the audit are reported truthfully, accurately and completely;
- xi. I have exercised due diligence and professional judgement in conducting the audit;
- xii. I have acted professionally, objectively and in an unbiased manner;
- xiii. 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;
- xiv. 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;
- xv. 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
- xvi. 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.

Notes:

- c) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) 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 (or provide information for inclusion in) a report of monitoring data or an audit report produced by 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
- d) The *Crimes Act 1900* 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)

**Name of Auditor** Jack Braithwaite

**Signature**



**Qualification** Exemplar Global AU/TL (11284551-7383766)

**Company** JBS&G Pty Ltd

**Company Address:** Level 1, 50 Margaret Street,  
Sydney NSW 2000

## Appendix D Site Inspection Photographs



**PHOTO 1: CONTAINER STORAGE OPERATIONS**



**PHOTO 2: SPILL MANAGEMENT KITS**



**PHOTO 3: CLEARWATER WASTEWATER TREATMENT SYSTEM**



**PHOTO 4: AHIMS AREA**



Job No: 63864

Client: Pacific National

Version: R01 Rev 0

Date: 27/01/2023

Drawn By: JB

Checked By: CL

Not to Scale

Coord. Sys n/a

**St Mary Intermodal Terminal  
SSD 7308  
1<sup>st</sup> Independent Operational Audit**



**PHOTO 5: STORMWATER BASINS**



**PHOTO 6: RAILWAY TRACK CROSSING**



**PHOTO 7: RAILWAY CROSSING LOOKING SOUTH**



**PHOTO 8: TEMPORARY STOCKPILE**



Job No: 63864

Client: Pacific National

Version: R01 Rev 0      Date: 27/01/2023

Drawn By: JB      Checked By: CL

Not to Scale

Coord. Sys n/a

**St Mary Intermodal Terminal  
SSD 7308  
1<sup>st</sup> Independent Operational Audit**



## Appendix E Consultation

**From:** [Gabriel Peters Shaw](#)  
**To:** [Christine Louie](#)  
**Cc:** [Jack Braithwaite](#)  
**Subject:** RE: SSD 7308 St Marys Intermodal - IEA consultation  
**Date:** Monday, 5 December 2022 12:27:44 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image007.png](#)  
[image001.png](#)

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**\*\*\*[EXTERNAL EMAIL] Stop and think before opening attachments, clicking or responding.\*\*\***

Dear Christine,

Thanks for contacting me in regard to consulting with the department for the upcoming Independent Environmental Audit for the St Marys Intermodal – SSD 7308.

Apart from a focus on all noise emission and noise monitoring requirements, the department does not request that the audit focus on any other specific areas that are not already captured by the Independent Audit Post Approval Requirements (2018).

If you have any questions related to this, please don't hesitate to contact me.

Regards,

**Gabriel Peters Shaw**  
**Senior Compliance Officer**

Planning & Assessment | Department of Planning and Environment  
T 02 8837 6395 | M 0499421171 | E [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)  
Locked Bag 5022 | PARRAMATTA NSW 2124  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically. If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).*

*The Department has recently upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).*

---

**From:** Christine Louie <[clouie@jbsg.com.au](mailto:clouie@jbsg.com.au)>  
**Sent:** Thursday, 1 December 2022 3:46 PM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>; Gabriel Peters Shaw

<gabriel.petersshaw@dpie.nsw.gov.au>

**Cc:** Jack Braithwaite <jbraithwaite@jbsg.com.au>

**Subject:** SSD 7308 St Marys Intermodal

Attention: Gabriel Peters Shaw, Senior Compliance Officer

Good Afternoon,

JBS&G Australia Pty Ltd has been engaged by Pacific National to undertake an Independent Audit for the St Marys Intermodal terminal and container park.

State Significant Development (SSD) consent granted for the site (SSD 7308) Condition C37 requires an independent audit to be undertaken in accordance with *Independent Audit Post Approval Requirements* (Department 2018). The requirements include consultation with the Department to obtain input into the scope of the audit. Please advise if the Department has any comments regarding environmental issues relating to the project that the Department would like to be considered as part of the independent audit.

