

# ST MARYS INTERMODAL | SSD-7308

## Operation Compliance Report No. 2

December 2024



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<b>Authorised By:</b> Heath Anderson   Environment Manager	

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## Introduction

Pacific National received development consent on 7 May 2020 to build the St Marys Freight Hub under State Significant Development proposal 'St Marys Intermodal SSD-7308'. The St Marys Freight Hub has been constructed on approximately 10 hectares of a 43-hectare site owned by Pacific National with the main terminal on approximately 7 hectares and an empty container park on approximately 3 hectares. The St Marys Freight Hub will be delivered in two stages including the main terminal in Stage 1 (constructed and operational) and empty container park in Stage 2 (not yet commenced).

## Purpose of the Operation Compliance Report

This Compliance Report has been prepared by Pacific National for the January 2023 – December 2023 reporting period to provide a record of compliance with the Development Consent for SSD-7308 and to satisfy the requirements of Conditions B40 – B44 in the consent.

This Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) and relevant requirements of the Project Approvals, including the Environment Impact Statement (EIS), Minister's Conditions of Consent (CoC).

## Project Scope

The St Marys Freight Hub is located approximately 43 kilometres (km) north-west of the Sydney Central Business District (CBD) and approximately 48 km north-west of Port Botany.

The St Marys Freight Intermodal Project is a major infrastructure development for Pacific National. The construction works comprised an intermodal (road and rail) terminal and container park with ultimate operational capacity of 301,000 Twenty-foot equivalent units (TEUs) annually. The new terminal enables container rail shuttle to and from Port Botany hence reducing heavy vehicle truck movements from greater Western Sydney's road network.

The project construction works included:

- Construction of hardstand areas for container storage and laydown, rail and vehicle loading and unloading areas;
- Construction of new internal access roads providing separate ingress and egress for light and heavy vehicles as follows:
  - to/from Lee Holm Road for light vehicles only; and
  - to/from Forrester Road for heavy vehicles only;
- Construction of:
  - Wash bay area;
  - Office building pad site;
  - Fuel storage area;
  - Container workshop (repair bay) pad site;
  - Transport workshop pad site;
  - Staff and visitor light vehicle parking bays (parallel to the internal light vehicle access road connecting to Forrester Road); and
  - Heavy vehicle parking bays;
- Ancillary works included:
  - Signage and landscaping;
  - Utility services to support the proposed development including drainage, potable water, water (for firefighting purposes), power, data, security and sewerage;
  - Minor realignment of a section of the Sydney Trains and Endeavour Energy high voltage overhead power line at the southern end of the subject site undertaken via separate approval process dealt with directly with those authorities;



- Minor clearing of areas of vegetation regrowth, remediation and minor earthworks; and
- Electrical transformer.

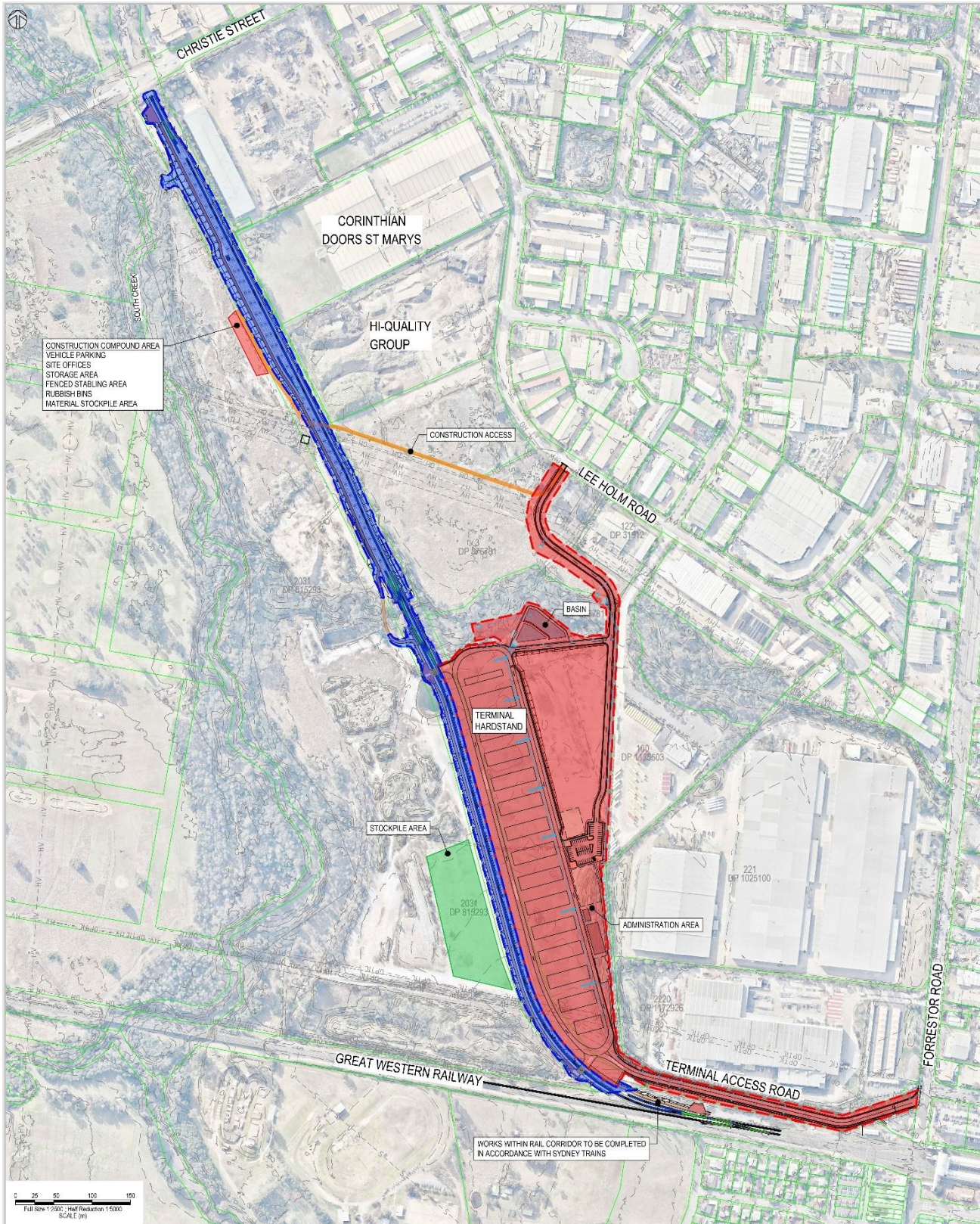


Figure 1: General Site Plan (as modified)



## Development Consent

The St Marys Freight Hub has been assessed by the Department of Planning and Environment (DPIE) under Section 4.38 of the *Environmental Planning and Assessment Act 1979* (NSW) as a State Significant Development (SSD). The Minister for Planning and Public Spaces granted development consent for the St Marys Freight Hub on 7 May 2020 and is subject to the Minister's CoCs (ref SSD 7308).

Following the determination of SSD-7308 on 7 May 2020, the Development Consent has been modified under six (6) Modification Proposals as detailed in Table 1.

Table 1: Summary of Modifications to SSD-7308

Modification & Approval Date	Description of Modifications
<b>MOD 1 Rail Refurbishment Works</b> <i>Approved 29 January 2021</i>	<ul style="list-style-type: none"> <li>Rail refurbishment works for existing tracks</li> <li>Revised development footprint of intermodal facility to include rail works area</li> <li>Construction management facilities (construction access roads, compounds, etc).</li> </ul>
<b>MOD 2 Minor Amendments to Layout and Office Building</b> <i>Approved 21 September 2020</i>	<ul style="list-style-type: none"> <li>moving the light vehicle entry at Lee Holm Road,</li> <li>swapping the location of the car park and future container repair workshop site,</li> <li>inclusion of office building design in approval, and</li> <li>amendment to the pot container size requirements for trees in Condition B33.</li> </ul>
<b>MOD 3 Minor Amendments Development Layout Boundary and Inclusion of Stockpile Site</b> <i>Approved 29 October 2020</i>	<ul style="list-style-type: none"> <li>Revised development footprint of main terminal facility</li> <li>Inclusion of a stockpile site</li> <li>Inclusion of additional land (Lot 2031 DP815293) owned by Pacific National</li> </ul>
<b>MOD 4 Amendment to Condition B36</b> <i>Approved 17 December 2020</i>	<ul style="list-style-type: none"> <li>Rewording Condition B36 to refer to stormwater management report</li> </ul>
<b>MOD 5 Amendment to Administration Office Building Design</b> <i>Approved 12 April 2021</i>	<ul style="list-style-type: none"> <li>Amend the administration office building design that was approved under MOD 2</li> </ul>
<b>MOD 6 Amendment to Condition D13</b> <i>Approved 13 August 2021</i>	<ul style="list-style-type: none"> <li>Rewording Condition D13 to refer to RFID reader instead of imagery/video system</li> </ul>

The current approved development layout is shown in **Figure 1**.

The Project, including its potential impacts, consultation and proposed mitigation and management, is documented in the following suite of documents:

- Development Consent (SSD 7308) approved 7 May 2020 as modified under SDD-7308-MOD-2 on 21 September 2020
- St Marys Freight Hub Environmental Impact Statement (SITE Planning+Design & Urbanco, May 2019)
- St Marys Freight Hub – Response to Submissions (SITE Planning+Design & Urbanco, October 2019)
- Modification Proposal to SSD-7308-MOD-2, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, July 2020)
- Modification Proposal to SSD-7308-MOD-3, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, September 2020)
- Modification Proposal to SSD-7308-MOD-1, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, October 2020)
- Modification Proposal to SSD-7308-MOD-4, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, November 2020)
- Modification Proposal to SSD-7308-MOD-5, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, February 2021)
- Modification Proposal to SSD-7308-MOD-6, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, July 2021)

A summary of the project and compliance report is outlined in Table 2.

Table 2: Project Summary

Item	Description
Project name and project application number	<ul style="list-style-type: none"> <li>St Marys Intermodal SSD-7308</li> </ul>
Site address	<ul style="list-style-type: none"> <li>2 Forester Road, St Marys NSW</li> </ul>
Name of the Compliance Report	<ul style="list-style-type: none"> <li>Operation Compliance Report</li> </ul>
Summary of project activities that occurred during the reporting period	<ul style="list-style-type: none"> <li>Operations</li> </ul>
Current GIS figures and shapefiles that illustrate development footprints and context, such as lease boundaries, offset areas, construction or operational disturbance areas, and adjacent relevant land uses	<ul style="list-style-type: none"> <li>Development footprint</li> </ul>

Key personnel who are responsible for the environmental management of the development are listed in Table 3.

Table 3: Key Personnel

Role	Company	Name
Project Manager <sup>1</sup>	Pacific National	Robert Woods
Environment Manager	Pacific National	Heath Anderson
Superintendent	Pacific National	Nik Ivaneza
Principal Contractor <sup>1</sup>	McMahons Services	Steve Kochergen
Project Planner <sup>1</sup>	Urbanco	Guy Evans

## Compliance Program and Status

### Compliance Program

The approved program for the compliance reporting is outlined in Table 4.

Table 4: Compliance Reporting Program

ID	Compliance Requirement	Phase	Report Detail	Projected Timing	Frequency
B41	Pre-Construction Compliance Report	Pre-construction	<ul style="list-style-type: none"> <li>Report detailing:</li> <li>Project description &amp; key personnel</li> <li>Compliance reporting program</li> <li>Compliance status summary</li> <li>Total number of Non-compliances</li> </ul>	Report to be submitted to the Planning Secretary prior to commencement of construction	Single report only

<sup>1</sup> The operational phase of the terminal commenced in October 2021, during which a number of Key Personnel for the construction phase transitioned off the project and/ or are no longer with the organisation.

