

**INDEPENDENT ENVIRONMENTAL
COMPLIANCE AUDIT
INTERMODAL LOGISTICS CENTRE –
ENFIELD, NSW
FINAL REPORT**



Construction of Warehouses – Precincts C and F

December 2018

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EXECUTIVE SUMMARY

An Independent Environmental Audit was conducted of the Enfield Intermodal Logistics Centre (ILC) to assess compliance with the Conditions of Planning Approval 05_0147 by NSW Ports, ILC tenants and construction contractors as outlined in the Annual Compliance Report. Audit objectives also included an assessment of the implementation of relevant NSW Ports and tenants Environmental Management Plans and procedures for the ILC as well as the effectiveness of environmental mitigation measures, controls and strategies.

From a NSW Ports operational perspective the audit found that there was good commitment and awareness of the planning obligations, particularly in relation to noise, traffic, and tenant management. There appears to have been an effective transition from the previous IMT operators, Aurizon to the new operators, LINX Cargo Care.

Whilst LINX has only been operating on the site for less than 12 months, appropriate systems are in place to manage compliance with the Conditions of Approval. The inspection found that the area under the operation of their tenants was regularly inspected and kept in a tidy condition, and evidence was provided that where issues are identified, they are appropriately followed up and actioned.

The previous audit found a number of issues related to ongoing management of the tenant Swift Transport, and these were followed up as part of this audit. Actions in response to previous audit findings by the minor tenant Swift was generally unsatisfactory. As noted in the 2017 Independent audit additional surveillance of performance will be required by NSW Ports.

The inspection and review of the construction activities for Precincts C and F found that overall, high levels of compliance to the conditions of approval were noted, with particular focus on the management of contaminated soils and the respective air quality monitoring and implementation of the Fill Importation Protocol.

Lastly, from a Planning Approval perspective, the site continued to be supported by both NSW Ports and LINX environmental functions. This audit generally concurred with the compliance statements in the October 2018 Compliance Tracking Report submitted to DP&E.

In summary, two (2) of the two non-compliances raised in 2017 remain open, and one (1) IR / Observation remains open. No new non-compliances have been raised in the 2018 audit, and 15 new observations have been raised. Two recommendations have been raised for consideration.

In conclusion, the outcomes of this audit were generally positive, however as noted above, further surveillance and management of the minor tenant Swift Transport will be required.

1.0 AUDIT DETAILS

1.1 Purpose

This independent environmental audit was conducted to confirm environmental compliance with the Department of Planning and Environment (DP&E) Conditions of Approval (CoA) for the Intermodal Logistics Centre (ILC) at Enfield.

CoA 4.1 required Sydney Ports Corporation (now privatised NSW Ports) to develop and implement a Compliance Tracking Program to track and report on compliance with all CoA's. In particular, 4.1 c) requires a program of at least annual independent environmental audits.

1.2 Background

Project Approval (the Approval) for the ILC Project was issued by the NSW Minister for Planning on 5 September 2007, with several Modifications to the Planning Approval conditions subsequently approved by the Minister. The Enfield ILC (project) was intended for the transfer and storage of container freight to and from Port Botany, packing and unpacking of containers within the proposed warehouses and storage of empty containers for later re-use or for return to the Port.

The ILC site is located at Strathfield South, approximately 15 km by road from the Sydney CBD and 18 km by rail from Port Botany. The site covers an area of around 60 ha extending approximately from the intersection of the Hume Highway and Roberts Road in the north to the intersection of Punchbowl Road and Cosgrove Road in the south. Operational components included:

- Loading and unloading of containers onto trains and trucks;
- Road and rail freight operations;
- Packing and unpacking of containers and short-term storage of cargo in warehouse areas;
- Diesel storage and refuelling;
- Operation and maintenance of the ILC site by NSW Ports, including Heritage values and the Southern Ecological Area.

Since the last audit, there has been a change in the IMT operator, previously Aurizon, and now managed by LINX. In addition, warehouses were under construction by Richard Crookes Constructions in Precincts C and F.

1.3 Audit Objectives, Criteria & Scope

As stated in section 2.3 of the NSW Ports Compliance Tracking Program v3.0 dated 10 November 2017 the audit objective was to assess:

- compliance with the Conditions of Planning Approval by NSW Ports and ILC tenants and contractors as outlined in the Annual Compliance Report;
- implementation of relevant NSW Ports and tenant's environmental management plans and procedures for the ILC including Site Management Plans relating to contaminated areas of the site;
- effectiveness of environmental mitigation measures, controls and strategies and recommendations for improvements;
- internal audits undertaken by ILC tenants; and
- Actions in response to previous audit findings and non-compliances identified as part of the Compliance Tracking Program or by regulatory authorities.

Audit criteria included relevant Project Approval conditions and statement of commitments documented in the NSW Planning Approval dated 5 September 2007 and subsequent Section 75W Modification Applications 1, 2, 4, 5, 6, 8, 11, 12, 13 and 14.

The scope of the audit was limited to the implementation of obligations, commitments and environmental practices either at the time of the audit or in the preceding period. The audit included an assessment of the ongoing management of activities on the site by NSW Ports, the construction of the new warehouses in Precincts C and F, the transition to a new IMT operator and follow-up on previous audit findings.

1.4 Audit Process & Methodology

The audit comprised a desktop review and on-site audit conducted by Julie Dickson, of QEM Consulting Pty Ltd on 10th December 2018. The site-based component comprised site inspections of the warehouse construction project, tenant operations and Mt Enfield plus verification of a sample of Planning Obligations plus commitments defined in the Environmental Management Plans and requiring implementation by NSW Ports and selected tenants.

Julie Dickson is an Exemplar Global accredited EMS auditor (Certificate No 13573) and a Certified Environmental Practitioner (CEnvP) with the Environment Institute of Australia and New Zealand (EIANZ) (Certificate No 221). She specialises in a range of audits including certification, surveillance, compliance, voluntary and independent, the latter on behalf of Infrastructure Proponents including Transport for NSW, WestConnex, NorthConnex and Sydney Water.

The audit assessed a sample of applicable management systems, controls, mitigation measures and compliance verification systems as defined in the OEMPs and related documentation. The audit was undertaken in accordance with AS / NZS / ISO 19011:2018 – Guidelines for Auditing Management Systems.

1.5 Auditees and Participation

The following persons were interviewed during the audit:

Name	Organisation	Position
Trevor Brown	NSW Ports	HSE & Risk Manager
Alison Wedgwood	NSW Ports	Environment & Sustainability Co-ordinator
Paul Smith	LINX	LINX Customer manager -Eastern Region
Robyn Simpson	LINX	LINX Environment manager and Site ER
Shauna Straney	LINX	LINX HSE Advisor/Mgr
Richard Mawer	Goodman	Project Manager (warehouse construction)
Geoff DeSantis	Swift	Performance & Compliance Manager
Mitchell Kay	RCC	Engineer
Rob Teturu	RCC	Safety Advisor

1.6 Audit disclaimer

This report does not purport to be a definitive confirmation of compliance or otherwise, and it should not be construed that plans, procedures, controls and mitigation measures are effective or consistently implemented. Due to the sampling nature of an audit as described by ISO 19011 or related standards and guidelines, any issues, non-compliances or improvements may not have been detected or identified. This does not imply that issues do exist, or the project could be significantly non-compliant or vice-versa.

2.0 SUMMARY OF AUDIT FINDINGS

2.1 General

Findings requiring action are summarised in this section in *Table 2*, supported by Audit Checklist / Verification Tables provided in the Appendices which provide details of evidence assessed or provided in support of compliance assessment.

The findings in this report are divided into three categories, namely '**Compliant**', '**Non Compliant**' and '**Observation**'. The definition of these and other categories of findings are contained within *Table 1* below.

Table 1: GLOSSARY OF TERMS IN RELATION TO FINDINGS

Term /	Explanation
Compliant (C)	The intent and all specific requirements of the consent conditions have been met
Verification (V)	In the absence of formal written confirmation, the audit is able to verify by other demonstrable means (visual inspection, personal communications etc) that a condition has been met then, in most cases, the operation should be considered to be in compliance for that condition
Non-compliant (NC)	The intent or one or more specific requirements of the condition have not been met. Non-compliances will require verification of adequate corrective action by the independent auditor within 6 weeks of the audit. Where the non-compliance is based on site observations, a return site visit will be required
Administrative non-compliance (ANC)	A technical non-conformance with a condition of the consent that would not impact on the environmental performance and that is considered minor in nature (e.g. – report submitted but not on the due date). This would not apply to performance related aspects (e.g. – exceedance of a noise limit) or where a condition had not been met at all (e.g. noise management plan not prepared and submitted for approval at all).
Not Triggered (NT):	A condition or requirement that has an activation or timing requirement that had not been sufficiently triggered at the time of the review, therefore a determination of compliance could not be made
Observation (OBS)	An observation made or opportunity for improvement identified during the audit that could assist in the improvement of environmental performance on the project.

2.2 Previous audit findings

At the previous Independent Environmental Audit, two (2) recurring non-compliances were re-raised in relation to Swift Transport vehicle driver education and chemical & spill management. These had been raised in 2016 and 2017. Both of these non-compliances remain open and have again been re-raised at this audit. Refer to details in Appendix 1.

Three (3) Improvements Requests (IRs) were also raised on Swift Transport at the previous audit (note that name of findings category has since changed to Observation in this report). Two (2) IRs were closed at this audit, however one remains open in relation to the updating of the Swift Transport OEMP. Refer to details in Appendix 1.

