

ST MARYS
freight hub

ST MARYS INTERMODAL | SSD-7308
Pre-Construction Compliance Report

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1 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 will be constructed on 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 and empty container park in Stage 2.

1.1 Purpose of the Compliance Report

This Compliance Report has been prepared by Pacific National to provide a record of compliance with the Development Consent for SSD-7308a 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).

1.2 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 works entail approximately 9.9ha of intermodal (road and rail) terminal and container park with ultimate operation capacity of 301,000 Twenty-foot equivalent units (TEUs) annually. The works will enable container rail shuttle to and from Port Botany hence reducing heavy vehicle truck movements from greater Western Sydney's road network.

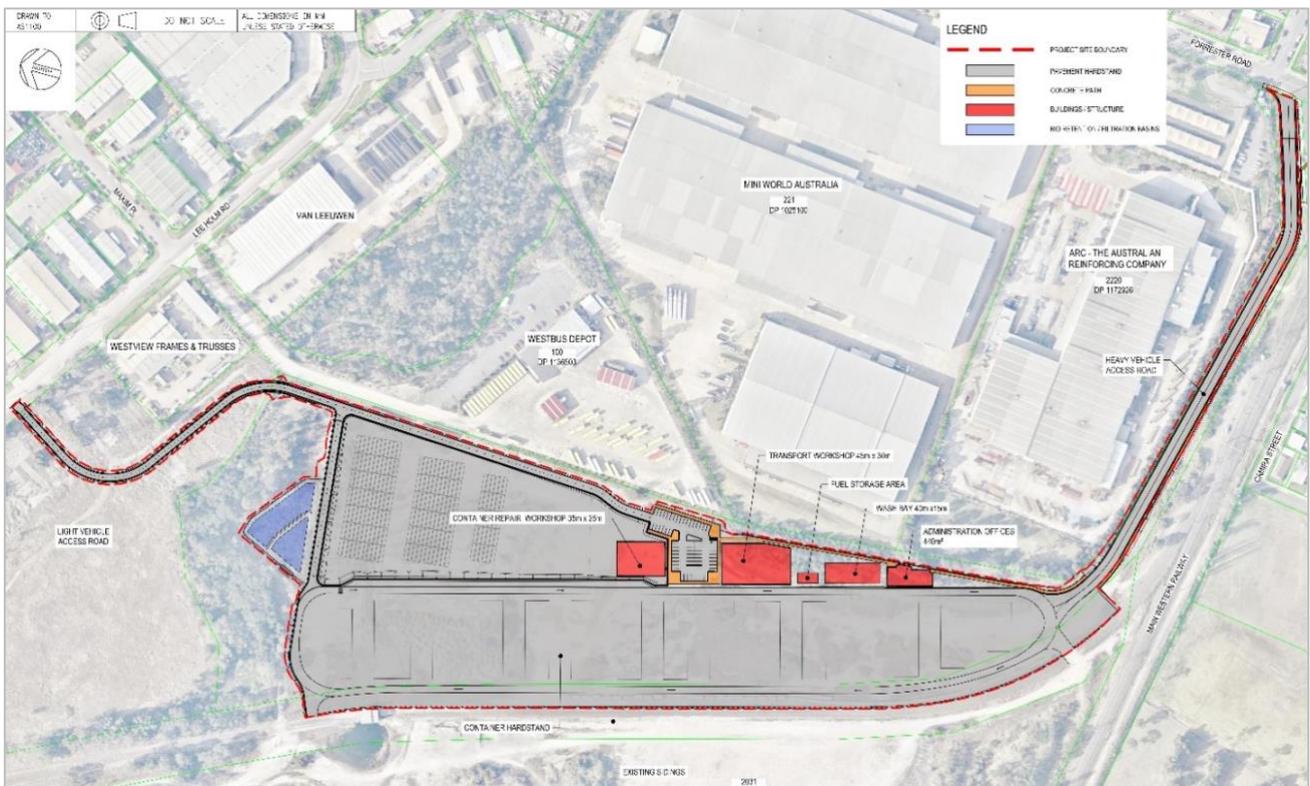


Figure 1: General Site Plan (as modified under MOD2)

The project generally includes:

- 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 includes:
 - Signage and landscaping;
 - Utility services to support the proposed development including drainage, potable water, water (for firefighting purposes), power, data, security and sewerage;
 - Minor realignment of a section of the Sydney Trains 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.