Regards,

**Christine Louie | Principal | JBS&G**

Gadigal Country | Level 1, 50 Margaret St, Sydney, NSW

T: 02 8245 0300 | M: 0423 539 373 | E: [clouie@jbsg.com.au](mailto:clouie@jbsg.com.au) | W: [jbsg.com.au](http://jbsg.com.au) | L: [Conditions and Limitations](#)

*Exceptional Outcomes*

**From:** [Christine Louie](#)  
**To:** [Jack Braithwaite](#)  
**Subject:** FW: Response to Request for Council Comment - St Marys Intermodal Facility - Independent Audit  
**Date:** Tuesday, 24 January 2023 10:51:06 PM  
**Attachments:** [image004.png](#)  
[image006.png](#)  
[image008.png](#)  
[image010.png](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)

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**Christine Louie | Principal | JBS&G**

Gadigal Country | Level 1, 50 Margaret St, Sydney, NSW

T: 02 8245 0300 | M: 0423 539 373 | E: [clouie@jbsg.com.au](mailto:clouie@jbsg.com.au) | W: [jbsg.com.au](http://jbsg.com.au) | L: [Conditions and Limitations](#)

*Exceptional Outcomes*

---

**From:** Gavin Cherry <[gavin.cherry@penrith.city](mailto:gavin.cherry@penrith.city)>  
**Sent:** Monday, 9 January 2023 11:14 AM  
**To:** Christine Louie <[clouie@jbsg.com.au](mailto:clouie@jbsg.com.au)>  
**Cc:** Jack Braithwaite <[jbraithwaite@jbsg.com.au](mailto:jbraithwaite@jbsg.com.au)>; Rhian Greenup <[rhian.greenup@penrith.city](mailto:rhian.greenup@penrith.city)>  
**Subject:** Response to Request for Council Comment - St Marys Intermodal Facility - Independent Audit

**\*\*\*[EXTERNAL EMAIL] Stop and think before opening attachments, clicking or responding.\*\*\***

Good Morning Christine

Thankyou for the email below and engagement with Council. Council does not have any specific concerns for inclusion in the audit beyond what is required by the consent authority being DPE and their conditions of consent in the NOD.

Council did however raise concerns with the proposal prior to determination, relating to impacts to the function of the local road network, including the classified road intersection function with Mamre Road and the Great Western Highway.

This may fall outside the specific requirements of Condition C37 however an audit of the developments impacts to the local road network in terms of traffic generation of intersection function should be addressed by the developer.

It is also requested that impacts or implications to retained and protected endangered or critically endangered vegetation on the site be addressed in the audit scope.

Regards

Gavin

**Gavin Cherry**

## Development Assessment Coordinator

E [Gavin.Cherry@penrith.city](mailto:Gavin.Cherry@penrith.city)  
T [+61247328125](tel:+61247328125) | F +612 4732 7958 | M \_  
PO Box 60, PENRITH NSW 2751  
[www.visitpenrith.com.au](http://www.visitpenrith.com.au)  
[www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au)



---

**From:** Christine Louie <[clouie@jbsg.com.au](mailto:clouie@jbsg.com.au)>  
**Sent:** Tuesday, 13 December 2022 11:34 AM  
**To:** Penrith City Council - RECORDS <[council@penrith.city](mailto:council@penrith.city)>  
**Cc:** Jack Braithwaite <[jbraithwaite@jbsg.com.au](mailto:jbraithwaite@jbsg.com.au)>  
**Subject:** St Marys Intermodal Facility - Independent Audit

**EXTERNAL EMAIL: This email was received from outside the organisation. Use caution when clicking any links or opening attachments.**

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Good morning,

JBS&G Australia Pty Ltd has been engaged by Pacific National to undertake an Independent Audit for the St Marys Intermodal terminal and container park.

State Significant Development (SSD) consent granted for the site (SSD 7308) Condition C37 requires an independent audit to be undertaken in accordance with *Independent Audit Post Approval Requirements* (Department 2018). The requirements include consultation with stakeholders to obtain input into the scope of the audit.