2.3 Non-Compliances

No new non-compliances were raised at this audit

2.4 Observations

The Audit Findings raised as observations require formal improvement and may become non-compliances if not addressed in a timely manner or routinely implemented. Further details are included in Appendices 2a, 2b and 2c:

Checklist / CoA Ref	Finding	Responsible entity	Rating (OBS, NC)
SoC 34 SoC 35	Whilst some evidence was provided to demonstrate that opportunities to minimise energy consumption and water usage have been considered in the detailed design of the warehouse construction project, a formal sustainability assessment has not been prepared. See recommendation section of this report.	NSWP / Goodman	OBS 1
CoA 2.12	RTCG meeting minutes were available on the NSWP website. The original terms of reference (ToR) could not be located and they have not been updated since Sydney Ports managed the site.	NSWP	OBS 2
CoA 5.4	Some key project documents are not uploaded to the website including Mod 14 and the Compliance Tracking Program (Nov 2017). These have since been uploaded to the website	NSWP	OBS 3 (closed)
SoC 36	As an opportunity for improvement, LINX should consider including training / drills for spill response in the Site Emergency Plan (in addition to evacuation drills).	LINX	OBS 4
SoC 23	Chemical Storage – Swift warehouse Storage of chemicals inside the warehouse were not appropriately stored in accordance with acceptable practice (Ref: – Storing and Handling Liquids: Environmental Protection – Participants Manual (DECC 2007).	Swift	OBS 5

Checklist / CoA Ref	Finding	Responsible entity	Rating (OBS, NC)
OEMP 3.3.3	Management of water quality and stormwater, waste In addition to the chemical storage risks noted in OBS 4, there is room for improvement in housekeeping, with driveway in poor repair with tracking of dirt into the stormwater drain and waste bins were overfull.	Swift	OBS 6
Swift OEMP 2.5 and Appendix D	The effectiveness of the environmental inspections is questionable, particularly in relation to storage of fuels and chemicals. The Environmental Inspection Checklist should be reviewed and revised (again) to include storage of and handling of fuels and chemicals/ bunding and be undertaken with more detail and rigour.	Swift	OBS 7
	The revised Swift OEMP does not identify waste streams other than general waste and provides no guidance on how to store or dispose of that waste. It is recommended that identification of all relevant waste streams is included in the Swift OEMP.	Swift	OBS 8
CoA 6.5	The Swift Traffic Management Plan was last updated in April 2017 and does not include reference to the Drivers Code of Conduct. The Management Plan should be updated to reflect these requirements	Swift	OBS 9
NSW Ports CTP 2.1	Now that LINX has taken over the operation of the site, the monthly Compliance Reports should be reviewed and revised to meet the new operator's requirements and processes.	Swift / LINX	OBS 10
General	It was identified that a corrective action process is not being implemented to ensure that all reported issues (eg dust exceedances or findings from inspections) are adequately actioned.	RCC	OBS 11
CoA 2.50	The Hazardous substances / dangerous goods storage cage containing minor quantities of fuel was not bunded.	RCC	OBS 12
CEMP Table 10	Some gaps in the weekly environmental inspection regime, due to the Safety Advisor being absent.	RCC	OBS 13
CoA 6.3 b	RCC induction material (Site and Delivery Drivers) does not include the key messages from the Drivers Code of Conduct.	RCC	OBS 14
CoA 2.13 CEMP	One of the large compactors operated by RCC on the warehouse construction project had a reversing beeper operating on the site. The OH&S implications should be re-assessed, and the outcomes implemented if found that the use of non-tonal reversing "quackers" are appropriate for the site.	RCC	OBS 15

2.5 Recommendations

As required by the NSW Ports Compliance Tracking Program, recommended improvement(s) may be warranted as a result of assessing the effectiveness of environmental mitigation measures, controls and strategies during the Independent Environmental Audit. Recommendations are presented below:

R1: It is recommended that NSW Ports / Goodman undertake a formal sustainability assessment in line with the intent of SoC 34 and SoC 35 to ensure sustainability initiatives are transparent and implemented on all future warehouse construction on the site.

R2: It is recommended that increased surveillance and management of Swift Transport by NSW Ports and LINX is undertaken to ensure satisfactory actions are taken to address the non-compliances and observations raised at this and previous audits and to ensure compliant ongoing activities.




Report Prepared By:

Julie Dickson
1 February 2019

APPENDIX 1: Previous Audit Findings / Actions

ITEM	REFERENCE	PRIOR AUDIT FINDING	VERIFICATION OF ACTION IMPLEMENTATION	COMPLIANCE STATUS
1.	IEA Dec'16 IEA Nov 17 NC 1 CoA 6.5 b i)	<p><u>Driver education program</u></p> <p>The 2016 and 2017 audit identified that Swift Transport (tenant) processes did not effectively address Planning Approval 6.5 b i) requiring a vehicle driver education program to ensure that heavy vehicle drivers comply with Planning Approvals, particularly the use of designated vehicle routes. It was noted that:</p> <ul style="list-style-type: none"> Attachment 3 of the Transport Management Plan indicated authorised truck routes and areas where heavy vehicles were not permitted, however this was not formally communicated to drivers. 	<p>The 2017 Audit finding noted <i>“Post the on-site 2017 audit report completion, NSW Ports supplied a revised (undated) Swift PowerPoint Driver Induction Package covering environmental information on sensitive areas, complaints, incident management and appropriate truck driver routes”</i>.</p> <p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted <i>“Swift Transport has updated its driver induction package and notified all drivers of authorised truck routes”</i>.</p> <p>The follow-up on this NC found:</p> <ul style="list-style-type: none"> Whilst the Driver Induction package was sighted during this audit, evidence was not available to demonstrate that the revised induction package, or other authorised route related communications had been presented to drivers. The most recent evidence presented was dated 2016. Information about truck routes was said to be posted in the lunch room, however was located behind a vending machine and was not visible <p>As a result of the above, it was concluded that the required driver education program per Planning Approval CoA 6.5 b i) had still not been effectively implemented, and therefore remains open and is re-raised as a non-compliance.</p>	<p>Non-compliant (REMAINS OPEN 2017)</p> <p>(REMAINS OPEN 2018)</p>

ITEM	REFERENCE	PRIOR AUDIT FINDING	VERIFICATION OF ACTION IMPLEMENTATION	COMPLIANCE STATUS
2.	IEA Dec'16 IEA Nov 17 SoC 19 SoC 23 NC2	<p><u>Chemical & Spill Management</u></p> <p>The 2016 and 2017 Independent Environmental Audit identified that Swift Transport (tenant) required improvement in the management of chemicals and related fuel spills to comply with Statements of Commitments 19, 23 & 24.</p> <p>In 2016 it was noted in the IR that there were several minor incidents to date, including 2 new minor leaks on the day. Additionally, it is suggested that 105L drums of oil (as with any other chemicals) should be stored on splash pallets or equivalent.</p> <p>In 2017, a non-compliance was raised: <i>“Storage of chemicals and potentially contaminating hydrocarbon liquids by Swift did not comply with industry practice required by Planning Commitments, so as to minimise the risk of surface water, soil and groundwater contamination.”</i></p> <p>The 2017 follow-up noted that the frequency of spills had not diminished according to the Swift Hazard/Action Register all being contained on site. Splash pallets had not been procured and/or used, with a number of 205L waste all drums stored inappropriately posing some risk of loss of containment and potential to reach stormwater drains.</p>	<p>Whilst splash / bunded pallets were provided for minor refuelling operation (2 IBCs), the storage and handling of the fuels continued to be unsatisfactory. The following issues were noted:</p> <ul style="list-style-type: none"> The bunded pallets for diesel fuel are stored outside and fill up with rainwater. Captured water is regularly pumped out and taken to a waste facility. With regularly accumulated water in the bunds, the capacity of 100% of the IBC contents cannot be guaranteed. There was considerable oil staining in the vicinity of the bunded pallets, suggesting that spills are not immediately cleaned up, and may be washing to stormwater drains The valves of the IBCs were placed in a position whereby if they leaked, the liquids would fall outside of the bunded area. Refer to photos. Fuel hoses not stored fully within the bund Signage on the IBCs (Liquid Paraffin) did not reflect the actual contents (diesel) There is a metal tank stored on top of the tyre storage containers. It was stated by a Swift representative that “to the best of my knowledge, it is empty” This needs to be confirmed by Swift. <p>Refer to photos below.</p> <p>As noted in the 2017 audit report, site stormwater detention basins would probably mitigate off-site discharge unless a significant rainfall event had recently taken place.</p>	<p>Non-compliant (REMAINS OPEN 2017)</p> <p>(REMAINS OPEN 2018)</p>

ITEM	REFERENCE	PRIOR AUDIT FINDING	VERIFICATION OF ACTION IMPLEMENTATION	COMPLIANCE STATUS	
					
		<p>IBC with 2 diesel filled IBCs. Fills up with water after rain – concerns over capacity of bunded pallets to contain contents during or shortly after rain events, build-up of oil etc on the ground, hoses not fully within the bund. There are no spill maps placed on the ground as stated in Appendix G of the Swift OEMP (Dec 18)</p>	<p>Incorrect labelling on IBC (diesel, but labelled liquid paraffin)</p>	<p>Metal tank on roof of shed - As noted above it was stated by Swift representative that “to the best of my knowledge, it is empty” This needs to be confirmed by Swift</p>	
3.	IEA Dec'17 IR 1	<p><u>Waste Disposal Records</u> Waste disposal records evidencing lawful reprocessing and/or disposal of materials leaving site were not readily available to the Swift Compliance Manager to demonstrate compliance with Planning Approvals.</p>	<p>NSWP Compliance Tracking Report #11 for the period ending October 2018 noted that “<i>Swift Transport to make appropriate arrangements with waste contractor(s) to ensure that receipts for lawful disposal/reprocessing are obtained for all waste oils, chemicals and tyres</i>”.</p> <p>Waste dockets for the disposal of waste oil (J120), industrial waste treatment residue (N205) and waste oil were sighted as evidence that tyres, waste oil, oily water from bunds and general waste have been appropriately disposed of.</p>	COMPLIANT Closed	

ITEM	REFERENCE	PRIOR AUDIT FINDING	VERIFICATION OF ACTION IMPLEMENTATION	COMPLIANCE STATUS
4.	IEA Dec'17 IR 2	<u>Housekeeping</u> Housekeeping (litter and silt) of the Swift tenant site required improvement to minimise off-site impacts, and comply with Control Measures defined in the Swift OEMP.	Inspection undertaken as part of the Independent Environmental Audit found that housekeeping in relation to litter and silt was generally satisfactory, though a waste bin was noted to be over-full. This is raised as a new IR.	Compliant (CLOSED)
5.	IEA Dec' 17 IR 3	<u>Revision of OEMP</u> Revision or update of the Swift OEMP had not been undertaken after the first 12 months of operation as specified in s2.8, or as a result of audit findings. At the least it is suggested that the OEMP: <ul style="list-style-type: none"> Describe cradle to grave waste tracking record filing arrangements Section 3.3.4 describes chemical storage arrangements and controls in more detail, rather than "chemicals and fuels will be stored appropriately" 	NSWP Compliance Tracking Report #11 for the period ending October 2018 noted " <i>Swift Transport to update its OEMP to include measures to address the identified improvement Requests and Non-Compliances</i> " At the time of the 2018 Independent Environmental Audit, the OEMP has been revised (dated 4 December 2018, however still does not describe the waste tracking record filing arrangements and still does not describe chemical storage requirements – the wording "chemicals and fuels will be stored appropriately" is still the primary description of arrangements. Given that chemical storage requirements continued to be unsatisfactory, the OEMP still needs to be revised, and the requirements need to be communicated to all relevant persons.	REMAINS OPEN