			<ul style="list-style-type: none"> <li>• Incidents</li> <li>• Complaints</li> <li>• Declaration</li> <li>• Detailed compliance review</li> </ul>		
<b>B41</b>	Construction Compliance Report	Construction	<ul style="list-style-type: none"> <li>• Report detailing:</li> <li>• Project description &amp; key personnel</li> <li>• Summary of changes since last report</li> <li>• Compliance reporting program</li> <li>• Compliance status summary</li> <li>• Total number of Non-compliances</li> <li>• Previous report actions</li> <li>• Incidents</li> <li>• Complaints</li> <li>• Declaration</li> <li>• Detailed compliance review</li> </ul>	Reporting required for the duration of construction	At intervals, no greater than 26 weeks from the date of commencement of construction
<b>B41</b>	Pre-Operation Compliance Report	Post-Construction	<ul style="list-style-type: none"> <li>• Report detailing:</li> <li>• Project description &amp; key personnel</li> <li>• Summary of changes since last report</li> <li>• Compliance reporting program</li> <li>• Compliance status summary</li> <li>• Total number of Non-compliances</li> <li>• Previous report actions</li> <li>• Incidents</li> <li>• Complaints</li> <li>• Declaration</li> <li>• Detailed compliance review</li> </ul>	Report to be submitted to the Planning Secretary prior to commencement of operation	Single report only
<b>B41</b>	Operation Compliance Report	Operation	<ul style="list-style-type: none"> <li>• Report detailing:</li> <li>• Project description &amp; key personnel</li> <li>• Summary of changes since last report</li> <li>• Compliance reporting program</li> <li>• Compliance status summary</li> <li>• Total number of Non-compliances</li> <li>• Previous report actions</li> <li>• Incidents</li> <li>• Complaints</li> <li>• Declaration</li> <li>• Detailed compliance review</li> </ul>	Reporting required for the duration of operation	At intervals, no greater than 52 weeks from the date of commencement of operation

## Periodic Compliance Review and Status Summary

The status of each Condition of Consent applicable at the time of preparation of the compliance report is summarised in Table 5.

Table 5: Compliance Status Summary

SSD Category	Total	Compliant	Non-Compliant	Not Triggered
<b>Part A - Administrative</b>	33	21	4	8
<b>Part B - Prior to Commencement of Construction</b>	50	46	1	3
<b>Part C - During Construction</b>	41	36	0	5
<b>Part D – Prior to Commencement of Operation</b>	36	29	4	3
<b>Part E – During Operation</b>	28	22	5	1



Total	188	154	14	20
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## Non-Compliances

### Total number of non-compliances

The total number of non-compliances identified during the reporting period are set out in Table 6.

Table 6: Total Number of Non-Compliances

Item	Number
Total number of non-compliances identified during the reporting period	4

## Non-compliances

Non-compliances that occurred during the reporting period are outlined in Table 7.

Table 7: Non-compliances

ID & Compliance Requirement	Non-compliance Date	Non-compliance Detail &	Non-compliance Reported	Proponent's Response
<b>A2 The development must only be carried out: (a) in compliance with the conditions of this consent;</b>		A total of 4 non-compliances have been raised during this reporting period, excluding those from the IEA January 2023.	In this compliance report	Resolved. A response to all other non-compliances is detailed below.
<b>B42 Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.</b>		Timing requirement not met.	In this compliance report	This report has been prepared to reflect the January 2023 – December 2023 period for compliance monitoring and reporting program. Timing requirements have been captured internally to facilitate timely submission for future reports.
<b>D13 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.</b>		Timing requirement for permanent noise monitor has not been met. However interim train noise monitor has been in place and operating since commissioning to ensure monitoring and reporting of train noise as required under Condition E14 may continue as previously approved by the Department.	In this compliance report	Refer to APPENDIX 2 – Compliance Reporting Table which addresses the extent of compliance with this condition.
<b>E13 Notwithstanding conditions E11 or E12, The Applicant must ensure that noise generated by operation of trains on the rail spur does not exceed the noise limits in Table 4 below. Note: Noise generated by the operation of trains on the Project Spur Line is to be measured in accordance with Appendix 3 of the Rail Infrastructure Noise Guideline (EPA, 2013)."</b>		The department has determined that Pacific National breached Schedule 2, Part E, Condition E13 of the Consent by not ensuring that noise generated by the operation of trains on the rail spur does not exceed the noise limits stipulated in the condition.	Rail Spur Noise Monitoring Report prepared by AECOM, 19 March 2024	In progress. A Rail Spur Noise Report prepared by AECOM on 19 December 2023 states that "Given that the LAeq noise levels prior to construction of the Freight Hub were relatively high, 15 dB(A) or more higher than the noise limits specified in MCoA E13, it is concluded that the movement of Pacific National trains on the rail spur would not affect nearby residential receivers adversely." PN continues to engage with acoustic consultants to review the noise monitoring at the rail spur, undertake targeted attended noise monitoring and explore ways it can be improved.

## Previous Report Actions

Actions arising from previous Independent Audit and Compliance Reports reporting period are outlined in Table 8.

Table 8: Previous Report Actions and Action Status

Action	Non-compliance Detail & Date	Non-compliance Reported	Action Resolved
Construction Compliance Report December 2022	B16A CSWMSP was not updated within one month of the approval of SSD-7308 MOD 3.	Yes	Resolved
Construction Compliance Report December 2022	B29 Evidence regarding the retirement of second retirement of credits and payment was not provided to the DPIE prior to clearing.	Yes	Resolved
Construction Compliance Report December 2022	B32 Evidence regarding the retirement of second retirement of credits and payment was not provided to the DPIE prior to clearing.	Yes	Resolved
Construction Compliance Report December 2022	B33A VMP was not submitted with one month of the approval of the MOD -3	Yes	Resolved
Construction Compliance Report December 2022	A2 (e) OEMP had not been finalised and noise barrier had not been installed in line with mitigation measures.	Yes	Resolved
Construction Compliance Report December 2022	A27 Non-compliance notified for Biannual Trip Origin and Destination Report under E8.	Yes	Resolved
Construction Compliance Report December 2022	A30 Review of OTAMP undertaken but Planning Secretary not notified of the review.	Yes	Resolved
Construction Compliance Report December 2022	B14A non-compliance from previous reporting period. Email by certifier dated 18 May 2021 greater than 1 month from approval of MOD 1	Yes	Resolved
Construction Compliance Report December 2022	A25 A Safety incident involving a trailer roll over was reported to SafeWork NSW but was not reported to DPIE.	Yes	Resolved
Construction Compliance Report December 2022	C8 CEMP and Sub Plan actions in inspection checklists are not being closed out between inspections and not being closed out in appropriate timeframes.	Yes	Resolved
Construction Compliance Report December 2022	C20 Checks of Erosion and sediment controls are in accordance with relevant plans and are not being closed out in an appropriate time frame.	Yes	Resolved
Construction Compliance Report December 2022	D2 A post-construction Dilapidation Report confirming no damage to Sydney Trains assets submitted to Sydney Trains on 7 October 2021 but no written response from Sydney Trains prior to commencement of operation.	Yes	Resolved
Construction Compliance Report December 2022	D13 The required noise monitoring device has not been built and could not be installed prior to commencement of operations due to Covid-19. An interim noise monitor has been installed.	Yes	No
Construction Compliance Report December 2022	D19 Registration of a restrictive covenant for stormwater was not completed prior to issue of the Occupation Certificate.	Yes	Resolved
Construction Compliance Report December 2022	E3 A Doubles being used by ACFS which was not provided for in approved OTAMP	Yes	Resolved
Construction Compliance Report December 2022	E8 BTODR was not prepared after 6 months of operation.	Yes	Resolved
Operational Independent Environmental Audit January 2023	A2 – non-compliance actions not addressed.	Yes	Resolved
Operational Independent Environmental Audit January 2023	A22 - A Biannual Trip Origin and Destination Report has not been sighted (Condition E8).	Yes	Resolved
Operational Independent	A23 – The public website has not been updated	Yes	Resolved

<b>Environmental Audit January 2023</b>	with post-construction information		
<b>Operational Independent Environmental Audit January 2023</b>	A24 - Evidence was not sighted that show that sub-contractors/employees are made aware of the conditions.	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	A30 - 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	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	D19- No action required as the non-compliance relates to timing	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	D30 - The auditor has not sighted evidence of submission of the Structural Inspection Certificate or Compliance Certificate to Council	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	D32 - Finalise the OEMP and include the flood safety assessment	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E2 - 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, landowners and businesses other than in relation to the installation noise mitigation measures	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E8 - A Biannual Trip Origin and Destination Report has not been sighted by the auditor.	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E13 - Several exceedances of the provided noise limits occurred during the evening (11) and night-time (14) periods	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E19 - Information of sufficient detail was not provided to be able to confirm the compliance status of E19.	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E25 - Insufficient evidence was provided to the auditor to demonstrate compliance with this condition.	Yes	Resolved
<b>Operational Independent Environmental Audit January 2023</b>	E28 - No evidence has been sighted by the auditor to suggest that stockpiles have been stabilised or that inspection and cleaning of the stockpiles has occurred in the last 12 months.	Yes	No

## Incidents

A register of incidents is outlined in Table 9.

Table 9: Register of Incidents

Date of Incident	Location of Incident	Identification of Incident	Recipient of Reported Incident	Agency Response	Response to Incident & Actions
<b>18 October 2023</b>	2 Forrester Road, St Marys	Forklift collision with light pole	Department of Planning, Housing and Infrastructure	No further investigation	Review of incident report and no further action. Did not meet the definition of an "incident" with regards to material harm to the environment.
<b>28 February 2023</b>	2 Forrester Road, St Marys	Wagon derailment	Department of Planning, Housing and Infrastructure	No further investigation	Review of incident report and no further action. Did not meet the definition of an "incident" with regards to material harm to the environment.
<b>13 September 2023</b>	2 Forrester Road, St Marys	Container Dislodgement	Department of Planning, Housing and Infrastructure	No further investigation	Review of incident report and no further action. Did not meet the definition of an "incident" with regards to material harm to the

environment.

## Complaints

### Summary of Complaints

A summary of complaints is outlined in Table 10.

Table 10: Summary of Complaints

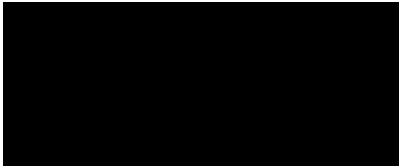
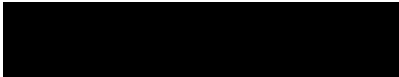
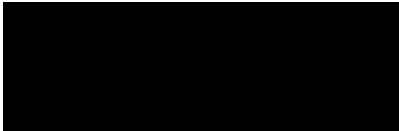
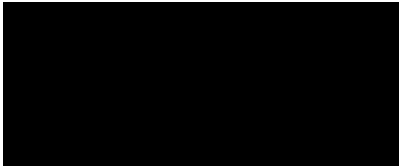
Date of Complaint	Method & Detail of Complaint	Response to Complaint	Date of Response	Resolved/ Unresolved
12 April 2023	Complaint regarding resource consumption due to light use during operations.	No formal response to complainant. Lighting schedule updated to reduce daytime light usage.	12 May 2023	Resolved
13 June 2023	Complaints of noise and vibration from container stacking and idling train.	Response to complainant regarding property treatment program for mitigation.	15 June 2023	Resolved
21 June 2023	Complaint regarding noise from container stacking, sleep disturbance and smoke emissions.	Noise assessment did not qualify complainant's property for noise treatments. Complainant could not be contacted for response.	21 June 2023	Resolved
9 July 2023	Complaint regarding light usage during daytime.	Response to complainant detailing light schedule monitoring during daylight hours to ensure it is not being used unnecessarily.	12 July 2023	Resolved
7 October 2023	Noise complaint regarding container stacking at night.	Response to complainant detailing investigation of container movement noise and arrangement of additional monitoring to develop mitigation solution.	13 October 2023	Resolved

### Statement of Complaint Trends and Actions

No trends or actions to report.