Please advise if Council has any comments regarding environmental issues relating to the project that you would like to be considered as part of the independent audit.

Regards,

**Christine Louie | Principal | JBS&G**

Gadigal Country | Level 1, 50 Margaret St, Sydney, NSW  
T: 02 8245 0300 | M: 0423 539 373 | E: [clouie@jbsg.com.au](mailto:clouie@jbsg.com.au) | W: [jbsg.com.au](http://jbsg.com.au) | L: [Conditions and Limitations](#)

*Exceptional Outcomes*

From all the JBS&G team, we wish you a safe and happy Christmas and thank you for your continued support. **Our office will be closed from COB Friday 23 December 2022 and reopen on Monday 9 January 2023.** We look forward to working with you again in the new year.



**From:** [Guy Evans](#)  
**To:** [Robert Woods](#); [Christine Louie](#)  
**Cc:** [Kate Flint](#)  
**Subject:** FW: SMFH -St Marys Intermodal (SSD-7308) - Request for extension for IEA  
**Date:** Monday, 28 November 2022 4:32:36 PM  
**Attachments:** [image002.png](#)

---

**\*\*\*[EXTERNAL EMAIL] Stop and think before opening attachments, clicking or responding.\*\*\***

Hi Rob/Christine

DPE has approved the request for an extension for the IEA audit. See below.

Regards

**Guy Evans**



Suite 3.03 55 Miller Street PYRMONT NSW 2009 | PO Box 546 PYRMONT NSW 2009  
02 9051 9333 | 0477 474 091 | [urbanco.com.au](http://urbanco.com.au)

---

**From:** Julia Pope <[Julia.Pope@planning.nsw.gov.au](mailto:Julia.Pope@planning.nsw.gov.au)>  
**Sent:** Monday, 28 November 2022 4:20 PM  
**To:** Guy Evans <[guy.evans@urbanco.com.au](mailto:guy.evans@urbanco.com.au)>; [robert\\_woods@pacificnational.com.au](mailto:robert_woods@pacificnational.com.au)  
**Cc:** Gabriel Peters Shaw <[gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)>  
**Subject:** SMFH -St Marys Intermodal (SSD-7308) - Request for extension for IEA

Dear Mr Evans

The department has considered your request for extension to submit the Independent Audit Report and Applicant's response to audit findings. The department notes the following reasons for this request:

- The approved auditor is unable to complete the audit within the required timeframe, and
- Shutdown over Christmas and current workloads.

As nominee of the Planning Secretary, I approve this request.

The Independent Audit Report and Applicant's response to audit findings must be submitted to the Department of Planning and Environment, via the Planning Portal, by **4pm 13 January 2023**.

If you have any questions related to this matter, please contact Gabriel Peters Shaw, Senior Compliance Officer on 02 8837 6395 or at [gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)

**Julia Pope**

**Team Leader Compliance - Metro**

NSW Planning | Department of Planning and Environment

**T** 02 8217 2068 **M** 0448 229 658 | **E** [julia.pope@planning.nsw.gov.au](mailto:julia.pope@planning.nsw.gov.au)

Locked Bag 5022, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2124

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

All post approval and compliance documents are to be submitted online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

---

**From:** Guy Evans <[guy.evans@urbanco.com.au](mailto:guy.evans@urbanco.com.au)>  
**Sent:** Monday, 28 November 2022 3:12 PM  
**To:** Gabriel Peters Shaw <[gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)>  
**Cc:** Robert Woods <[robert\\_woods@pacificnational.com.au](mailto:robert_woods@pacificnational.com.au)>  
**Subject:** SMFH -St Marys Intermodal (SSD-7308) - Request for extension for IEA

Hi Gabriel

Further to our discussion Friday morning, we are seeing an extension for the recently appointed IEA auditor (approved 25 November 2022) to complete the annual independent audit under Condition C39 of the St Marys Intermodal Development Consent (SSD-7308).