APPENDIX 2a: Audit Checklist / Findings – NSW Ports

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
1.0 NSW PORTS obligations				
1.1 PLANNING APPROVAL requirements				
1.	CoA 1.2	In the event of an inconsistency between: a) the conditions of this approval and any document listed from condition 1.1a) to t) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and b) any of the documents listed from condition 1.1a) to 1.1t) inclusive, the most recent document shall prevail to the extent of the inconsistency	No inconsistencies noted according to <i>NSWP Compliance Tracking Report #11</i> for the period ending October 2018. This audit did not identify any inconsistencies from Auditee response and evidence sampled.	C
2.	CoA 1.3	The Proponent shall comply with any reasonable requirement(s) of the Planning Secretary arising from the Department's assessment of: a) any reports, plans or correspondence that are submitted in accordance with this approval; and b) the implementation of any actions or measures contained in these reports, plans or correspondence.	NSWP was required to respond to a Show Cause Letter sent to NSWP by DP&E on 23 April 2018 in regards to tenant Swift's storage and handling of fuel. As noted in the 2018 Compliance Tracking Report #11, NSWP responded to DP&E following investigations with Swift on 7 May 2018, and a plan of management and response to further questions from DP&E was provided via email on 5 June 2018, with further information included in the CTR.	C
3.	CoA 1.5	The project shall be limited to a maximum throughput of 300,000 TEU per annum, for the rail to intermodal terminal interface and warehousing interface. Note: For the avoidance of doubt, this does not include internal TEU movements.	The CTR notes that the detailed design accommodates up to 300,000 TEU per annum. Throughput for the rail to intermodal interface is tracked by the Intermodal terminal operator LINX and reported to NSW Ports quarterly. Monthly port shuttle volume tracking reports were sighted – verifying that volumes are well below the threshold.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
4.	CoA 1.6	<p>The Proponent is permitted to construct and operate warehouses across six precincts on the site (A, C, D, E, F and H) associated with the project, generally in accordance with the document referred to under condition 1.1 t). Each warehouse shall not exceed a height of 13.7 metres at its highest point (excluding minor ancillary structures such as communications equipment, air-conditioning units or solar panelling), and shall be limited to a footprint no greater than the relevant area specified in Table 1 below.</p> <p>Warehouse C – 10, 487 m² Warehouse F – 9,620 m²</p>	<p>The NSW Compliance Tracking Report #11 noted that final designs for Warehouse Precincts C and F were submitted to DP&E and approval was received on 26 September 2018.</p> <p>Constructors Richard Crookes Constructions are building to design specifications.</p>	C
5.	CoA 1.7	<p>No warehouse is permitted to undertake packaging, repackaging or decanting of dangerous goods unless and until the Proponent has submitted a risk assessment of such operations for the approval of the Director-General. Any such risk assessment shall be undertaken in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DUAP, 1997) and Multi-Level Risk Assessment (DUAP, 1997).</p>	<p>No warehouse operations have commenced. The NSW CTR #11 noted there are no current plans identify the need to package, repack or decant dangerous goods</p>	C
6.	CoA 1.8	<p>Prior to the commencement of construction of each warehouse, the Proponent shall submit final designs for the warehouse to the Director-General, demonstrating that the warehouse is generally consistent with:</p> <p>a) the warehouse designs and layouts presented in the documents referred to under condition 1.1 t) of this approval; b) the design specifications detailed under condition 1.6 of this approval;</p>	<p>Final designs for Warehouse Precincts C and F were submitted to DP&E and approval was received on 26 September 2018. Site establishment for construction commenced on 3 October 2018.</p> <p>Letter titled Enfield Intermodal Logistics Centre (ILC) – Project Approval MP_0147 – Precincts C and F – Final Designs was sighted.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<p>c) the findings and recommendations of any approved risk assessment undertaken in accordance with condition 1.7 of this approval; and</p> <p>d) the general principles presented in the Strathfield Consolidated Development Control Plan 2005 (in particular, that component of the Plan formerly being Development Control Plan No. 27 – Industrial Development).</p>		
7.	CoA 1.12	<p>The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.</p>	<p>Concur with NSW Compliance Tracking Report #11 for the period ending October 2018 that:</p> <p><i>“relevant environmental approvals/permits/licences are listed in OEMPs. Tenants are responsible for obtaining any licences or permits required for operations in their areas ”</i></p> <p>No environmental approvals, licences or permits appear to be currently required for LINX and sub-tenants, however WorkCover/SafeWork NSW Notice to store Dangerous Goods is identified.</p> <p>The CTR #11 does not however mention this requirement for CEMPs.</p> <p>The CEMP prepared for Richard Crookes Constructions identifies the CoA requirement and identifies SafeWork NSW asbestos permit requirement. No environmental licences, permits or approvals (other than the DP&E CoA) appear to apply to the construction of the project.</p>	C
8.	CoA 1.15	<p>The Proponent may subdivide the land generally in accordance with the subdivision plan DWG: 120225SUB-7 included at</p>	<p>Acknowledge NSW Compliance Tracking Report #11 for the period ending October 2018 that <i>“Mod 14 proposes a number</i></p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		Appendix 1 of this approval. However, prior to obtaining a subdivision certificate, the Proponent shall prepare and submit to the Director-General a final subdivision plan for the land. The final subdivision plan shall be generally consistent with the plan included at Appendix 1 of this approval (including the number of lots, the proposed use of each lot, and lot sizes).	<i>of lot amalgamations to facilitate warehouse development. Lot amalgamations and associated submissions to DP&E are likely to occur in early 2019”.</i>	
9.	CoA 2.6A	Before the commencement of construction of any warehouse sharing a boundary with public infrastructure the Applicant must consult with applicable authorities.... and prepare a dilapidation report identifying the condition of all public infrastructure that shares a boundary with...	<p>Cosgrove Road is considered as public infrastructure and Precinct C borders it. As evidence of compliance, sighted the Dilapidation Report – Precinct C & F – Mainline Road, Strathfield South, which has been prepared for Richard Crookes Constructions dated 15 August 2019 by Project Solutions.</p> <p>Evidence of consultation was sighted through email dated 13 September to DP&E, and Strathfield Council, providing a copy of the dilapidation report and inviting comment. No comments have been received from Councils to date.</p>	C
10.	CoA 2.12	The Proponent shall establish and maintain for the life of the project, unless otherwise agreed by the Director-General, a Road Transport Coordination Group to oversee and coordinate the management of traffic and road issues associated with and affected by the project. The Group shall include representatives of the Proponent, the Department, the RTA, Strathfield Municipal Council and Bankstown City Council, and shall operate in accordance with terms of reference agreed by those parties at the first meeting(s) of the Group. The Proponent shall bear the full cost of administering the Group.	<p>RTCG meeting minutes were available on the NSW Ports website, and it was noted that the meeting held on 21/11/2018 was the first held since 20/11/2017. An agenda for a meeting in April 2018 was located, however minutes could not be located. Issues relating to continuity of records was identified as the Logistics Manager left the business in 2017 and was not replaced for several months.</p> <p>The original terms of reference (ToR) could not be located and they have not been updated since Sydney Ports managed the site.</p>	OBS 2

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			Recommend that ToR are either located or re-written in consultation with all relevant stakeholders.	
11.	CoA 2.16	<p>Variations to Approved Working Hours. The hours of site preparation and construction activities specified under condition 2.15 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.15 shall be:</p> <ul style="list-style-type: none"> a) considered on a case-by-case basis; b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and c) Accompanied by sufficient information for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site. 	There have been no out of hours works for RCC. This was confirmed through discussions with the construction contractor and NSW Ports.	V
12.	CoA 2.19	To avoid any doubt, the Proponent shall ensure that locomotives located on the site associated with operation of the project do not cause an exceedance of the noise limits specified under condition 2.17 of this approval. This shall include where necessary measures to mitigate and manage noise associated with locomotive idling and any shunting operations on the site.	<p>The LINX Noise Management Plan (appendix to OEMP) sets out operation noise management measures which considers the conditions of approval as well as trigger points for noise monitoring and reporting requirements. LINX also indicated regulatory requirements per ARTC's EPL 3124 and Sydney Trains EPL 12008.</p> <p>Since LINX commenced operations, there have been no triggers for noise monitoring. The absence of complaints relating to locomotives since commencement indicates compliance to date.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
13.	CoA 2.33	The Proponent shall design, install, maintain and operate rainwater tanks for the collection of water for domestic uses on the site. Collected rainwater shall be used preferentially to external potable water supplies.	The Construction Design Drawings indicate that C1 and C2 Warehouse offices have been designed to have a 20,000L tank each to service irrigation and flushing of toilets. The LINX amenities/admin building also have rainwater collection infrastructure.	C
14.	CoA 2.43	Site Audit Statements A Final Site Audit Statement certifying that the contaminated areas have been remediated to a standard consistent with the intended land use is to be submitted to the Director-General prior to operation of the remediated sites.	The 2017 Independent Environmental Audit report noted that this obligation was progressing with information available on the NSW Ports website and assessed by DP&E. Noted NSW Compliance Tracking Report #11 for the period ending October 2018 stating that SASs will be submitted to DP&E prior to operations occurring within remaining lots and that construction works on Lot 12 rail sidings were validated as evidenced by Coffey Report dated 29/8/17 with interim advice letter from accredited Site Auditor dated 22/10/17 submitted by NSW Ports on 27 th October 2017. There has been no change in status since the 2017 Independent Environmental Report, however is likely to be required at the end of warehouse construction works along with new Long-Term Environmental Management Plans	C
15.	CoA 2.47	Prior to the commencement of construction of each warehouse associated with the project (refer to condition 1.6 of this approval), the Proponent shall submit, for the approval of the Director-General, details of the external façade for the warehouse.....	Noted NSW Compliance Tracking Report #11 for the period ending October 2018 stated façade details for Warehouse Precincts C and F were submitted to DP&E and approved on 26 September 2018. The Approval letter from DP&E dated 26 September 2018 noted that the external warehouse facades for Precincts C and F are approved. .	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
16.	CoA 2.50	The Proponent shall store and handle all dangerous goods (not being unopened, containerised goods), as defined by the Australian Dangerous Goods Code, strictly in accordance with: a) all relevant Australian Standards; b) a minimum bund volume requirement of 110%...	The storage and handling of dangerous goods by the IMT operator (LINX) was noted to be satisfactory. Some storage and handling issues continued to be noted and require resolution by Swift. Refer to separate tenant checklists	C
17.	CoA 3.3	Noise Emission Performance Program. Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 250,000 TEU, and within 30 days of commencement of operations in Empty Container Storage Area A, or as may be directed or agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the project.	The 2017 Independent Environmental Audit reported that a Noise Audit Report dated 9 November had been prepared in response to the 50,000 TEU being triggered and was deemed compliant. The NSW Compliance Tracking Report #11 for the period ending October 2018 stated that the IMT has not yet triggered the 150,000 TEU Threshold. This was supported by ongoing TEU volume monitoring evidence provided by LINX.	C
18.	CoA 3.3	Noise Emission Performance Program, cont'd: The program shall include, but not necessarily be limited to: a) noise monitoring, consistent with the guidelines provided in the New South Wales Industrial Noise Policy (EPA, 2000), to assess compliance with condition 2.17 of this consent; b) methodologies, locations and frequencies for noise monitoring; c) identification of monitoring sites at which pre- and post-project development noise levels can be ascertained; d) details of any complaints received in relation to noise generated by the project; e) an assessment of night-time use of audible alarm systems;	The report above clearly addressed applicable CoA's including 3.3 sub conditions a) to j), as noted in the 2017 Independent Environmental Audit Report.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<ul style="list-style-type: none"> f) an assessment of the effectiveness of stacked empty containers as acoustic barriers in Empty Container Storage Area A; g) details of any noise mitigation measures and timetables for implementation; h) a statement of whether the site is in compliance with the noise limits outlined in condition 2.17; and i) Recommendations and timetables for implementation for any reasonable and feasible additional measures to ensure compliance with the relevant noise-related conditions of this approval. 		
19.	CoA 3.4	<p>Noise Performance Report. Within 28 days of conducting the noise monitoring referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General with a copy of the report.</p>	<p>NSWP Compliance Tracking Report #11 for the period ending <u>October 2018</u> noted that "a non-compliance with this condition was noted in the previous Compliance Tracking Report period. A response from DPE was received on 9 January 2018 - noting the timing non-compliance and requesting additional information in response to noise complaints reported on in the report. NSW Ports had undertaken an Acoustic Complaint Investigation Report and submitted it to DPE on 11 January 2018 by way of response. NSW Ports received an email on 12 January 2018 noting that the Department was satisfied that the Investigation Report satisfied the Noise Audit recommendation and the DPE's follow up correspondence.</p>	C
20.	CoA 3.5	<p>Additional Noise Management. Following consideration of the outcomes of the noise audits referred to under conditions 3.3 and 3.4 of this approval, the Director-General may require the Proponent to implement additional noise mitigation, monitoring or management measures to address noise associated with the project.</p>	<p>NSW Ports noted in the NSWP CTR #10 that no additional requirements have been requested by DP&E under this condition to date.</p>	C