## **APPENDIX 1 – Compliance Report Declaration Form**

Compliance Report Declaration Form	
<b>Project Name</b>	St Marys Intermodal
<b>Project Application Number</b>	SSD-7308
<b>Description of Project</b>	The construction and operation of an Inland Container Terminal with a 301,000 TEU annual throughput operating capacity, including associated container handling operations from the eastern side. Container transportation would be via train or road.
<b>Project Address</b>	Forrester Road, St Marys
<b>Proponent</b>	Pacific National
<b>Title of Compliance Report</b>	Operation Compliance Report No.2
<b>Date</b>	
<p>I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:                      The Compliance Report has been prepared in accordance with all relevant conditions of consent;                      The Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;                      The findings of the Compliance Report are reported truthfully, accurately and completely;                      Due diligence and professional judgement have been exercised in preparing the Compliance Report; and                      The Compliance Report is an accurate summary of the compliance status of the development.</p> <p>Notes:                      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) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and                      The Crimes Act 1900 contains other offence relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years’ imprisonment or 200 penalty units, or both).</p>	
<b>Name of Authorised Reporting Officer</b>	
<b>Title</b>	
<b>Signature</b>	
<b>Qualification</b>	
<b>Company</b>	Pacific National Pty Ltd
<b>Company Address</b>	Level 1, 2-4 Blue St North Sydney NSW 2060

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## **APPENDIX 2 – Compliance Reporting Table**

## Compliance Reporting Table

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	All times	Ongoing site inspections & monitoring	The operator has committed to the management & maintenance of sediment & erosion controls in accordance with the Maintenance Management Plan.	•		
A2	The development may only be carried out:						
	(a) in compliance with the conditions of this consent;	All times	Scheduled site inspections, monitoring of operations.	A total of 17 non-compliances have been raised for the January 2023 – December 2023 reporting period. 14 non-compliances were identified during the first Operational IEA Audit in January 2023. A DPE warning letter dated 10 February 2023 identified breaches against A22, A24, D30, D32 and E19. A DPE warning letter dated 6 April 2023 identified breaches against A30, A23, D19, E2, E8. A DPE Warning letter dated 14 April 2023 identified a breach against E13. Details for each non-compliance are discussed under the relevant condition. 3 additional non-compliances have been identified as part of this compliance reporting period.		•	
	(b) in accordance with all written directions of the Planning Secretary;	All times	No directions issued				•
	(c) generally in accordance with the EIS and Response to Submissions;	All times	Ongoing site inspections & monitoring	Operation is in accordance with layout & technical assessments	•		
	(d) in accordance with the Development Layout in <b>Appendix 1</b> ;	All times	Supervision of construction	Operation is in accordance with Development Layout	•		
	(e) in accordance with the revised management and mitigation measures in Appendix 3.	All times	Ongoing site inspections & monitoring during operations	The operator has committed to a number of mitigation measures in accordance with the SMFH OEMP and Maintenance Management Plan.	•		
	(f) in accordance with the approved plans in the table below:	All times		Issued of Occupation Certificate for administration	•		



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered																																							
	<table border="1"> <tr> <td colspan="4">Architectural Drawings prepared by ATCO Structures &amp; Logistics Pty Ltd</td> </tr> <tr> <th>Dwg No.</th> <th>Rev</th> <th>Name of Plan</th> <th>Date</th> </tr> <tr> <td>A000</td> <td>A</td> <td>TITLE PAGE</td> <td>22/01/21</td> </tr> <tr> <td>A200</td> <td>A</td> <td>PLAN</td> <td>22/01/21</td> </tr> <tr> <td>A220</td> <td>A</td> <td>WALL LAYOUT</td> <td>22/01/21</td> </tr> <tr> <td>A300</td> <td>A</td> <td>ELEVATIONS</td> <td>22/01/21</td> </tr> <tr> <td>A500</td> <td>A</td> <td>SALES SCHEDULES 1 OF 2</td> <td>22/01/21</td> </tr> <tr> <td>A501</td> <td>A</td> <td>SALES SCHEDULES 2 OF 2</td> <td>22/01/21</td> </tr> <tr> <td>A200</td> <td>A</td> <td>ELECTRICAL COMBINED PLAN</td> <td>22/01/21</td> </tr> <tr> <td>M200</td> <td>A</td> <td>MECHANICAL PLAN</td> <td>22/01/21</td> </tr> </table>	Architectural Drawings prepared by ATCO Structures & Logistics Pty Ltd				Dwg No.	Rev	Name of Plan	Date	A000	A	TITLE PAGE	22/01/21	A200	A	PLAN	22/01/21	A220	A	WALL LAYOUT	22/01/21	A300	A	ELEVATIONS	22/01/21	A500	A	SALES SCHEDULES 1 OF 2	22/01/21	A501	A	SALES SCHEDULES 2 OF 2	22/01/21	A200	A	ELECTRICAL COMBINED PLAN	22/01/21	M200	A	MECHANICAL PLAN	22/01/21		building			
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	(g) in accordance with modification application SSD-7308-Mod-2 and supporting documentation.	All times		Design has been amended and building design superseded by MOD 5	•																																									
	(h) in accordance with modification application SSD-7308-Mod-3 and supporting documentation;	All times		Site inspection of location and management of stockpile	•																																									
	(i) in accordance with modification application SSD-7308-Mod-4 and supporting documentation;	All times		Drainage design is consistent with SWMP	•																																									
	(j) in accordance with modification application SSD-7308-Mod-1 and supporting documentation; and	All times		Site inspection of rail works	•																																									
	(k) in accordance with modification application SSD-7308-MOD-5 and supporting documentation.	All times		Issued of Occupation Certificate for administration building	•																																									
	(l) in accordance with modification application SSD-7308-MOD-6 and supporting documentation	All times		Interim noise monitor installed & ultimate noise monitor to be installed	•																																									
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	All times		On 17 February 2023, the department issued a Notice to Furnish Information and Records (Notice) to gain further clarity on the outstanding non-compliances listed in the IEA report, including conditions A2, D32, E2	•																																									

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				and E28 of the consent. On 3 March 2023, Pacific National submitted the information and documents requested in the Notice.			
	(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;	All times		As above	•		
	(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and	All times		As above	•		
	(c) the implementation of any actions or measures contained in any such document referred to in (a) above.	All times		No directions received with response to the notice.			•
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) to A2(k). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) to A2(k), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	All times		No inconsistencies or ambiguities present.	•		
A5	This consent lapses five years after the date of consent unless work is physically commenced.	Pre-construction		Construction commenced 26 November 2020 (DPIE notified construction to commence 23 November 2020)	•		
A6	The container freight throughput for the site must not exceed 301,000 TEU p.a.	Operation	Monitoring throughput	Throughput is significantly less than limit	•		
A7	Containers that are transferred between the site and Port Botany must be transferred by rail, unless there is planned track maintenance or where unforeseen circumstances have occurred (e.g. an incident, breakdown, derailment or emergency maintenance on the line).	Operation		Containers are transferred by rail unless shutdown or unforeseen circumstances inhibiting transport by rail	•		
A8	For the avoidance of doubt, nothing in this consent permits truck-to-truck movements.	Operation		Containers are transferred by rail unless shutdown or unforeseen circumstances inhibiting transport by rail	•		
A9	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	All times	Visual check of signage	Building design satisfies BCA requirements	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
A10	In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.	All times		Dispute regarding D16 referred to planning secretary for resolution.	•		
A11	Where conditions of this consent require consultation with an identified party, the Applicant must:						
	(a) consult with the relevant party prior to submitting the subject document for information or approval; and	All times	All correspondence with relevant parties filed	All consultation requirements with DPIE, PCC, and TfNSW and Sydney Trains have been met. Consultation with Sydney Trains on noise barrier is ongoing.	•		
	(b) provide details of the consultation undertaken including:	All times	All correspondence with relevant parties filed	All correspondence on file	•		
	(c) the outcome of that consultation, matters resolved and unresolved; and	All times	All correspondence with relevant parties filed	All outcomes of consultation on file	•		
	(d) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	All times	All correspondence with relevant parties filed	All correspondence related to D16 on file.	•		
A12	The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A13	A Staging Report prepared in accordance with condition A12 must:	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(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;	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(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	All times		No staging of development other than detailed in EIS/ RTS documentation.			•

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	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	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A14	Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A15	Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A16	With the approval of the Planning Secretary, the Applicant may:	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(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);	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(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	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
	(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).	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A17	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.	All times		No staging of development other than detailed in EIS/ RTS documentation.			•



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
A18	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.	All times		No staging of development other than detailed in EIS/ RTS documentation.			•
A19	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.	All times		No revised plans or strategies submitted during operations	•		
A20	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	All times		Building, lighting, stormwater, construction and noise assessment and monitoring standards were confirmed by Certifier post construction.	•		
A21	Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	All times		No direction issued by Planning Secretary			•
A22	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.	All times	Compliance Tracking Program	Compliance Tracking Program to monitor all Conditions of Approval.	•		
A23	At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:						
	(a) make the following information and documents (as they are obtained or approved) publicly available on its website:	Construction	Check website	See details below	•		
	(i) the documents referred to in condition A2 of this consent;	Construction	Check website	Documents available on the DPIE website and link on the Projects website to the DPIE site	•		
	(ii) all current statutory approvals for the development;	Construction	Check website	Statutory approvals available on the DPIE website and link on the Projects website to the DPIE site	•		
	(iii) all approved strategies, plans and programs required under the conditions of this consent;	Construction	Check website	Documents available on the DPIE website and link on the Projects website to the DPIE site	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;	Construction	Check website	Non-compliance recorded from Operational IEA January 2023. Pre-operational compliance report was not available on the website. This has since been uploaded.		•	
	(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;	Construction	Check website	IEA Reports, Pacific National written response to IEA Reports, Pre-construction and Construction compliance reports on the project website	•		
	(vi) a summary of the current stage and progress of the development;	Construction	Check website	Progress & program on website	•		
	(vii) contact details to enquire about the development or to make a complaint;	Construction	Check website	Contact details were on website	•		
	(viii) a complaints register, updated monthly;	Construction	Check website	No complaints relating to construction to report	•		
	(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;	Construction	Check website	Documents available on project website.	•		
	(x) any other matter required by the Planning Secretary; and	Construction	Check website	No other matters	•		
	(b) keep such information up to date, to the satisfaction of the Planning Secretary.	Construction	Review & updates to strategies, plans & programs	No updates to strategies, plans & programs	•		
A24	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Construction	Onsite training	Non-compliance recorded from Operational IEA 30/01/2023. Site induction documents have since been updated to reflect Conditions of Approval on 2/3/2023.		•	
A25	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.	All times		Incidents reported during this period were safety related and did not meet the criteria for reportable environmental incidents as defined by the Conditions of Approval. Planning secretary notified 18/10/2023 - forklift collided with a light pole. The Light pole fell across a wagon with a container on it that was stabled in 2A road at St Marys. No environmental harm occurred. Planning secretary notified 1/3/2023 – incident	•		