Condition C39 reads:

***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.***

In accordance with the approved program under Condition C34, an audit is required to be completed before 8 December 2022.

The recently approved auditor Christine Louie from JBS&G is not able to complete the audit by the required timeframe, and with 4 weeks to Christmas, current workloads and shutdown over Christmas, agreement from the Planning Secretary to extend the date of completion for the audit until 13 January 2023 is sought as provided in Condition C39.

The extension would only apply to the upcoming audit and following audits would remain to the approved program.

Thank you for considering this request and we look forward to hearing from you.

Regards

**Guy Evans**



Suite 3.03 55 Miller Street PYRMONT NSW 2009 | PO Box 546 PYRMONT NSW 2009  
02 9051 9333 | 0477 474 091 | [urbanco.com.au](http://urbanco.com.au)

**From:** [Jack Braithwaite](#)  
**To:** [Christine Louie](#)  
**Subject:** FW: SSD 7308 St Marys Intermodal Facility Independent Audit  
**Date:** Tuesday, 17 January 2023 11:16:10 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image008.png](#)

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**Jack Braithwaite | Project Manager | JBS&G**

Gadigal Country | Level 1, 50 Margaret Street, Sydney, NSW

T: 02 8245 0300 | M: 0419 606 591 | E: [jbraithwaite@jbsg.com.au](mailto:jbraithwaite@jbsg.com.au) | W: [jbsg.com.au](http://jbsg.com.au) | L: [Conditions and Limitations](#)

*Exceptional Outcomes*

From all the JBS&G team, we wish you a safe and happy Christmas and thank you for your continued support.

**Our office will be closed from COB Friday 23 December 2022 and reopen on Monday 9 January 2023.** We look forward to working with you again in the new year.

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**From:** Julia Pope <[Julia.Pope@planning.nsw.gov.au](mailto:Julia.Pope@planning.nsw.gov.au)>  
**Sent:** Friday, 13 January 2023 10:11 AM  
**To:** Jack Braithwaite <[jbraithwaite@jbsg.com.au](mailto:jbraithwaite@jbsg.com.au)>  
**Cc:** Gabriel Peters Shaw <[gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)>  
**Subject:** SSD 7308 St Marys Intermodal Facility Independent Audit

**\*\*\*[EXTERNAL EMAIL] Stop and think before opening attachments, clicking or responding.\*\*\***

Dear Christine

As a nominee of the Planning Secretary, I agree to the requested extension.

**Julia Pope**  
**Team Leader Compliance - Metro**

NSW Planning | Department of Planning and Environment

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*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

*All post approval and compliance documents are to be submitted online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).*

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**From:** Christine Louie <[clouie@jbsg.com.au](mailto:clouie@jbsg.com.au)>

**Sent:** Thursday, 12 January 2023 3:18 PM

**To:** Gabriel Peters Shaw <[gabriel.petersshaw@dpie.nsw.gov.au](mailto:gabriel.petersshaw@dpie.nsw.gov.au)>; DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>

**Cc:** Jack Braithwaite <[jbraithwaite@jbsg.com.au](mailto:jbraithwaite@jbsg.com.au)>

**Subject:** SSD 7308 St Marys Intermodal Facility Independent Audit

Attention: Gabriel Peters Shaw

Hi Gabriel,

I have just left a voicemail message regarding the independent audit for the operation phase for the St Marys Intermodal Facility which is currently being undertaken by myself as lead auditor.

Due to the complexities in the management of the site (leased to and operated by ACFS) with the Pacific National site management team being recently appointed to the site and feedback on audit requirements received from Penrith Council only early this week, the independent audit will not be completed by the due date of 4pm Friday 13<sup>th</sup> January 2023.

An extension of time to Monday 30<sup>th</sup> January 2023 is therefore requested to allow sufficient time for additional supporting documentation for the audit to be sourced from the relevant parties and audit findings to be determined.

Regards,

**Christine Louie | Principal | JBS&G**

Gadigal Country | Level 1, 50 Margaret St, Sydney, NSW

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0	Jack Braithwaite	Christine Louie	Christine Louie		30/01/2023