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
21.	CoA 3.6	<p>The Proponent shall develop and implement a Traffic and Capacity Monitoring Program to monitor the throughput and traffic generation of the project. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) provisions for monitoring the throughput of the project; b) provisions for representative monitoring the traffic generation of the project, with reference to traffic generation as a function of project throughput, type of road transport employed, hours of traffic movements and intended road traffic destinations c) provisions for periodic monitoring of traffic movements generated by the project in the surrounding road network, with a particular focus on the residential areas of Greenacre to the west of the project, generally between Roberts Road, Boronia Road and the Hume Highway, and principal road transport routes to and from the site; and d) A framework for recording and reporting the outcomes of the Program and a system for considering data generated through the Program. 	<p>Transport & Urban Planning Pty Ltd report entitled "Traffic Monitoring Program Report and Traffic Audit" dated August 2017 was sighted reflecting traffic surveys and an audit being undertaken in May / June 2017 after the 90 day / 1st trigger of 50,000 TEU. The report concluded "<i>Considering this assessment outcome, there are no additional traffic management measures recommended at this time.</i>"</p> <p>Sighted letter from DP&E dated 22 December 2018 titled "Enfield Intermodal Logistics Centre – MP 05_0147 (as modified) Traffic Monitoring Program Report and Traffic Audit – 2017". The Department considers it to generally satisfy the requirement of Schedule 2, Condition 3.6 and 3.7 of the approval.</p>	C
22.	CoA 3.7	<p>Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 250,000 TEU, or as may be directed or agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, a Traffic Audit of the project shall be undertaken by an independent qualified person(s) approved by the Director-General, the Audit shall include, but not be limited to:</p>	<p>This was assessed as compliant at the 2017 Independent Environmental Audit, with Transport & Urban Planning Pty Ltd report entitled "Traffic Monitoring Program Report and Traffic Audit" dated August 2017 sighted reflecting traffic surveys and an audit being undertaken in May / June 2017 after the 90 day / 1st trigger of 50,000 TEU.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<ul style="list-style-type: none"> a) assessment of the traffic performance of the project against the predictions made in the documents referred to under condition 1.1 of this approval; b) consideration of the results of the Traffic and Capacity Monitoring Program required under condition 3.6 of this approval; c) consideration of the effectiveness of the traffic management measures implemented by the Proponent and the measures required under this approval; d) consideration of traffic-related issues raised by the RTA, Bankstown City Council and Strathfield Municipal Council; e) consideration of the traffic-related complaints recorded in accordance with condition 5.3 of this approval; f) Findings and recommendations with respect to the traffic performance of the project and any additional measures that may be required to manage traffic associated with the project. 	<p>Since the change to LINX as the IMT, monitoring data indicates that there has been no increase in TEU throughput and the IMT has not yet triggered the 150,000 TEU threshold.</p>	
23.	CoA 3.8	<p>Within 28 days of conducting the traffic audit referred to under condition 3.7 of this approval, the Proponent shall provide the Director-General with a copy of the audit report.</p>	<p>A non-compliance was noted in the 2017 Independent Environmental Audit due to late submission of the Traffic Monitoring Program Report and Traffic Audit. DP&E <u>NSWP Compliance Tracking Report #11 for the period ending October 2018</u> noted that DP&E provided a response to NSW Ports on 22 December 2017.</p> <p>The letter was sighted as noted under CoA 3.6.</p>	C
24.	CoA 4.1	<p>The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of</p>	<p>a) Enfield ILC Compliance Tracking Program V0.3 dated 10 Nov 2017 Review of compliance status undertaken at least annually.</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<p>this approval. The Program shall include, but not necessarily limited to:</p> <ul style="list-style-type: none"> a) provisions for periodic review of the compliance status of the project approvals; b) provisions for periodic reporting of compliance status to the Director-General; c) a program for independent environmental auditing at least annually...and d) Mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance”. 	<p>A NSW Ports Compliance Tracking Register (Spreadsheet) continued to be maintained to track compliance with Conditions of Approvals and Statement of Commitments (last updated 2 November 2018).</p> <p>b) <u>NSWP Compliance Tracking Report #11 for the period ending October 2018</u> sighted. Reported annually to DP&E through the ILC-E-Compliance Tracking Report. CTR #11 was submitted to DP&E on 22 Nov 2018 (letter dated sighted).</p> <p>c) This audit has been undertaken as required by CoA 4.1 c). Noted and sighted correspondence in support of NSWP Compliance Tracking Report #11 for the period ending October 2018 indicating that the 2017 Annual Environmental Audit was submitted to DP&E on 19 December 2017.</p> <p>d) Areas of non-compliance, their respective action, status and closure date were addressed within the of NSWP Compliance Tracking Report #11. The Report noted that the DP&E compliance team visited the Enfield ILC on 6 March 2018. A Show Cause Notice was issued to NSW Ports on 23 April 2018 in relation to Swifts operational activities (refer to CoA 1.3 for document evidence). A response was provided from NSW Ports to DP&E on 7 May 2018. An email was received from DP&E on 14 May confirming that there would be no further action in regards to the Show Cause Notice and requested a response to several items from the 2017 audit report. A response to the DP&E email and request for information was provided on 5 June 2018 (refer to CoA 1.3 for document evidence).</p> <p>This audit utilised the abovementioned CTR, and evidence was sought and sighted as necessary to confirm compliance.</p>	

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
25.	CoA 5.3	The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register . The Complaints Register shall be made available for inspection by the D-G upon request.	Use of a NSW Ports Environmental Complaint Register continued, reflecting investigation and response to 3 noise related complaints in the last period. Tenant Registers sighted supported the abovementioned.	C
26.	CoA 5.4	The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to copies of documents referred to under condition 1.1 of this approval, copies of strategy, plan, program and audit required under this approval; and outcomes of compliance tracking in accordance with condition 4.1 of this approval.	<p>A dedicated page for the provision of electronic information & documents required by this condition for the ILC at Enfield project was provided at updated website page: https://www.nswports.com.au/community-and-environment-hub/project-compliance/enfield/</p> <p>The following are the most recent documents on the website:</p> <ul style="list-style-type: none"> • Overarching OEMP Aug 2016 (Ver 5 draft sighted – not yet finalised or uploaded) • OTMP Feb 2015 • LEAMP Aug 2016 • Compliance Tracking Program v3.0 dated 10 Nov 2017 (uploaded to website following the 2018 audit) <p>The NSW Ports website notes that “subject to confidentiality, compliance reporting documentation is available for public inspection upon request”</p> <p>Compliance reports and Site Audit Statements, copies of current LEAMP, OEMP and OTMP, Community Liaison Committee minutes, Road Transport Coordination Group minutes and other general information, notifications, newsletters etc. were also available on the website.</p>	OBS 3 (Closed)