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				related to wagon derailment, no environmental harm occurred.			
A26	Subsequent notification must be given and reports submitted in accordance with the requirements set out in <b>Appendix 4</b> .	All times		Incidents reported in accordance with Appendix 4.	•		
A27	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.	All times	Construction & site management, Compliance Report, IEA Audit, and DPIE compliance inspections	No non-compliances reported during this reporting period.	•		
A28	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	All times		No non-compliances notified during this reporting period.	•		
A29	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	All times		No non-compliance has been notified as an incident to date.	•		
A30	Within three months of:						
	(a) the submission of a compliance report under condition B42;	All times		Non-compliance recorded from Operational IEA Audit 30/01/2023, where a review did not take place under A30 following the submission of several IEAs. Following this, a letter dated 27/3/2024 to DPE notified of a review triggered by this condition and determined no revisions were required.		•	
	(b) the submission of an incident report under condition A25;	All times		No reportable incidents as defined by the planning approval	•		
	(c) the submission of an Independent Audit under condition C37;	All times		As above		•	
	(d) the approval of any modification of the conditions of this consent; or	All times		No modifications since MOD 6	•		
	(e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,	All times		No directions	•		
	the strategies, plans and programs required under this consent must be reviewed,	All times		As above	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.						
A31	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.	Construction		No revisions	•		
A32	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. <i>Note: Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</i>	Construction		Issue of Occupation Certificate	•		
A33	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Construction		Issue of Occupation Certificate	•		
B1	The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.	Pre-construction & pre-operation	Maintain CoC tracker	Commencement of construction notified to commence 23 November 2020 and actual construction commenced 26 November 2020 and operation notified on 22 November 2021	•		
B2	If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	All times		No staging of development other than detailed in EIS/ RTS documentation			•
B3	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.	Pre-construction & construction		Certifier has issued Construction Certificate for main terminal and admin office building	•		
B3A	Prior to the commencement of construction for the office administration building, the Applicant must submit to the satisfaction of the Certifier structural drawings for the administration office building prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent	Construction	Private certifier check of CC	Certifier has issued Construction Certificate for admin office building	•		
B3B	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	Construction	Private certifier check of CC	Certifier has issued Construction Certificate for admin office building & documented evidence submitted to Planning Secretary	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	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.						
B4	Prior to the commencement of construction, the Applicant must:						
	(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;	Pre-construction		<ul style="list-style-type: none"> <li>• Sydney Water developer works deed case # 179519</li> <li>• Optus email dated 24 November 2020</li> <li>• Customer acceptance form Telstra dated 3/7/2020</li> <li>• Electricity – email land O'Rourke &amp; TfNSW dated 12- 13th January 2021</li> <li>• Endeavour energy emails dated 4/12/2020</li> </ul>	•		
	(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths);	Pre-construction		Dilapidation reports - Thomas Engineers dated 2 – 4 June 2020	•		
	(c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council; and	Pre-construction		Dilapidation reports emailed to PCC dated 15 June 2020 & DPIE	•		
	(d) in relation to rail infrastructure (including powerlines) the Applicant shall consult with Sydney Trains West Interface team at West_Interface@transport.nsw.gov.au.	Pre-construction		Dilapidation reports emailed to Sydney Trains & High Voltage Relocation application is progressing through separate approval process	•		
B5	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.	Pre-construction		Dilapidation report was submitted to PCC on 15 June 2020 and report and evidence of issue provided to certifier.	•		
B6	Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B11 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.	Pre-construction		The Unexpected Contamination Procedure is included as Appendix L to the CEMP which was approved by the Planning Secretary 21 August 2020	•		
B7	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	Pre-construction		CCS has been approved by DPIE on 7 July 2020 and updated CSS on 26 February 2021	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	<p>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>						
	(a) identify people to be consulted during the design and construction phases;	Pre-construction		Section 3.2 of the CCS	•		
	(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;	Pre-construction		Section 3.2 and 3.4 of the CCS	•		
	(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;	Pre-construction		Section 3.3 of the CCS	•		
	(d) set out procedures and mechanisms:						
	(i) through which the community can discuss or provide feedback to the Applicant;	Pre-construction		Section 3.3 of the CCS	•		
	(ii) through which the Applicant will respond to enquiries or feedback from the community; and	Pre-construction		Section 3.3 of the CCS	•		
	(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.	Pre-construction		Section 3.3 of the CCS	•		
	(e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.	Pre-construction		Section 3.3 of the CCS	•		
B8	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.	Pre-construction		Evidenced by the Outdoor Lighting Design Compliance Statement - prepared by Andrew Iarossi of WGA dated 06 October 2020 and accepted by the Certifier in the Construction Certificate on 13 October 2020.	•		
B9	Prior to the commencement of construction, demolition work plans required by AS 2601-2001 The demolition of structures (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.	Pre-construction		No demolition associated with this development.			•



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
B10	Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE, April 2020).	Pre-construction	Review of documents against guidelines	CEMP & Sub Plans approved by DPIE	•		
B11	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:	Pre-construction		CEMP approved by DPIE & certifier	•		
	(a) Details of:	Pre-construction					
	(i) hours of work;	Pre-construction		CEMP Section 2.5	•		
	(ii) 24-hour contact details of site manager;	Pre-construction		CEMP references 24 hr contact in CSWMSP	•		
	(iii) management of dust and odour to protect the amenity of the neighbourhood;	Pre-construction		CEMP references CSWMSP	•		
	(iv) stormwater control and discharge;	Pre-construction		CEMP references CSWMSP	•		
	(v) measures to ensure that sediment and other materials are not tracked onto the.	Pre-construction		CEMP references CSWMSP	•		
	(vi) roadway by vehicles leaving the site;	Pre-construction		CEMP references CSWMSP & CTPMSP	•		
	(vii) groundwater management plan including measures to prevent groundwater contamination;	Pre-construction		CEMP references CSWMSP	•		
	(viii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;	Pre-construction		CEMP Section 7.8	•		
	(ix) community consultation and complaints handling;	Pre-construction		CEMP Section 3	•		
	(b) <b>Construction Traffic and Pedestrian Management Sub-Plan</b> (see condition B13);	Pre-construction		CEMP Annexure N	•		
	(c) <b>Construction Noise and Vibration Management Sub-Plan</b> (see condition B14);	Pre-construction		CEMP Annexure N	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(d) <b>Construction Waste Management Sub-Plan</b> (see condition B15);	Pre-construction		CEMP Annexure N	•		
	(e) <b>Construction Soil and Water Management Sub-Plan</b> (see condition B16);	Pre-construction		CEMP Annexure N	•		
	(f) <b>Biodiversity Management Sub-Plan</b> (see condition B17);	Pre-construction		CEMP Annexure N	•		
	(g) <b>Flood Emergency Response Sub-Plan</b> (see condition B18);	Pre-construction		CEMP Annexure N	•		
	(h) an unexpected finds protocol for contamination and associated communications procedure;	Pre-construction		CEMP Annexure L	•		
	(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;	Pre-construction		CEMP Annexure M	•		
	(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	Pre-construction		CEMP Annexure N	•		
	(k) sustainability measures and practices to be implemented during the construction process.	Pre-construction		CEMP Annexure N	•		
B12	The Applicant must not commence construction of the development until the CEMP is approved by the Planning Secretary.	Pre-construction		CEMP approved by DPIE on 21 August 2020 & updated CEMP approved 1 April 2021	•		
B13	A <b>Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP)</b> 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:	Pre-construction		CTPMSP Sub Plan approved by DPIE & updated CTPMSP approved 1 April 2021	•		
	(a) be prepared by a suitably qualified and experienced person(s);	Pre-construction		Prepared by TRS Transport and Road Safety. TfNSW 'Prepare Work zone Traffic Management Plan' card holder # 002932442	•		
	(b) be prepared in consultation with Council and TfNSW;	Pre-construction		Table 4 of the CTPMSP	•		
	(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	Pre-construction		Section 7 of the CTPMSP	•		
	(d) detail heavy vehicle routes, access and parking arrangements.	Pre-construction		Section 7 of the plan	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
B14	The <b>Construction Noise and Vibration Management Sub-Plan (CNVMSP)</b> must address, but not be limited to, the following:	Pre-construction		CNVMSPP Sub Plan approved by DPIE	•		
	(a) be prepared by a suitably qualified and experienced noise expert;	Pre-construction		Talitha Judge, experienced environmental manager, and Hadi Khairuddin experienced acoustic consultant in SSI/SSD projects	•		
	(b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);	Pre-construction		Sections 5.0, 7.2 & 8	•		
	(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;	Pre-construction		Sections 8.1, 3.6, 7.1	•		
	(d) include strategies that have been developed with the community for managing high noise generating works;	Pre-construction		Sections 8.1, 3.6, 8.1.3	•		
	(e) describe the community consultation undertaken to develop the strategies in condition B14(d);	Pre-construction		Sections 3.6, 8.1.3	•		
	(f) include a complaints management system that would be implemented for the duration of the construction; and	Pre-construction		Section 8.1.3	•		
	(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.	Pre-construction		Sections 8.1, 9.2.1 – 9.2.3, 9.6 & 9.7	•		
B14A	Within one month of the approval of SSD-7308-MOD-1, the Construction Noise and Vibration Sub-Plan (CNVMSP) referred to in condition B14 is to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-1.	Pre-construction or after MOD 1 approval		The Construction Noise and Vibration Sub-Plan (CNVMSP) has been updated to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-1. Submitted to the certifier on 18 May 2021.	•		
B15	The <b>Construction Waste Management Sub-Plan (CWMSPP)</b> must address, but not be limited to, the following:	Pre-construction		CWMSPP Sub Plan approved by DPIE	•		
	(a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and	Pre-construction		Table 3 of the CWMSPP	•		
	(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	Pre-construction		Section 5.6	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	construction.						
B16	The Applicant must prepare a <b>Construction Soil and Water Management Sub-Plan (CSWMSP)</b> and the plan must address, but not be limited to the following:	Pre-construction		CSWMSP Sub Plan approved by DPIE	•		
	(a) be prepared by a suitably qualified expert, in consultation with Council and DPIE Fisheries;	Pre-construction		Section 3.4	•		
	(b) describe all erosion and sediment controls to be implemented during construction;	Pre-construction		Section 6	•		
	(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);	Pre-construction		Flood Emergency Response Plan	•		
	(d) detail all off-Site flows from the Site; and	Pre-construction		ESCP	•		
	(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.	Pre-construction		SWMP & ESCP	•		
B16A	Within one month of the approval of SSD-7308-MOD-3 and SSD-7308-MOD-1, the Construction Soil and Water Management Sub-Plan (CSWMSP) referred to in condition B16 is to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-3 and SSD-7308-MOD-1.	Pre-construction or after MOD 1 & 3 approval		The Construction Noise and Vibration Sub-Plan (CNVMSP) has been updated to include any changes required to address the amendments to the development as modified by SSD-7308-MOD-1 and MOD 3. Submitted to the certifier on 18 May 2021.	•		
B17	The <b>Biodiversity Management Sub-Plan (BMSP)</b> must address, but not be limited to, the following:	Pre-construction		BMSP Sub Plan approved by DPIE	•		
	(a) be prepared by a suitably qualified expert;	Pre-construction		Jamie Fermio & David Stubbs experienced practitioners in environmental planning & assessment in SSI/SSD projects	•		
	(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;	Pre-construction		Table 9	•		
	(c) include measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected areas;	Pre-construction		Table 9	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(d) detail measures to maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation.	Pre-construction		Table 9	•		
B18	The <b>Flood Emergency Response Sub-Plan (FERSP)</b> must address, but not be limited to, the following:	Pre-construction		FERSP Sub Plan approved by DPIE	•		
	(a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;	Pre-construction		PCC consultation appended to plan	•		
	(b) be consistent with the findings of the St Marys Freight Hub – Stormwater Management Report prepared by BG&E, dated 30 September 2019;	Pre-construction		Section 1.3	•		
	(c) address the provisions of the Floodplain Risk Management Guidelines (EESG);	Pre-construction		Section 1.3	•		
	(d) include details of:	Pre-construction		Section 6	•		
	(i) the flood emergency responses for both construction and operation phases of the development;	Pre-construction		Section 3.1 & 4.1	•		
	(ii) predicted flood levels;	Pre-construction		Section 6	•		
	(iii) flood warning time and flood notification;	Pre-construction		Section 6	•		
	(iv) assembly points and evacuation routes;	Pre-construction		Section 6	•		
	(v) evacuation and refuge protocols; and	Pre-construction		Section 6.3	•		
	(vi) awareness training for employees and contractors.	Pre-construction		Section 7.3	•		
B19	A <b>Driver Code of Conduct</b> must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:	Pre-construction		Driver Code of Conduct is in the CPTMP	•		
	(a) minimise the impacts of earthworks and construction on the local and regional road network;	Pre-construction		Driver Code of Conduct is in the CPTMP	•		
	(b) minimise conflicts with other road users;	Pre-construction		Driver Code of Conduct is in the CPTMP	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(c) minimise road traffic noise; and	Pre-construction		Driver Code of Conduct is in the CPTMP	•		
	(d) ensure truck drivers use specified routes.	Pre-construction		Driver Code of Conduct is in the CPTMP	•		
B20	Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.	Pre-construction	Visual checks of parking demands	Sufficient parking onsite	•		
B21	Prior to the commencement of construction, the Applicant must:	Pre-construction					
	(a) install erosion and sediment controls on the site to manage wet weather events; and	Pre-construction		Section 6 of SWMP & installation	•		
	(b) divert existing clean surface water around operational areas of the site.	Pre-construction		Section 6 of SWMP & installation	•		
B22	Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.	Pre-construction	Inspection checklist during construction	Erosion and Sediment Controls installed and maintained	•		
B23	Prior to the commencement of construction, the Applicant must describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI and incorporate those measures into the CEMP.	Pre-construction		Measures have been documented in the approved CEMP and included in the FERSP	•		
B24	Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.	Pre-construction		Measures have been documented in the approved CEMP and included in the SWMP	•		
B25	Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:	Pre-construction		Included in the FERSP	•		
	flood warning and notification procedures for construction workers on site; evacuation and refuge protocols; and	Pre-construction		Included in the FERSP	•		
	the Flood Emergency Response Sub-Plan required under condition B18.	Pre-construction		Included in the FERSP	•		