1.3 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* 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 MOD 2 (SSD-7308-MOD-2) which was determined on 21 September 2020. MOD 2 approved the following modifications to the Development Consent:

- moving the light vehicle entry at Lee Holm Road,
- swapping the location of the car park and future container repair workshop site,
- inclusion of office building design in approval, and
- amendment to the pot container size requirements for trees in Condition B33.

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, St Marys Intermodal Terminal: Forrester Road, St Marys (Urbanco, July 2020)

A summary of the project and compliance report is outlined in Table 1.

Table 1: Project Summary

Item	Description
Project name and project application number	St Marys Intermodal SSD-7308
Site address	2 Forester Road, St Marys NSW
Name of the Compliance Report	Pre-construction Compliance Report
Summary of project activities that occurred during the reporting period	Detailed construction design, pre-construction approvals & consultation, and payment of bio-credits
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	Development footprint Biodiversity offset areas Construction disturbance areas

Key personnel who are responsible for the environmental management of the development are listed in **Table 2**.

Table 2: Key Personnel

Role	Company	Name
Project Director	Pacific National	Leigh Cook
Superintendent	Pacific National	David Djulbic
National Construction Manager	McMahons Services	Steven Kochergen
Project Manager	McMahons Services	Andrew Rowlands
Design Manager	McMahons Services	John Walker

2 Compliance Program and Status

2.1 Compliance Program

The Superintendent is to undertake regular compliance activities such as inspections, observations and review of conditions with the wider project team. Any incidents or issues of non-compliance will be reported in accordance with SSD Condition C45. The projected program for the compliance reporting is outlined in **Table 3**.

Table 3: Compliance Reporting Program

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

2.2 Periodic Compliance Review and Status Summary

The Superintendent will conduct regular compliance activities including inspections, observations and review of conditions with the wider project team. Any incidents or issues of non-compliance will be reported in accordance with Condition A25.

The status of each compliance requirement applicable at the time of preparation of the compliance report is summarised in **Table 4**.

Table 4: Compliance Status Summary

SSD Category	Total	Compliant	Non-Compliant	Not Triggered
Part A - Administrative	31	18		13
Part B - Prior to Commencement of Construction	44	31		13
Part C - During Construction	40	2		38
Part D – Prior to Commencement of Operation	31			31
Part E – During Operation	27			27
Total	171	51	0	122

3 Non-Compliances

3.1 Total number of non-compliances

The total number of non-compliances identified during the reporting period are set out in **Table 5**.

Table 5: Total Number of Non-Compliances

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

3.2 Non-compliances

Non-compliances that occurred during the reporting period are outlined in **Table 6**.

Table 6: Non-compliances

ID & Compliance Requirement	Non-compliance Detail & Date	Non-compliance Reported	Proponent's Response

4 Previous Report Actions

Actions arising from previous Independent Audit and Compliance Reports reporting period are outlined in **Table 7**.

Table 7: Previous Report Actions and Action Status

Action	Non-compliance Detail & Date	Non-compliance Reported	Action Resolved

5 Incidents

A register of incidents is outlined in **Table 8**.

Table 8: Register of Incidents

Date of Incident	Location of Incident	Identification of Incident	Recipient of Reported Incident	Agency Response	Response to Incident & Actions

6 Complaints

6.1 Summary of Complaints

A summary of complaints is outlined in **Table 9**.

Table 9: Summary of Complaints

Date of Complaint	Method & Detail of Complaint	Response to Complaint	Date of Response	Resolved/Unresolved

6.2 Statement of Complaint Trends and Actions

No trends or actions to report.

APPENDIX 1 – Compliance Report Declaration Form

Compliance Report Declaration Form

Project Name	St Marys Intermodal
Project Application Number	SSD-7308
Description of Project	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.
Project Address	Forrester Road, St Marys
Proponent	Pacific National
Title of Compliance Report	
Date	28 October 2020
<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:</p> <ul style="list-style-type: none">• 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>Notes:</p> <ul style="list-style-type: none">• 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).	
Name of Authorised Reporting Officer	Leigh Cook
Title	Project Director
Signature	<i>Leigh D Cook</i>
Qualification	
Company	Pacific National Pty Ltd
Company Address	Level 16/15 Blue St North Sydney NSW 2060