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
27.	CoA 6.6	The Operation Environmental Management Plan required under conditions 6.4 and 6.5 shall be periodically reviewed and maintained, to reflect any phasing of implementation of the project, and any operational changes that may be made from time to time, and updated (where necessary) to reflect any changes arising from modifications to this approval.	At the time of the audit, the second operational revision of the OEMP was in progress and was 27/11/2018 (version 5) sighted.	C
28.	CoA 7.1 & 7.2	The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-site impacts on people or the biophysical environment notified to the Secretary.	NSWP and the tenants were maintaining an incident register. These were sighted with all incidents minor in nature and therefore not required to be notified to Secretary.	C
1.2 MANAGEMENT PLAN implementation, including risk mitigation				
29.	2.13	Control of Plant and Equipment Noise Emissions. The Proponent shall minimize noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and by replacing reversing alarms with alternative silent measures, such as flashing lights (subject to occupational health and safety requirements).	Appeared compliant for all vehicles and tenancies at the time of the audit and were observed to use low-noise mufflers and non-tonal reverse alarms. One complaint was received in July 2017 regarding beeper type noise. Investigations found that a reach stacker was used by tenant Swift, and the alarm was replaced as a result. Beepers were noted to be used on some plant on the construction site. This is addressed in the separate checklist relating to construction.	C
30.	CoA 2.34	Tarpaulin Factory. Any proposal to destroy, modify, redevelop, relocate or otherwise physically affect the Tarpaulin Factory, except for agreed stabilisation works, shall be the subject of further assessment and approval in accordance with the EP&A Act 1979.	Noted per the <u>NSWP Compliance Tracking Report #11 for the period ending October 2018</u> that a separate Planning Approval was granted in November 2017 to re-develop the site and MOD 13, which was approved in June 2018 excised the Tarpaulin Factory site from the remainder of the ILC Major Project Approval. This condition is now closed.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
31.	CoA 2.48	<p>GGBF Management Actions. The Proponent shall implement all of the relevant actions for the site recommended in the Management Plan for the Green and Golden Bell Frog Key Population at Greenacre (DECC, May 2007), being:</p> <ul style="list-style-type: none"> a) creation of overwintering habitat as part of the two-hectare improved foraging habitat at the southern end of the site; b) provision of linkages to the former RailCorp ponds; and c) Restrictions on the use of herbicides in known frog habitat and attainment of water quality standards for water discharged from the site. 	<p>Maintenance of the Frog Habitat Creation Area continued to be undertaken by a specialist service provider Dragonfly Environmental, with detailed report of action dated January 2018 sighted. Dragonfly's report indicated manual weeding, given no herbicide being allowed</p> <p>A frog survey was undertaken by Dr White on 12 November 2018, commenting that the recent rain has triggered a lot of growth of the invasive weed <i>Azolla sp</i> which has blanketed the surface of the ponds, and will need to be removed. Dr White also commented that frog area was under-utilised due to low levels of water in the ponds which continued to be a concern as previously identified.</p> <p>See photo below.</p> 	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			<p>Key recommendations from the reports are:</p> <ul style="list-style-type: none"> Remove the <i>Azolla sp</i> pond weeds (email dated 14 Nov 2018 to Dragonfly noting immediate concern is to deal with Azolla) Conduct simple earthworks to prevent pond leakage and to improve the water supply to the ponds (yet to be completed at the time of the audit). 	
32.	CoA 6.1	Prior to the commencement of operation of the project, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director General, during the operation of the project.	The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that Trevor Brown and Alison Wedgewood were approved 2015 and that a nomination for an ER for the new IMT operator LINX was made to DP&E in the letter dated 22 August 2018 (sent on 10 Sept 2018). DP&E requested further information via email from NSW Ports on 3 October 2018 which was provided in email on 9 October 2018. DP&E approved the LINX nomination in the letter dated 16 November 2018.	C
33.	CoA 6.2	Prior to the commencement of site preparation works or construction of the project, the Proponent shall prepare and submit for the approval of the Director-General a Construction Environmental Management Plan to detail an environmental management framework, practices and procedures to be followed during site preparation and construction of the project	<p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that the “CEMP framework document is due to be updated in November 2018 following modifications to the project approval. Notification will be made to DPE in Dec 2018”. The current NSW CEMP dated March 2014 is on the project website. This document was under review at the time of the audit and was due for submission to DP&E in December 2019.</p> <p>A Construction Environmental Management Plan dated August 2018 was prepared following the approval of Mod 14 to cover the construction works undertaken at Precinct C and Precinct F within the Enfield ILC development by Richard</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			Crookes Construction. The CEMP was submitted to DP&E and approved on 26 September 2018. Implementation is addressed in a separate checklist for the construction project.	
34.	CoA 6.3 b)	Construction traffic measures including: i) a Construction Traffic Management Protocol in detail how any vehicle movements associated with the project will be managed during construction... ii) a Driver's Code of Conduct detailing traffic management measures to be implemented during construction....	A Construction Traffic Management Plan dated 21 August 2018 forms Appendix F of the Construction Environmental Management Plan. The Plan considers the requirements of MOD 14 and includes detail on how heavy vehicle movements associated with the project will be managed during construction and a driver's code of conduct.	C
35.	CoA 6.3 b)	A Fill Importation Protocol (FIP) outlining the requirements of the imported fill, including the source and type in containing a requirement to place and compact imported material as full immediately upon arrival at site. The FIP is to include the requirement that only virgin excavated natural material can be imported from off-site.	This will be included in the NSW Ports revised overarching CEMP (under review at time of audit) as a new requirement under MOD 14 and will be required as part of any new warehouse CEMP involving fill importation. The implementation of the Fill Importation Protocol is addressed within the Construction checklist – Construction of warehouses. A Spoil Re-use and Fill Importation Protocol is provided in Appendix J of the Precincts C and F of the Richard Crookes Construction CEMP prepared by SLR Consulting. Implementation is addressed in the separate checklist for the construction project.	C
36.	CoA 6.4	Prior to commencement of operations, the Proponent shall prepare and submit for the approval of the Director-General an Operation Environmental Management Plan (OEMP) to detail	NSW Ports OEMP v4 dated 30/08/2016 continued to be implemented, both by NSW Ports for their obligations, and	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		an environmental management framework, practices and procedures to be followed during the operation of the project.	<p>also through tenant OEMP's addressed later in this report and in the separate checklists.</p> <p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that minor updates to the OEMP are due to be made in November 2018 to reflect organisational changes and modifications to the project approval. Notification of those updates were expected to be made to DP&EDP&E in Dec 2018.</p> <p>LINX prepared an OEMP and evidence of a NSW Ports Review on 29/08/18 was sighted</p> <p>The NSW Ports OEMP draft version 5.0 27/11/2018 (2nd operational revision of approved OEMP) was sighted</p>	
37.	SoC 34	Energy & Greenhouse - Opportunities to minimise energy consumption on site will be identified and implemented. Energy management measures would be assessed during detail design and would be consistent, as far as practicable, with Strathfield Council's DCP No 27 – Industrial Development. These measures would be developed as a result of undertaking the sustainability assessment during the detailed design phase of the project.	<p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted:</p> <p><i>Energy minimisation initiatives will need to be considered during the design and construction of future infrastructure (Warehouses, LIC etc.) on the site by Tenants.</i></p> <p>Some evidence of energy management considerations was noted in the Design Presentation minutes noting that advice will be sought on whether solar panels installed on the warehouse can be used to power the hot water tanks in lieu of running its own solar heating system.</p> <p>Correspondence from Goodman (Property Managers on behalf of NSW) indicates that they have updated their design briefs to incorporate sustainability, and have prepared Sustainability Reports for other developments, however, for this project, no sustainability assessment has been prepared in line with the intent of SoC 34 and SoC 35.</p>	OBS 1

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			<p>As noted above, whilst some evidence was provided to demonstrate that opportunities to minimise energy consumption and water usage have been considered in the detailed design of the warehouse construction project, a formal sustainability assessment has not been prepared.</p> <p>It is recommended that NSW Ports / Goodman undertake a formal sustainability assessment in line with the intent of SoC 34 and SoC 35 to ensure sustainability initiatives are transparent and implemented on all future warehouse construction on the site</p>	
38.	SoC 35	Water Consumption - Identify opportunities to minimise water consumption on site and potential reuse of rain water for toilet flushing, wash-down bays and top up of frog ponds. These measures would be developed as a result of undertaking the sustainability assessment during the detailed design phase of the project.	<p>The NSWP Compliance Tracking Report #11 for the period ending October 2018 noted:</p> <p><i>Rainwater tanks and other water reuse opportunities to be evaluated during detailed design of Warehouses and LIC facilities.</i></p> <p><i>Evidence that rainwater tanks have been included in the design were sighted in the Design Presentation Minutes dated 25 September 2018. Representatives from NSW Ports, Goodman and Richard Crookes Constructions were noted as having attended.</i></p> <p>As noted above, no sustainability assessment has been prepared in line with the intent of SoC 34 and SoC 35.</p>	OBS 1 (as above)
39.	SoC 39	Environmental Reporting. During operation, environmental performance and progress will be incorporated as necessary into the respective corporate environmental reporting of Sydney Ports and the site operators. The reports would ensure relevant	<p>Extracts from the October and November 2018 monthly business reports were sighted. The suggestion that <i>“reviews of environmental performance either through report compilation or so-called management reviews, allude to</i></p>	C

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		authorities have access to important environmental information relating to the new facility. Any shortcomings in environmental performance identified by the reporting process would be addressed by updating the EMPs.	<p><i>actions to update EMPs when necessary</i>" identified in the 2017 Independent Environmental Audit Report does not appear to have been implemented.</p> <p>However, NSWP note that the CEMP and OEMP framework documents are only going through their second revision currently and this has been instigated as a result of project modifications and updates to out-of-date information. Discussions with NSWP indicated that no specific shortcomings had been identified except out of date information as indicated above.</p>	
1.3 PERFORMANCE MONITORING, incl. effectiveness and improvement				
40.	OEMP 3.3	Site Environmental Monitoring & Inspections (operations) - maintenance and inspection process of monitoring required by the OEMP and related Plans.	<p>MEX prompted inspections continued, using the following forms which prompts the checking of controls and areas:</p> <ul style="list-style-type: none"> • General Inspection Report (Sighted Mt Enfield 18 July 18) • Landscape Inspection Report (sighted Workorder 12004) • Landscape Inspection Report Detention Basin B 25 July 18) 	C
41.	OEMP 3.3	Directions to tenants to ensure / improve environmental outcomes	Correspondence to tenants (LINX) relating to diesel locomotive emissions and reverse beeper noise on forklifts was sighted.	C