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
B25A	Within one month of the approval of SSD-7308-MOD-2, the procedures, protocols and Flood Emergency Response Sub-Plan (FERSP) referred to in condition B25 are to be updated to the satisfaction of the Certifier to include any changes required to address the amendments to the development as modified by SSD-7308-Mod-2.	Pre-construction		FERSP has been updated and approved by Certifier & submitted to DPIE	•		
B26	The Applicant is to ensure that the design of the site is finalised with the objectives to minimise noise impacts, incorporate good practice noise management and on-site controls, and ensure all relevant noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the <i>St Mary's Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version</i> , prepared by AECOM and dated 11 February 2020, the <i>St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Non-network rail addendum</i> , prepared by AECOM and dated 24 June 2020 and the <i>St Marys Freight Hub – Update Noise and Vibration Impact Assessment – Northern section of non-network rail line</i> , prepared by AECOM and dated 20 November 2020.	Pre-construction		Interim noise barrier has been installed and AEO proposal for ultimate noise barrier has been submitted to Sydney Trains and consultation is ongoing	•		
B27	Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in Table 1 below must be retired to offset the residual biodiversity impacts of the development.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		
B28	The requirement to retire credits in condition B27 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		
B29	Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B28 must be provided to the Planning Secretary prior to vegetation clearing.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		
B30	Prior to the commencement of vegetation clearing, the class and number of species credits in Table 2 below must be retired to offset the residual biodiversity impacts of the development.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		
B31	The requirement to retire credits in condition B30 above may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
B32	Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B31 must be provided to the Planning Secretary prior to vegetation clearing.	Pre-construction /construction		S6.33 Certificates BCF113 issued 2 June 2020, BCF157 issued 7 December 2020 & BCF176 issued 9 March 2021	•		
B33	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:	Pre-construction /construction		Landscape Plan and VMP was prepared in consultation with PCC. Landscape Plan and VMP was submitted to DPIE with evidence of consultation report on 31 July 2020 & updates.	•		
	(a) provide for the planting of at least 139 trees;	Pre-construction /construction		Landscape drawings identify more than 139 trees	•		
	(b) detail the location, species, maturity and height at maturity of plants to be planted on-site;	Pre-construction /construction		Annotated on landscape drawings	•		
	(c) include species (trees, shrubs and groundcovers) indigenous to the local area;	Pre-construction /construction		Annotated on landscape drawings	•		
	(d) include the planting of trees with a pot container of 25-45 litres or greater;	Pre-construction /construction		Annotated on landscape drawings	•		
	(e) comply with the principles of Planning for Bush Fire Protection 2019;	Pre-construction /construction		Email from Ecological dated 14 August 2020 RE B33 compliance	•		
	(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:	Pre-construction /construction		Acacias have been used as fast- growing screening species	•		
	(g) plantings to be one row deep and where practical planted on the inside of the boundary fence,	Pre-construction /construction		Annotated on landscape drawings	•		
	(h) 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.	Pre-construction /construction		Acacias have been used as fast- growing screening species	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(i) include a Vegetation Management Plan, to detail measures to protect and enhance retained vegetation on site for the life of the development.	Pre-construction /construction		Landscape Plan and VMP was submitted to DPIE with evidence of consultation report on 31 July 2020 & updates	•		
B33A	Within one month of the approval of SSD-7308-MOD-3, the Vegetation Management Plan referred to in condition B33(g) is to be updated to the satisfaction of the Planning Secretary to incorporate appropriate measures to manage rehabilitation of the temporary stockpile site referred to under SSD-7308-MOD-3, after use of that site.	Construction		Submission of VMP on 23 Dec 2020 included MOD 3 measures for stockpile.	•		
B34	All stormwater drainage is to be designed and constructed in accordance with the following Council adopted policies and standards:	Pre-construction		Certifier has issued Construction Certificate.	•		
	(a) Stormwater Drainage Specification for Building Developments;	Pre-construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
	(b) Design Guidelines for Engineering Works for Subdivisions and Developments;	Pre-construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
	(c) Engineering Construction Specification for Civil Works;	Pre-construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
	(d) Penrith City Council's Water Sensitive Urban Design (WSUD) Policy 2013, and associated WSUD Technical Guidelines; and	Pre-construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
	(e) Australian Rainfall and Runoff (Engineers Australia, 2016), applicable Australian Standards and Managing Urban Stormwater (EPA, 1997) guidelines.	Pre-construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
B35	The development must not have any adverse impact upon adjoining properties by the damming, concentration or diversion of existing stormwater flows;	Operation		Post-construction flood assessments and mitigation measures have been installed and no report of adverse impacts on adjoining properties during storm events.	•		
B36	Post-developed stormwater management and design is to be in accordance with the St Marys Freight Hub – Stormwater Management Report Revision E, prepared by BG&E Consulting dated 30 September 2019.	Construction		Drainage Design Compliance Statement - prepared by Tom McFarlane of WGA dated 02 Oct 2020	•		
B37	Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the	Pre-construction		Plans and evidence was submitted to Council with Section 138 application	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	proposed accesses to the development are designed to accommodate the turning paths identified in the Road Safety Audit.						
B38	Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with Planning for Bush Fire Protection 2019.	Pre-construction		Certifier has issued Construction Certificate.	•		
B39	The Applicant must ensure that:	Pre-construction		Certifier has issued Construction Certificate	•		
	(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;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(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;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(c) the required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping, fencing or signposting;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(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;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(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;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(f) the layout of the site shall be designed so that heavy vehicles are not required to select reverse gear;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(g) heavy vehicles and bins associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(h) all vehicles are wholly contained on site before being required to stop;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(i) all vehicles must enter and leave the site in a forward direction;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(j) all loading and unloading of materials is carried out on site;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(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	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	(m) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle pedestrian access occurs, is to be addressed.	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
	Detailed plans demonstrating compliance with condition B39(a)-(m) shall be prepared in consultation with TfNSW and to the satisfaction of the Certifier.	Pre-construction		Certifier has issued Construction Certificate confirming compliance	•		
B40	No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.	Pre-construction		Confirmation of receipt of reporting program received from DPIE 27 July 2020.	•		
B41	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Pre-construction		Guideline has been referenced to prepare this report	•		
B42	Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.	All times		Timing requirement for this condition has not been met. This report has been prepared to reflect the January 2023 – December 2023 period for compliance monitoring and reporting program. Timing requirements have been captured internally to facilitate timely submission for future reports.		•	
B43	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.	All times		All previous compliance reports available on Pacific National project website.	•		
B44	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.	Operation					•
C1	A site notice(s):						

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(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;	During construction	Visual check	Signed with required details at Forrester Road & Lee Holm entry	•		
	(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;	During construction	Visual check	Signed with required details at Forrester Road & Lee Holm entry	•		
	(c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;	During construction	Visual check	Signed with required details at Forrester Road & Lee Holm entry	•		
	(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	During construction	Visual check	Signed with required details at Forrester Road & Lee Holm entry (Note non-compliance in IEA Report has been rectified)	•		
	(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.	During construction	Visual check	Signed with required details at Forrester Road & Lee Holm entry	•		
C2	All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.	During construction	Visual check	Recorded Plant Inductions F 627 Weekly Toolbox Meeting Minutes Site Compliance Check V9 NOV 17	•		
C3	Demolition work must comply with the demolition work plans required by <i>Australian Standard AS 2601-2001 The demolition of structures</i> (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B9.	During construction		No demolition works			•
C4	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.	During construction	Gate registration on entry	All construction works during standard works hours & Covid Response work direction	•		
C5	Construction activities may be undertaken outside of the hours in condition C4 if required:	During construction		No construction activity outside standard work hours except for Covid Response on work days			•
	(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or	During construction					•
	(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or	During construction					•