APPENDIX 2 – Compliance Reporting Table

Compliance Reporting Table

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	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	Construction work has not commenced and all reporting and preparations for construction to minimise material harm have been prepared and approved.	●																																						
A2	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) generally in accordance with the EIS and Response to Submissions;</p> <p>(d) in accordance with the Development Layout in Appendix 1;</p> <p>(e) in accordance with the revised management and mitigation measures in Appendix 3.</p> <p>(f) in accordance with the approved plans in the table below:</p> <table border="1" data-bbox="224 694 981 1101"> <thead> <tr> <th colspan="4">Architectural Drawings prepared by Kit Handley Architects Pty Ltd</th> </tr> <tr> <th>Dwg No.</th> <th>Rev</th> <th>Name of Plan</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A101</td> <td>1</td> <td>Proposed Site & Roof Plan</td> <td>17/04/20</td> </tr> <tr> <td>A102</td> <td>1</td> <td>Proposed G & L1 Floor Plan</td> <td>17/04/20</td> </tr> <tr> <td>A103</td> <td>1</td> <td>Proposed Electrical Plan</td> <td>17/04/20</td> </tr> <tr> <td>A104</td> <td>1</td> <td>Proposed Elevations</td> <td>17/04/20</td> </tr> <tr> <td>A105</td> <td>1</td> <td>Proposed Elevation & Sections</td> <td>17/04/20</td> </tr> <tr> <td>A106</td> <td>1</td> <td>Proposed Group 1 Furniture Plans</td> <td>17/04/20</td> </tr> <tr> <td>A107</td> <td>1</td> <td>Proposed Group 2 & 3 FF&E</td> <td>17/04/20</td> </tr> </tbody> </table> <p>(g) in accordance with modification application SSD-7308-Mod-2 and supporting documentation.</p>	Architectural Drawings prepared by Kit Handley Architects Pty Ltd				Dwg No.	Rev	Name of Plan	Date	A101	1	Proposed Site & Roof Plan	17/04/20	A102	1	Proposed G & L1 Floor Plan	17/04/20	A103	1	Proposed Electrical Plan	17/04/20	A104	1	Proposed Elevations	17/04/20	A105	1	Proposed Elevation & Sections	17/04/20	A106	1	Proposed Group 1 Furniture Plans	17/04/20	A107	1	Proposed Group 2 & 3 FF&E	17/04/20	All times	Construction work has not commenced and all construction design, supporting documents and plans, issued of Construction Certificate, independent reporting and preparations for construction have been met.	●		
Architectural Drawings prepared by Kit Handley Architects Pty Ltd																																										
Dwg No.	Rev	Name of Plan	Date																																							
A101	1	Proposed Site & Roof Plan	17/04/20																																							
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A104	1	Proposed Elevations	17/04/20																																							
A105	1	Proposed Elevation & Sections	17/04/20																																							
A106	1	Proposed Group 1 Furniture Plans	17/04/20																																							
A107	1	Proposed Group 2 & 3 FF&E	17/04/20																																							
A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;</p> <p>(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and</p> <p>(c) the implementation of any actions or measures contained in any such document referred to in (a) above.</p>	All times	No directions received.	●																																						