APPENDIX 2b: Audit Checklist / Findings – Tenants

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
2.0 IMT TENANT (LINX – formerly AURIZON on site) obligations				
2.1 PLANNING APPROVAL requirements				
42.	CoA 1.12	The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.	<p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that “lists of relevant environmental approvals/permits/licences are listed in OEMPs. Tenants are responsible for obtaining any licences or permits required for operations in their areas”.</p> <p>The LINX OEMP identifies the key applicable legislation applicable to the project in Section 3.6 – Compliance Obligations and notes that an if any activities constitute a scheduled activity, the would undertake the activity in accordance with an Environmental Protection Licence (not triggered)</p> <p>It was noted that there is no trade waste system on site and therefore not Trade Waste agreement is required. .</p>	C
43.	CoA 3.7	Within 90 days of the project reaching annual throughput of 50,000 TEU, 150,000 TEU and 250,000 TEU, or as may be directed or agreed by the Director-General, and during a period in which the project is operating under normal operating conditions, a Traffic Audit of the project shall be undertaken by an independent qualified person(s) approved by the Director-General, the Audit shall include, but not be limited to: (a – f)	<p>The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that “<i>The IMT operator monitored volumes and advised NSW Ports quarterly of throughput. The requirement for a traffic audit report at 50,000 TEU was triggered in 2017. The monitoring took place in June and July in 2017 and results are summarised in a combined report with the monitoring and counts of the Traffic and Capacity Monitoring Program. The IMT has not yet triggered the 150,000 TEU threshold</i>”</p> <p>Evidence was sighted to verify the above including the generation of throughput data within the Translogic</p>	C

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			management system and sampled monthly TEU reports with export import breakdown up until Nov 18.	
44.	CoA 6.1	Prior to the commencement of operation of the project, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director General, during the operation of the project.	Robyn Simpson and Andrew Simpson have been nominated and approved by DP&E as the LINX ERs. Sighted DP&E letter approving Robyn Simpson and Andrew Simpson for the purposes of condition 6.1 (e) for the LINX Cargo Care site within the Enfield ILC.	C
45.	CoAs: CoA 6.4 CoA 6.5(b) CoA 6.5(a)	Documents available to manage risk, as prescribed by Planning Conditions: <ul style="list-style-type: none"> Operational Environmental Management Plan (OEMP) Operational Traffic Management Plan Operational Noise Management Plan 	The following documents were sighted and reviewed: <ul style="list-style-type: none"> OEMP ENF-EMP-001 Rev 1 Dated 20/08/2018 -R Simpson (author). Site Management Plan (NSW Ports document) is attached as an appendix to the OEMP – dated Sept/Oct Appendix F – ENF-TMP-001 Site Traffic Management Sub-Plan Enfield Site dated 26/02/2018 Appendix G – ENF-NMP-001 LINX Enfield Noise Management Plan – Enfield ILC 	C
46.	CoA 2.32	Waste Water Disposal. All machinery wash down waters and amenities wastewater shall be directed to sewer (subject to	Since the commencement of operations by Linx, the facilities for washdown of machinery have not been operated. It is	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		Sydney Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.	expected that the washdown facilities will be operated in the future (prior to next audit). NSWP provided information that the LINX amenities are connected to a private low pressure sewer system. LINX will need to ensure that the system is appropriate for the wash-down water prior to recommencing these activities.	
47.	CoA 2.39	Disposal of Waste Materials - all waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.	The recording and tracking of general waste was recently commenced. General waste is removed by Cleanaway and the invoices for October and December were sighted.	C
2.2 MANAGEMENT PLAN implementation, including risk mitigation				
48.	OEMP 3.7 & 3.8	Training and awareness Site Specific induction records maintained including that of truck drivers, and addressing: <ul style="list-style-type: none"> • Refuelling • Servicing / maintenance of plan • DG handling Task based instruction and training on high risk activities: <ul style="list-style-type: none"> • Refuelling / servicing / maintenance of mobile plant • DG handling • Wash water treatment. 	Site inductions are conducted online and include two levels of induction. Evidence sighted included induction material and an extract from Rapid Induct records (spreadsheet). Topics covered included: Environmental Management, spills, legal requirements, waste management, sensitive areas diagram; and for drivers, hours of operation, access, traffic route management, environmental incidents and complaints.	C
49.	CoA 5.3 OEMP 3.9.6	Details of all complaints received recorded as an incident	Complaints are recorded through the Linx incident and corrective action system, Lifeguard. A spreadsheet was generated from the LifeGuard systems as evidence, and	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			included complaints, near misses and incidents relating to LINX and tenant operations. Five complaints and two spills were recorded and all were rated as minor or insignificant. Actions taken appear appropriate to the scale of the incidents and complaints.	
50.	OEMP 3.9.4, 3.9.5 ENF-ERP-001 CoA 7.2	Emergency Response and Incident Management – any environmental and pollution incidents recorded, reported immediately to the NSW Ports' Site Manager (Enfield ILC).	As noted above, incidents are reported through the LINX Lifeguard system. Interviews indicated that LINX management are well aware of the requirement to report all incidents to NSW Ports, and is addressed in section 3.9.3 of the LINX OEMP. No significant incidents have been reported by LINX since commencement of their operations at the Enfield ILC.	C
51.	CoA 7.1	The Proponent shall notify the Director-General of any incident with actual or potential significant off-Site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident.	No incident has required notification to the DG/Secretary due to all being minor in nature	C
52.	CoA 6.5(a) ONMP: ??	Noise and Vibration – LINX Noise Management Plan – Enfield ILC compliant with CoA 6.5(a) and implemented? E.g. <ul style="list-style-type: none"> • Locomotive idling • Restrictive rail Infrastructure maintenance hours • Triggers for noise monitoring such as regulatory request and substantial changes to operational intensity 	The LINX Noise Management Plan – Enfield ILC provides a number of control measures relating to locomotive idling, including ensuring locomotives are approved for use on the rail network (eg passing network noise requirements), and shutting down when not in use for extended periods. Compliance could not be verified on the day of the audit, as not locomotives were on site. Maintenance works scheduling and noise monitoring requirements are addressed within the Noise Management Plan. Noise monitoring requirements have not been triggered to date since LINX commenced operations.	C


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
53.	OEMP 4.5 Table 6 SW2 SW3 SW4,5,6	Water Quality and Stormwater Management - implementation of controls including: <ul style="list-style-type: none"> Wash down – containers, plant waste water recycling Quarantine wash bay Permanent Fuel Storage Direct into Locomotive refuelling Spill Response Direct Locomotive refuelling 	Wash down and quarantine activities have not been undertaken by LINX since the commencement of their contract. This may however change in the future. Appropriate controls were in place for refuelling (activity not witnessed) and spill kits were available within the vicinity of activities that could result in spills. Procedural changes have been made, and refuelling is now only undertaken at one end of the site to limit potential for spills. The site inspection conducted as part of the Independent Environmental Audit indicated that controls were in place, and that LINX review the storage of IBCs and raise issues with the tenants as required.	C
54.	SoC 36	An Incident Management Plan (ERIMP) would be prepared to ensure incidents are handled promptly and safely. The ERIMP would outline the appropriate emergency response equipment that would be provided, the mandatory training requirements, the emergency response procedure and the responsibilities of site operators.	A Site Emergency Plan for Enfield Terminal (ENF-SEP-002) V1 dated 28/02/2018, approved 24/09/2018 was sighted and reviewed. The Plan generally meets the requirements of SoC 36. Emergency evacuation drills are required biannually or annually depending on risk profile, however does not require drills or training relating to spills. Emergency spill kits were available across the site. As an opportunity for improvement, LINX should consider including training / drills for spill response in the Site Emergency Plan (in addition to evacuation drills). To ensure effectiveness, consideration should be given to making the drills / training, hands-on rather than desk-top exercises.	OBS 4


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
2.3 PERFORMANCE MONITORING , incl. effectiveness and improvement				
55.	OEMP 5.1	Environmental Reporting & Auditing – have monthly environmental inspections taken place?	Environmental site inspection checklists date 07/08/18, 27/11/18 6/12/18 were sighted and reviewed and appear to be adequately and appropriately implemented.	C
56.	OEMP 5.2	Environmental Reporting & Auditing – have routine environmental audits taken place (minimum of every 12 months from commencement of operation).	LINX have not yet conducted any environmental audits have not yet commenced. LINX had been operating at the Enfield ILC for less than 12 months	C
57.	NSW Ports CTP 2.1	Periodic review of compliance with the Conditions of the Project Approval undertaken by ILC tenants per NSW Ports Compliance Tracking Program s2.1 in support of obligation to submit an Annual Compliance Tracking Report to DP&E?	LINX maintain a Compliance tracking tool tracking compliance, which at the date of the audit indicated compliance status, and the audit review evidence column notes that “To be populated upon LINX initial operational compliance review”	C
58.	NSW Ports CTP 2.3	The Independent Environmental Auditor (IEA) to assess the effectiveness of environmental mitigation measures, controls and strategies and recommend improvements as required by NSW Ports Compliance Tracking Program s2.3 requirements.	Evidence of systems and compliance and improvement by LINX appeared to indicate that measures were effective, there being no recommendations from <u>this</u> audit.	C
3.0 SUB-TENANT (SWIFT) obligations				
3.1 PLANNING APPROVAL requirements				
59.	CoA 1.12	The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all	The NSW Compliance Tracking Report #11 for the period ending October 2018 noted that “lists of relevant environmental approvals/permits/licences are listed in OEMPs. Tenants are responsible for obtaining any licences or permits required for operations in their areas”.	C



ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		relevant environmental approvals are available on the site at all times during the project.	The Swift OEMP identifies the key applicable legislation applicable to the project and notes that no EPA Licence is applicable.	
60.	CoA 6.4 CoA 6.5(b) CoA 6.5(a)	Documents available to manage risk per Planning Conditions: <ul style="list-style-type: none"> Operational Environmental Management Plan Operational Traffic Management Plan Operational Noise Management Plan 	The Swift OEMP has been recently revised and updated (4 December 2018), however at the time of the audit, it had not yet been formally approved or issued. The Swift Traffic Management Plan last updated April 2017 was sighted and reviewed. The Operational Noise Management plan is located in Appendix F of the Swift OEMP.	C
61.	CoA 6.5	OEMP Management Plans (new addition to part (b) i-a Drivers code of conduct to be implemented to (additional section only below in italics) <i>-minimise impacts of the project on the local and regional road network, ·</i> <i>-minimise conflicts with other road users, ·</i> <i>- ensure truck drivers use specific routes and access points, including no left turn access from Cosgrove Road, and</i> <i>- minimise traffic noise, particularly during night times hours;</i>	The Swift Traffic Management Plan was last updated in April 2017 and does not include reference to the Drivers Code of Conduct. As noted in the open NC, the key requirements of the Code of Conduct have not yet been adequately communicated to drivers. The Management Plan should be updated to reflect these requirements	OBS 9
62.	CoA 2.39	Disposal of Waste Materials - all waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.	Evidence in the form of retained dockets was provided that waste is removed by contractors to a lawful facility.	C
63.	SoC 19	The Operational Environmental Management Plan (OEMP) to guide operational activities including:	The following finding was raised at the last Independent Environmental Audit (2017):	OBS / previous IR