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(c) where the works are inaudible at the nearest sensitive receivers; or	During construction					•
	(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.	During construction					•
C6	Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	During construction					•
C7	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours: (a) 9am to 12pm, Monday to Friday; (b) 2pm to 5pm Monday to Friday; and (c) 9am to 12pm, Saturday.	During construction	Works programming & site management	No high noise activities. All construction works during standard works hours & Covid Response work direction	•		
C8	The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).	During construction	Document management & site meetings	Construction carried out in accordance with CEMP and sub-plans	•		
C9	All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C10	Construction vehicles (including staff vehicles) shall be managed to:	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
	(a) minimise parking or queuing on public roads;	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
	(b) minimise idling and queuing in local residential streets where practicable;	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
	(c) adhere to the nominated haulage routes identified in the Construction Traffic and Pedestrian Management Sub-Plan required under condition B13; and	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
	(d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C11	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.	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
C12	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	During construction	Noise monitoring	Implementation of CNVMSP & detailed noise monitoring and noise monitoring reports were presented to DPIE following DPIE compliance inspection and show cause letter and note warning letter was also issued	•		
C13	The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.	During construction	Visual check	Weekly Inspection Checklists	•		
C14	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.	During construction	Audio check	Quackers fitted to plant & equipment	•		
C15	Vibration caused by construction at any residence or structure outside the site must be limited to:	During construction					
	(a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and	During construction	Visual check	Implementation of CEMP & CNVMSP requirements	•		
	(b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).	During construction	Visual check	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C16	Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.	During construction	Visual check	No residential buildings within 30 metres of works area	•		
C17	The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B11 of this consent.	During construction	Visual check	Implementation of CEMP & CNVMSP requirements	•		
C18	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	During construction	Visual check	Water carts operating daily and note compliant issued by DPIE on sediment buildup on Forrester Road during storm weather days	•		
C19	During construction, the Applicant must ensure that:	During construction	Visual check	Weekly Inspection Checklists	•		
	(a) exposed surfaces and stockpiles are suppressed by regular watering;	During construction	Visual check	Stockpiles have been established and exposed surfaces have been seeded	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(b) all trucks entering or leaving the site with loads have their loads covered;	During construction	Visual check	This is included in the induction and monitoring by visual checks	•		
	(c) trucks associated with the development do not track dirt onto the public road network;	During construction	Visual check	Note complaint to DPIE on storm event day and additional environmental controls including aggregate at entry and street sweepers	•		
	(d) public roads used by these trucks are kept clean; and	During construction	Visual check	Street sweepers observed	•		
	(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	During construction	Visual check	Constructing and landscaping works complete	•		
C20	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	During construction	Visual check & inspections after storm events	Erosion & sediment controls implemented in accordance with CEMP & Sub Plans, Blue Book standards and additional sediment and erosion controls installed following DPIE compliance inspection and IEA audit	•		
C21	The Applicant must:						
	(a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;	During construction		Construction materials only brought onto site	•		
	(b) keep accurate records of the volume and type of fill to be used; and	During construction	Site management of excavated material	Records of stockpile material	•		
	(c) make these records available to the Certifier upon request.	During construction		F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C22	Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.	During construction	Visual check	Drainage facilities installed for construction phase with regular inspections	•		
C23	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:	During construction	Design review	Certifier in letter dated 16 March 2021 Drainage and Stormwater Management System certification prepared by Wallbridge Gilbert Aztec dated 7 October 2020	•		
	(a) be designed by a suitably qualified and experienced person(s);	During	Design review	Wallbridge Gilbert Aztec are qualified specialists	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
		construction					
	(b) be generally in accordance with the conceptual design in the EIS;	During construction	Design review	Certifier in letter dated 16 March 2021 Drainage and Stormwater Management System certification prepared by Wallbridge Gilbert Aztec dated 7 October 2020	•		
	(c) be in accordance with applicable Australian Standards;	During construction	Design review	Certifier in letter dated 16 March 2021 Drainage and Stormwater Management System certification prepared by Wallbridge Gilbert Aztec dated 7 October 2020	•		
	(d) be designed in accordance with Council's Stormwater Drainage for Building Developments and WSUD policies; and	During construction	Design review	Certifier in letter dated 16 March 2021 Drainage and Stormwater Management System certification prepared by Wallbridge Gilbert Aztec dated 7 October 2020	•		
	(e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines</i> ;	During construction	Design review	Certifier in letter dated 16 March 2021 Drainage and Stormwater Management System certification prepared by Wallbridge Gilbert Aztec dated 7 October 2020	•		
C24	The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.	During construction	Employee training	Implementation of CEMP & Sub Plans	•		
C25	In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is 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.	During construction	Visual Check	No new Aboriginal object identified. Implementation of CEMP & Sub Plans, unexpected finds protocol & RAP	•		
C26	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.	During construction	Visual Check	Implementation of CEMP & Sub Plans and RAP	•		



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
C27	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.	During construction	Visual Inspections	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C28	All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	During construction	Reports	Waste reports	•		
C29	The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse or Council's stormwater system.	During construction	Visual Inspections	F 627 Weekly Toolbox Meeting Minutes Site Compliance Check	•		
C30	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.	During construction	Admin control at site entry gate	F 628 Chain of Custody Record	•		
C31	The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.	During construction	Visual Check and external environmental consultant	Implementation of CEMP & Sub and RAP	•		
C32	The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	During construction	Review of design & final sign-off by certifier	Design to be reviewed and sign-off at completion	•		
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.	Pre-construction		Appoint confirmed in DPIE letter dated 8 July 2020	•		
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.	Pre-construction		Program submitted to DPIE on 13 August 2020	•		
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:	During construction					
(a)	An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and	During construction	Tracking reporting program	IEA reports issued in February & August 2021	•		
(b)	A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.	During construction	Tracking reporting program	Second IEA Report issued in August 2021. Next IEA report due 12 months after commencement of operations	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
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.	During construction					•
C37	Independent Audits of the development must be carried out in accordance with:	During construction	Tracking reporting program				
	(a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 of this consent; and	During construction	Tracking reporting program	IEA reports prepared in February 2021 and August 2021	•		
	(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	During construction	Tracking reporting program	IEA reports have adopted DPIE review comments on first IEA report	•		
C38	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:	During construction	Tracking reporting program				
	(a) review and respond to each Independent Audit Report prepared under condition C37 of this consent;	During construction	Tracking reporting program	Submitted to DPIE on 15 September 2021	•		
	(b) submit the response to the Planning Secretary and the Certifier; and	During construction	Tracking reporting program	Submitted to DPIE on 15 September 2021	•		
	(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.	During construction	Tracking reporting program	IEA & proponent response was under DPIE review & accepted on 28 October 2021	•		
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.	During construction	Tracking reporting program	Applicant's response submitted on 15 September 2021	•		
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.	During construction					•
C41	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.	Post-construction	Site inspection	Compound has been dismantled	•		
D1	At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the	Pre-operation		Notification submitted 27 August 2021	•		



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	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.						
D1A	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 aluminum composite panels comply with the requirements of the BCA.	Pre-operation		ATCO letter dated 8 October 2021 detailing evidence of materials and finishes emailed to certifier on 29 October 2021	•		
D1B	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.	Pre-operation		Copy of ATCO letter dated 8 October 2021 detailing evidence of materials and finishes emailed to certifier on 29 October 2021 and Certifier's receipt submitted to DPIE on 4 November 2021	•		
D2	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:	Pre-operation					
	(a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;	Pre-operation	Site inspection	Post-construction dilapidation reports document no damage	•		
	(b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:	Pre-operation		Dilapidation reports provided to Certifier via shared Dropbox folder as part of information requirements for Occupation Certificate	•		
	(i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and	Pre-operation	Site inspection	Post-construction dilapidation reports compare pre-construction conditions	•		
	(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;	Pre-operation	Site inspection with PCC	Submitted to Sydney Trains on 7 October 2021 & no response to date. Numerous follow-up attempts however no response to date. Note that reports confirm no damage on Sydney Trains land. Submitted to Penrith City Council 20 October 2021 & PCC confirmation in email dated 2 November 2021	•		
	(c) to be forwarded to Council.	Pre-operation		Forwarded to Penrith Council on 20 October 2021	•		
D3	Unless the Applicant and the applicable authority agree otherwise, the Applicant	Pre-					•