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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(g). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) to A2(g), 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	Project will physically commence when construction commences in min-November 2020.	●		
A6	The container freight throughput for the site must not exceed 301,000 TEU p.a.	Operation				●
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				●
A8	For the avoidance of doubt, nothing in this consent permits truck-to-truck movements.	Operation				●
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	Commencement of construction schedule for mid-November 2020 and signage will be erected prior to start.	●		
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	No disputes present.	●		
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 (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	All times	All consultation requirements with DPIE, PCC, TfNSW and Sydney Trains have been met. Consultation with Sydney Trains on noise barrier is ongoing.	●		
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	All times	No staging of development other than detailed in EIS/ RTS documentation.			●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
operation of the first of the proposed stages of operation).						
A13	<p>A Staging Report prepared in accordance with condition A12 must:</p> <ul style="list-style-type: none"> (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging. 	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	<p>With the approval of the Planning Secretary, the Applicant may:</p> <ul style="list-style-type: none"> (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); (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 (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	Evidence and Comments	Compliant	Non-complaint	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	Requirements under CoC B25A for FERSP to be updated and approved by Certifier & submitted to DPIE	●		
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	Ongoing.	●		
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	Independent Environmental Auditor & program approved by DPIE.	●		
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: <ul style="list-style-type: none"> (a) make the following information and documents (as they are obtained or approved) publicly available on its website: <ul style="list-style-type: none"> (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; 	Pre-construction	Commencement of construction schedule for mid-November 2020.			●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	(x) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.					
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	Commencement of construction schedule for mid-November 2020.			●
A25	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au 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	No incident to date.	●		
A26	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 4.	All times	No incident to date.	●		
A27	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	All times	No non-compliance to date.	●		
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-compliance to date.	●		
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; (b) the submission of an incident report under condition A25; (c) the submission of an Independent Audit under condition C37; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A3 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.	Construction	A review will be required for approved modification(s) however not due at issue of this report.	●		
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	Updated FERSP Sub Plan has been submitted to DPIE	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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&A Regulation sets out the requirements for the certification of the development.</i>	Pre-construction				●
A33	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Pre-construction				●
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	Commencement of construction schedule for mid-November 2020.			●
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	Certifier has issued Construction Certificate.	●		
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	Pre-construction				●
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 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.	Pre-construction				●
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; (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council; and (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 report was submitted to PCC on 15 June 2020 and report and evidence of issue provided to certifier.	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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 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. The Community Communication Strategy must: (a) identify people to be consulted during the design and construction phases; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; (d) set out procedures and mechanisms: (i) through which the community can discuss or provide feedback to the Applicant; (ii) through which the Applicant will respond to enquiries or feedback from the community; and (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. (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.	Pre-construction	CCS has been approved by DPIE.	●		
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	Pre-construction	No demolition associated with this development.			●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
Certifier and Planning Secretary.						
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	CEMP approved by DPIE	●		
B11	<p>Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:</p> <p>(a) Details of:</p> <ul style="list-style-type: none"> (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) stormwater control and discharge; (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; (vi) groundwater management plan including measures to prevent groundwater contamination; (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (viii) community consultation and complaints handling; <p>(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B13);</p> <p>(c) Construction Noise and Vibration Management Sub-Plan (see condition B14);</p> <p>(d) Construction Waste Management Sub-Plan (see condition B15);</p> <p>(e) Construction Soil and Water Management Sub-Plan (see condition B16);</p> <p>(f) Biodiversity Management Sub-Plan (see condition B17);</p> <p>(g) Flood Emergency Response Sub-Plan (see condition B18);</p> <p>(h) an unexpected finds protocol for contamination and associated communications procedure;</p> <p>(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;</p> <p>(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</p> <p>(k) sustainability measures and practices to be implemented during the construction process.</p>	Pre-construction	CEMP approved by DPIE & certifier	●		
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	●		
B13	<p>A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced person(s);</p> <p>(b) be prepared in consultation with Council and TfNSW</p>	Pre-construction	CTPMSP Sub Plan approved by DPIE	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	<ul style="list-style-type: none"> (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 (d) detail heavy vehicle routes, access and parking arrangements. 					
B14	<p>The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced noise expert; (b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009); (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers; (d) include strategies that have been developed with the community for managing high noise generating works; (e) describe the community consultation undertaken to develop the strategies in condition B14(d); (f) include a complaints management system that would be implemented for the duration of the construction; and (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	CNVMSP Sub Plan approved by DPIE	●		
B15	<p>The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction. 	Pre-construction	CWMSWP Sub Plan approved by DPIE	●		