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		- Chemicals storage and handling	<p><i>OEMP 3.3.4 does not provide adequate guidance based on ongoing chemical issues (raised as a non-compliance below) only describing that “chemicals and fuels will be stored appropriately”</i></p> <p>A review of the Swift OEMP found that there has been no change in the wording in the revised OEMP in relation to this issue and the previous finding REMAINS OPEN</p>	(remains open from 2017 audit)
64.	SoC 19	The Operational Environmental Management Plan (OEMP) to guide operational activities including: - Waste Management	<p>Further review of the revised Swift OEMP found that it does not identify waste streams other than general waste (for example, waste oil and oily water from bunds) and provides no guidance on how to store or dispose of that waste. Section 3.3.7 states that “only general waste is expected to be generated as a result of Swifts operation”.</p> <p>It is recommended that identification of all relevant waste streams is included in the Swift OEMP.</p>	OBS 8
3.2 MANAGEMENT PLAN implementation, including risk mitigation				
65.	CoA 6.5 b i) OEMP 3.3.1	Implementation of the Operational Traffic Management Plan CoA 6.5 requirement (b) (i) requirement for a driver education program to ensure that heavy vehicles comply with the requirements of this approval and the commitments made, particularly with respect to heavy vehicle routes.	<p>A Swift Driver Induction PowerPoint presentation has been updated since the last independent environmental audit, however no evidence was provided that any further training / induction has been provided since 2016.</p> <p>Weaknesses were identified in the driver education program in the Independent Environmental Audit of 2016, and a non-compliance was raised in the 2017 independent</p>	NC (remains open from 2017 audit)

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		Site Specific induction records maintained including that of truck drivers, demonstrating implementation of the driver education program:	environmental audit regarding driver education implementation. This audit has again identified that minimal action appears to have been take to implement the driver education program, and as such the non-compliance REMAINS OPEN.	
66.	SoC 23	Operations to be managed to ensure potentially contaminating materials are stored and handled in an appropriate manner, according to relevant Australian Standards, to minimise future contamination risk to surface water, soils and groundwater.	<p>Inadequate and inappropriate storage of potentially contaminating materials has been raised previously in the 2016 and 2017 Independent Environmental Audits, and was also subject to a Show Cause letter from DP&E in 2018.</p> <p>Whilst splash / bunded pallets have now been provided for minor refuelling operation (2 IBCs), the storage and handling of the fuels and other potentially contaminating materials continues to be unsatisfactory. The following issues were noted:</p> <ul style="list-style-type: none"> • The bunded pallets for diesel fuel are stored outside and fill up with rainwater. Captured water is regularly pumped out and taken to a waste facility. With regularly accumulated water in the bunds, the capacity of 100% of the IBC contents cannot be guaranteed. • There was considerable oil staining in the vicinity of the bunded pallets, suggesting that spills are not immediately cleaned up, and may be washing to stormwater drains • The valves of the IBCs were placed in a position whereby if they leaked, the liquids would fall outside of the bunded area. Refer to photos. • Fuel hoses not stored fully within the bund 	NC (remains open from 2017 audit)

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			<ul style="list-style-type: none"> • Signage on the IBCs (Liquid Paraffin) did not reflect the actual contents (diesel) • There is a metal tank stored on top of the tyre storage containers. It was stated by a Swift representative that “to the best of my knowledge, it is empty” This needs to be confirmed by Swift – see photo. 	
67.	SoC 23	<p>Storage of chemicals Storage of chemicals inside the warehouse were not appropriately stored in accordance with acceptable practice (Ref: – Storing and Handling Liquids: Environmental Protection – Participants Manual (DECC 2007). The following issues were identified:</p> <ul style="list-style-type: none"> • Truckwash, caustic degreaser and other chemicals stored on unbanded pallets above head height and in front of a fire hose. Other drums randomly stored around warehouse unbanded. • Class 8 corrosive (Sodium hydroxide) IBC stored on banded pallet that may not be sufficient to contain 100% of IBC volume, and the valve was located in a position whereby, if it leaked, liquids may not be contained within the bund. • Machinery impeding access to fire hose <p>It is acknowledged that spills within the warehouse may not reach stormwater drains to cause off site pollution, however these poor storage practices may lead to lesser response in an emergency (e.g. - impeded fire hose) and</p>	 <p>Storage of truck wash and other chemicals on high shelf, no bunding. Impeded fire hose. IBC with Class 8 corrosive stored on banded pallet, valve protrudes to area outside the bund</p>	OBS 5

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<p>represent safety risks. Good housekeeping and acceptable practices should be therefore implemented.</p>	 <p>Poor storage practice – drums on timber pallets</p>	
68.	OEMP 3.3.3	<p>Management of Environmental Aspects - implementation of tabulated "Control Measures" for:</p> <ul style="list-style-type: none"> • Water Quality and Stormwater • Waste • Etc. 	<p>Apart from chemical storage risks noted above, there was also room for improvement in housekeeping noted on the day e.g.</p> <ul style="list-style-type: none"> • The driveway was in poor repair with the tracking of dirt into the stormwater drain • Waste bins over full 	OBS 6

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			 <p>Driveway in poor repair with tracking of dirt into stormwater drain</p>  <p>Overfull general waste bin</p>	
69.	OEMP 2.9 & 2.4	Awareness, and/or implementation of processes for: <ul style="list-style-type: none"> • Environmental incidents • Complaints, including use of Appendix C register 	A Hazard Action register continued to be used to capture incidents with 7 minor incidents/issues recorded for 2018 including acknowledgment of the Show Cause Letter from	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			DP&E regarding location and removal of fuel tank. Action of Register states that contaminated soil to be organised with certified receipts issued (closed).	
70.	OEMP 2.9 CoA 7.1	Emergency Response and Incident Management – any environmental and pollution incidents recorded, in turn reported immediately to the NSW Ports' Site Manager (Enfield ILC). The Proponent shall notify the Director-General of any incident with actual or potential significant off-Site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident.	Minor environmental incidents were noted as above in the Hazard / Action Register and communicated to NSW Ports through LINX as required. Records and/or discussions appeared to confirm that there had been no off-site incidence of significance.	C
3.3 PERFORMANCE MONITORING , incl. effectiveness and improvement				
71.	Swift OEMP 2.5 & Appendix D	Environmental Reporting & Auditing – have monthly environmental inspections taken place?	Formal monthly environmental inspections continued with completed checklist/forms sighted e.g. April to Nov 2018. In the 8 records sighted, all items were deemed by Swift to be compliant with no comments made or actions raised, except acknowledgement of waste disposal of contaminated soil in July 2018.	C
72.	Swift OEMP 2.5 & Appendix D	Effective action to identified issues, complaints and incidents?	Given the number of issues identified during the site 2018 Independent Environmental Audit site inspection, the effectiveness of the environmental inspection is questionable, particularly in relation to storage of fuels and chemicals. It is recommended that the Environmental Inspection Checklist is reviewed and revised (again) to include items	OBS 7

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			relating to appropriate storage of and handling of fuels and chemicals including use of bunding / secondary containment. Persons undertaking the inspections should provide additional text to indicate actual conditions sighted, to support the assertion of compliance (or not) to the area being inspected.	
73.	NSW Ports CTP 2.1	Periodic review of compliance with the Conditions of the Project Approval undertaken by ILC tenants per NSW Ports Compliance Tracking Program s2.1 in support of obligation to submit an Annual Compliance Tracking Report to DP&E?	Per sub-let agreement, Monthly Compliance Reports using an Aurizon Checklist were completed by Swift – sighted reports April to Nov 2018. Now that LINX has taken over the operation of the site, the monthly Compliance Reports should be reviewed and revised to meet the new operator's requirements and processes	OBS 10
74.	NSW Ports CTP 2.3	The Independent Environmental Auditor (IEA) to assess the effectiveness of environmental mitigation measures, controls and strategies and recommend improvements as required by NSW Ports Compliance Tracking Program s2.3 requirements.	Reviews, inspections and corrective action did not appear to be entirely effective, given some of the previous IEA findings not been satisfactorily addressed. Also, it was noted that all of the Monthly Compliance Reports reviewed (April to November 2018) had confirmed that “Chemical containers stored in appropriately bunded sealed areas, under cover...”. However the site inspection undertaken as part of this Independent Environmental Audit indicated this was not the case as identified and raised as an NC in this report.	Refer section 2.5 of this report

APPENDIX 2c: Audit Checklist / Findings – Precincts C and F Construction


ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
4.0 Richard Crookes Construction (RCC)				
4.1 PLANNING APPROVAL requirements				
75.	CoA 6.2	CEMP Prior to the commencement of site preparation works or construction of the project, the Proponent shall prepare and submit for the approval of the Planning Secretary a Construction Environmental Management Plan to detail an environmental management framework, practices and procedures to be followed during site preparation and construction of the project. ...Shall include (a – i)	A construction Environmental Management Plan for Precincts C and F has been prepared by SLR Consulting on behalf of Richard Crookes Constructions. The <i>NSWP Compliance Tracking Report #11</i> for the period ending October 2018 notes that the CEMP was approved by DP&E on 26 September 2018. Approval letter from DP&E was sighted.	C
76.	CoA 6.3 a	CEMP Management Plans a) As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement the following Management Plans: a) a Construction Noise Management Plan...	Construction Noise and Vibration Management Plan is included as Appendix E part of the approved CEMP – by SLR August 2018	C
77.	CoA 6.3 b	b) Construction traffic measures...(Mod 14 – new) i. a Construction Traffic Management Protocol to detail how heavy vehicle movements associated with the project will be managed during construction. The Protocol shall specifically address the movement of oversize loads to and from the site, the management of construction traffic, restrictions to the hours	A Construction Traffic Management Protocol is included as Appendix F of the approved CEMP. The Protocol addresses the requirements of CoA 6.3 b (i), and includes a Drivers Code of Conduct. The Code of Conduct includes “Not drive outside of the approved HV routes” A review of the RCC induction material (Site and Delivery Drivers) found that the key messages from the Drivers Code	OBS 14