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	must:	operation					
	(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and	Pre-operation					•
	(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.	Pre-operation					•
D4	Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.	Pre-operation					•
D5	Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the <i>Sydney Water Act 1994</i> .	Pre-operation		Section 73 Compliance Certificate Case No. 179519 issued 23 October 2021	•		
D6	Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier. Works-as-executed drawings must be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments	Pre-operation		WAE drawings provided to Certifier via shared Dropbox folder as part of information requirements for Occupation Certificate	•		
D7	Prior to the commencement of operation, the Applicant must prepare a Work Place Travel Plan and submit to the Planning Secretary for information. The Work Place Travel Plan must:	Pre-operation		WPTP prepared in consultation with TfNSW and submitted to DPIE on 18 October 2021 and DPIE approved on 5 November 2021	•		
	(a) be prepared in consultation with TfNSW;	Pre-operation		Four (4) versions of WPTP prepared in response to consultation with TfNSW	•		
	(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and	Pre-operation		Details in WPTP	•		
	(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.	Pre-operation		Details in WPTP	•		
D8	Prior to the commencement of operation, the Applicant must prepare an <b>Operational Traffic and Access Management Plan (OTAMP)</b> 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:	Pre-operation		OTAMP prepared in consultation with TfNSW and Penrith Council and submitted to DPIE on 5 October 2021 and DPIE approved on 28 October 2021	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;	Pre-operation		Details in OTAMP	•		
	(b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;	Pre-operation		Details in OTAMP	•		
	(c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and	Pre-operation		Details in OTAMP	•		
	(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.	Pre-operation		Details in OTAMP	•		
	The Applicant must not commence operation of the development until the OTAMP is approved by the Planning Secretary.	Pre-operation		Operations commenced on 8 December 2021 and OTAMP was approved on 28 October 2021	•		
D9	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 December 2014</i> .	Pre-operation		Bush Fire Emergency Management and Evacuation Plan dated 2 September 2021 prepared by BlackAsh	•		
D10	The Applicant is to ensure that:	Pre-operation					
	(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	Pre-operation		Evidence prepared by Aecom submitted to DPE on 27 August 2021 by noise specialists Aecom and provided to Certifier via shared Dropbox folder as part of information requirements for Occupation Certificate	•		
	(b) operational mechanical plant and equipment is selected with the objective to achieve good practice in noise reduction and control.	Pre-operation		Detail in document prepared by Aecom	•		
D11	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:	Pre-operation		Aecom prepared a Brake Squeal Report (BSR) dated 19 August 2021 and BSR submitted to DPIE on 25 August 2021	•		
	(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,	Pre-operation		Details in BSR	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	effects of temperature and weather, etc.);						
	(b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging;	Pre-operation		Details in BSR	•		
	(c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and	Pre-operation		Details in BSR	•		
	(d) Any monitoring system proposed to capture brake squeal.	Pre-operation		Details in BSR	•		
D12	Prior to the commencement of operation, the Applicant must prepare a <b>report that justifies the rail noise and air quality technology proposed</b> and how it meets the objectives of best practice noise and air quality technologies. The report must be prepared in consultation with TfNSW and the EPA and address the following: Port shuttle operations must use:	Pre-operation		Separate reports on air quality and noise emission prepared by Aecom as follows: <ul style="list-style-type: none"> <li>• Air quality dated 22 June 2021</li> <li>• Noise emissions dated 14 July 2021</li> </ul> Consultation on both reports completed with TfNSW and EPA and reports updated in response to agency comments & submitted to DPIE 22 September 2021	•		
	(a) locomotives that incorporate available best practice noise and emission technologies; and	Pre-operation		Details in respective reports	•		
	(b) wagons that incorporate available best practice noise technologies.	Pre-operation		Details in respective reports	•		
D13	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:	Pre-operation		An interim noise monitor has been installed as the ultimate noise monitoring system was initially delayed with NSW/SA border regulations due to Covid-19. DPIE has issued letter advising: <i>"I understand that a suitable interim noise monitoring solution has been installed onsite and will remain in place until such time that the approved RNMS is installed and operational. Therefore, the Department supports this approach as described in your submission dated 20 September 2021. This is subject to the following conditions:</i> <ol style="list-style-type: none"> <li>1. You must install the approved RNMS no later than 28 February 2022.</li> <li>2. You must provide monthly progress updates to the Department."</li> </ol>	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
				Whilst the interim noise monitoring device has been maintained since operations, the ultimate noise monitor has not been installed to date. Pacific National has provided monthly updates on the progress of the ultimate noise monitor and installation will be completed by the end of 2024.			
(a)	time and date of train movement;	Pre-operation		Interim noise monitor will record time and date of train movements and place on website.	•		
(b)	Radio Frequency Identification (RFID) system to enable identification of the rolling stock during the day and night, including:	Pre-operation		Installation of RFID system delayed but permitted as per DPIE letter.			•
	(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;	Pre-operation		Not triggered until RFID System installed			•
	(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	Pre-operation		Not triggered until RFID System installed			•
	(iii) provide Transport for NSW ongoing access to the data obtained by the RFID system and data obtained by the rail noise monitoring system.	Pre-operation		Not triggered until RFID System installed			•
(c)	L <sub>Aeq</sub> (15hour) and L <sub>Aeq</sub> (9hour) from rail operations; and	Pre-operation		Interim noise monitor meets requirement.	•		
(d)	L <sub>A</sub> F(max) and SEL of individual train passby, measured in accordance with ISO3095; or	Pre-operation		Interim noise monitor meets requirement.	•		
(e)	Other alternative information as agreed with or required by the Planning Secretary.	Pre-operation		Imagery to show trains on website.	•		
	The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The L <sub>Aeq</sub> (15hour) and L <sub>Aeq</sub> (9hour) results from each day must be available on the website within 24 hour of the period ending.	Pre-operation		Website is operational which displays imagery and noise monitor results.	•		
D14	Prior to the commencement of operation, the Applicant must submit to the Planning Secretary for approval, justification supporting the appropriateness of the location	Pre-operation		Justification for noise monitor location prepared by Aecom and dated 12 July 2021 and approved by	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	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.			DPIE on 6 August 2021			
D15	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:	Pre-operation		Noise contour data submitted to DPIE on 1 September 2021 and DPIE advised no further comment on 10 September 2021	•		
	(a) LAeq9hr for night-time 10pm to 7am	Pre-operation		Noise data prepared in accordance with requirement	•		
	(b) Laeq15hr for daytime 7am to 10pm	Pre-operation		Noise data prepared in accordance with requirement	•		
	(c) LAFmax for night-time 10pm to 7am	Pre-operation		Noise data prepared in accordance with requirement	•		
	(d) LAFmax for daytime 7am to 10pm.	Pre-operation		Noise data prepared in accordance with requirement	•		
D16	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. 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 West_Interface@transport.nsw.gov.au. 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	Pre-operation		The Planning Secretary approved an alternative noise mitigation solution for property treatments as formal applications and consultation with Sydney Trains did not reach an agreement.  Interim noise barrier within the site has been installed and the property treatments offer accepted by 15 out of a total of 17 eligible residents has been completed. Of the 17 properties nominated for treatment, two owners declined the offer of treatments to their properties.  Performance of the property treatments has been measured pre- and post-treatment by way of consultation with the affected stakeholders. <i>The St Marys Freight Hub Community Consultation Final Report dated November 2023 prepared by Primary Communications</i> , summarises the responses of stakeholders that have experienced a noticeable difference in noise reduction since treatments were	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	of any relevant land owner. 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.			completed.  PN continues to liaise with the Planning Secretary to close out the noise monitoring requirements for the approved alternative treatments.			
D17	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.	Pre-operation		Final Fire Safety Certificates for administration office and terminal submitted to PCC and DPIE on 15 November 2021	•		
D18	Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective for the life of the development and contain the following:	Pre-operation		OMP prepared by BG&E Consulting dated 20 July 2021 and issued to Certifier on 18 August 2021. Certification issued by BG&E on 27 October 2021	•		
	(a) maintenance schedule of all stormwater quality treatment devices;	Pre-operation		Details on OMP	•		
	(b) record and reporting details to be maintained and made available to Council upon request;	Pre-operation		Details on OMP	•		
	(c) relevant contact information; and	Pre-operation		Details on OMP	•		
	(d) Work Health and Safety requirements.	Pre-operation		Details on OMP	•		
D19	Prior to the issue of any Occupation Certificate, a positive covenant must be registered on the property for all stormwater management systems (including water sensitive urban design), overland flow path works (where applicable) and flood control works (where applicable) to ensure maintenance of the approved stormwater management system.	Pre-operation		Non-compliance recorded from Operational IEA 30/01/2023 and DPE warning letter dated 6/4/2023 which identified a breach. Covenant is now registered but was not registered prior to issue of Occupation Certificate.		•	
D20	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:	Pre-operation		WGA drainage certification issued 2 October 2021 and Compliance Certificate issued by Tonkin on 5 October 2021	•		
	(a) have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent;	Pre-operation		Compliance Certificate confirms satisfactory completion	•		



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(b) have met the design intent with regard to any construction variations to the approved design; and	Pre-operation		Compliance Certificate confirms satisfactory completion	•		
	(c) any remedial works required to be undertaken have been satisfactorily completed.	Pre-operation		Compliance Certificate confirms satisfactory completion	•		
	Details of the approved and constructed system/s shall be provided as part of the works-as executed drawings.	Pre-operation		Compliance Certificate lists WAE drawings	•		
D21	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:	Pre-operation		Certification issued by Lindsay Civil dated 22 October 2021	•		
	(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and	Pre-operation		Certification issued by Lindsay Civil dated 22 October 2021	•		
	(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.	Pre-operation		Certification issued by Lindsay Civil dated 22 October 2021	•		
D22	Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.	Pre-operation	Site inspection	Photos of signage	•		
D23	Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.	Pre-operation	Site inspection	Photos of signage	•		
D24	Prior to the commencement of operation, the Applicant must prepare a <b>Waste Management Plan</b> for the development and submit it to the Certifier. The Waste Management Plan must:	Pre-operation		OWMP prepared by EF Consulting Pty Ltd dated 6 October 2021 and submitted to Certifier on 9 October 2021	•		
	(a) detail the type and quantity of waste to be generated during operation of the development;	Pre-operation		Details in OWMP	•		
	(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);	Pre-operation		Details in OWMP	•		
	(c) detail the materials to be reused or recycled, either on or off site; and	Pre-operation		Details in OWMP	•		
	(d) include the Management and Mitigation Measures included in Section 7.2 in	Pre-		References RtS measures	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	the RtS.	operation					
D25	Remediation approved as part of this development consent must be carried out in accordance with the <i>Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal</i> , prepared by Douglas Partners dated 12 August 2019. Any update to the Remediation Action Plan must be approved by a NSW EPA accredited Site Auditor.	Pre-operation		RAP approved as part of ongoing Site Auditor review process. Melissa Porter is an accredited EPA Site Auditor.	•		
D26	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 <i>Remediation Action Plan – Stage 1 St Mary’s Intermodal Freight Terminal</i> , prepared by Douglas Partners dated 12 August 2019 and marked in Appendix B of that document. The following applies regarding the Site Audit Statement:	Pre-operation		SAS was issued on 12 November 2021 and confirmed remediation process and assessment and land suitable for purpose	•		
	(a) the Applicant must engage a NSW EPA accredited Site Auditor;	Pre-operation		Melissa Porter is an accredited EPA Site Auditor	•		
	(b) the Applicant must adhere to the management measures in the Remediation Action Plan approved by the Site Auditor;	Pre-operation		A Long Term EMP forms part of the SAS and has been issued and accepted by Pacific National	•		
	(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;	Pre-operation		No staging			•
	(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	Pre-operation		A SAS has been issued from an accredited Site Auditor. The SAS and SAR were submitted to Certifier on 12 November via email and submitted to DPIE on 15 November via portal	•		
	(e) prior to operation, the Applicant must obtain confirmation from the Certifier in writing that the requirement of condition D26(c) has been met.	Pre-operation		No staging			•
D27	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:	Pre-operation		Operation Landscape Management Plan prepared by Cabbagetree dated October 2021.	•		
	(a) incorporate the requirements of the Landscape Plan approved under condition B33;	Pre-operation		Details in OLMP	•		
	(b) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and	Pre-operation		Details in OLMP	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(c) be consistent with the Applicant's Management and Mitigation Measures in the RtS.	Pre-operation		Details in OLMP	•		
D28	The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.	Pre-operation		OLMP emailed to Certifier on 13 October 2021	•		
D29	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.	Pre-operation		Letter from BlackAsh dated 17 August 2021 certifies compliance	•		
D30	<p>Prior to commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:</p> <p>(a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and</p> <p>(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.</p>	Pre-operation		Non-compliance recorded from Operational IEA 30/01/2023 and breach from DPE warning letter dated 10/2/2023. All submission aspects of this condition have been complied with since.		•	
D31	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.	Pre-operation		Flood model results prepared by BG&E Consulting Dated 18 May 2021 and provided to Certifier via shared Dropbox folder as part of information requirements for Occupation Certificate	•		
D32	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.	Pre-operation		Non-compliance recorded from Operational IEA 30/01/2023 and breach from DPE warning letter 10/2/2023. OEMP has since been finalised in May 2023 and has incorporated the flood safety assessment.		•	
D33	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.	Pre-operation		Engagement with Sydney Trains ongoing with agreements being drafted and submitted to TfNSW	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
D34	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 obtained by the Applicant, and is in accordance with any applicable existing Safety Interface Agreement.	Pre-operation		No unapproved works in rail corridor	•		
E1	All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.	Operation	Maintenance schedules Annual Internal Safety Audit	ACFS has committed to operations of trucks, reach-stackers & forklifts in line with manufacturer specifications as part of the Maintenance Management Plan.	•		
E2	The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	Operation		Non-compliance recorded from Operational Audit 30/01/2023 and breach from DPE warning letter dated 6/4/2023. CCS was implemented for 12 months following operations. The OEMP details complaints and community engagement process in lieu of an operational CCS.		•	
E3	The OTAMP approved under condition D8 (as revised from time to time) must be implemented by the Applicant for the life of the development.	Operation		BTODR prepared in accordance with monitoring requirements. Revised OTAMP consultation completed on May 2023.	•		
E4	During operation of the facility, all heavy vehicles must enter and leave the site from Forrester Road only, and all light vehicles must enter and leave the site from Lee Holm Road only.	Operation		Controlled access arrangements at both accesses.	•		
E5	Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 301,000 TEU, or as may be directed by the Planning Secretary, and during a period in which the project is operating under normal operating conditions, a Traffic Audit of the project must be undertaken by an independent qualified person(s) approved by the Planning Secretary. The Traffic Audit shall include, but not necessarily be limited to:	Operation		The St Marys Freight Hub Independent Post Opening Traffic Audit was completed on 7 September 2023 within 90 days of the throughput threshold of 50,000 being reached in June 2023. Approval of auditor received by DPE on 7 June 2023.	•		
	(a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition A2 of this approval;	Operation		Audit assessed light and heavy vehicle traffic against predictions	•		
	(b) consideration of the results of the traffic monitoring during a representative period;	Operation		traffic survey methodology and monitoring of light and heavy vehicles discussed	•		
	(c) review of compliance with the approved access routes and performance measures prescribed under this consent;	Operation		heavy vehicles assessed for compliance	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	(d) consideration of traffic-related issues raised by TfNSW and Council; and	Operation		Stakeholder consultation with TfNSW and PCC discussed	•		
	(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.	Operation		the report advised that no adverse impacts have been identified which would suggest the need for mitigation measures. Another audit is proposed when the TEU reaches 150,000	•		
E6	Within 28 days of conducting the Traffic Audit referred to under condition E5 of this consent, the Applicant must provide the Planning Secretary with a copy of the Traffic Audit report. If the Traffic Audit report identifies any non-compliance with the traffic predictions, approved access routes, or performance measures, the Applicant must detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary.	Operation		Traffic Audit submitted to secretary 7 July 2023. No non-compliances were identified as part of the audit.	•		
E7	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.	Operation		No directions issued from planning secretary.	•		
E8	Each six months following the commencement of operation, the Applicant must prepare a <b>Biannual Trip Origin and Destination Report</b> (in a format agreed with TfNSW under condition D8(d)) that advises:	Operation		Non-compliance recorded from Operational IEA 30/01/2023 and breach from DPE warning letter dated 6/4/2023 for not meeting timing requirements. Bi-Annual Trip Origin and Destination Report (BATODR) for June 2022 to December 2022 was submitted to DPE on 24/3/23. January 2023 to June 2023 was submitted to DPE on 20 December 2023. The Operator has not yet provided the report for June 2023 – December 2023.		•	
	(a) the total number of actual and standard twenty-foot equivalent shipping containers despatched and received during this period;	Operation		Containers and TEUs Despatched and Received by Truck included in report	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered															
	(b) the number of actual and standard twenty-foot equivalent shipping containers transported to and from the site by rail during the period;	Operation		TEUs Transported by Rail included in report	•																	
	(c) actual hours of operation for the truck gate listing days and hours of operation;	Operation		Truck Gate Hours of Operation included in report	•																	
	(d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time;	Operation		Site Heavy Vehicles and Site-Generated Heavy Vehicles discussed in report	•																	
	(e) direction of travel into and out of the site for light vehicles on a representative day; and	Operation		Site-Generated Light Vehicles included in report	•																	
	(f) representative vehicle origins and destination of all classes of vehicles and covering the intermodal terminal and any other uses.	Operation		Representative Vehicle Origins and Destinations included in report	•																	
	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.	Operation		As above.		•																
E9	The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3 below. Table 3: Operational Noise Limits dB(A)	Operation	Onsite noise monitoring	Short term noise monitoring by Aecom assessed full-cycle operations including high-activity periods confirmed noise emissions were within noise prescribed noise limits.	•																	
	<table border="1"> <thead> <tr> <th>Location (residential receivers)</th> <th>Day LAeq 15 minute</th> <th>Evening LAeq 15 minute</th> <th>Night LAeq 15 minute</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>35 dB</td> <td>52 dB</td> </tr> </tbody> </table>	Location (residential receivers)	Day LAeq 15 minute	Evening LAeq 15 minute	Night LAeq 15 minute	Night LAMax	NCA 2	46 dB	46 dB	44 dB	55 dB	NCA 3	40 dB	36 dB	35 dB	52 dB						
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NCA 2	46 dB	46 dB	44 dB	55 dB																		
NCA 3	40 dB	36 dB	35 dB	52 dB																		
	<i>Note: Noise generated by the development is to be measured in accordance with the relevant procedures and modifications, including certain meteorological conditions, of the Noise Policy for Industry (EPA, 2017). Refer to the plan in Appendix 6 for the location of residential sensitive receivers.</i>																					
E10	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	Operation	Onsite noise monitoring	Short term noise monitoring report dated 8 February 2022 prepared by Aecom submitted to DPE on 11 February 2022. In response to DPE RFI, an updated short term monitoring report dated 14 April 2022 submitted to DPE on 20 April 2022 and notification of acceptance by Planning Secretary on 16 May 2022. Report confirmed noise limits were not exceeded.	•																	