B16	<p>The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified expert, in consultation with Council and DPIE Fisheries; (b) describe all erosion and sediment controls to be implemented during construction; (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); (d) detail all off-Site flows from the Site; and (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	CSWMSP Sub Plan approved by DPIE	●		
B17	<p>The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified expert; (b) include measures to minimise impacts on flora and fauna on the site, including 	Pre-construction	BMSP Sub Plan approved by DPIE	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	<p>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;</p> <p>(c) include measures to ensure biodiversity values not intended to be impacted are protected including mapping of protected areas;</p> <p>(d) detail measures to maximise the retention of locally-endemic native species existing on the site, and removal of weeds and non-indigenous vegetation.</p>					
B18	<p>The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;</p> <p>(b) be consistent with the findings of the St Marys Freight Hub – Stormwater Management Report prepared by BG&E, dated 30 September 2019</p> <p>(c) address the provisions of the Floodplain Risk Management Guidelines (EESG);</p> <p>(d) include details of:</p> <p>(i) the flood emergency responses for both construction and operation phases of the development;</p> <p>(ii) predicted flood levels;</p> <p>(iii) flood warning time and flood notification;</p> <p>(iv) assembly points and evacuation routes;</p> <p>(v) evacuation and refuge protocols; and</p> <p>(vi) awareness training for employees and contractors.</p>	Pre-construction	FERSP Sub Plan approved by DPIE	●		
B19	<p>A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:</p> <p>(a) minimise the impacts of earthworks and construction on the local and regional road network;</p> <p>(b) minimise conflicts with other road users;</p> <p>(c) minimise road traffic noise; and</p> <p>(d) ensure truck drivers use specified routes.</p>	Pre-construction	Site establishment not commenced			●
B20	<p>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.</p>	Pre-construction	Site establishment not commenced			●
B21	<p>Prior to the commencement of construction, the Applicant must:</p> <p>(a) install erosion and sediment controls on the site to manage wet weather events; and</p> <p>(b) divert existing clean surface water around operational areas of the site.</p>	Pre-construction	Site establishment not commenced			●
B22	<p>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'.</p>	Pre-construction	Site establishment not commenced			●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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.	●		
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.			
B25	Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction: (a) flood warning and notification procedures for construction workers on site; (b) evacuation and refuge protocols; and (c) the Flood Emergency Response Sub-Plan required under condition B18.	Pre-construction	Site establishment not commenced			●
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.	Pre-construction	Construction noise mitigation measures are included in the approved CEMP and Noise & Vibration Sub Plans.			
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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		
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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		
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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		
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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		
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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	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	Section 6.33 Certificate (Ref BCF113) issued 22 June 2020.	●		
B33	<p>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:</p> <p>(a) provide for the planting of at least 139 trees;</p> <p>(b) detail the location, species, maturity and height at maturity of plants to be planted on-site;</p> <p>(c) include species (trees, shrubs and groundcovers) indigenous to the local area;</p> <p>(d) include the planting of trees with a pot container of 25-45 litres or greater;</p> <p>(e) comply with the principles of Planning for Bush Fire Protection 2019;</p> <p>(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:</p> <p>(i) plantings to be one row deep and where practical planted on the inside of the boundary fence,</p> <p>(ii) use of fast growing native plant species, with spreading habit and having a mature height of 10-11m, with species selection in consultation with a botanist or landscape architect.</p> <p>(g) include a Vegetation Management Plan, to detail measures to protect and enhance retained vegetation on site for the life of the development.</p>	Pre-construction	<p>Landscape Plan and VMP was prepared in consultation with PCC.</p> <p>Landscape Plan and VMP was submitted to DPIE with evidence of consultation report on 31 July 2020.</p>	●		
B34	<p>All stormwater drainage is to be designed and constructed in accordance with the following Council adopted policies and standards:</p> <p>(a) Stormwater Drainage Specification for Building Developments;</p> <p>(b) Design Guidelines for Engineering Works for Subdivisions and Developments;</p> <p>(c) Engineering Construction Specification for Civil Works;</p> <p>(d) Penrith City Council's Water Sensitive Urban Design (WSUD) Policy 2013, and associated WSUD Technical Guidelines; and</p> <p>(e) Australian Rainfall and Runoff (Engineers Australia, 2016), applicable Australian Standards and Managing Urban Stormwater (EPA, 1997) guidelines.</p>	Pre-construction	Certifier has issued Construction Certificate.	●		
B35	The development must not have any adverse impact upon adjoining properties by the damming, concentration or diversion of existing stormwater flows;	Pre-construction	Ongoing.	●		
B36	Post-developed stormwater discharge flows must match pre-developed flows for all storms up to and including the 1% AEP.	Construction	Advice from DPIE requirements of condition B36 should be considered as part of preparation of the operational stormwater management system for the development in C23.			●
B37	Prior to the commencement of construction, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning paths identified in the Road Safety Audit.	Pre-construction	Plans and evidence was submitted to Council with Section 138 application.	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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	<p>The Applicant must ensure that:</p> <ul style="list-style-type: none"> (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; (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; (c) the required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping, fencing or signposting; (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; (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; (f) the layout of the site shall be designed so that heavy vehicles are not required to select reverse gear; (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; (h) all vehicles are wholly contained on site before being required to stop; (i) all vehicles must enter and leave the site in a forward direction; (j) all loading and unloading of materials is carried out on site; (k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; (l) all car spaces are to be sealed/line marked and dedicated for parking of vehicles only and not be used for storage of materials/products/waste materials; and (m) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle pedestrian access occurs, is to be addressed. <p>Detailed plans demonstrating compliance with condition B39(a)-(m) shall be prepared in consultation with TfNSW and to the satisfaction of the Certifier.</p>	Pre-construction	Certifier has issued Construction Certificate.	●		
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 used to prepare this report.	●		