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		of heavy vehicle movements to avoid road use conflicts, and the transport of construction waste materials; and ii. a Driver's Code of Conduct which details traffic management measures to be implemented during construction to: · minimise impacts of the project on the local and regional road network, · minimise conflicts with other road users, · ensure truck drivers use specific routes and access points, including no left turn access from Cosgrove Road, and minimise traffic noise, particularly during night times hours;	of Conduct are not included. It is recommended that the induction material for drivers and site includes the key messages (use of specific routes and access points, no left hand access from Cosgrove Road etc)	
78.	CoA 6.3 d, e	d) Landscape and Ecological Area Management Plan e) Construction Dust Management Protocol	A Landscape and Ecological Area Management Plan is included as Appendix H of the approved CEMP A Construction Dust Management Protocol is included as Appendix D of the approved CEMP	C
79.	CoA 6.3 h	h) A Fill Importation Protocol (FIP) outlining the requirements of the imported fill, including the source and type, and containing the requirement to place and compact imported material as fill immediately upon arrival to the site. The FIP is to include the requirement that only virgin excavated natural material/ excavated natural material can be imported from off-site. All bulk earthworks should be undertaken in accordance with the approved FIP.	A spoil re-use and Fill Importation Protocol is included as Appendix J of the approved CEMP. The Protocol was reviewed and appears to meet the requirements of the CoA.	C
2.2 MANAGEMENT PLAN implementation, including risk mitigation				
80.	CoA 2.13 CEMP	The Proponent shall minimise noise emissions from plant and equipment operated on the site by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and by replacing reversing alarms with	The site inspection conducted as part of the independent environmental audit found that most of the machinery were fitted with non-tonal reversing alarms, however one of the	OBS 15

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
		<p>alternative silent measures, such as flashing lights (subject to occupational health and safety requirements)</p> <p>Quackers fitted?, Minimal Queuing? Noisy equipment behind barriers?</p>	<p>large compactors had a reversing beeper. The RCC Safety Advisor stated that it may be due to an occupational health and safety issues, however as a recommendation, it is considered that this should be re-assessed.</p> <p>Noise levels are checked on machinery during Safety walks and records were sighted (dated 12/11/18) in which 7 machines were tested</p>	
81.	CoA 2.15	<p>The Proponent shall only undertake site preparation and construction activities associated with the project that would generate an audible noise at any residential premises during the following hours: a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive; b) 8:00 am to 1:00 pm on Saturdays; and c) at no time on Sundays or public holidays. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.</p>	<p>There have been no out of hours works conducted at the construction site date,</p>	C
82.	CoA 2.22 CEMP	<p>Management of dust emissions The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the site including wind-blown and traffic generated dust. Non-potable water used for dust suppression where practicable?</p>	<p>The site inspection found that dust was generally adequately managed on site. A water cart is used for dust suppression and the streets are swept on a regular basis with a large street sweeper (sighted on day of audit)</p> <p>Potable water was being used for dust suppression and it was stated that there are no viable non-potable sources on site.</p> <p>Two dust gauges have been installed on the site (high volume air samplers) and one was sighted during the site inspection. Refer to monitoring section of this checklist for further detail</p>	C
83.	CoA 2.26	<p>The Proponent shall apply and enforce a 25 km/h speed limit on the site during site preparation and construction works to minimise the potential for dust generation.</p>	<p>The speed limit for construction works on Warehouse Precincts C has been reduced to 10km/hr for internal haul roads and 40km/hr for external site (sealed) roads. This was</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			confirmed during the site inspection, and no instances of speeding was noted during the inspection	
84.	CoA 2.27 Sec. 4.2 CEMP	All vehicles and equipment directly associated with site preparation and construction works will pass through a cattle grid prior to leaving the site.	“Cattle grids” are installed at the entry and exit to the construction sites, however it was noted that one cattle grid had been removed temporarily but was replaced by a concreted area.	C
85.	CoA 2.29 CEMP Table 16	Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during site preparation and construction activities, in accordance with Landcom's Managing Urban Stormwater: Soils and Construction.	Adequate soil and water controls were observed to be in place during the site inspection. Controls included gravel bags in drains, sediment fences etc	C
	CoA 2.30 CEMP Sec 4.2	All stockpiled construction materials shall be adequately located, stabilised and maintained to prevent erosion or dispersal of the materials. All stockpiles (if any) will be covered, seeded or fenced to prevent wind erosion.	Stockpiles were observed to be were managed appropriately. The quantity of material held on site was limited at the time of the audit, and any uncovered stockpiles were in active use	C
86.	CoA 2.39, 2.40 CEMP Sec 4.6	Construction waste (including liquid waste) appropriately managed – stored appropriately, classified and taken to lawful facility.	Evidence was provided in the form of monthly reports from supplier Garbage Guts. Report for November 2018 shows that recyclables are recovered and sent to appropriate recycling facilities.	C
87.	CoA 2.42 CEMP Table 6	Ensure that contaminated areas of the site that are disturbed by construction works associated with the project are remediated prior to the commencement of project operations at these areas	This was in progress at the time of the audit. “Contaminated zone” was operational. Evidence of air monitoring by EP Risk was sighted indicating that the ongoing air quality risks are managed during the project.	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
88.	CoA 2.44	The Proponent shall manage any asbestos or asbestos-contaminated materials that may be uncovered during the construction, commissioning and operation of the project strictly in accordance with the requirements under Protection of the Environment Operations (Waste) Regulation 2014 and any guidelines or requirements issued by the EPA in relation to those materials.	<p>The NSW Compliance Tracking Report #11 for the period ending October 2018 notes <i>'Potentially asbestos impacted soils are being managed through the CEMP framework for the Warehouse C and F construction project. An asbestos removal control plan has been developed for the works and copies of relevant permit from SafeWork NSW have been obtained and sighted. The construction program is being inspected regularly and verified by Coffey Environments and reports provided on the results of the asbestos air monitors. Air monitoring records to date have not detected airborne asbestos fibre'</i></p> <p>A review of the reports by Coffey provided evidence of concurrence to the above.</p> <p>A Contaminated Soil Disturbance Management Plan – Precincts C and F (Coffey) May 2018 is located in Appendix 1 of the RCC CEMP.</p>	C
89.	CoA 2.50	The Proponent shall store and handle all dangerous goods (not being unopened, containerised goods), as defined by the Australian Dangerous Goods Code, strictly in accordance with: a) all relevant Australian Standards; b) a minimum bund volume requirement of 110%...	<p>Only minor quantities of dangerous goods are stored on the construction site, and at the time of the audit, quantities held would be less than the "minor storage" quantities described within AS/NZD 1940: 2017.</p> <p>During the site inspection, it was identified that the Hazardous substances / dangerous goods storage cage was not banded, and would not be in conformance with the Storing and Handling Liquids: Environmental Protection – Participants Manual (DECC 2007).</p>	OBS 12

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			 <p>Recommend that the cages are banded.</p>	
90.	CoA 6.3 CEMP - Spoil reuse and Fill Importation Protocol	<ul style="list-style-type: none"> • Only VENM imported as fill (verification?) • Assessment report for each source prior to importation? • Work stopped if/when unexpected contamination found 	<p>From the evidence sighted, RCC appear to be compliant in the implementation of the Spoil reuse and Fill Importation Protocol.</p> <p>At the time of the audit three (3) fill source sites had been approved -Olive St Seven Hills, Coronation St Enfield, and Parramatta Rd, Homebush. Regular sampling of imported material by Coffey consultants provided evidence of checking processes to ensure compliance to the Protocol and to the Contaminated Soil Disturbance Management Plan.</p> <p>Evidence sighted included various memoranda from Coffey Services Australia documenting outcomes of site inspections and sampling; a VENM tracking and Daily Inspection Register</p>	C

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
			(completed from 24 October to up to 19 Nov 2018). A visual inspection is done on each batch It is reported that there have been no unexpected finds to date	
2.3 PERFORMANCE MONITORING, incl. effectiveness and improvement				
91.	CoA 3.2	Continuous ambient dust concentrations (PM10) will be monitored at the two most-affected residential receptors to the site. Results of dust monitoring will be recorded in $\mu\text{g}/\text{m}^3$. Timing: From the commencement of soil disturbing works on the site until all large exposed areas have either been landscaped or sealed.	Evidence of monitoring of ambient dust concentrations was sighted with a visit to the high-volume air sampler and the PM10 results. The results indicated compliance on most occasions, however a minor exceedance occurred on 5 November (52.12 $\mu\text{g}/\text{m}^3$) Measuring on site at See photo) -new Cosgrove Rd EP Risk-Since Commencement-started end Sept-sent through monthly (only exceedance) -reason for exceedance? Not documented -Should be a results? Weather conditions are reported daily and the daily review of the Bureau of Meteorology were observed to be posted on the wall of the site office	C
92.	General	Corrective actions raised as a result of issues identified in inspections, monitoring?	It was identified that a corrective action process is not being implemented to ensure that all reported issues (such as dust exceedances or findings from inspections) are adequately actioned. As an example, a dust exceedance was identified in Nov 2018, and no formal investigation into the potential causes or corrective actions were initiated.	OBS 11

ITEM	REFERENCE	COMPLIANCE REQUIREMENT	EVIDENCE OF IMPLEMENTATION	COMPLIANCE STATUS
93.	CEMP Table 9 (Air quality) CEMP Table 18	Daily (air quality, waste, bi-weekly (soil and water / sediment controls, stockpile management), and weekly inspections and compliance checks undertaken?	Records indicated that Environmental Inspections are generally conducted weekly and after rain events. A gap was noted between 12/11/18 and 3/12/18 and this was attributed to the Safety Advisor being on leave at the time. <ul style="list-style-type: none"> ➤ Recommend that other persons are trained and made available to conduct inspections when key personnel are unavailable 	OBS 13
94.	CEMP Table 10 (Noise)	Noise or other complaints? Actions taken	There have been no recorded noise or other complaints to date. However a complaint was made by Swift Transport in regards to potentially contaminated dust emissions from the construction sites. This was recorded in the NSW Port complaints register. The actions taken as recorded in the Complaints register included: <i>"NSW Ports provided an email response to Swift on 2 Nov outlining that the dust on the road was coming from the transport of clean fill - not asbestos impacted material. NSW Ports also advised the timeframe for dust generating activities and that additional mitigation measures had been agreed to with the contractor to reduce the impact from the activity. A further response was received from Swift acknowledging the response and thanking NSW Ports for the detailed report."</i>	C
95.	CEMP Table 18	Construction waste volumes (reused, recycled, disposed) monitored and recorded?	Evidence was provided in the form of monthly reports from supplier Garbage Guts. Report for November 2018 shows that recyclables are recovered and sent to appropriate recycling facilities.	C