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
	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.						
E11	The Applicant must undertake noise monitoring within 24 months of commencing operations, to:	Operation					
	(a) determine the effectiveness of noise mitigation implemented as part of condition D11(c); and	Operation		<i>Brake Squeal Noise Report</i> prepared by AECOM on 19 December 2023 determined that the brake squeal mitigation measures discussed in the report appear to be generally keeping the brake squeal levels at or below those predicted in the NVIA Report in accordance with Condition E11(a) and;			
	(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.	Operation		The measured maximum brake squeal levels are consistent with those presented in the NVIA Report and therefore it can be concluded that the noise contours supplied to the Department of Planning in as part of the Condition D15 are representative of the worst-case operational noise emissions from the terminal in accordance with Condition E11(b).			
E12	The following measures must be implemented on the rail spur during operation:	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	Operation	Regular checks and visual inspection by contractor	Rhomberg Rail (contractor) has committed to maintain rail lubricator inspections and general track inspections. The contractor also monitors the condition of the rail profile and, as required, plan for corrective works, e.g. grinding, to restore the rail profile to standard.			
	(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.	Operation	Regular checks and visual inspection by contractor	Rhomberg Rail (contractor) has committed to maintain rail lubricator inspections and general track inspections.. The contractor also monitors the			



ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered								
				condition of the rail profile and, as required, plan for corrective works, e.g. grinding, to restore the rail profile to standard.											
E13	<p>Notwithstanding conditions E11 or E12, The Applicant must ensure that noise generated by operation of trains on the rail spur does not exceed the noise limits in Table 4 below.</p> <p><b>Table 4: Rail Spur Noise Limits dB(A)</b></p> <table border="1"> <thead> <tr> <th>Location (residential receivers)</th> <th>Day LAeq 11 hour</th> <th>Evening LAeq 4 hour</th> <th>Night LAeq 15 minute</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> <p><i>Note: Noise generated by the operation of trains on the Project Spur Line is to be measured in accordance with Appendix 3 of the Rail Infrastructure Noise Guideline (EPA, 2013).</i></p>	Location (residential receivers)	Day LAeq 11 hour	Evening LAeq 4 hour	Night LAeq 15 minute	All privately owned residential receivers	50 dB	45 dB	40 dB	Operation	Short term noise assessment and interim noise monitor	<p>The department has determined that Pacific National breached Schedule 2, Part E, Condition E13 of the Consent by not ensuring that noise generated by the operation of trains on the rail spur does not exceed the noise limits stipulated in the condition.</p> <p>A Rail Spur Noise Report prepared by AECOM on 19 December 2023 states that <i>“Given that the LAeq noise levels prior to construction of the Freight Hub were relatively high, 15 dB(A) or more higher than the noise limits specified in MCoA E13, it is concluded that the movement of Pacific National trains on the rail spur would not affect nearby residential receivers adversely.”</i></p> <p>PN continues to engage with acoustic consultants to review the noise monitoring at the rail spur, undertake targeted attended noise monitoring and explore ways it can be improved.</p>			•
Location (residential receivers)	Day LAeq 11 hour	Evening LAeq 4 hour	Night LAeq 15 minute												
All privately owned residential receivers	50 dB	45 dB	40 dB												
E14	From the commencement of operation, the Applicant must provide an annual Rail Noise Monitoring Report to the Planning Secretary for a period of 5 years, or 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.	Operation		Annual Rail Spur Noise report prepared in December 2023.			•								
E15	All container handling equipment purchased after 2019 must meet US EPA Tier 4 or EU Stage IV emission standard or achieve an equivalent emission control performance to those standards listed in this condition.	Operation		All plant & equipment used onsite is new & meets emission standards.			•								
E16	The Applicant must carry out any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.	Operation	Community complaints	All activities onsite and operation of plant have minimal impacts on air pollution.			•								
E17	All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.	Operation	Ongoing visual monitoring Annual Internal Safety Audit	The operator has committed to ensuring that light vehicle and heavy vehicle access driveways, footpaths and parking areas are continuously unobstructed.			•								

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
E18	The Work Place Travel Plan required by condition D7 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.	Operation		The Work Place Travel Plan was updated on 4/9/2024.	•		
E19	The Applicant must operate the project to ensure the following:	Operation					
	(a) safe pedestrian access to the station entrance away from heavy vehicle movements; and	Operation		Non-compliance recorded from Operational IEA 30/01/2023 and breach from DPE warning letter dated 10/2/2023 regarding implementation. The requirements of this condition have since been satisfied. Dedicated pedestrian pathway between Forrester Road and administration office and an automated system to detect pedestrians during heavy vehicle movements in and out of the site Forrester Rd has been installed.		•	
	(b) truck movements are reduced to the greatest extent possible during school pick up/drop off times.	Operation		Non-compliance recorded from Operational IEA 30/01/2023 and breach from DPE warning letter dated 10/2/2023 regarding implementation. The requirements of this condition have since been satisfied. ACFS advises that truck movements are minimized during school hours by the following means: <ul style="list-style-type: none"> <li>Scheduling driver break times</li> <li>Change of shift from morning to afternoon</li> </ul> The Biannual Trip origin Destination report January - June 2023 concluded that truck movements were taking place in evening and night periods during minimal pedestrian activity.		•	
E20	Notwithstanding condition D21, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.	Operation		No complaints relating to light spill.	•		
E21	The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D27 for the duration of occupation of the development.	Operation	Regular landscaping maintenance	The gardens and grounds maintenance are managed fortnightly, and includes grounds	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
				maintenance services including litter pick, up weed spray and removal to garden and hard stand area adjacent office and car park, mowing of lawns, sweeping of gutters, pruning of shrubs of footpaths and road ways.			
E22	The asset protection zones required by condition D29 shall be maintained for the duration of occupation of the development.	Operation		Entire terminal operations area and future empty container park is devoid of vegetation and maintained as cleared area.	•		
E23	The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.	Operation		The operator has committed to minimal dangerous and hazards goods used and stored onsite, as assessed in EIS & RtS.	•		
E24	The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:	Operation		Diesel storage tank in bunded and refueling area is bunded.	•		
	(a) the requirements of all relevant Australian Standards; and	Operation		Diesel storage tank installed in accordance with Australian Standards.	•		
	(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.	Operation		Diesel storage tank installed in accordance with EPA Standards.	•		
	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.						•
E25	The Applicant must treat all freight containers on site to Australia Quarantine and Inspection Service (AQIS) requirements as relevant.	Operation		Non-compliance recorded from Operational IEA 30/01/2023. DPE has reviewed evidence in response to this and has determined there was no non-compliance as freight containers on site do not trigger AQIS requirements.			•
E26	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	Operation		No incidents involving pollution of waters	•		
E27	The Applicant must avoid harm to AHIMS site 45-5-3141 located to the north of the proposal area within Lot 2 DP876781, as identified in Figure 8 of the Aboriginal Cultural Heritage Assessment (ACHAR) prepared by NGH Environmental and dated May 2019.	Operation		Location of AHIMS site is within Little Creek riparian corridor and outside operational area	•		

ID	Condition	Development Phase	Monitoring Methodology	Evidence and Comments	Compliant	Non-compliant	Not Triggered
E28	During operation, use of the temporary stockpile site referred to under SSD-7308-MOD-3 must be managed in accordance with the following:	Operation					
	(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;	Operation		Noted	•		
	(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;	Operation		Excavated material is sourced directly from development	•		
	(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;	Operation		Non-compliance recorded from Operational IEA 30/01/2023 in relation to stabilisation requirements. Stockpile was stabilised with hydroseed in 2021 following completion of construction for the terminal. PN continues to work with the operator to achieve compliance for this condition. It is envisaged that this stockpile will remain active until construction of the empty container park is complete.		•	
	(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;	Operation		As above		•	
	(e) the height of any stockpile within the temporary stockpile site must not exceed 4 metres in height above the ground;	Operation		As above		•	
	(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).	Operation		As above		•	