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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	This report has been submitted for the pre-construction phase.	●		
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				●
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): (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements; (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size; (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period; (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.	During construction				●
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				●
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				●
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				●
C5	Construction activities may be undertaken outside of the hours in condition C4 if required: (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or (b) in an emergency to avoid the loss of life, damage to property or to prevent	During construction				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	<p>environmental harm; or</p> <p>(c) where the works are inaudible at the nearest sensitive receivers; or</p> <p>(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.</p>					
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	<p>Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</p> <p>(a) 9am to 12pm, Monday to Friday;</p> <p>(b) 2pm to 5pm Monday to Friday; and</p> <p>(c) 9am to 12pm, Saturday.</p>	During construction				●
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				●
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				●
C10	<p>Construction vehicles (including staff vehicles) shall be managed to:</p> <p>(a) minimise parking or queuing on public roads;</p> <p>(b) minimise idling and queuing in local residential streets where practicable;</p> <p>(c) adhere to the nominated haulage routes identified in the Construction Traffic and Pedestrian Management Sub-Plan required under condition B13; and</p> <p>(d) ensure access and egress from construction compounds is undertaken in a safe and lawful manner.</p>	During construction				●
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				●
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				●
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				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				•
C15	Vibration caused by construction at any residence or structure outside the site must be limited to: (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 (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				•
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				•
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				•
C18	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	During construction				•
C19	C19. During construction, the Applicant must ensure that: (a) exposed surfaces and stockpiles are suppressed by regular watering; (b) all trucks entering or leaving the site with loads have their loads covered; (c) trucks associated with the development do not track dirt onto the public road network; (d) public roads used by these trucks are kept clean; and (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.	During construction				•
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				•
C21	The Applicant must: (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Certifier upon request.	During construction				•

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				●
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: <ul style="list-style-type: none"> (a) be designed by a suitably qualified and experienced person(s); (b) be generally in accordance with the conceptual design in the EIS; (c) be in accordance with applicable Australian Standards; (d) be designed in accordance with Council's Stormwater Drainage for Building Developments and WSUD policies; and (e) ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997)</i> guidelines; 	During construction				●
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				●
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				●
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				●
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				●
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				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				●
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				●
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				●
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				●
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: (a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and (b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.	During construction				●
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: (a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition C34 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	During construction				●
C38	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition C37 of this consent; (b) submit the response to the Planning Secretary and the Certifier; and	During construction				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	(c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.					
C39	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				•
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				•
D1	At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Pre-operation				•
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 aluminium composite panels comply with the requirements of the BCA.	Pre-operation				•
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				•
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: <ul style="list-style-type: none"> (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure; (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must: <ul style="list-style-type: none"> (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and (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; (c) to be forwarded to Council. 	Pre-operation				•
D3	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> (a) repair, or pay the full costs associated with repairing, any public infrastructure 	Pre-operation				•

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	<p>that is damaged by carrying out the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.</p>					
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				●
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				●
D7	<p>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:</p> <p>(a) be prepared in consultation with TfNSW;</p> <p>(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and</p> <p>(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.</p>	Pre-operation				●
D8	<p>Prior to the commencement of operation, the Applicant must prepare an Operational Traffic and Access Management Plan (OTAMP) and submit it to the Planning Secretary for approval. The OTAMP must be prepared by a suitably qualified and experienced person(s) in consultation with Council and TfNSW. The OTAMP must address the following:</p> <p>(a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation;</p> <p>(b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network;</p> <p>(c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cars, at all times; and</p> <p>(d) set out a framework and procedures, agreed with TfNSW, for data collection required to prepare the Biannual Trip Origin and Destination Report required under condition E8 including a main gate monitoring system (e.g. CCTV) to identify heavy vehicles turning left from the site onto Forrester Road, or turning right from Forrester Road to the site.</p> <p>The Applicant must not commence operation of the development until the OTAMP is approved by the Planning Secretary.</p>	Pre-operation				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				●
D10	The Applicant is to ensure that: (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 (b) operational mechanical plant and equipment is selected with the objective to achieve good practice in noise reduction and control.	Pre-operation				●
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: (a) The extent of brake squeal across the fleet of rail vehicles that will frequently use the terminal. This should identify the number of occurrences of brake squeal, the typical noise levels associated with brake squeal (including the frequency content), and the operational conditions under which brake squeal occurs (e.g. under light braking, hard braking, low / medium / high speed, effects of temperature and weather, etc.); (b) The root cause of brake squeal, including the influence of the design, set-up and maintenance of both brake shoes and brake rigging; (c) Possible solutions to mitigate or eliminate brake squeal, including modifications to brake rigging and alternative brake shoe designs and compounds; and (d) Any monitoring system proposed to capture brake squeal.	Pre-operation				●
D12	Prior to the commencement of operation, the Applicant must prepare a report that justifies the rail noise and air quality technology proposed and how it meets the objectives of best practice noise and air quality technologies. The report must be prepared in consultation with TfNSW and the EPA and address the following: Port shuttle operations must use: (a) locomotives that incorporate available best practice noise and emission technologies; and (b) wagons that incorporate available best practice noise technologies.	Pre-operation				●
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: (a) time and date of train movement; (b) imagery or video to enable identification of the rolling stock during the day and night; (c) LAeq(15hour) and LAeq (9hour) from rail operations; and (d) LAF(max) and SEL of individual train passby, measured in accordance with ISO3095; or	Pre-operation				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	<p>(e) Other alternative information as agreed with or required by the Planning Secretary.</p> <p>The results from the noise monitoring system, must be publicly accessible from a website maintained by the Applicant. The noise results from each train must be available on the website within 24 hours of it passing the monitor, unless unforeseen circumstances (i.e. a system malfunction) have occurred. The LAeq(15hour) and LAeq(9hour) results from each day must be available on the website within 24 hour of the period ending.</p>					
D14	<p>Prior to the commencement of operation, the Applicant must submit to the Planning Secretary for approval, justification supporting the appropriateness of the location for rail noise monitoring, including details of any alternate options considering the reasons for these being dismissed.</p> <p>The rail noise monitoring system shall not operate until the Secretary has approved the proposed monitoring location.</p>	Pre-operation				●
D15	<p>Prior to the commencement of operation, the Applicant must submit to the Department noise contour data in an electronic format suitable for input to a GIS. The noise contours shall be in 1 dB intervals and represent the worst-case operational noise emissions from the terminal for each of following:</p> <p>(a) LAeq9hr for night-time 10pm to 7am (b) LAeq15hr for daytime 7am to 10pm (c) LAFmax for night-time 10pm to 7am (d) LAFmax for daytime 7am to 10pm.</p>	Pre-operation				●
D16	<p>Prior to the commencement of operation of any part of the development, or by a time otherwise agreed by the Planning Secretary, the Applicant must build and implement a 3.0 m high noise barrier in the rail corridor along the southern edge of the Main Western Line reserve (north of Camira Street) as outlined in the St Marys Freight Hub – Updated Noise and Vibration Impact Assessment – Noise Barrier Locations prepared by AECOM, dated 9 April 2020, and shown in Appendix B of this consent. 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 of any relevant land owner.</p> <p>For the purposes of this condition, the Planning Secretary may require any alternative noise mitigation measures that are feasible and reasonable, which may include but not limited to construction of a noise barrier on or adjacent to the proposal site, or at-receiver dwelling treatment such as double glazing, secondary</p>	Pre-operation				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
	glazing of 'weak' areas or insulation.					
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				•
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: (a) maintenance schedule of all stormwater quality treatment devices; (b) record and reporting details to be maintained and made available to Council upon request; (c) relevant contact information; and (d) Work Health and Safety requirements.	Pre-operation				•
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				•
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: (a) have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent; (b) have met the design intent with regard to any construction variations to the approved design; and (c) any remedial works required to be undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the works-as executed drawings.	Pre-operation				•
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: (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	Pre-operation				•
D22	Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.	Pre-operation				•

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				●
D24	Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must: <ul style="list-style-type: none"> (a) detail the type and quantity of waste to be generated during operation of the development; (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); (c) detail the materials to be reused or recycled, either on or off site; and (d) include the Management and Mitigation Measures included in Section 7.2 in the RtS. 	Pre-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.	Pre-operation				●
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 Site Audit Report and Section A Site Audit Statement must: <ul style="list-style-type: none"> (a) be prepared by a NSW EPA accredited Site Auditor; (b) verify the relevant part of the site is suitable for commercial/industrial land use; and (c) be provided to the Planning Secretary and the Certifier for information. 	Pre-operation				●
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: <ul style="list-style-type: none"> (a) incorporate the requirements of the Landscape Plan approved under condition B33; (b) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and (c) be consistent with the Applicant’s Management and Mitigation Measures in the RtS. 	Pre-operation				●
D28	The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.	Pre-operation				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				•
D30	Prior to commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after: (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.	Pre-operation				•
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				•
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				•
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				•
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				•
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: (a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition A2 of this approval; (b) consideration of the results of the traffic monitoring during a representative period; (c) review of compliance with the approved access routes and performance measures prescribed under this consent; (d) consideration of traffic-related issues raised by TfNSW and Council; and (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				•

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
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				•
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				•
E8	Each six months following the commencement of operation, the Applicant must prepare a Biannual Trip Origin and Destination Report (in a format agreed with TfNSW under condition D8(d)) that advises: <ul style="list-style-type: none"> (a) the total number of actual and standard twenty-foot equivalent shipping containers despatched and received during this period; (b) the number of actual and standard twenty-foot equivalent shipping containers transported to and from the site by rail during the period; (c) actual hours of operation for the truck gate listing days and hours of operation; (d) records of vehicle numbers accessing the site including a record of heavy vehicle entry by date and approximate time; (e) direction of travel into and out of the site for light vehicles on a representative day; and (f) representative vehicle origins and destination of all classes of vehicles and covering the intermodal terminal and any other uses. 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				•
E9	The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3 below.	Operation				•
Table 3: Operational Noise Limits dB(A)						
	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	

ID	Condition	Development Phase					Evidence and Comments	Compliant	Non-complaint	Not Triggered
	NCA 3	40 dB	36 dB	35 dB	52 dB					

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

E10	The Applicant must undertake short term noise monitoring in accordance with the <i>Noise Policy for Industry</i> where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in St Marys Freight Hub Noise and Vibration Impact Assessment – Post Exhibition Version, prepared by AECOM dated 11 February 2020. Should the noise monitoring program 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.	Operation							●	
E11	The Applicant must undertake noise monitoring within 24 months of commencing operations, to: (a) determine the effectiveness of noise mitigation implemented as part of condition D11(c); and (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								●
E12	The following measures must be implemented on the rail spur during operation: (a) Automatic rail lubrication equipment must be used in accordance with ASA Standard T HR TR 00111 ST Rail Lubricant and top of rail friction modifiers, where required; and (b) The rail cross section profile must be maintained in accordance with ETN-01-02 Rail Grinding Manual for Plain Track to ensure the correct wheel/rail contact position and hence to encourage proper rolling stock steering.	Operation								●
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.	Operation								●

Table 4: Rail Spur Noise Limits dB(A)

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

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
<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>						
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				●
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				●
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				●
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				●
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				●
E19	The Applicant must operate the project to ensure the following: (a) safe pedestrian access to the station entrance away from heavy vehicle movements; and (b) truck movements are reduced to the greatest extent possible during school pick up/drop off times.	Operation				●
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				●
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				●
E22	The asset protection zones required by condition D29 shall be maintained for the duration of occupation of the development.	Operation				●
E23	The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i> at all times.	Operation				●

ID	Condition	Development Phase	Evidence and Comments	Compliant	Non-complaint	Not Triggered
E24	<p>The Applicant must store and handle all chemicals, fuels and oils within the development in accordance with:</p> <ul style="list-style-type: none"> (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids. <p>In the event of an inconsistency between the requirements under conditions E24(a) and E24(b) above, the most stringent requirement must prevail to the extent of the inconsistency.</p>	Operation				●
E25	<p>The Applicant must treat all freight containers on site to Australia Quarantine and Inspection Service (AQIS) requirements as relevant.</p>	Operation				●
E26	<p>The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.</p>	Operation				●
E27	<p>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.</p>	Operation				●

